

**Brighton & Hove
City Council**

HOUSING COMMITTEE ADDENDUM

4.00PM, WEDNESDAY, 20 JUNE 2012

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

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Appendix 1

Additional Licensing for Houses in Multiple Occupation

Safe, well managed private rented
homes for all our residents



June 2012

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Executive Summary

Brighton & Hove City Council values the private rented sector and wants to see a strong, healthy and vibrant market. The sector has an important role in providing housing options for those not wishing or able to consider home ownership, or for those to whom social housing is not an option as well as providing housing for the city's large student population.

The council is keen to ensure that the sector meets the demands placed upon it by the housing needs of the wide range of tenants it services by providing well managed and quality accommodation and we strongly support voluntary arrangements such as accreditation.

However, the private rented sector does have some problems for which regulation, particularly licensing is required. Houses in Multiple Occupation (HMOs) are amongst the more difficult to manage properties in the sector. In some HMOs the standards of management and living conditions can be poor. Licensing allows local authorities to identify and engage with landlords proactively, particularly with the less responsible private landlords.

Mandatory licensing in the city has targeted those HMOs that are at the highest risk, namely those of three storeys or more and occupied by five or more persons, who are not living together as a single family or other household and where basic amenities are shared ¹.

In addition to these larger HMOs we are aware that there are a significant number of smaller HMOs concentrated in the Lewes Road corridor that our current licensing scheme doesn't cover although there is evidence of unsatisfactory management, disrepair and poor safety standards.

It is proposed that the additional licensing scheme would therefore cover smaller HMOs of two or more storeys and three or more people sharing basic amenities in the wards of Hanover & Elm Grove; Moulsecoomb & Bevendean; St Peters & North Laine; Hollingdean & Stanmer; Queen's Park.

Before designating an additional HMO licensing scheme, the council must comply with the specific requirements set out within sections 56 and 57 of the 2004 Housing Act 2004. This includes being satisfied that a significant proportion of the HMO's proposed under the additional scheme are being managed significantly ineffectively. Consultation must also take place and the scheme must be consistent with the authority's overall Housing Strategy.

The aim of this report is to comply with these sections of the Act by supplying the detailed evidence required to support the proposal, including full details of the consultation exercises undertaken.

¹ See sections 258 (5) and 259 and Regulations 3 and 4 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. (SI 2006/ 373) for the definition of other households (and persons to be regarded as a member of such a household).

1. Introduction

- 1.1 Brighton and Hove has a large private housing stock of around 104,000 homes. The private rented sector is much larger than the national average at 23% of all homes, 28,300 homes. Within the stock there are an estimated 6,460 houses in multiple occupation (HMO) – 10 times the national average.²
- 1.2 There is a concentration of HMOs in the five wards along the Lewes Road ‘corridor’ - Hanover & Elm Grove; Hollingdean & Stanmer; Moulsecoomb & Bevendean; St Peters & North Laine; and Queens Park. 70% (598) of all large HMOs licensed under the mandatory licensing scheme are located in these wards and it is estimated that there could be between 1,500 and 3,000 small HMOs in the five wards that fall outside mandatory licensing.
- 1.3 The evidence outlined in this report shows a correlation between areas containing HMOs and unsatisfactory housing standards. There are also significant complaints about poor conditions and nuisance, which taken together are symptomatic of unsatisfactory management.
- 1.4 Therefore resident and community feedback, consultation and other evidence has led us to consider our response to issues arising in wards where we have very high concentrations of smaller HMOs that our current licensing scheme doesn’t cover. The Student Housing Strategy 2009-2014 also included in its action points a recommendation that the council considers the implementation of additional licensing schemes in the city.
- 1.5 Before implementing an additional licensing scheme Brighton & Hove City Council must comply with the specific requirements set out within sections 56 and 57 of the Housing Act 2004. These include being satisfied that a significant proportion of the HMO’s proposed under the additional scheme are being managed significantly ineffectively. Consultation must also take place and the scheme must be consistent with the authority’s overall housing strategy.
- 1.6 The scheme would require landlords and their agents to:
 - Meet appropriate personal and professional standards of conduct
 - Upgrade poorer buildings to minimum health and safety standards including fire and electrical safety
 - Exercise appropriate management and supervision of the buildings to help reduce any adverse impact of the HMO on the neighbourhood
 - Meet current council standards for licensable HMOs – available to view on the Private Sector Housing website

² Brighton & Hove Stock Condition Survey 2008

If implemented, the cost of administering this scheme will be covered by the HMO Licence fee which will be payable by landlords and agents. Information on the current fee structure on existing HMOs can be viewed on the Private Sector Housing website.

Legal Requirements

- 1.7 On 6 April 2006 national licensing for certain categories of Houses in Multiple Occupation (HMOs) came into effect as required by the Housing Act 2004 (The Act). Since then there have been nationally prescribed criteria that describe which HMOs must be licensed, plus the provision for local housing authorities to pursue additional licensing areas, defined geographically and/or by HMO type, if appropriate.
- 1.8 The Housing Act 2004 imposed a statutory duty on local authorities to licence privately rented HMOs that are of three or more storeys housing five or more persons forming two or more households where there is sharing of basic amenities (i.e. washing, sanitary or cooking facilities). The Council currently has licensed over 800 HMOs of three or more storeys which have five or more tenants across the city.
- 1.9 Some buildings that would otherwise be HMOs are excluded from the definition of HMO and therefore from mandatory HMO licensing and these are also excluded from additional licensing. They include:
 - Buildings where the person managing or having control of them is a local housing authority, a police authority, a fire and rescue authority, a health service body or a body which is registered as a social landlord
 - Certain buildings where the occupation is regulated under other enactments, such as those governing detention centres, children's homes and care homes
 - Certain buildings occupied by students which are controlled by the educational establishment that the students attend (for example prescribed universities that are expected to conform to a national code of practice, these include both the universities of Sussex and Brighton)
 - Buildings occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering.
- 1.10 In addition, additional licensing proposals would not cover premises which are not HMOs or those which are, under Schedule 14 of the Housing Act 2004, not HMOs for licensing purposes. These include:
 - Houses occupied by single households
 - Houses where there are up to 2 lodgers in addition to the main household
 - Households that act as host families for foreign students studying for short periods in these areas
 - Tenants of Housing Associations
 - Student accommodation operated or owned by an approved educational establishment

In detail, before making an additional HMO licensing designation for a particular type of HMO, or for a particular area, a 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 public³
- 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
- consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well)⁴
- Consider 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)⁵
- consult persons likely to be affected by the designation
- ensure that the exercise of the power is consistent with their overall housing strategy⁶; and
- seek to adopt a co-ordinated approach in connection with dealing homelessness, empty properties and, anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others⁷
- 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 question⁸

³ Housing Act 2004 Section 56(2)

⁴ Housing Act 2004, Sections 57(4) and 81(4)

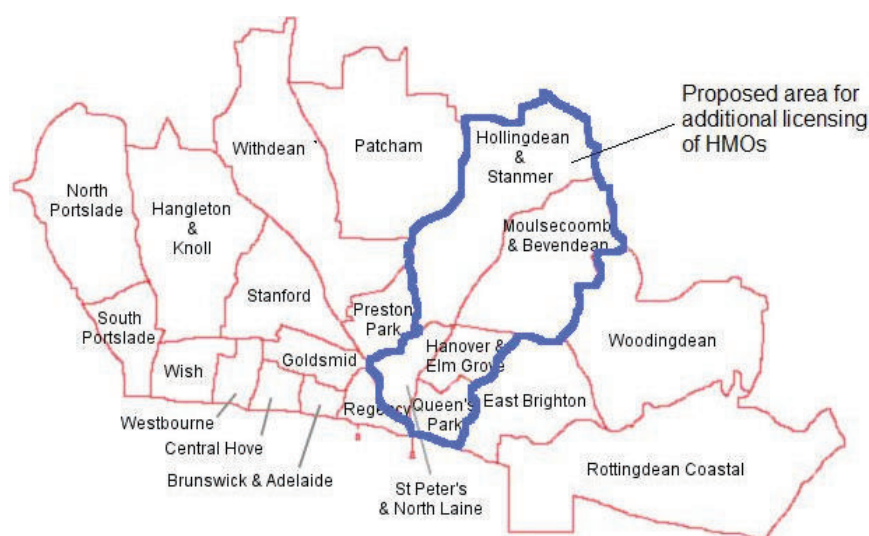
⁵ Housing Act 2004 Section 57(4)

⁶ Housing Act 2004, Sections 57(2) and 81(2)

⁷ Housing Act 2004, Sections 57(3) and (81(3)

⁸ Housing Act 2004 Section 56(5)

2. Proposed Area for Additional Licensing



- 2.1 The highest concentrations of mandatory licensed HMOs occur in the 5 wards identified in this report. These wards have also been identified as having the highest overall over concentration of HMOs, including smaller unlicensed HMOs.
- 2.2 Recent mapping of concentrations of HMOs and Student Housing by Planning (Appendix ii) in order to inform their consultation on Article 4 direction in relation to proliferation of HMOs in certain parts of the city identifies streets within the 5 Lewes Road wards where there are particularly high concentrations of shared houses. This mapping utilises information on homes licensed under the existing mandatory scheme and Council Tax exempt shared houses occupied by undergraduates. This will not show other small shared HMOs not currently licensed but occupied by non-undergraduate households, but gives a good indication of levels of over concentration in more detail than was previously available.
- 2.3 The Housing Act permits a local housing authority to designate additional licensing area(s) if occupiers of HMOs or members of the public are being caused problems due to sufficiently ineffective management. Such areas can be defined geographically and/or by type of HMO.
- 2.4 Many HMOs in the city, especially smaller HMOs, are occupied by students. However, any additional licensing of smaller HMOs will focus on all smaller HMOs meeting criteria, not just those occupied by students, in the 5 wards identified as having the highest concentration of HMOs.
- 2.5 While recognising the many benefits that students bring to the city, and supporting the role of the private rented sector, and many excellent landlords, in providing accommodation for students, the Student Housing Strategy 2009 – 2014 acknowledges the negative effects that can arise for local neighbourhoods and associated risk to community cohesion and social relations where over concentration of student households occur. In light of this the Student Housing Strategy includes in its action points a

recommendation that the council considers the implementation of additional licensing schemes in the city, identifying areas which may be appropriate for additional licensing.

3. The Private Rented Sector in Brighton & Hove

Private rented homes

- 3.1 Brighton & Hove has the sixth largest private rented sector in the country. The 2008 Brighton & Hove City Council Stock Condition Survey (B&HSCS) estimates that 23% of the housing stock consists of rented dwellings in the city, double the proportion found across the South East region and nationally (11%).⁹ The sector has the advantages of being able to cater for a highly mobile population but renting privately in the city can be expensive with an average 1 bedroom flat costing around £650 per month and a 3-bed house more than £1,100 per month¹⁰. This means that many people are unable to afford to rent a home alone, or as a couple, and end up sharing a home to save costs.
- 3.2 The Stock Condition Survey highlights that Brighton & Hove has an exceptionally high number of HMOs, some are small bed-sits others large shared houses. Many of the small bed-sits are concentrated in the centre of the city and often provide accommodation for the more vulnerable households. There is also a significant and growing number of smaller HMOs along the Lewes Road 'corridor' providing housing for students and young professionals sharing the cost of rents.
- 3.3 Over recent years, the booming property market has seen a surge in "buy-to-let" investors, which has impacted on the property market. The effects of a slowdown in the housing market may deter investment but it is expected that demand for the private rented sector will remain strong because more households may delay becoming owner-occupiers and rent in the private sector.
- 3.4 The Stock Condition Survey suggests that 36.9% of privately rented homes (10,442 dwellings) do not meet the Decent Homes standard. This failure is largely driven by 'Category 1' hazards under the Housing Health and Safety Rating System (HSHRS) and poor standards of thermal comfort. The Decent Homes Standard is a non-enforceable standard introduced by the Government. The standard demonstrates the Government's aspiration that everyone should live in a decent home. It contains four broad criteria that a property should:
- 1) Be above the legal minimum standard for housing
 - 2) Be in a reasonable state of repair
 - 3) Have reasonably modern facilities (such as kitchens and bathrooms) and services
 - 4) Provide a reasonable degree of thermal comfort (effective insulation and efficient heating)

⁹ Brighton & Hove Stock Condition Survey 2008

¹⁰ BHCC Housing Strategy Statistical Bulletin 2011/12

- 3.5 The HSHRS replaced the fitness standard in 2006. Residential buildings are inspected for 'prescribed hazards'. The risk associated with the hazard is assessed and a final rating score given. If the score is high and produces a 'Category 1' hazard, the Council has a duty to act. The B&HSCS estimated that 19,200 homes failed the Decent Homes Standard due to 'Category 1' hazards. The older nature of much of the housing stock with solid walls and sliding sash windows hinders energy efficiency. The historic nature of the city, with its many conservation areas and listed buildings also makes it harder to install energy efficiency measures.
- 3.6 The Council is committed to improving housing in the private rented sector and is working with landlords to make properties decent and improve energy efficiency. A major programme of housing renewal funding has helped deliver a wide range of loans and grants to improve private sector properties including properties in the private rented sector. Where landlords fail to engage, however, enforcement action will continue to be taken where appropriate. Over many years the Council has maintained a very successful HMO improvement programme including assistance to private landlords of HMOs through initiatives such as grants, landlords' accreditation and training. These initiatives will either achieve decent housing standards or will move towards decency.

Houses in multiple occupation

- 3.7 Brighton & Hove has more than 10 times the national average of houses in multiple occupation where properties have been divided into flats, bedsits or rented out as shared houses. A large number of dwellings are owned by leaseholders with shared responsibility for their buildings. These leasehold flats may be occupied by the leaseholder or sub-let to short-term tenants. The Brighton & Hove Stock Condition Survey estimates that 10% of dwellings (10,440) are HMOs. This is five times higher than the national average for HMOs which is approximately 2% of dwellings.
- 3.8 Ensuring that our HMOs are well managed and are safe and secure is of key importance for our residents. Many of the people who live in HMOs in Brighton & Hove are vulnerable young people living independently for the first time. Risks can rise with increased occupancy, multiple ignition sources (cookers, heaters, fires, smoking), poor construction and lack of fire prevention measures. Analysis of national fire statistics has concluded that adults living in shared houses are six times more likely to die in a fire than those living in comparable single-occupancy houses.
- 3.9 The obligation for landlords to obtain a licence for larger HMOs has given the Private Sector Housing Team a much better chance of uncovering those properties with defects and ensuring that they are brought up to a satisfactory condition. It has also helped secure proper management standards, and given tenants greater confidence to raise concerns when standards are not maintained. Based on evidence we propose to extend licensing to smaller HMOs in the Lewes Road corridor area so that occupants and landlords of these properties can also benefit from the scheme.

Case Studies – Smaller HMOs in the Five Wards

1. Moulsecoomb & Bevendean Ward

Description of Property

Two storey terraced house occupied by four tenants.

Background

Safety & Management issues found upon inspection:

- Lack of handrails to steep steps, which were in a poor condition
- Penetrating damp to two rooms
- Lack of adequate fire protection between floors and missing doors
- Evidence of lack of maintenance to electrical system and appliances

Comment

The disrepair was brought to the attention of the owner informally, but no action was taken. This resulted in formal action being taken. The property is not currently licensable, but had it been, the above issues would have been proactively addressed as licence conditions (and not left to the tenant to complain), and the need for regular maintenance to the electrical system highlighted through electrical condition report.

2. Hollingdean & Stanmer Ward

Description of Property

Two storey terraced house occupied by four tenants.

Background

Safety & Management issues found upon inspection:

- Gas central heating broken
- Electrical wiring faulty
- Disrepair to internal doors and windows
- No smoke detection

Comment

The tenants contacted the Council in September 2011. The Property is not currently licensable, but had it been, the above issues would have been proactively addressed as licence conditions and the need for regular maintenance to the electrical system highlighted through electrical condition report. The only way to address the problems found in this case was to serve an Improvement Notice, as informal approaches to the owner had not proved fruitful.

3. St Peter's & North Laine Ward

Description of Property

Two storey maisonette above commercial premises, occupied by three tenants.

Background

Safety & Management issues found upon inspection:

- Disrepair to doors, walls and floors inside the flat
- Lack of insulation to loft space
- Lack of adequate fire precautions, including doors, and smoke detection
- Penetrating and rising damp in flat

Comment

The property was managed by Agents known to let many properties in Brighton & Hove, who should have knowledge of basic safety requirements.

The property was originally visited in November 2011. The property is not currently licensable, but had it been, the above issues would have been proactively addressed as licence conditions. Repairs were carried out, but over a period of several months, leaving the tenants with unsatisfactory conditions and the inconvenience of disruption from works during their residence.

4. Queens Park Ward

Description of Property

Three storey house occupied by four tenants

Background

Safety & Management issues found upon inspection:

- Lack of adequate fire precautions, including doors, and smoke detection
- Disrepair to doors, windows, walls and floors
- Penetrating damp
- Disrepair to facilities
- Lack of adequate lighting and ventilation to some rooms
- Rubbish accumulations and bird faeces in rear garden
- Lack of guarding to steps

Comment

The tenants and their parents had previously contacted the Managing Agents, but despite promises to the contrary, works had not been forthcoming. The Managing Agents had also informed the tenants that some of the works identified did not have to be undertaken because the house was not licensable; this was incorrect. The property was not licensable, but had it been, the above issues would have been proactively addressed as licence conditions.

Repairs were carried out, but over a period of seven months, leaving the tenants with unsatisfactory conditions and the inconvenience of disruption from works during their residence.

5. Moulsecoomb & Bevendean Ward

Description of Property

Two storey semi-detached house occupied by six tenants

Background

Safety & Management issues found upon inspection:

- Gas central heating and cooker broken
- Pest infestation
- Disrepair to doors, and other items
- Overgrown garden

Comment

The property was originally inspected in September 2011 and the works took place over the following weeks, after contact with the owner. The property is not currently licensable, but had it been, the above issues would have been proactively addressed as licence conditions. Licensing allows the Council to deal with all these fundamental safety matters without the tenants having to contact the Council, potentially jeopardising renewal of their tenancy.

6. Hanover & Elm Grove Ward**Description of Property**

Two storey maisonette above commercial premises, occupied by four tenants.

Background

Safety & Management issues found upon inspection in September 2011:

- Disrepair to the doors, windows, carpeting, facilities, lighting and flooring
- Lack of fire precautions, including smoke detection
- Damp penetration
- Lack of thermal insulation
- Provision of furniture not meeting fire safety regulations

Comment

The tenant and their Mother had contacted Private Sector Housing as they were distressed by the conditions in the property.

The owner was not living in the country, but was aware of basic safety and management requirements as they owned other properties which were subject to HMO Licensing. Despite this, the property had been let in an unsatisfactory condition.

The property was not licensable, but had it been, the above issues would have been proactively addressed as licence conditions. This would have meant that the tenants did not need to request assistance themselves, potentially jeopardising their tenancy renewal prospects.

7. St Peter's & North Laine Ward**Description of Property**

Two storey maisonette above commercial premises, occupied by three tenants.

Background

Safety & Management issues found upon inspection in July 2011:

- Lack of fire precautions, including smoke detection
- Disrepair to the doors, windows, ceilings, and gutters
- Penetrating damp
- Lack of adequate ventilation in bathroom and leak under bath
- Lack of adequate separate water supply

Comment

The Managing Agents were based in London and had not recently inspected the condition of the property, leading to a complaint to Private Sector Housing.

The property is not currently licensable, but had it been, the above issues would have been proactively addressed as licence conditions. This would have meant that the tenants did not need to request assistance themselves.

4. Links to the Housing Strategy

- *Local Authorities must ensure that the exercise of the power is consistent with their overall **housing strategy**¹¹*

- 4.1 Housing is one of eight priority themes within the city's Sustainable Community Strategy, which sets the vision and plans for Brighton & Hove over the next two decades. The Brighton & Hove Strategic Partnership (SHP), which is a multi-agency partnership that brings together at a local level the different parts of the public, private, community and voluntary sectors has developed the Community Strategy to improve the economic, social and environmental well-being of local people in the city. Responsibility for ensuring delivery of the overall programme rests with the city's Public Service Board on behalf of the Strategic Partnership. The Public Service Board has members from Brighton & Hove NHS, Brighton & Sussex University Hospitals, the Police, business leaders and the Council.
- 4.2 The Housing Strategy 2009-2014 provides the strategic direction for the housing theme. Delivery of the Housing Strategy and the range of supporting strategies that underpin it, e.g. Student Housing Strategy, Homelessness Strategy, etc., is overseen by the Strategic Housing Partnership (SHP), which includes representatives from the Council, Brighton & Hove YMCAs, Public Health, Brighton & Hove Business Forum, University of Sussex, University of Brighton, Probation Services, Brighton & Hove Estate Agents Association, Brighton & Hove Affordable Housing Delivery Partnership and the Southern Landlords Association (SLA). The goal of the Strategic Housing Partnership (SHP) is to improve housing, access to housing, and support to maintain the independence of vulnerable residents within the city.
- 4.3 The key objectives of the SHP are to:
- Provide leadership and vision to improve housing for all within the city
 - Co-ordinate cross tenure action to improve housing conditions and housing options
 - Influence policy and decision-making which maximises housing opportunities for all within the city and develop new policies where appropriate
 - Communicate with and secure participation of local communities;
 - Support action to address the housing needs of vulnerable and socially excluded groups.
- 4.4 The SHP is accountable to the Brighton & Hove Strategic Partnership in demonstrating how objectives are achieved. The members of the SHP are jointly accountable to each other for delivering agreed actions. The SHP is also linked to the Brighton & hove Home Energy Group

¹¹ Housing Act 2004, Sections 57(2) and 81(2)

(BHHEG). The aim of the BHHEG is to develop and support the implementation of action plans to reduce fuel poverty and to promote energy efficiency and sustainability use.

- 4.5 The SHP is also linked to the Brighton & Hove Affordable Housing Delivery Partnership, which brings together a number of Registered Social Landlords, the Homes & Communities Agency and the Council to help deliver new affordable homes for rent and for low cost home ownership. In addition the Social Landlords Forum brings together the main social landlords in the city to help meet housing needs, to secure thriving neighbourhoods and to promote greater efficiency and effectiveness. The forum has a strong history of joint working which includes anti-social behaviour initiatives on multi-landlord estates, jointly funding the mediation service, working to reduce under occupancy, work to reduce homelessness in the city and benchmarking performance to drive up standards.
- 4.6 The Housing Strategy and related sub-strategies have been developed with extensive consultation with the public, service users and other stakeholders at each stage, including landlord organisations. Effective engagement with local residents and communities is key to the development area focused strategies such as the Student Housing Strategy. The Student Housing Strategy was developed in extensive consultation and dialogue with leading organisations and stakeholders to ensure it meets the needs and aspirations of different residents and communities in Brighton and Hove.
- 4.7 The Council's approach to partnership working underpins the consultation on the proposal to introduce Additional Licensing in the five Lewes Road 'corridor' wards, which has involved two stages of widespread consultation with the local community, businesses, partners and other key stakeholders, such as landlords and letting agents.

Housing strategy

- 4.8 Brighton & Hove City Council's adopted Housing Strategy 2009-2014 is an overarching document supported by a range of other issue focused strategies, relating to homelessness, empty property, private sector renewal and supporting people and Student Housing Strategy. It has the overriding aim of:

'Enabling healthy homes, healthy lives and a healthy city that reduces inequality and offers independence, choice and a high quality of life'.

This is underpinned by three strategic priorities that reflect the basic housing needs of the city:

Strategic Priority 1: Improving housing supply
Strategic Priority 2: Improving housing quality
Strategic Priority 3: Improving housing support

- 4.9 There are several goals designed to help achieve these priorities and the two goals below are directly relevant to the private rented sector and houses in multiple occupation (HMOs).

Goal 6 - Work with home owners and landlords to maintain and improve the quality of their housing

Goal 15 - Work to ensure student housing provides a positive contribution to students' lives and the city

Housing Renewal Policy

- 4.10 Sitting underneath the overarching Housing Strategy is the council's Housing Renewal Policy¹² which is designed to help address poor conditions in private homes and in particular to work with owners, tenants and landlords: to improve properties so they meet the Decent Homes Standard; to minimise hazards under the HSHRS; and to improve energy efficiency.

- 4.11 The policy includes a range of objectives to help achieve these aims, the key ones that additional licensing will help support being:

- Reduce the number of vulnerable people living in non-decent homes
- Use the Housing Health and Safety Rating System to deal with the worst problems
- Help people move out of fuel poverty and improve energy efficiency in private sector homes
- Help provide a healthy home environment
- Reduce the risks and effects of accidents, fire and other hazards in the home
- Make homes more secure and safe from the risk of burglary and other crimes

Student Housing Strategy

- 4.12 The 2009-14 Student Housing Strategy¹³ also sits under the overarching Housing Strategy and sets out a strategic approach for the supply and management of student housing in the city. One of the key recommendations of this strategy is that the council should consider adopting additional HMO licensing.

The strategy was developed with a range of stakeholders in order to address the impact of student housing on overall housing supply and to seek to engender mixed, balanced, sustainable and cohesive communities across the city. The Student Housing Strategy highlights that student numbers at the two universities grew from around 25,000 in 1995 to in excess of 33,000 in 2006. Although further growth in numbers

¹² [http://www.brighton-](http://www.brighton-hove.gov.uk/downloads/bhcc/housing/Housing_Renewal_Policy_2008_Final.pdf)

[hove.gov.uk/downloads/bhcc/housing/Housing_Renewal_Policy_2008_Final.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/housing/Housing_Renewal_Policy_2008_Final.pdf)

¹³ [\[hove.gov.uk/downloads/bhcc/Brighton_and_Hove_Student_Housing_Strategy_Jan_2010.pdf\]\(http://www.brighton-hove.gov.uk/downloads/bhcc/Brighton_and_Hove_Student_Housing_Strategy_Jan_2010.pdf\)](http://www.brighton-</p></div><div data-bbox=)

is anticipated this is likely to be at a slower rate and current projections suggest the total student population is not likely to exceed 40,000 by 2015, possibly 12-14% of the total population.

Brighton & Hove is a well established centre for higher education and in recent years has seen a significant expansion in the city's two universities and other educational establishments. As a consequence the pace of change in the student housing market has been considerable since 2000. In 2008 the University of Brighton commissioned a research project to examine the relationship between supply and demand for student housing in Brighton and Hove. This involved a review of current and anticipated student numbers at both universities (Sussex and Brighton), the mapping of where students live throughout the city, focus groups with local residents and councillors and interviews with key local stakeholders. An extract of the relevant findings from the project are attached at Appendix i). The research project highlighted the need to adopt a more strategic and area focused approach to address the issue of 'studentification'. Following consideration by the City's Strategic Housing Partnership the research was used to underpin the development of a Student Housing Strategy.

4.13 In common with other university towns and cities, the marked growth in students has not been matched by an equivalent increase in university owned student housing, as state funds are not provided for this purpose. Research by both universities has indicated a major shortfall between incoming students and bed spaces in halls of residence. A major priority within the Student Housing Strategy, therefore, is to increase the supply of purpose-built student accommodation. However, to date most of the increasing demand for student accommodation has tended to be met by the private rented sector. Estimates of students living off campus vary but university research underpinning the Student Housing Strategy suggests that in the region of 10,000 students live in private rented housing (or their own home). It also suggests that the vast majority of second, third (and fourth) year undergraduate and postgraduate students are accommodated in HMOs, and that a relatively high proportion of first year students at the University of Brighton are accommodated in the private rented sector. Although the private rented sector is large, many students cannot afford to rent their own home and shared housing is often their only option.

4.14 Whilst a key goal of the Student Housing Strategy is to deliver more purpose-built student accommodation in order to reduce or halt over-concentrations of HMOs across studentified neighbourhoods, the important role of the private rented sector in contributing to the supply of affordable, high-quality student housing is acknowledged and will continue to be supported in ways that do not unbalance local populations and housing markets. To help achieve this the Student Housing Strategy has adopted a strategic goal (one of four), which is:

To ensure effective management and support housing and populations within HMO dominated studentified neighbourhoods, using an area-based approach.

Additional Licensing is suggested as an option under action 4:

Ensure that non-licensed HMOs are identified, and consider the possibility of additional licensing

Students in the Community Scrutiny Report

Executive Summary

1. The Scrutiny Review on Students in the Community was instigated by members of the Adult Social Care and Housing Overview and Scrutiny Committee at Brighton & Hove City Council in autumn 2008.
2. The initiative for the work came following the Committee's consideration of Brighton and Hove City Council's draft Housing Strategy. The draft strategy had been formulated with extensive reference to issues relating to student housing, but following discussions with the Directorate, the Adult Social Care and Housing Overview and Scrutiny Committee members felt that there was an opportunity for a more focused piece of work on the issues relating to the effect of students living in Brighton and Hove.
3. The scrutiny panel was established, consisting of three members of the Committee, Councillors Anne Meadows, Georgia Wrighton and Tony Janio. Councillor Meadows was Chairman of the panel.
4. The panel recognised at the scoping stage that there was the potential for a very large piece of work; they were conscious that their work had to be focussed on the effect of student accommodation on other residents.
5. Panel members felt that hearing from members of the public was vital to establish an understanding of the effect of students living in the city; they sought public comments in a variety of ways, including inviting people to speak to the panel or send in letters or emails. A total of 42 letters and emails were received, as well as a representation on behalf of 87 Elm Grove residents. In addition, 12 city residents including students spoke to the panel at the public meeting.
6. The panel heard that residents' frustrations could be broken down into a number of broad categories:
 - noise complaints from within student houses or from halls of residence
 - noise complaints in the street, particularly late at night when students were returning home or due to non smoking legislation within buildings
 - refuse and recycling was being left out on the wrong collection days
 - refuse, especially bulky waste, was being left on the pavement

or in front gardens for extended periods of time, causing an inconvenience

- student households having multiple cars per house, and using a lot of on-road parking spaces
- residents did not know who to contact when they had a problem with a student household, or what action they were able to take
- student landlords did not maintain the properties adequately, leading to a run-down appearance in the neighbourhood and a poor standard of accommodation
- that there were no restrictions on the number of student households in an area
- some areas were becoming saturated with student households, affecting the balance of the community and the infrastructure.
- There were problems associated with accommodation in both halls of residence and in private sector housing.

7. Residents were also keen to make the point that the problems that they had experienced were often limited to a minority of students and that they were aware that the majority of students lived in the city without causing any disturbance to other residents.

8. In addition, the students who attended the panel raised further issues:

- There was a wide spread tendency to view all problems associated with young people as being student related but this was not always the case
- There should be an accreditation system for student landlords, to ensure that all accommodation was of an acceptable standard
- The council, universities and students' unions should work together on campaigns that targeted students
- Students brought a lot of positive benefits to the city, and carried out volunteering work which benefited the city. They should be encouraged to play an active role in the community
- The Students Unions could encourage students to use public transport rather than private cars

9. The panel recognised that residents might not differentiate between a student and a non-student occupied House of Multiple Occupation, tending to assume that the property was tenanted by students if it was tenanted by young people. Nevertheless, it was still beneficial to consider the impact of students on residents and neighbourhoods, as there was felt to be a correlation between student households and residents' concerns.

10. The focus was on the two large universities in the city, the University of Sussex and University of Brighton as the majority of students living in the city attend one of these two institutions. However this should not be taken to mean that the panel's discussions and recommendations exclude other establishments such as City College and Brighton Institute of Modern Music, amongst others, as both of these have their own students living in private rented accommodation and will invariably have their own student effect issues.

- 11.** Following the first public meeting, the panel held three evidence gathering public meetings over November and December 2008, inviting a number of expert witnesses to speak to them, including officers of the City Council, Brighton and Sussex Universities, the police and city landlords, in order to understand the various issues that they had heard about from residents, and suggest recommendations to remedy areas where there may be problems.
- 12.** At the end of the evidence gathering process, the panel met again to discuss the evidence that they had heard and to compile their recommendations. The panel have made a total of 37 recommendations which they hope will help to address the negative effects that residents reported.
- 13.** The recommendations are aimed at a variety of audiences, including Cabinet Members within Brighton and Hove City Council and to the universities themselves.

The panel's work is intended to complement other research going on across the city through the Strategic Housing Partnership but it does not duplicate that work. It is hoped that this report and recommendations will be included in the ongoing work that is developed through the Partnership, helping them to formulate future policy documents

5. A co-ordinated approach

- The local authority must seek to adopt a **co-ordinated approach** in connection with dealing homelessness, empty properties and, anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others.¹⁴

5.1 The Council has an excellent track record of partnership working. Within the Housing Strategy 2009-2014 it is recognised that the Council cannot address the city's housing needs in isolation and that it must work with all those who can help improve the quality of life in the City. It is also acknowledged that success will depend on joint working with local people and a range of public, private, community and voluntary services across the City, and also by working in wider partnerships at a regional and national level.

Homelessness

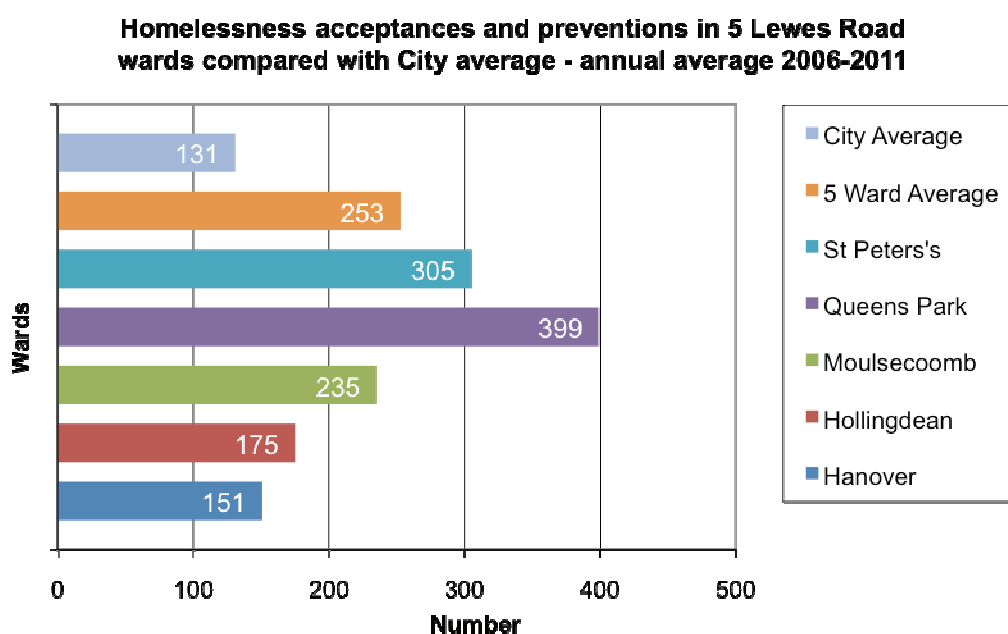
- 5.2 Through the Homelessness Strategy¹⁵ the Council has changed its approach to dealing with homelessness, moving from crisis intervention to a homelessness prevention service, helping households to find solutions to their housing needs without having to go down the homelessness route. This approach has led to a halving of homelessness since 2004 and avoided significant upheaval and distress for those affected.
- 5.3 Historically, loss of private sector rented accommodation was the main cause of homelessness, responsible for almost half of all cases. However, the last few years have seen much better working between the Council and landlords that has reduced homelessness from this sector to 31%. In many ways, the flexibility, mobility and size of the private rented sector in the city makes this tenure a key tool in helping to address the city's housing needs.
- 5.4 Over the last few years, the main cause of homelessness, resulting in almost 39% of all cases is as a result of eviction by parents, family or friends. Since the introduction of the Youth Homelessness Strategy in 2007 homelessness amongst 16 & 17 year olds has reduced by 60% through new services targeting young people in crisis to provide support. Whilst a smaller proportion of our homelessness relates to people with children or who are pregnant than the national average, there is a much higher proportion of people with mental health problems and physical disabilities presenting as homeless.

¹⁴ Housing Act 2004, Sections 57(3) and (81)(3)

¹⁵ [http://www.brighton-](http://www.brighton-hove.gov.uk/downloads/bhcc/housing/Brighton_Hove_Homelessness_Strategy_2008-13.pdf)

[hove.gov.uk/downloads/bhcc/housing/Brighton_Hove_Homelessness_Strategy_2008-13.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/housing/Brighton_Hove_Homelessness_Strategy_2008-13.pdf)

- 5.5 Brighton & Hove has a large private rented sector and a relatively small social housing sector. Work to promote access to settled homes in the private rented sector is an important element of the Homelessness Strategy as a way of meeting housing need. Through the Landlord Accreditation Scheme it is possible to enable people who are homeless to access good quality privately rented homes. The Council also works with owners of empty homes through its Empty Property Strategy, which is aligned with the Homelessness Strategy to ensure that, wherever possible, properties that are brought back into use are let to people in housing need.
- 5.6 Homelessness is a significant issue in the five Lewes Road 'corridor' wards. The chart below provides information on homelessness cases and shows that the average for the five wards is nearly double that for the city's other wards. Three of the wards show particular problems with Queens Park having 3 times the number of cases compared with the City average. St Peter's & North Laine is 2.3 times the City average and Moulsecoomb & Bevendean is 1.8 times greater.



Scrutiny Panel - Letting Agents

- 5.7 The growth in the city's private rental market has prompted a significant increase in letting agents. There are currently about 70 letting agents operating in Brighton & Hove, many of which are fairly recently established. Letting agents and property management companies are not subject to statutory regulation, which means that anyone can open up a letting or property management business without any qualification or accreditation
- 5.8 The Council's Overview & Scrutiny Committee for Adult Social Care & Housing established a panel to look into the issue in more detail. The

Scrutiny Panel reported its findings in March 2011 and made a number of recommendations:

- Develop a local letting agents' accreditation scheme
- Launch an information pack for private sector tenants, highlighting letting agent good practice and procedure
- Ensure the landlords' accreditation scheme provides advice on choosing letting agents
- Support the development of a 'social letting agency' run as a social enterprise
- Consider including details of homes to let by accredited letting agents in its Homemove lettings scheme web pages
- Continue to lobby government for better regulation of the private rental market

At their meeting on 1 December 2011, the Housing Cabinet Member approved the Panel's recommendations. The City's Strategic Housing Partnership is currently giving further consideration to taking the recommendations forward.

Community Safety & anti-social behaviour

- 5.9 Nationally crime levels have been falling and this is also reflected in Brighton & Hove. 2009/10 saw a 2.9% reduction in total crimes recorded in the city compared with the previous year. Compared with other areas with similar characteristics and demographics, the number of crimes per head of population is fewer than average. A strong partnership of statutory agencies, the Safe in the City Partnership, has helped achieve these improvements and continues to drive forward delivery of the Brighton & Hove Community Safety, Crime Reduction and Drugs Strategy 2011-2014.
- 5.10 Tackling anti-social behaviour is a priority area within the Strategy and reducing the number of police-recorded incidents of social disorder are two of a number of important key performance indicators. Anti-social behaviour is a serious issue, which has a detrimental impact on the lives of the individuals and communities who are exposed to it. It impacts on individuals, causing significant harm and affecting their quality of life and mental well-being. Within a community, anti-social behaviour can lead to the deterioration in the appearance of an area and fuel fear amongst residents who become reluctant to go out at night or utilise community spaces. A multi-agency Anti-social Behaviour Team supports work in this area. The volume of anti-social behaviour being reported in the city has fallen over the past three years. However, in 2009/10 there were still 20,249 calls made to Sussex Police to report anti-social behaviour.

Empty Homes

5.11 Despite Brighton & Hove being a popular city with high levels of demand for housing, there are many homes in the city that remain empty over long periods of time. These homes are a wasted resource that can blight neighbourhoods by encouraging anti-social behaviour. The majority of empty property in the city is privately owned, with owners living out of the area and not being aware of the effect it may be having on the community. The Council is committed to reducing the number of long-term empty properties in the city and its key objectives are to:

- Identify residential and non-residential empty property and vacant land that provides potential residential use
- Encourage owners to act, by offering advice and assistance on Empty Property Assistance funding and letting or leasing, and to those looking to purchase and/or develop, or those experiencing a problem living near an empty property
- Take enforcement action and use Compulsory Purchase powers where the property is unlikely to be brought back into use without action

5.12 The work is resulting in improved neighbourhoods, a property prevented from becoming rundown or brought back from disrepair provides another home for someone. Since 2001 the council has worked with owners to bring more than 1,000 empty homes back into use. However, despite this positive performance Council data evidenced in the table below shows that in March 2012 there were 710 empty privately owned residential properties. The majority (81%) have been empty for two years or less. Significantly, only 133 private homes have been empty for more than two years. The data also highlights particular problems with empty private homes in three of the five Lewes Road 'corridor' wards; St Peter's & North Laine, Queens Park and Hanover & Elm Grove. With over 14,000 households registered for affordable housing with around 350 in the highest categories of need, initiatives to bring these empty homes back into use will continue to play a key role in helping to meet the City's high level of housing need.

Table 1: Empty Private Homes (at February 2012)

	Private		Total
Ward	Over 2 years	Under 2 years	
St. Peter's & North Laine	12	56	68
Queen's Park	16	50	66
Central Hove	14	46	60
Hanover & Elm Grove	3	55	58
Regency	9	43	52
Goldsmid	11	38	49
Brunswick & Adelaide	14	32	46
Preston Park	7	36	43
Westbourne	9	27	36
East Brighton	4	30	34
Rottingdean Coastal	6	28	34
Withdean	8	22	30
South Portslade	3	18	21

Wish	2	18	20
Patcham	3	17	20
Hollingdean & Stanmer	1	14	15
Stanford	2	12	14
Moulsecoomb & Bevendean	4	8	12
Hangleton & Knoll	1	10	11
North Portslade	3	8	11
Woodingdean	1	9	10
Grand Totals	133	577	710

Source: B&HCC Private Sector Housing

Impact of Government Policy Changes

- 5.13 Government changes to the Housing Benefit/Local Housing Allowance (LHA) system and the Localism Act are expected to have a significant impact on the private rented sector in Brighton & Hove. Reductions in LHA rates are likely to lead to households in receipt of LHA moving to cheaper and possibly poorer quality accommodation. Or it may mean people moving to cheaper areas within the city e.g. moving from the centre or actually moving out of the city. The move to apply the single room rate to single people up to the age of 35 will result in greater demand for shared accommodation. Analysis of LHA claimant data for those people 35 or under indicates that in January and February this had already happened and suggests that around 40 people per month will be affected by the changes during 2012 (this figure relates to claimants who had an ongoing claim before January 2012 when the changes came into effect). This, together with the new power likely to come into effect shortly, that will allow local authorities to discharge their duty to homeless people by securing suitable well managed and good quality accommodation in a regulated private rented sector, is likely to lead to an increase in the demand for small units of accommodation provided by the HMO sector.
- 5.14 As more people move into the HMO sector, perhaps from more vulnerable sections of the population, it is important that protection is provided for tenants from the worst housing conditions and from poor landlords. Additional Licensing would ensure that the Private Sector Housing Team are equipped with the strategic knowledge to targeting health and safety inspections, avoiding tenants having to complain about unsatisfactory conditions, which could put their tenancy at risk.

The Planning Framework – Article 4 Directions

- 5.15 To support additional licensing the council is also considering a new approach to planning for student accommodation in the city to deal with the emergence of concentrations of students in Houses in Multiple Occupation (HMOs); particularly close to existing university campuses in the city which has brought about rapid changes to the local populations, housing markets and residential environments in these areas.
- 5.16 In October 2010 the Government amended planning legislation to create a permitted development right for changes of use from a C3 (dwelling house) to a C4 (small HMO) use. A change of use from C3 to C4 does

not now require planning permission. However, in recognition that high concentrations of HMOs can lead to harmful impacts on local neighbourhoods, the Government issued revised guidance on the use of Article 4 directions to remove these permitted development rights in such areas.

- 5.17 The council is proposing changes for the planning policy concerning small Houses in Multiple Occupation (HMOs) in the city and is currently giving consideration to adopting an Article 4 direction to require a planning application for any change of use from single dwelling house (C3) to a small HMO (C4) in the five wards with high concentrations of HMOs. It should be noted that an Article 4 can only deal with future changes to single dwelling houses (and cannot be retrospective) whereas Additional Licensing would deal with the existing situation.

6. Smaller HMOs in the Five Wards – key areas of concern

- 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 public¹⁶;

- 6.1 There are an estimated 10,440 HMO dwellings (6,460 buildings) in Brighton & Hove. The B&HSCS suggests that 1,090 of these HMO dwellings (950 buildings) are three or more storeys with shared amenities and five or more residents. These larger HMOs represent those that are subject to mandatory licensing.
- 6.2 The B&HSCS estimated that 27.9% of these homes did not meet the decent homes standard (2,900). Poor conditions in currently licensable HMOs have been addressed through mandatory licensing and other Council intervention and assistance. However, this leaves many smaller HMOs, that do not meet the Decent Homes standard and that fall outside mandatory HMO licensing.
- 6.3 In addition to recent work by the Planning department to inform the consultation on Article 4 direction in relation to HMOs, and an analysis of electoral register information shows a concentration of all types of shared houses in the five wards along the Lewes Road 'corridor'. From this information, estimated numbers of smaller HMOs are between 1,500 – 3,000 in the five wards

In addition there are 598 large mandatory licensed HMOs in the five wards (70% of the total number of licensed HMOs).

Management of HMOs

- 6.4 Examples of properties being managed insufficiently ineffectively, and as a result having a detrimental affect on a local area, include:
- Those whose external conditions and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located.
 - Those whose internal conditions, such as poor amenities, overcrowding etc, adversely impact upon the health, safety and welfare of the occupants and the landlords of such properties are failing to take appropriate steps to address the issues
 - Those where there is a significant and persistent problem of anti-social behaviour affecting other nearby residents and/ or the local community and the landlords of the HMO are not taking reasonable and lawful steps to eliminate or reduce the problems.
 - Those where the lack of management or poor management skills

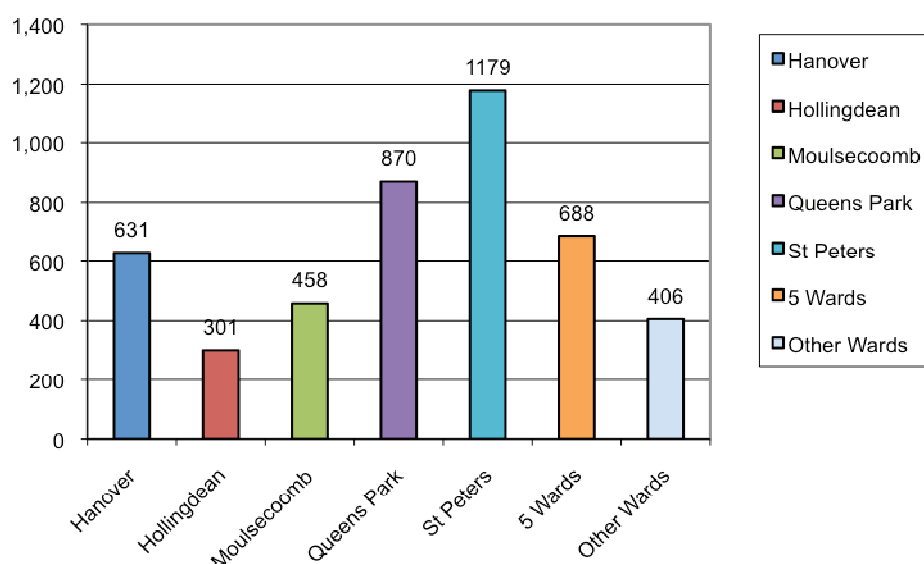
¹⁶ Housing Act 2004 Section 56(2)

or practices are otherwise adversely impacting upon the welfare, health or safety of the residents and/ or impacting on the wider community.

The above examples are not exhaustive, nor are the categories mutually exclusive. An area may suffer from a mixture of the problems identified and individual properties may suffer from a combination of them.

- 6.5 The information presented in the chart below is from Private Sector Housing Team records over a period of ten years and compares all requests for assistance on housing problems in the five Lewes Road 'corridor' wards. It also compares the average for these wards with the rest of the city. This reveals that there were significantly higher requests for assistance in the five wards compared with the average for the rest of the city. It also highlights that there were almost three times the number of requests in St Peters & North Laine compared with the rest of the city average and over double in Queens Park.

**All Requests for Assistance - Private Sector Housing
2000-2010**



- 6.6 A more detailed review of requests for assistance received over the past six years highlights particular problems concerning disrepair, lack of hot water and heating, and dampness across the five wards when compared with other wards in the city. Unresolved problems of dampness and disrepair are indicative of poor management. Problems of disrepair, including lack of hot water and heating, are set out at Table 2. This shows that reported problems of this nature were on average almost double in the five wards compared with other city wards. The data also reveals that these types of problem have increased over the past two years in the five wards to almost 2.5 times that for other city wards, where these have remained constant.

Table 2: Disrepair/Lack of Hot Water & Heating

	2006	2007	2008	2009	2010	2011	All Years
Hanover and Elm Grove	15	16	19	16	18	24	108
Hollingdean And Stanmer	10	8	7	10	12	17	64
Moulsecoomb and Bevendean	14	11	16	18	19	27	105
Queen's Park	18	25	18	25	27	23	136
St Peter's and North Laine	29	28	36	26	53	26	198
5 Wards Average	17.2	17.6	19.2	19	25.8	23.4	122.2
Other Wards Average	10	10	12	10	12	11	65

Source: B&HCC Private Sector Housing

- 6.7 Reports of damp problems are set out at Table 3 below. The data shows that this kind of problem on average twice as high in the five wards compared with the average for other city wards. However, this disguises significant variations between wards. For example, reports of damp were significantly higher in St Peter's & North Laine, Hanover & Elm Grove and Queens Park, perhaps not surprisingly given these are areas of older housing. Notably, in St Peter's & North Laine in 2011 there were more than five times as many cases recorded compared with other City wards. As with disrepair, damp problems reported have also increased in the five wards over the past two years when compared with the average in other city wards, where again problems of this nature have remained constant.

Table 3: Damp

	2006	2007	2008	2009	2010	2011	All Years
Hanover and Elm Grove	25	20	36	38	31	33	183
Hollingdean And Stanmer	10	8	8	14	15	12	67
Moulsecoomb and Bevendean	6	8	12	11	24	33	94
Queen's Park	18	18	20	27	38	27	148
St Peter's and North Laine	39	44	43	50	51	76	303
5 Wards Average	19.6	19.6	23.8	28	31.8	36.2	159
Other Wards Average	8	8	12	11	16	14	69

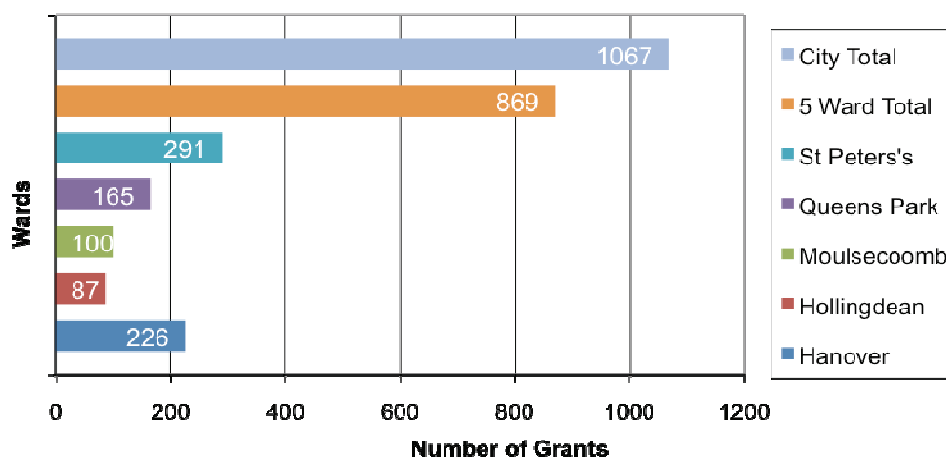
Source: B&HCC Private Sector Housing

Resources

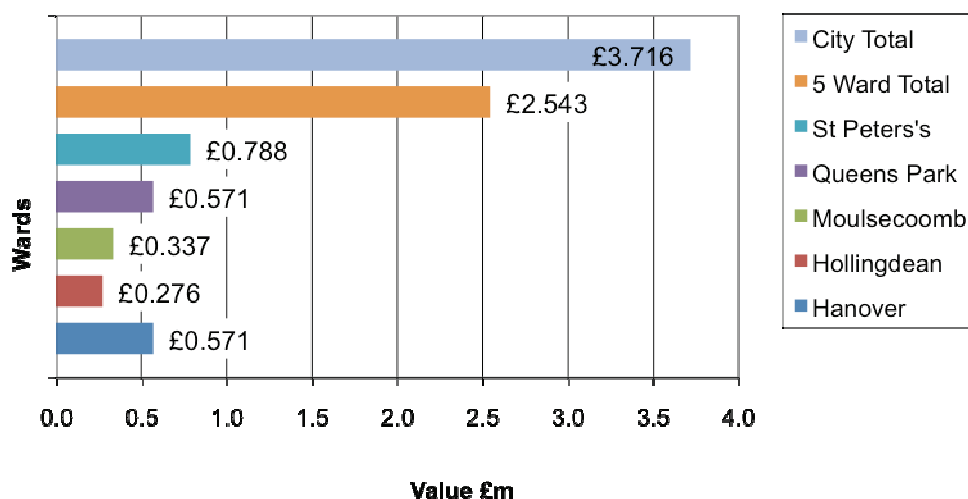
- 6.8 The Council has invested substantial resources to help improve housing conditions across the city. Although the five wards represent around 25% of the city's housing they received 45% (869) of major grants awarded (chart below). Total expenditure on these grants in the five wards was just over £2.5m (chart below) equating to 40% of this type of expenditure across the city. Much of this investment has been achieved through specific Government capital allocations awarded to Brighton & Hove as

part of the Brighton & East Sussex Together (BEST) private sector renewal programme. Capital investment of this type is no longer available due to public sector funding constraints, which means this is no longer an option to help encourage landlords of small HMOs carry out essential improvements.

Major Grants awarded In 5 Lewes Road wards compared with other City wards - 2006-2011



Value of Major Grants awarded in 5 Lewes Road wards compared with other City wards - 2006-2011

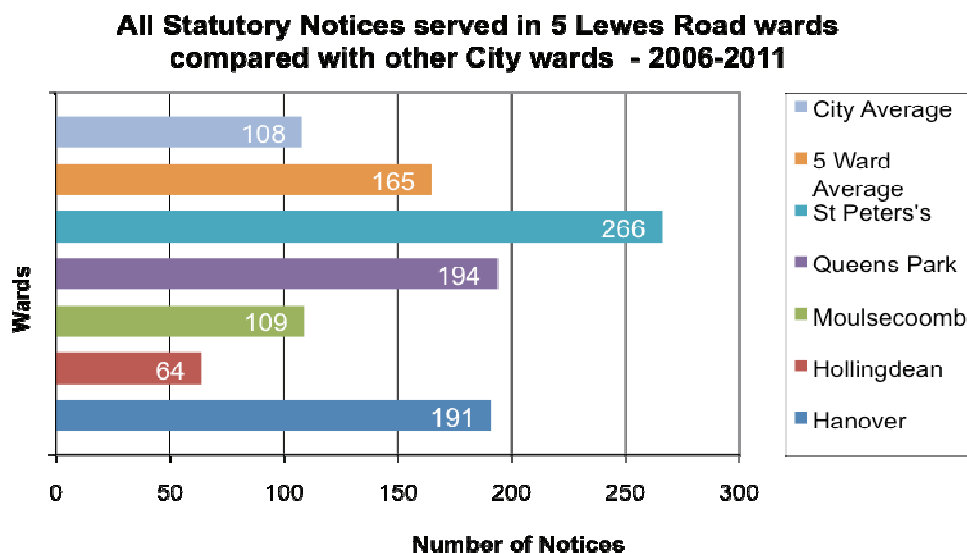


Enforcement Action

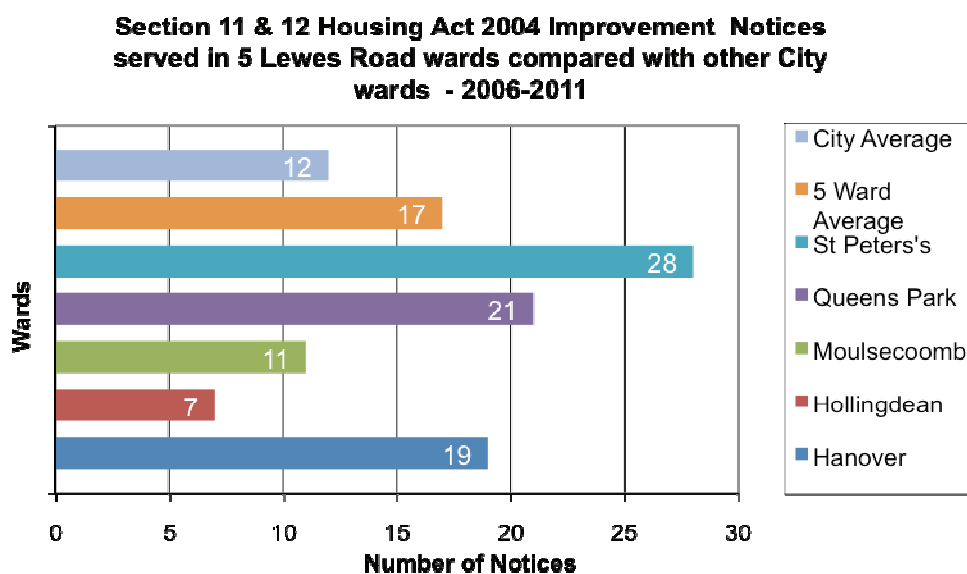
- 6.9 When the Council receives a complaint about unsatisfactory housing conditions, the Private Sector Housing Team's initial response, in accordance with the Enforcement Concordat, is to try and resolve the problem using a conciliatory approach by making informal contact with landlords or managing agents and alerting them to the action required. In the majority of cases this results in a positive outcome for the tenant. However, when progress in addressing the problem is unsatisfactory the Council will where appropriate, take formal action under housing or other relevant legislation. Information from Council records on some of the key housing enforcement action undertaken is attached at Appendix iii) (a). The chart below provides a summary of all statutory notices served over the past 6 years. It reveals that although there is quite significant variation between the 5 Lewes Road corridor wards, on average 1.5 times more

notices were served in them compared with the average for other wards in the city. In three of the wards the number of notices served is between 2 and 2.5 times the city average.

- 6.10 Where necessary, Category 1 and Category 2 hazards can be addressed by serving formal Improvement Notices under sections 11 & 12 of the Housing Act 2004 respectively. The chart below shows a similar pattern with nearly 1.5 times the number of Improvement Notices served in the five Lewes Road wards compared to the city average. Over the six year period a total of 86 Improvement Notices were served in the five wards.

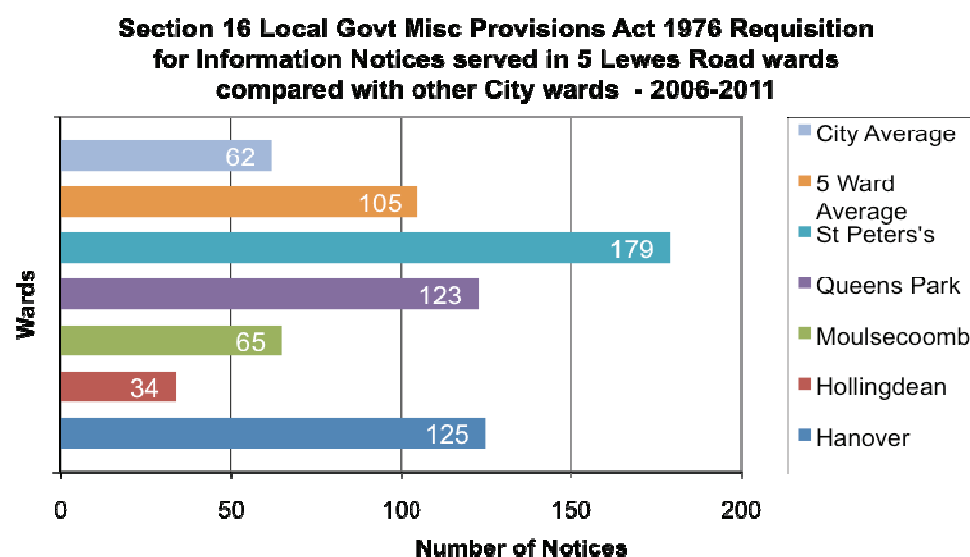


Source: B&HCC Private Sector Housing



Source: B&HCC Private Sector Housing

- 6.11 In order to ensure contact is made with the correct person/s when enforcement action is necessary, a Requisition for Information notice is served under section 16 of the Local Government Miscellaneous Provisions Act 1976. The chart below shows that on average over the six year period nearly twice the number of these notices were served in the five Lewes Road wards compared with the average for other city wards. In the case of St Peter's & North Laine ward the figure is almost 3 times the average for other City wards. This is an essential administrative process to ensure correct service of formal notices, when such action is necessary. However, if HMOs in the five Lewes Road wards were subject to Additional Licensing much of the necessary information would be provided as part of the licensing process and this would mean resources could be better used for other priority activity.

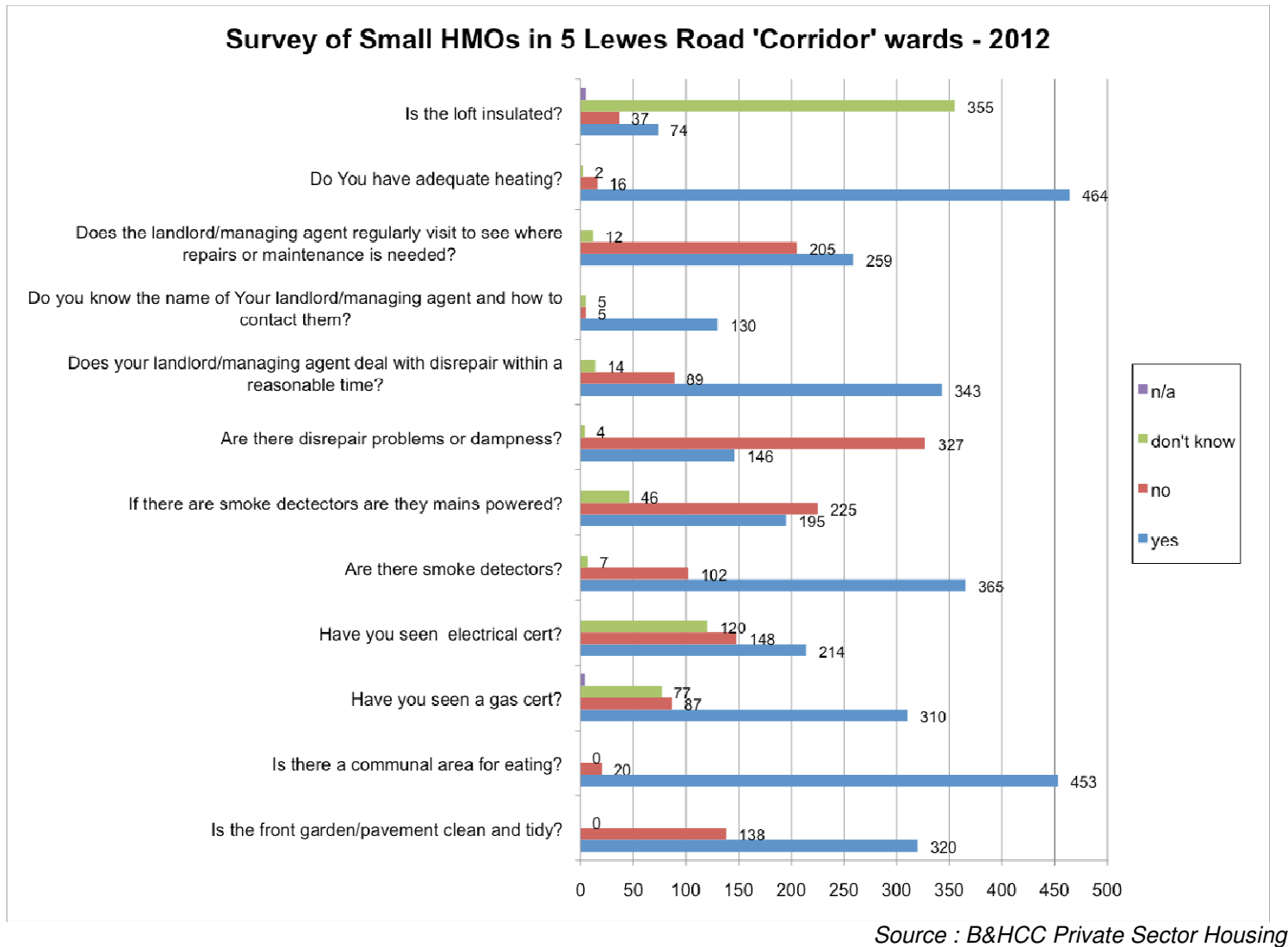


Source: B&HCC Private Sector Housing

- 6.12 **Survey of Small HMOs**
The Council's Private Sector Housing team has recently carried out a random sample survey of 485 properties taken randomly from a database of around 3000 properties with 3-4 occupants in the five Lewes Road 'corridor' wards to help provide information on a range of management issues. The information was obtained from interviews with one or more tenants at the properties.
- 6.13 Headlines from the survey responses indicate the following:
Of those that responded:
- 34% of tenants either had not seen a gas certificate or did not know if they had
 - 56% of tenants either had not seen an electrical certificate or did not know if they had
 - 22% of homes had no form of smoke detection
 - Half of all homes that had smoke detectors that were battery powered rather than mains powered
 - 31% of all tenants reported they had some disrepair or dampness
 - 20% of all tenants said that if they reported disrepair it wasn't dealt with quickly

- Tenants reported that only 54% of all landlords/agents visit regularly to check for repairs
- 30% of all front gardens were untidy
- Most tenants have adequate heating, a separate place to eat, and know how to contact their landlord/agent

6.14 Key findings from the survey are summarised in the chart overleaf and further details are provided at Appendix iv).



Nuisance

6.15 Recent Environmental Health and CityClean data for 2011 concerning complaints about a range of rubbish issues is set out in Table 4. This indicates significantly higher levels of complaints in the five wards. At an average of 244 complaints, this is nearly 2.5 times the average for other city wards. It also highlights particular problems of fly tipping and littering in the three wards in or close to the town centre.

Table 4: Refuse Complaints by Ward – 2011

Ward	Total	Domestic	Public Health	Fly Tipping	Street cleaning	Street Sweeping Litter
St Peter's and North Laine	319	5	9	222	14	69
Hanover and Elm Grove	274	4	7	161	14	88
Moulsecoomb and Bevendean	244	19	14	130	7	74
Queens Park	230	9	1	163	5	52
Hollingdean and Stanmer	154	3	3	102	2	44
Other Wards	1,574	66	86	977	49	408
Total complaints	2,795	106	120	1,755	91	735
5 Ward Average	244					
Other Wards Average	98					

Source: B&HCC Environmental Health & CityClean

Table 5: Noise Complaints by Ward – 2011

Ward	Total	Music	Party	People	TV/ Radio
St Peter's and North Laine	263	128	83	50	2
Queens Park	208	105	37	66	0
Hanover and Elm Grove	185	97	43	39	6
Hollingdean and Stanmer	173	93	25	53	2
Moulsecoomb and Bevendean	142	62	30	47	3
Other Wards	1,129	571	197	321	39
Total complaints	2,100	1056	415	576	52
5 Ward Average	194				
Other Wards Average	71				

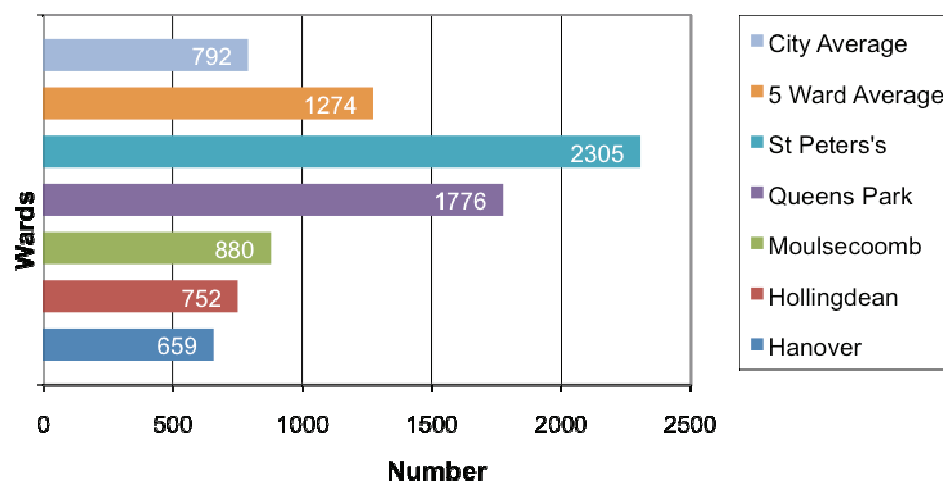
Source: B&HCC Environmental Health

- 6.16 Data from the Council's Environmental Health service is not tenure specific but nonetheless it is a useful guide to understanding where noise problems are prevalent. Table 5 above sets out information on different categories of noise complaint over the past year. This shows that there is a significantly higher level of noise complaints, especially in relation to music, parties and people in the five wards. Overall the average number of complaints in the five wards is 2.7 times (194) the average for other city wards (71). It is also important to note that the five wards are in the worst six for noise problems, East Brighton ward having slightly more complaints than Moulsecoomb.

Antisocial Behaviour

- 6.17 Sussex Police record incidents of antisocial behaviour by ward against a wide range of different categories, including hoax calls to emergency services, street drinking, vehicle related nuisance and so forth. The chart below is based only on recorded incidents of antisocial behaviour arising from personal or environmental nuisance and inconsiderate or rowdy behaviour. It covers the twelve months ending February 2012 and shows that when compared with the City average, incidents of antisocial behaviour are 1.6 times more likely to occur in the five Lewes Road 'corridor' wards.

Antisocial Behaviour Incidents in 5 Lewes Road wards compared with City average (2011/12)



Mandatory HMO Licensing

- 6.18 The response to the HMO licensing scheme has been high and as at February 2012 the Council has issued mandatory licences in respect of 852 HMOs. 598 (70%) of these are located in the five Lewes Road 'corridor' wards (see Table 6 below).

**Table 6: Mandatory HMO Licensing - Current HMO Licences
(at 8 Feb 2012)**

Ward	No of Current Licences	Totals
Hanover and Elm Grove	155	
Hollingdean and Stanmer	54	
Moulsecoomb and Bevendean	71	
Queen's Park	107	
St Peter's and North Laine	211	
		598 (70%)
Other wards	254	254 (30%)
	All Wards	852 (100%)

Source: B&HCC Private Sector Housing

- 6.19 However, when licences granted under the mandatory scheme were first issued after the scheme was introduced, it was revealed that a high percentage of properties did not have current Gas Safety Certificates, Domestic Electrical Installation Periodic Inspection Reports and adequate Fire Safety provisions. Table 7 below shows this by the five wards where on average across these wards 88% of licences were issued with conditions. When the licences were renewed five years later, it was found that the standards had greatly improved and safety certificates were available. This clearly demonstrates the beneficial effects of licensing in these circumstances.

Table 7: HMO Licences Issued with Conditions (2006)

Ward	No. of Licences	Issued with Conditions (Fire/Gas/Elec)	%
St. Peter's and North Laine	88	79	90%
Hanover and Elm Grove	50	47	94%
Queen's Park	38	30	79%
Hollingdean and Stanmer	25	23	92%
Moulsecoomb and Bevendean	15	11	73%
Other Wards	51	40	78%
Average Five Wards	43	38	88%
Average Other Wards	3	2.5	83%

Source: B&HCC Private Sector Housing

- 6.20 The experience of mandatory HMO Licensing is that once properties are licensed, complaints can be more easily investigated and swiftly resolved due to the readily available information relating to the ownership and management of the property concerned. In addition, working relationships improve between landlords, their agents, tenants and the Council officers responsible for the licensing of the properties.

Landlord Accreditation

- 6.21 The council runs a Landlord Accreditation Scheme so that the best private landlords, who consistently maintain high standards in their properties, can be recognised and rewarded and to help others raise their standards of property maintenance and management. The scheme formally recognises flats and houses in good condition, which are safe, secure and well managed for the benefit of the tenants who rent them.
- 6.22 There are two broad components to the standards that landlords have to meet in order to achieve accreditation. These relate to physical standards of the property and standards of tenant management. In summary, properties must be in good repair, structurally sound, self-contained and compliant with health & safety regulations. Tenants must be provided with a written agreement, documentation relating to health and safety (certificates and use of equipment such as fire alarms) and deposit arrangements that comply with the national scheme. There must also be no evidence of landlord harassment or illegal eviction during the previous two years.
- 6.23 Currently there are around 150 landlords and 500 properties accredited under the scheme. The past five years has seen the number of accredited properties reduce from approximately 850 in 2007/08 and the number of landlords has reduced from 200, largely due to a decline in benefits available to landlords. Whilst the scheme has been successful overall and has contributed towards improving standards in the private rented sector, given the current decline in numbers accredited, it is clear that the scheme can't help to deliver improvements to the large number of properties where landlords are either unwilling or unable to bring their properties up to current standards.

Conclusions

- 6.24 Council records show there is a high concentration of HMOs in the five Lewes Road 'corridor' wards compared with the rest of the City and the majority of these are smaller HMOs that fall outside mandatory licensing. From the range of data presented in this chapter it is clear that levels of Council activity to address complaints about unsatisfactory housing conditions in the five wards is significantly higher than the city average. This information highlights particular problems with disrepair and dampness, which are double in these wards and are indicative of poor or ineffective management.
- 6.25 Complaints received about nuisance resulting from noise and rubbish problems are significantly higher in the five wards compared to the rest of the city. These are nearly two and a half times higher in respect of rubbish issues and over two and a half times higher in respect of noise problems, with the five wards being in the worst six for noise problems. In addition levels of anti-social behaviour recorded by the Police are over one and a half times higher in the five wards.
- 6.26 The Council's Private Sector Housing Team has a good track record in resolving requests for assistance through informal and, where

necessary, formal enforcement action. In the five Lewes Road wards levels of this kind of activity are between one and a half to two and a half times the average for other wards in the City. Looking to the future, capital investment through grants or other financial assistance to help encourage landlords of small HMOs carry out essential improvements is no longer an option due to public sector funding constraints.

- 6.27 Whilst the Council's accreditation scheme has undoubtedly led to improved standards in the private rented sector, the substantial decline in numbers of accredited landlords over the past 5 years indicates that the scheme is of limited value in helping to deliver further improvements.
- 6.28 The recent Council survey of a sample of small HMOs in the five Lewes Road wards confirms there is cause for concern with these aspects of management. Results from the survey suggest that 22% of small HMOs had no form of smoke detection and with those that did have half were relying on battery powered smoke detectors. 34% of tenants either had not seen a gas certificate or did not know if they had and 56% had not seen an electrical certificate or did not know if they had. A significant proportion of tenants (31%) reported some disrepair or dampness. In addition, 30% of all front gardens of small HMOs were observed to be untidy.
- 6.29 The case studies presented throughout this chapter provide a picture of the type and range of problems associated with smaller HMOs that are regularly dealt with by the Council's Private Sector Housing Team. These reflect the range of problems that tenants are experiencing when they request assistance from the Council.
- 6.30 Taken together all of this information leads to the conclusion that problems with the management of HMOs in the five Lewes Road 'corridor' wards are not limited to a handful of individual properties. The evidence suggests that the problems are more widespread and that a significant proportion of all HMOs in the five wards are being managed sufficiently ineffectively. This is giving rise to problems for those occupying HMOs and members of the local community. These problems cannot be addressed by mandatory licensing as the majority of HMOs in the five wards are small and fall outside the remit of the national scheme. All the indications are that the range of 'tools' in the toolkit available to the Council are insufficient on their own to tackle the problem of ineffective management.

7. Options Appraisal

- The council must 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

- The council must consider that making the designation will significantly assist them to achieve the objective or objectives¹⁷
- The council must consider that making the designation will significantly assist them to deal with the problem or problems¹⁸

7.1 The 2004 Housing Act (Section 56(2)) requires that before making an additional HMO licensing designation for a particular type of HMO, or for a particular area, a local authority must 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.

7.2 A two stage appraisal of the options open to the Council was carried out in accordance with Government guidance. The first stage involved the development of key options available for tackling poor quality problematic HMOs in the City and consideration of the strengths and weaknesses of each. The second stage involved the appraisal of the options against seven objectives identified to help contribute towards the Council's vision for the city's private rented sector, which is:

'Safe, well-managed private rented accommodation for all our residents'.

7.3 The options appraisal was undertaken by a multi-disciplinary panel of Council officers, with representation from the following services:

- Private Sector Housing
- Housing Strategy & Development
- Housing Options
- Economic Development
- Planning
- Marketing & Communications

The panel considered how each of the options could meet the objectives and each panel member scored the options individually against how likely they were to achieve the objectives. Average scores were then arrived at for each option.

¹⁷ Housing Act 2004, Sections 57(4) and 81(4)

¹⁸ Housing Act 2004 Section 57(4)

- 7.4 Full details of the options appraisal methodology are attached at Appendix v).

Stage 1 – Option Development

- 7.5 Eight possible options for tackling substandard and ‘problem’ smaller HMOs in the City were identified and are set out below:

1. Do nothing. This option would involve the Council doing nothing to intervene in the small HMO sector, leaving the housing market as the driver for landlords carrying out improvements to their properties.

2. Do the minimum. This option envisages Council intervention in the small HMO sector being limited to a basic ‘complaint response’ service with action by other departments and agencies on a largely ad hoc basis. The option is predominantly reactive in character. It looks to the operation of the housing market as a driver for landlord-initiated housing improvement across the board. It would include departments continuing to use powers available to them such as:

- Enforcement Action under the 2004 Housing Act;
- Anti-Social Behaviour Orders (ASBOs) under the Crime and Disorder Act 1998;
- Injunctions whether under section 153A et seq of the Housing Act 1996 or section 222 of the Local Government Act 1972;
- Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
- Litter abatement notices under section 92 of the Environmental Protection Act 1990;
- Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
- The power to require rubbish to be removed from land under section 2 -4 of the Prevention of Damage by Pests Act 1949.

3. Informal area action. A non-statutory Action Area, taking in part of the City where substandard HMOs are concentrated, would be declared. The impetus for housing improvement would come from a combination of the Council’s activity in the area (a mixture of advisory surveys, Council-landlord dialogue and, where necessary, the threat of follow-up enforcement action), landlord peer pressure, and the prospect of an enhanced and thus more credible HMO sector.

4. Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs). There are other tools available under the Housing Act 2004 such as Interim and Final Management Orders for non-licensable HMOs or Special Interim Management Orders with regard to anti-social behaviour if problems are associated with a small number of properties.

This option would involve making Interim and, if necessary, Final Management Orders in selected HMOs whose condition justified it.

Estimated at between 1 – 5 properties per year. Once made, the IMO/FMO would be implemented in a determined fashion until the property was fit either to be handed back to the landlord or sold-on to a Registered Social Landlord, as appropriate. The action would be well-publicised to send a message to other landlords.

5. Article 4 Direction only. This option would involve the Council adopting and implementing an Article 4 Direction to require a planning application for any change of use from single dwelling house (C3) to a small HMO (C4) in the five wards with the highest concentrations of HMOs. This would not be retrospective and would only affect changes of use to HMOs proposed once the Article 4 Direction had come into force. The Council would need to demonstrate the harmful impacts arising in areas of high concentrations of HMOs and consequently that the exercise of permitted development rights would undermine local objectives to create or maintain mixed communities.

6. Area-based voluntary accreditation. Accreditation schemes are a set of standards (or code) relating to the management or physical condition of privately rented accommodation, that recognise and reward landlords who manage their properties to a good standard. Cross-City private rented sector Accreditation, with landlord participation in the steering group, has been employed in Brighton & Hove. This option would involve a localised Accreditation scheme, tailored to suit the characteristics of the HMOs and the problems associated with them. It would run alongside the established scheme.

7. City Wide Additional Licensing Scheme. Licensing introduced for all smaller HMOs (two or more storeys with three or more households) across the whole city, i.e. all 21 wards.

8. Area-based Additional Licensing scheme. Licensing introduced for smaller HMOs (two or more storeys with three or more households) in the city's five wards with the highest concentration of HMOs – Hanover & Elm Grove, Hollingdean & Stanmer, Moulsecoomb & Bevendean, St Peter's & North Laine, and Queens Park.

Stage 2 – Option Appraisal

- 7.6 The eight options were evaluated and scored against seven key objectives which the panel considered any initiative aimed at improving significantly substandard HMOs in the city should fulfil. The objectives are set out in the table below.

No.	Objective
1.	To keep occupants safe by securing effective management of smaller HMOs.
2.	To improve the living conditions for tenants through ensuring an appropriate level of facilities is provided.

3.	To improve housing standards and maintenance within HMOs, with particular emphasis on security, fire safety and thermal comfort.
4.	Landlords to exercise appropriate management and supervision of the buildings to help reduce any adverse impact of HMOs on the neighbourhood.
5.	To build on and expand existing partnerships with landlords, agents, tenants, colleges and the Universities, community forums and partner agencies/services, maintaining effective two-way communication, promoting joint working and best practice and through these, facilitating improvements to the HMO sector.
6.	To encourage and support owners and managing agents of HMOs to work proactively with the Council in achieving clearly defined standards and management of HMOs. .
7.	To facilitate stable and integrated communities through policy and proactive targeting of intervention.

Outcome of the Option Appraisal

- 7.7 A summary of the panel's averaged total scores from the appraisal exercise is set out below for each option and ranked according to their total score.

Options	Total Score	Rank
1. Do nothing	1.3	8
2. Do the minimum	5.8	7
3. Informal area action	11.2	4
4. Targeted use of Management Orders	8.6	5
5. Article 4 Direction	7.8	6
6. Area-based voluntary accreditation.	12.1	3
7. City wide Additional Licensing scheme	15.7	2
8. Area-based Additional Licensing scheme	20.6	1

The outcome of the option appraisal process is that an area-based Additional licensing scheme for HMOs achieves the highest score and best meets the objectives for securing the Council's vision for the private rented sector and the contribution that small HMOs can make towards this.

What Additional Licensing would achieve

7.8 Introducing an Additional Licensing scheme for HMOs would bring several potential benefits:

- Licensing for the majority of the city's HMOs will enable the development of a consistent approach across the private rented sector to help drive up standards. Additional Licensing will apply the same approach to assessment and improvement of housing conditions as for mandatory licensing. This will give HMO tenants the same protection as those in properties subject to mandatory licensing. It could also prevent those landlords with a poor track record in managing their properties from continuing to operate if they fail the 'fit and proper person' test.
- Raising standards across the HMO sector will help improve neighbourhood amenity for all the local community
- Improved management standards will see landlords and/or managing agents being better equipped to deal with the running of the property bringing about early intervention to resolve issues that would otherwise result in them escalating. Financial savings should result from this as well as more effective landlord and tenant relationships.
- The formal relationship between landlords and the Council afforded by licensing should enable better information sharing as well as provide more accurate data to help future decision making affecting the private rental market.
- Additional Licensing will require landlord and tenant relationships to be on a more business like footing and this should improve how the sector is perceived by those managing and letting HMOs. This will particularly benefit landlords looking to house students.
- This should also lead to improved living conditions and tenancy security for tenants, through the provision of an appropriate level of amenities and the creation of tenancies maintained in line with the statutory framework.
- Additional Licensing will also provide the opportunity for a proactive approach that will reduce potential landlord and tenant conflict by pre-empting problems before they escalate and necessitate other forms of Council intervention.

8. Consultation

- The local authority must consult persons likely to be affected by the designation.

General approach to consultation

- 8.1 The Council has carried out wide ranging consultation on the proposal for HMO additional licensing. An initial consultation on additional licensing for HMOs, using a number of methods including a questionnaire on the Council's Consultation Portal, took place over twelve weeks between 5 January 2011 and 30 March 2011. A total of 183 responses were received and the key results were:
- 73% of those who responded disagreed with the proposal to introduce additional licensing.
 - Of those who responded, nearly half (46%) declared themselves as landlords or letting agents and they were overwhelmingly opposed (98%) to the proposal. Many were concerned that the costs would put a lot of landlords out of business and couldn't understand how licensing would deal with anti-social behaviour. Many asked that the Council use the powers it already has to tackle the problem before taking this step.
 - Landlords and letting agents were also concerned to clarify the standards that would be applied to HMOs under any additional licensing scheme.
 - Over half of owner-occupiers (54%) were in favour of additional licensing. Many wanted to see more controls on the numbers of students in a property and improvement in the poor quality of many of these homes.
 - The majority of private tenants (85%) were against the proposal. Many cited concerns that the costs would be passed to them.
 - Resident groups were generally supportive of the proposal – on the Portal and in written responses each residents group's reply is counted as one response, which does mean that one response on behalf of a group who support the proposal may under report the extent of those in agreement with the proposal.
- 8.2 Given the relatively low number of responses and the need to ensure any decision on implementation of the proposal is based on sufficient evidence and justification for an additional licensing scheme that is compliant with Housing Act 2004 legislation and guidance, the Council took the decision to extend the consultation. The case for doing so was based on the following:
- Relatively low number of responses to initial evidence gathering.
 - Continued calls from communities and residents' associations, in the areas concerned, for action to mitigate the impact of overconcentration and management issues relating to HMOs in

their area, now mapped through joint work with Planning as part of their complementary options work on Article 4 Direction.

- Concerns raised by landlord and letting agents groups seeking clarity over proposed standards to be applied to HMOs licensed under any additional licensing scheme.
- Updated guidance from Local Government Regulation (LGR) – in particular to consultation with businesses – there was no indication that any current responses were from businesses and there has been no formal consultation with business groups or representatives.
- Peer review with other local authorities on their approaches to consultation with such schemes.
- LGR guidance in relation to consultation use of questionnaires states “A survey involving a questionnaire can be started either during the evidence collecting stage and can be extended for use during the consultation stage to obtain a representative sample from all groups”.

- 8.3 The extended consultation was launched, following the Housing Cabinet Member meeting on 18 January 2012, for a further ten-week period until 31 March 2012. It was publicised in a variety of ways using press releases, adverts in local newspapers (City News, The Argus), publications used by tenants and landlords, BBC South TV, BBC Radio Sussex, the Council’s own website and social networking channels, e.g. Twitter and Facebook. A leaflet was also distributed to residents and businesses (4,000 approx.) in the five wards to let people know about the further consultation exercise and how to register their views. Consultation responses were collected via a questionnaire, which was available on the Council’s Consultation Portal. Hard copies were also made available. In addition, a door-to-door survey of residents and businesses using 1,010 randomly selected addresses was carried out using the same questionnaire.
- 8.4 Similar information was given to those involved in the provision of rented accommodation such as landlords and letting/managing agents. It was also provided to representative organisations such as the National Landlords Association (NLA), Residential Landlords Association (RLA), and representatives of Southern Landlords Association (SLA). Council officers presented information at meetings with the SLA and Accredited Landlords during February – April 2012. A presentation with information on the proposal was also made to a meeting of NLA representatives on 13 March 2012.
- 8.5 Information about the proposal and consultation exercise was also provided to other key stakeholders such as Sussex University, University of Brighton, the Police and the Fire Service. It was also provided to residents associations, Local Action Teams and other relevant community groups and organisations. Presentations were made to a number of Local Action Teams, where requested. Council officers also met representatives of the University of Brighton, Sussex University and both Student Unions to provide a briefing on the proposals.

- 8.6 It is important to note that under section 56 (3) of the Housing Act 2004, which governs the designation of areas subject to Additional Licensing, the local authority is required not only to take reasonable steps to consult persons who are likely to be affected by the designation but also to consider any representations made in accordance with the consultation.

Extended Consultation Responses

- 8.7 A total of 1,321 responses were received to the Council's consultation questionnaire. 311 of these were responses via the Council's consultation portal and 1,010 were responses from the door-to-door survey of residents and businesses in the five wards. A summary of the amalgamated results from both sources of information is attached at Appendix vii) (b). Key highlights from the amalgamated results are as follows:

- 64% would like to see an additional licensing scheme for small HMOs in the area covered by the proposed five wards
- 70% agree that additional licensing would improve how small HMOs are managed and maintained
- 60% agree that additional licensing would help reduce noise and nuisance such as loud music and rubbish from small HMOs
- 66% agree that licensing would improve safety standards in small HMOs

- 8.8 It is worth noting that most responses from landlords and letting/managing agents were received through the consultation portal. Less than 2% of respondents to the door-to-door survey were landlords or letting/managing agents. Consequently the results vary between the two data sources, as many landlords and agents expressed opposition to additional licensing.

Generally, there is stronger support for licensing from those living or running businesses in the five wards with, for example:

- 71% saying they would like to see additional licensing introduced
- 77% agreeing that licensing will improve management and maintenance of small HMOs and
- 81% of businesses would like to see licensing introduced.

- 8.9 When asked about problems experienced over the past 12 months the following amalgamated responses were received to Question 2, where respondents reported a very big or fairly big problem:

- Poor external appearance of HMOs and their gardens – 24%
- Noise nuisance such as loud music and parties from HMOs – 27%
- Dumped rubbish and litter around HMOs – 42%
- Poorly managed HMOs – 23%
- Poor internal property conditions in HMOs – 16%
- Any other problems caused by HMOs – 92%

Initial Consultation Responses

Response from Letting Agents on 20 March 2011

8.10 Alternative Action to Solve Problems caused by High Density of HMO's in the City

Background

This correspondence has been put together by a number of Letting Agents that are based in and work throughout the five wards outlined in Brighton and Hove Council's proposals for the extension of HMO licensing to include properties of two or more storeys with three or more unrelated tenants. These proposals have been put together after a meeting with Martin Reid and Mike Slagter at Hove Town Hall on Thursday 24th March and represent the joint views of some of the agents in the area who spend a lot of their time dealing with the HMO properties in question, the tenants and landlords of the properties and the neighbours and larger community affected by the issues of anti-social behaviour, excessive noise and refuse and recycling issues. We were not consulted in the early stages of this process which was disappointing, but hope that you will see our unique position of experience and the great insight that this experience brings in knowing the problems facing the communities outlined and the potential ways to resolve these problems. As a result we hope you take these proposals as a serious alternative to the HMO licensing extension, which we believe do not currently effectively tackle and will not effectively tackle the concerns brought up by the communities and local action groups who live within the five wards or indeed the rest of the city.

Management of HMO's

As stated above the main concerns are anti-social behaviour, excessive noise and refuse and recycling issues caused by residents not putting rubbish out on the correct day or not following the city's rules on recycling and refuse collection. The current HMO licensing scheme has not improved the management of these problems within the houses already licensed. The problems persist when a group of bad tenants move in to the property and fail to abide by the tenancy agreement and fail to respect their neighbours. Tenants may only live at a property for six months or a year and then they are gone, so the management of these problems needs to be effective and fast from all sides. This is why we believe the best solution to these problems would be a quarterly meeting between representatives from agents within the City, Brighton and Hove Council (particularly personnel from recycling, refuse and street cleaning, HMO and Housing and Noise Pollution), the local community and the Universities. This would give all sides an opportunity to bring up any issues, particular problems streets or houses and to instigate combined group strategies to resolve these issues as quickly and effectively as possible.

Combined with this another suggestion is that there be an HMO register throughout the City where Letting Agents would have to register all

properties they manage online with the Council, so that the council or members of the public would be able to find out who is currently managing a problem property and who they can go to in order to report any issues they may have. This way agents and the Council can work together to single out particular problem properties faster and work to resolve the issues together to the benefit of the wider community. We do not feel this next suggestion should be necessary with such an approach outlined above as the Council already has the framework in place, but is currently not being efficiently utilised. However we understand the Council may be looking to gain revenue for increased work in the area of HMO control and management of problems that arise so another alternative suggestion to the license fee, would be a small annual levee charged to landlords of such properties to be used specifically for increased action in the areas of street sweeping, noise control and refuse control (including increased use of current powers to fine residents in breach of any of the Council's existing regulations) and any other ways to improve the area for the local community. Other ideas that have been put forward and could work in conjunction with these measures are:

- The council providing more bins/binvelopes to HMO properties to cope with the volume of rubbish from these houses.
- Increased powers to either the council or the agents to fine for anti-social behaviour within HMO's. Could this be incorporated in to the Assured Shorthold Tenancy Agreements or would those terms be deemed unfair?
- Tile sized plaques with managing agent's details provided and fitted to HMO's in the City to assist neighbours in knowing who to contact with complaints.

Family Housing

Another concern put forward by the community was the loss of family housing in certain areas in the City. The landlords of most of the three and four bedroom houses our agencies manage would prefer us to rent the properties to families over working professional sharers or students. Families are the ideal tenant in eyes of most agents, but unfortunately there simply is not the number of families looking in the private rented sector to fill the houses we have on offer. What we as agents find is the outstanding majority of tenants looking in those areas is working professionals who work within the City and need to live in groups of threes and fours in order to be able to afford rental accommodation. By licensing these properties it will discourage some landlords to rent to these groups, thereby reducing the much needed accommodation for an increasing working population. In short our landlords would prefer to rent to families who are in a position to afford the rent of the properties they need to charge to cover their mortgages, but they simply are not there.

Conclusion

In our opinion the measures proposed to extend HMO licensing are draconian and poorly thought out and they will not begin to solve the problems they are designed to address. Put simply it would be like using a sledgehammer to crack a nut and then missing the nut entirely. We genuinely believe that the alternative ideas we have put forward to you

today would be a more effective way to solve the problems the communities can face throughout the City and not just in the five wards suggested. By introducing some of these alternative measures alternative measures throughout the City we can all genuinely say that we are doing our bit to make Brighton and Hove a better place to live for all types of residents, but this can only be achieved by a joint effort with everyone all pulling in the same direction.

Responses from Tenants, Residents and the Wider Community

- 8.11 Given the large number of responses from tenants, local residents and the wider community, the issues raised are summarised and presented thematically with a sample of comments at Appendix vii) (d). The key themes emerging from the responses are:

- Landlords should be more accountable for the properties
- Additional licensing will not sort of the problems
- Glad council is addressing the problems
- Will increase rents

e-petition – Hanover & Elm Grove

- 8.12 The Council also received an e-petition from 30 residents in Hanover & Elm Grove ward in early February, which stated the following:

“We the undersigned petition the council to produce an effective policy that all multiple occupancy landlords and letting agents will have licences to rent to students withdrawn if they do not use a letting contract that prohibits unsocial disturbance (including noise and street rubbish) of other residents in a residential area”.

Responses from Landlords and Managing Agents

- 8.13 Comments included in responses from landlords /letting/managing agents are presented in Appendix vi) (e).

Response from Southern Landlords Association (SLA) on 20 Feb 2012

- 8.14 *As you will no doubt be aware, it has come to my attention that Brighton and Hove City Council is consulting on the provision of additional licensing in five wards in the city. I am most surprised as the Chair of the SLA that misinformation is being published by your press office to the effect that once introduced (if it is implemented) it will continue on a permanent basis, when any form of discretionary licensing can only be for a set period of up to five years and no longer. Perhaps your Department will issue a press release to that effect and confirm to me that this has been done.*

Additional licensing can only be introduced if an area is suffering significant antisocial behaviour that is being caused by the failure of private landlords to control tenants within the law and within the curtilage of their properties. The Local Authority should have a plan of action to deal with such behaviour and, prior to considering the

implementation of any form of discretionary licensing, must establish that it has done all it can do and that additional licensing, combined with other measures, is the only way forward.

No doubt, this has been considered by your Local Authority and a plan of action produced, together with goalposts of that to be achieved within the span of the licensing period. Perhaps you would kindly forward this to me, in order that my committee can examine why the consultation is taking place and the objectives behind it. You will appreciate, of course, that our members are well aware of the current initiatives between the Local Authority, the police and the universities, and it will be interesting to see why this further step is required.

- 8.15 In addition, written responses were received from the National Landlords Association (NLA) and Residential Landlords Association (RLA) both opposing additional licensing. The full responses are attached at Appendices vi) (g) and (h).
- 8.16 As might be expected, a significant proportion of landlords and letting/managing agents who responded to the initial and extended consultations do not support the introduction of additional licensing. During the initial consultation 96% of landlords and 84% of letting/managing agents were opposed. The results from the extended consultation were broadly similar with 84.75% of landlords/letting/managing agents opposed.

Responses from businesses

- 8.17 Responses were received from a total of 107 local businesses which were made up of local business/landlord, local business/owner occupier, local business/private tenant. 81.31% are in favour of additional licensing. Responses are organised thematically and presented in full at Appendix vi (d).

Responses from other organisations

- 8.18 Several organisations responded to the questionnaire or submitted a written response to the consultation. A number provided specific comments or sought clarification as follows:

East Sussex Fire and Rescue Service

- 8.19 The Fire and Rescue Service commented on 10 February 2012 as follows:

HMOs in the City historically have been a fire safety issue and statistically have a higher proportion of domestic dwelling fires. Today most of the issues centre around the responsibilities of the relevant landlords and how pro-active they are, especially with fire safety. When a premises is licensed by the local authority I believe it takes away some

of this doubt and provides a prescriptive approach to the fire safety standards similar to the old defunct fire certification process.

Therefore, an extension of licensing HMOs would appear to have merit that the Fire Authority would support.

However, logistically this will need to be managed very well, an approximation believes that this may be an additional 10,000 premises and in the current licensing process the Fire Authority are consulted to approve fire safety plans and recommendations. Considering the position of the Fire Authority as a statutory consultee it may be the case that rather than consult on each individual premises we may produce in partnership some generic guidance for the landlords.

Local Action Teams

- 8.20 Email response from Bevendean and Moulsecoomb Local Action Team (LAT) on 20 March 2011 in support of additional licensing:

I can say for myself and our group that we would support this as at every meeting we discuss the state of disrepair of properties and gardens of student let homes. A lot of our members have lived in the area a long time if not their lifetime and they have seen a real decline in our community values. As a group trying to engage local residents in local issues we have a small turn out as a good proportion of homes are lived in by students and their time with us is very short. So the interest is non-existent. We also have the issue if there are problems with students we have Kevin Manall who has the very difficult job of finding out who the landlords are to resolve issues if the communication has broken down between households.

We would wholly support the return of our communities. A better place for all.

University of Sussex

- 8.21 Response from University of Sussex dated 29 March 2012.

- The University welcomes the opportunity to comment on the proposal to introduce Additional Licensing to properties of two or more storeys and three or more occupiers in five wards with the highest concentration of smaller HMOs in the City. This response should be read in conjunction with the University's earlier response to the Council's consultation paper on the Student Housing Policy Options (October 2011).*
- The University currently provides accommodation for approximately 4,500 students in its owned and /or managed housing and as part of its housing strategy is seeking to develop further housing on its campus. In addition the University is working in Partnership with both large and small private landlords to develop and manage good quality student housing across the City. The University is currently able to house all its first year students in University managed accommodation, the majority in accommodation on the campus at Falmer.*

- *The University however remains dependant on the private rented sector to house a large proportion of its returning students, the majority of whom are living in HMO properties throughout the City. The University is aware that the exclusion of smaller HMO from the mandatory licensing scheme has prevented the City Council from addressing certain standards such as the use of conservatories as living spaces; and is not always clear who the landlord of a property might be.*
- *The University supports the proposal and has worked in partnership with the City Council to raise standards and management practices and will continue to do so.*

However, two concerns were raised by the University. First, many landlords have already let tenancies for September 2012 and with the licensing implementation date likely to be September 2012 or later, this gives little lead in time for landlords to work towards achieving the building standards proposed.

Second, the University's is concerned that by restricting the scheme to five wards, tenants outside of these wards will not enjoy similar improved standards as those who may only live a street or two away in neighbouring wards.

University of Brighton

8.22 Response received was "No concerns, fully support the proposal".

9. Summary

- 9.1 Overall 64% of people who responded indicated they would like to see an additional licensing scheme for small HMOs introduced in the proposed area. There was stronger support from those living or running businesses in the five wards with 71% saying they would like to see additional licensing introduced. There was strong opposition to the introduction of additional licensing from landlords and letting/managing agents in both stages of the consultation. 98% of landlords and letting agents were opposed to it in the initial consultation and in the extended consultation the position was broadly the same with 84.75% indicating opposition. Responses from landlord organisations such as the National Landlords Association, Residential Landlords Association and Southern Landlords Association were all generally opposed. Residents groups and Local Action Teams were generally supportive of the proposal. Both universities expressed their full support for the proposals and a desire to continue to work in partnership with the Council to achieve improvements in housing standards and management practices.
- 9.2 Brighton and Hove has a very large private rented sector which includes an exceptionally high number of HMOs. With c14,000 households registered for affordable housing the private rental market continues to have a very important role to play in meeting the city's high levels of housing need given the general shortage of affordable social housing.
- 9.3 As a well established centre for higher education, the city has seen significant expansion of the two universities in recent years. This has led to increasing demand for private rented accommodation from students as the universities have been unable to provide sufficient campus based student accommodation. Many students cannot afford to rent their own home and shared housing in HMOs is often their only option. One consequence of this is that a concentration of HMOs housing students has developed in areas close to or easily accessible to the university campuses causing what has become known as studentification. This has manifested itself in the five Lewes Road 'corridor' wards, where Council records show there is a high concentration of HMOs compared with the rest of the city and the majority of these are smaller HMOs that fall outside mandatory licensing. In addition to meeting the needs of students, growth of the HMO sector is expected to continue as result of recent changes to housing benefit regulations and homelessness legislation which are likely to lead to an increase in the demand for small units of accommodation provided by the HMO sector.
- 9.4 The evidence presented in this report leads to the conclusion that problems with the management of HMOs in the five Lewes Road 'corridor' wards are not limited to a handful of individual properties. There is sufficient evidence to suggest that a significant proportion of smaller HMOs in the five wards are being managed ineffectively. Not

only is this giving rise to problems for those occupying smaller HMOs but also it is adversely affecting members of the local community.

- 9.5 The Council has carried out extensive consultation in two stages on the proposal to introduce additional licensing. Whilst the initial consultation carried out in early 2011 indicated a majority of respondents being opposed to additional licensing, the number of responses was low and did not provide a truly representative sample of all sectors of the community. However, the extended consultation undertaken between January and March 2012 not only involved the opportunity to complete an on-line questionnaire but also included a door-to-door sample survey of just over 1,000 residents and local businesses. This has enabled the achievement of a more representative sample of respondents and an overall total of 1,321 individual responses from which more reliable conclusions can be drawn.
- 9.6 Although the Council has committed significant staff and financial resources to address poor housing conditions in the private rented and HMO sectors and much has been achieved with the aid of willing landlords, the evidence suggests that if anything reported problems are on the increase. Financial assistance in the form of capital grants or loans is no longer an option due to public sector financial constraints. Whilst the Council's accreditation scheme has undoubtedly led to improved standards in the private rented sector, the substantial decline in numbers of accredited landlords over the past 5 years indicates that the scheme is of limited value in helping to deliver further improvements. All the indications are that the range of 'tools' in the toolkit available to the Council are insufficient on their own to tackle the problem of ineffective management of small HMOs in the five wards.
- 9.7 As part of its overall Housing Strategy the Council has developed with stakeholders a number of positive supporting policies and strategies. This includes an innovative Student Housing Strategy, as well as those designed to address homelessness, private sector housing renewal and empty homes. A key plank of the Student Housing Strategy is delivery of more purpose-built student housing in order to reduce or halt over-concentrations of HMOs in studentified neighbourhoods. The Strategy also recognises that the private rented sector will continue to have an important role in contributing to the supply of affordable, high quality student housing. It has adopted an area-based approach in order to ensure effective management and support for housing and populations with HMO dominated areas, including giving consideration to the possibility of additional licensing.
- 9.8 The Council is also considering the introduction of an Article 4 Direction, subject to consultation, as a means of regulating the number of HMOs in the five wards where there are over-concentrations. This will complement the other strategic approaches but the policy alone will not address the issues of existing unsatisfactory HMO management. The options appraisal carried out supports the conclusion that adopting Additional Licensing in the five Lewes Road 'corridor' wards will best meet the objective of securing the Council's vision for the private rented sector and the contribution that small HMOs can make towards this.

Conclusions

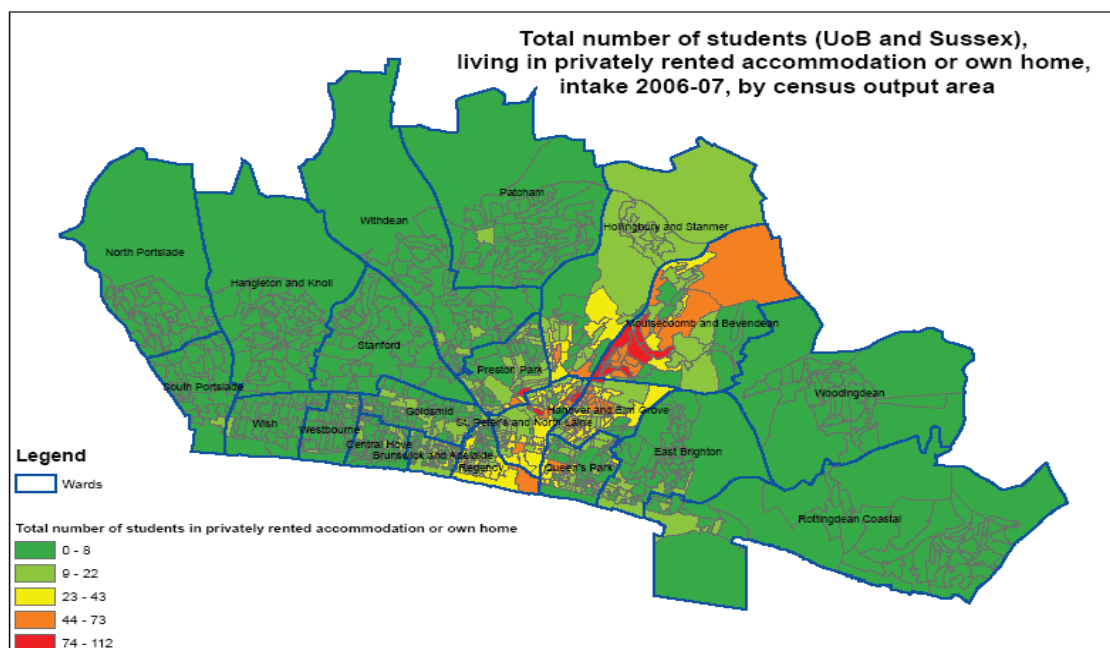
- 9.9 The council is keen to ensure that the Private Rented Sector meets the demands placed upon it by the housing needs of the wide range of tenants it services by providing well managed and quality accommodation
- 9.10 Resident & community feedback, consultation and the evidence all outlined in this report has led us to consider our response to issues arising in the five wards where we have very high concentrations of smaller HMOs that our current licensing scheme doesn't cover.
- 9.11 This report and the consultation undertaken has demonstrated that problems with the management of HMOs in the five Lewes Road 'corridor' wards are not limited to a handful of individual properties. The evidence suggests that the problems are more widespread and that a significant proportion of all HMOs in the five wards are being managed sufficiently ineffectively. This is giving rise to problems for those occupying HMOs and members of the local community. These problems cannot be addressed by mandatory licensing as the majority of HMOs in the five wards are small and fall outside the remit of the national scheme.
- 9.12 This report therefore supports the declaration of an Additional licensing Scheme for the designation of houses in multiple occupation within the wards of Hanover and Elm Grove, Moulsecoomb and Bevendean and St Peters and North Laine, Hollingdean & Stanmer and Queen's Park for a 5 year period that commences on 5th November 2012.

Appendices

Appendix i) – Extract from University of Brighton Research Project into relationship between supply and demand for student housing

a) Student Mapping - Summary of key findings

1. Significant and uneven increase in number of student residents since 2001/02
2. New student geographies since 2001/02
3. Changing Student Geographies on an annual basis
4. Expanding and concentrating pockets of private rented sector student residence
5. Distinct patterns of University of Brighton student residence
6. Distinct patterns of University of Sussex student residence
7. Distinct patterns of level 1 (first year) undergraduate private rented sector residence
8. Distinct patterns of level 2 & 3 undergraduate private rented sector residence



b) Focus groups with local residents and councillors – Headline messages

1. Studentification is perceived by local residents to be unfolding in Brighton and Hove
2. The impacts of studentification are not uniform according to residents
3. Positive and negative perceptions of studentification have been identified
4. Areas worst affected: Bevendean, Coombe Road area, the Triangle
5. More positive perception of students in Hanover

i) Bevendean & Coombe Road residents' perceptions

Positive and negative impacts identified:

+ve impacts

- Local transport
- Regeneration of local shops
- Interaction of students with local children

-ve impacts

- Noise disturbance and low-level ASB
 - House parties
 - Congregations on green late at night
- Parking
- Problems with refuse left out on wrong days, consequent littering of pavements and green area of The Avenue
- Unkempt gardens and hedges
- Threat to Bevendean Primary School (SAP's)
- Population profile imbalance (v. high proportion of students) - particularly in The Avenue, Lower/Upper Bevendean Avenue



ii) Triangle residents' perceptions

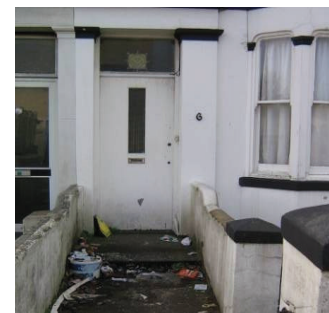
Positive and negative impacts identified:

+ve impacts

- Adds young, bohemian vibrancy to area

-ve impacts

- Physical dilapidation of properties
- Household rubbish/ litter dumped in gardens
- Transient noise disturbance
- Retail on Lewes Road skewed to cater for students
 - Late-night take-aways, off-licenses, video shops, discount furniture stores etc.
 - Late-night off-licenses acting as hubs for noise disturbance and ASB



iii) Hanover residents' perceptions

Positive and negative impacts identified:

+ve impacts

- Community appreciate and welcome youthful, bohemian vibrancy brought by students

- Local pubs and traders thrive on student market – these amenities also appeal to and service the local community due to it's unique nature



-ve impacts

- Transient noise disturbance
- Rubbish dumped on streets

c) Perceptions of local stakeholders involved in student housing

Lettings Agents

Hollingdean – student buy-to-let market growing in this area

- “This year there’s been a lot more happening in Hollingdean...because...Bevendean is kind of seen now by the students as being a bit Moulsecoomb...it’s not quite as... nice” (Student lettings agent)
- “Over in Hollingdean, it’s got parking on the roads, it’s a minutes walk down to Sainsburys and the BP garage, it’s quite quiet and the houses are still quite big and have gardens. So...it’s a good compromise.” (Student lettings agent)
- “It’s getting really really expensive to buy a house down there [Lewes Road area], Hanover’s even worse, so the next best place is Hollingdean, so that’s why – house prices are kind of dictating where students are going to live.” (Student lettings agent)”

Community Development Worker

Bevendean - properties not making it onto open market – reminiscent of processes of studentification in Headingley, Leeds

- “Somebody that we spoke to who was selling his house...it didn’t even go on the market. It went to the estate agent, the estate agent immediately phoned up a landlord, and the landlord bought it without seeing it. And now it’s being gutted, and changed...they were moving out because they didn’t want to be one of the last people in the Avenue.”

Local authority

Strategy is city-wide – no (current or potential) consideration of smaller geographies within city boundary

- “It [housing strategy] looks at the whole city, we haven’t progressed it to start looking at particular areas, and I don’t know if we will, but what has happened is the neighbourhood renewal service have developed neighbourhood action plans, and they’ve looked at particular areas within the city...they’ve focused on some of the most deprived wards.”

- “They’re [students] tending to occupy family houses, you know East Brighton’s one of the areas where families might consider moving to when they need more space...as a family gets bigger, so...it has a supply impact as well on family houses.”
- “It’s the private market, at the end of the day the private market dictates itself. If there’s money in students which there undoubtedly is, then private investors are going to keep buying property in areas for students, cram as many into the house as you can, make as much money as you can, no stake in the community, they’re only there for a short time, so that whole community spirit thing, the private investors don’t care about that.”

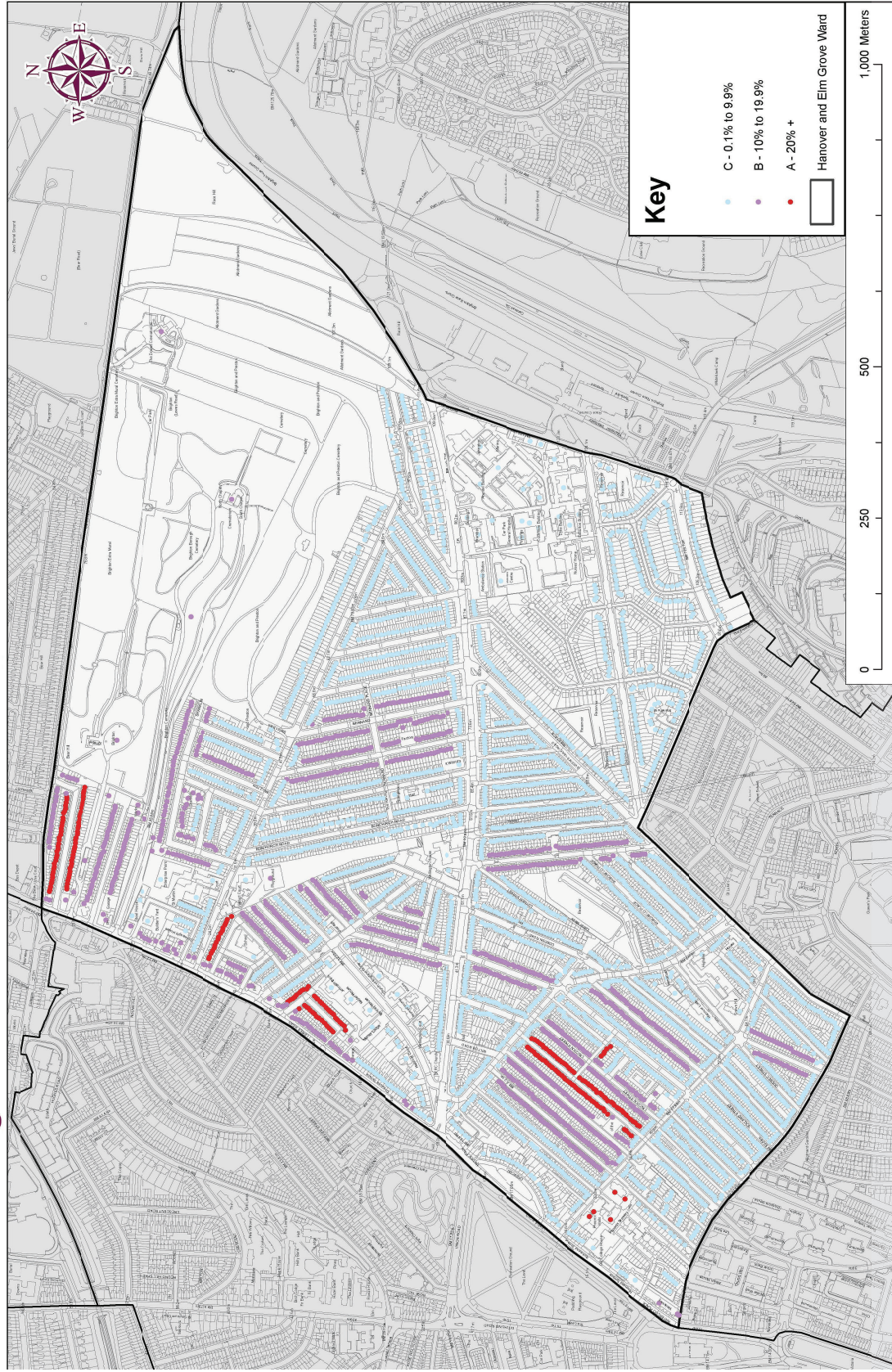
Appendix ii) – Concentration Mapping of HMOs and Student Housing in the Five Lewes Road ‘Corridor’ Wards

Maps showing Student Housing and HMO Concentration Assessment for the following wards:

- 1) Hanover & Elm Grove Ward***
- 2) Hollingdean & Stanmer Ward***
- 3) Moulsecoomb & Bevendean Ward***
- 4) Queens Park Ward***
- 5) St Peter’s & North Laine Ward***

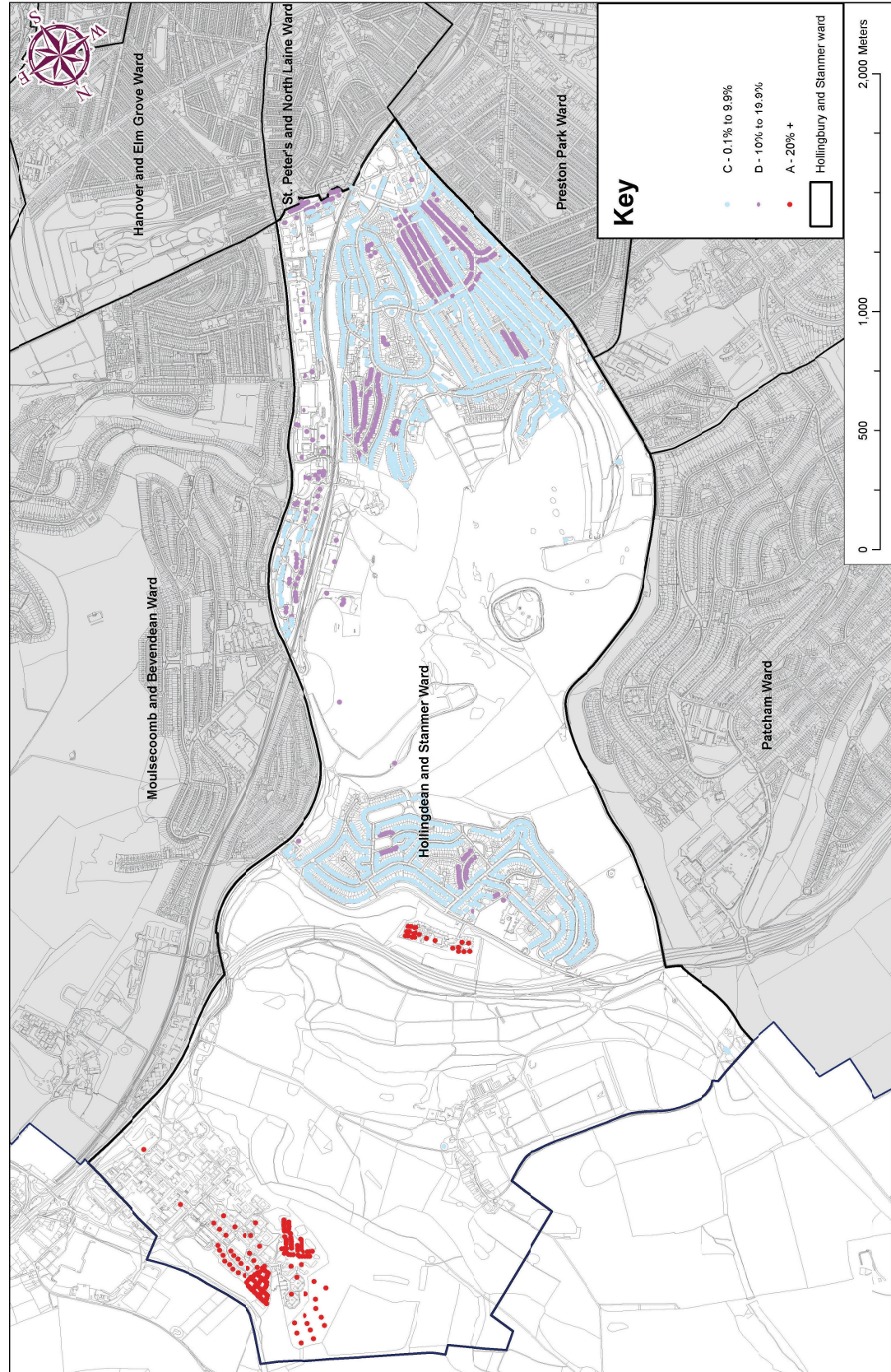
Source: B&HCC Planning

Student Housing and HMO Concentration Assessment: Hanover and Elm Grove Ward



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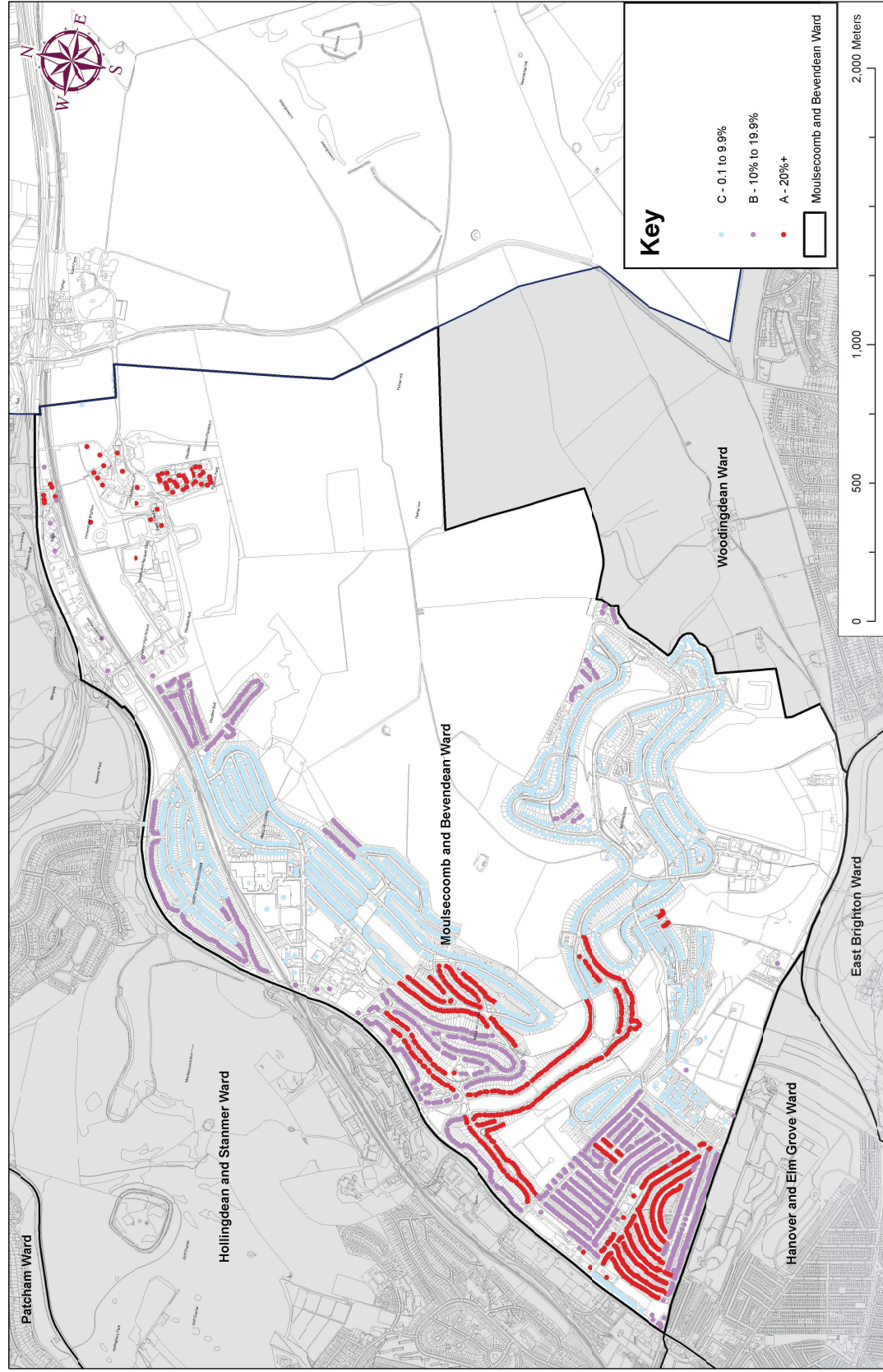
Student Housing and HMO Concentration Assessment: Hollingbury & Stanmer Ward



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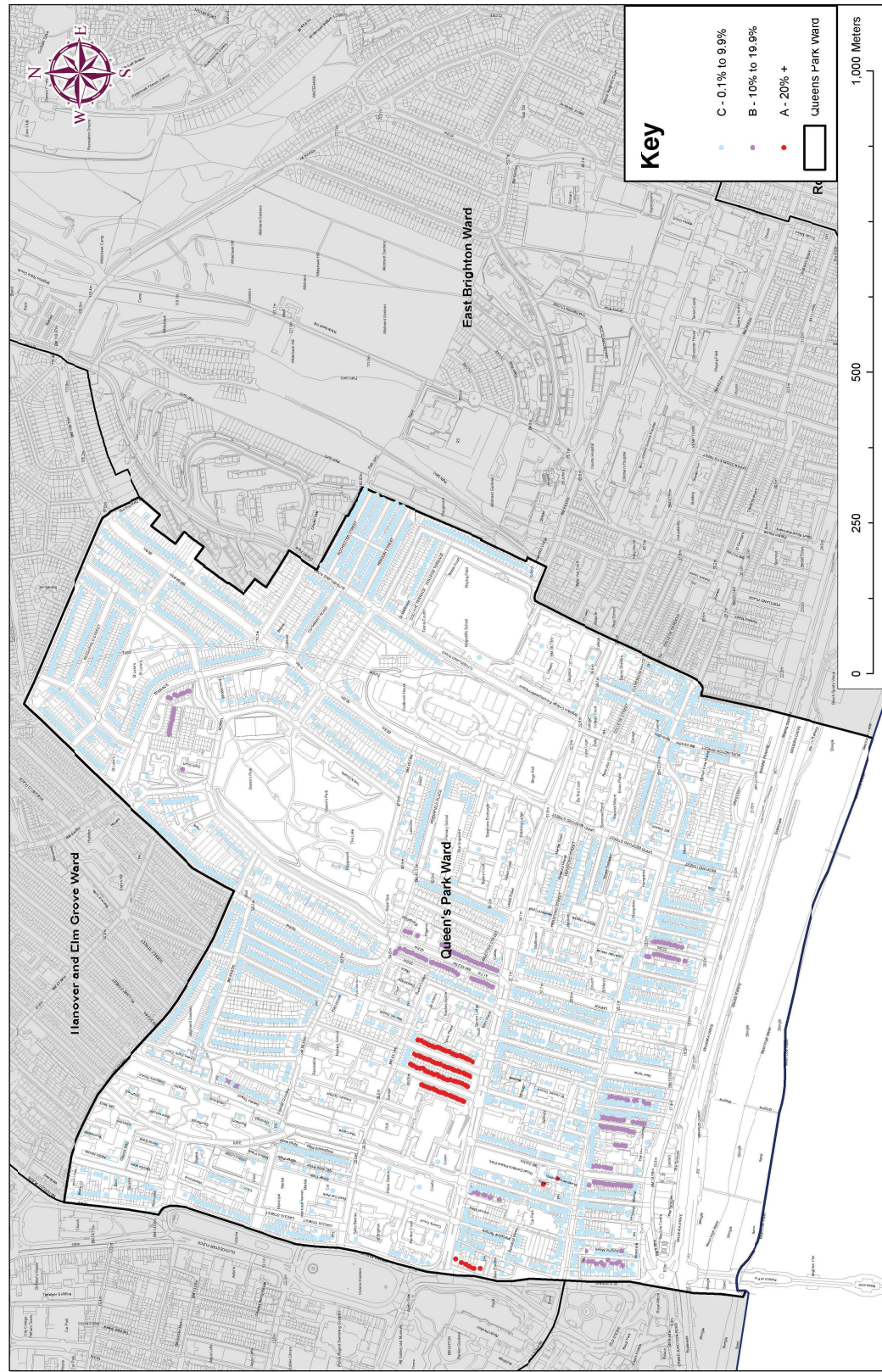
Scale: 1:14,000

Student Housing and HMO Concentration Assessment: Moulsecoomb and Bevendean Ward



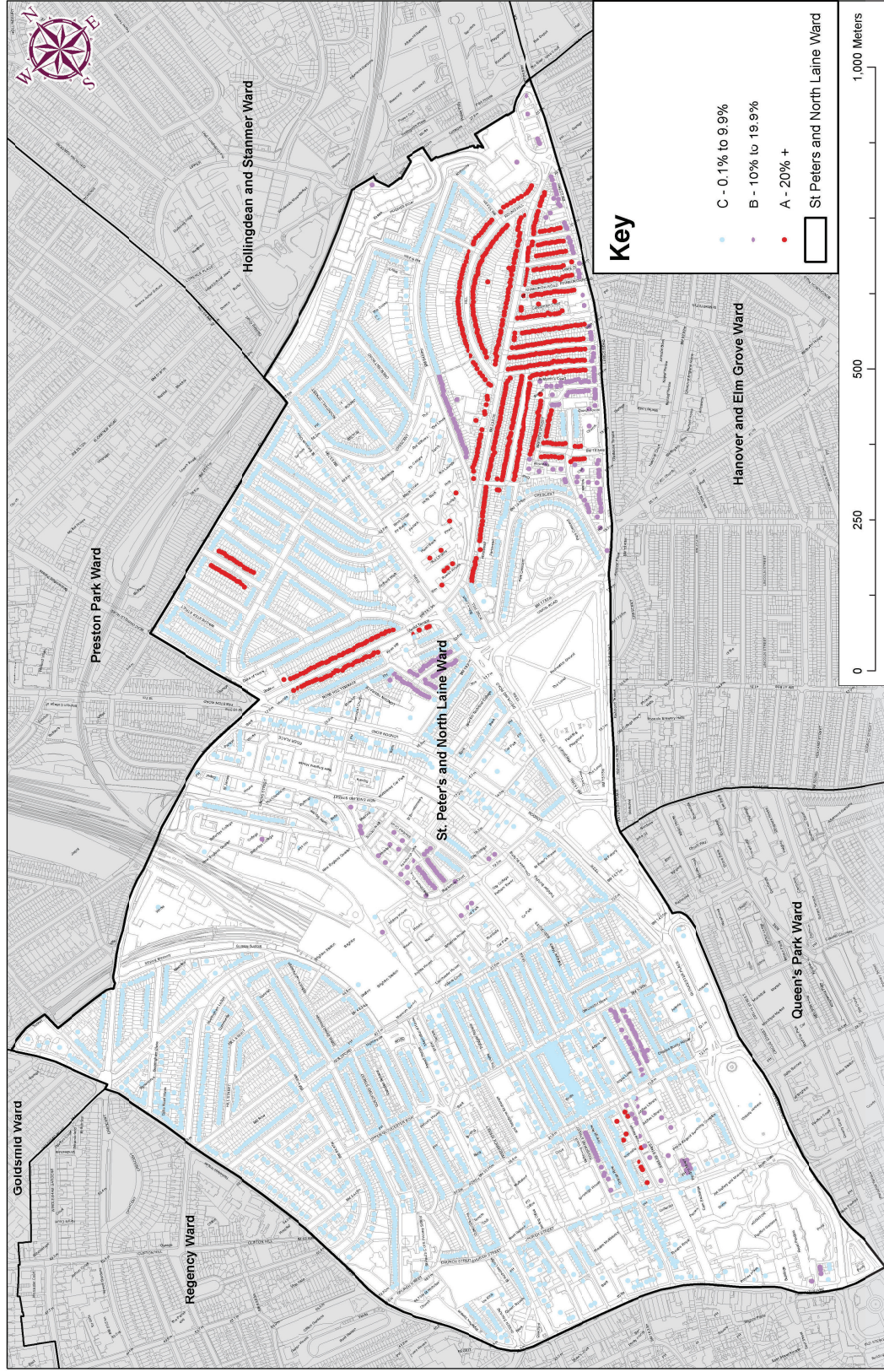
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Student Housing and HMO Concentration Assessment: Queen's Park Ward



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Student Housing and HMO Concentration Assessment: St. Peter's and North Laine Ward



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Scale: 1:5,500

Appendix iii) – Summary of Key Private Sector Housing Activity

This appendix provides information about key activity on enforcement and financial assistance undertaken by the Council's Private Sector Housing Team over the past six years. It provides data for the five Lewes Road 'corridor' wards: Hanover & Elm Grove; Hollingdean & Stanmer; Moulsecoomb & Bevendean; Queen's Park; and St Peter's & North Laine; and provides a comparison between the average figures for the five wards with the average for other wards in the City.

a) Enforcement Action – 2006-2011

Table 1: All Statutory Notices - 2006-2011

	2006	2007	2008	2009	2010	2011	All Years
Hanover & Elm Grove	31	25	34	36	39	26	191
Hollingdean & Stanmer	10	11	4	8	12	19	64
Moulsecoomb & Bevendean	13	18	25	11	16	26	109
Queen's Park	30	38	26	37	40	23	194
St Peter's & North Laine	28	52	42	47	50	47	266
5 Wards	112	144	131	139	157	141	824
Other Wards	330	262	303	289	274	264	1722
5 Wards Average	22	29	26	28	31	28	165
Other Wards Average	21	16	19	18	17	17	108

Source: B&HCC Private Sector Housing

Table 2: Housing Act 2004 s.11 & s.12 Improvement Notices

	2006	2007	2008	2009	2010	2011	All Years
Hanover & Elm Grove	2	2	2	6	5	2	19
Hollingdean & Stanmer	2	1		1	2	1	7
Moulsecoomb & Bevendean		4	2	1	1	3	11
Queen's Park	3	3	5	3	5	2	21
St Peter's & North Laine	1	4	2	7	9	5	28
5 Wards	8	14	11	18	22	13	86
Others	15	22	47	39	37	31	191
5 Wards Average	2	3	2	4	4	3	17
Other Wards Average	1	1	3	2	2	2	12

Source: B&HCC Private Sector Housing

Table 3: Environmental Protection Act 1990 Section 80 - Nuisance

	2006	2007	2008	2009	2010	2011	All Years
Hanover & Elm Grove	2		2	1	2		7
Hollingdean & Stanmer				1	1		2
Moulsecoomb & Bevendean			2				2
Queen's Park	1					1	2
St Peter's & North Laine		1		1		2	4
5 Wards	3	1	4	3	3	3	17
Other Wards	12	9	11	11	5	3	51
5 Wards Average	1	0	1	1	1	1	3
Other Wards Average	1	1	1	1	0	0	3

Source: B&HCC Private Sector Housing

Table 4: Prevention of Damage by Pest Act 1949 Section 4 - Rodents

	2006	2007	2008	2009	2010	2011	All Years
Hanover & Elm Grove					1		1
Hollingdean & Stanmer				1			1
Moulsecoomb & Bevendean		1	1		1	4	7
Queen's Park							0
St Peter's & North Laine							0
5 Wards	0	1	1	1	2	4	9
Other Wards	3	2	2	4	1	2	14
5 Wards Average	0	0	0	0	0	1	2
Other Wards Average	0	0	0	0	0	0	1

Source: B&HCC Private Sector Housing

Table 5: Local Government Misc Provisions Act 1976 s.16 - Requisition for Information

	2006	2007	2008	2009	2010	2011	All Years
Hanover & Elm Grove	20	19	23	24	21	18	125
Hollingdean & Stanmer	5	8	1	3	7	10	34
Moulsecoomb & Bevendean	9	10	12	8	10	16	65
Queen's Park	17	21	15	27	28	15	123
St Peter's & North Laine	15	38	32	34	31	29	179
5 Wards	66	96	83	96	97	88	526
Other Wards	178	170	158	162	165	154	987
5 Wards Average	13	19	17	19	19	18	105
Other Wards Average	11	11	10	10	10	10	62

Source: B&HCC Private Sector Housing

Table 6: All Private Sector Housing Requests for Assistance - 2006-2011

	2006	2007	2008	2009	2010	2011	All Years
Hanover & Elm Grove	57	48	69	73	72	75	394
Hollingdean & Stanmer	40	26	28	31	33	38	196
Moulsecoomb & Bevendean	51	52	42	44	63	83	335
Queen's Park	77	68	64	74	82	68	433
St Peter's & North Laine	92	113	97	108	121	125	656
5 Wards	317	307	300	330	371	389	2014
Other Wards	543	475	540	511	602	554	3225
5 Wards Average	63	61	60	66	74	78	403
Other Wards Average	34	30	34	32	38	35	202

Source: B&HCC Private Sector Housing

(b) – Financial Assistance 2006-2011

Table 7: Major Grants 2006-2011 (No. of Grants)							
Grant Type	Hanover & Elm Grove	Hollingdean & Stanmer	Moulsecoomb & Bevendean	Queen's Park	St Peter's & North Laine	5 Wards	Others
Common Parts Assistance	1	4		17	7	29	55
Common Parts Grant	9		1	29	39	78	199
Common Parts Loan				1	1	2	5
Decent Homes Assistance	66	34	41	43	34	218	448
Decent Homes Loan	2	6	1	1	3	13	40
Empty Properties Assistance	10	3	10	14	21	58	103
HMO Grant					1	1	1
Landlords' HMO Licensing Grant	131	38	39	54	161	423	104
Landlords' Major Work Assistance	1				1	2	3
Landlords' Minor Heating Grant	6	2	8	6	23	45	109
Totals	226	87	100	165	291	869	1067

Source: B&HCC Private Sector Housing

Table 8: Major Grants 2006-2011 (Value of Grants - £s)							
Grant Type	Hanover & Elm Grove	Hollingdean & Stanmer	Moulsecoomb & Bevendean	Queen's Park	St Peter's & North Laine	5 Wards	Others
Common Parts Assistance		10,136		41,245	5,927	57,308	35,700
Common Parts Grant	11,762		2,228	95,482	86,501	195,973	630,254
Common Parts Loan					0	0	0
Decent Homes Assistance	159,901	41,318	95,907	186,038	80,309	563,473	857,498
Decent Homes Loan	0	0		0	0	0	0
Empty Properties Assistance	193,195	166,530	160,038	148,751	341,042	1,009,556	1,693,119
HMO Grant							5,003
Landlords' HMO Licensing Grant	187,906	50,129	52,811	78,601	208,554	578,000	107,655
Landlords' Major Work Assistance							48,375
Landlords' Minor Heating Grant	18,708	7,455	25,870	21,169	65,859	139,061	338,727
Totals	571,472	275,568	336,854	571,286	788,192	2,543,372	3,716,332
<i>Source: B&HCC Private Sector Housing</i>							

Appendix iv) – Council Survey of Small HMOs in Five Lewes Road Wards – Detailed Findings

How many of you live in the house?

Ward	two	three	four	five	Six	seven	eight
Hanover & Elm Grove		20	89	33	3	1	
Hollingdean & Stanmer	1	7	22	25	8	1	1
Moulscroomb and Bevendean	2	8	42	30	8	1	2
Queens Park	4	4	13	7	2		
St Peter's and North Laine		34	90	15	6	1	
Grand Total	7	73	256	110	27	4	3
							480

Shared Rented Houses Totals

Ward	
Hanover & Elm Grove	146
Hollingdean & Stanmer	62
Moulscroomb and Bevendean	87
Queens Park	28
St Peter's and North Laine	151
Grand Total	474

1c is the front garden/pavement clean and tidy?

Ward	No	Yes
Hanover & Elm Grove	74	68
Hollingdean & Stanmer	8	58
Moulscroomb and Bevendean	20	56
Queens Park	1	27
St Peter's and North Laine	35	111
Grand Total	138	320
	30%	70%

q3 Do you have a communal area for eating

Ward	No	Yes
Hanover & Elm Grove	0	145
Hollingdean & Stanmer	8	57
Moulscroomb and Bevendean	4	84
Queens Park	1	27

St Peter's and North Laine	7	140	
Grand Total	20	453	473
	4%	96%	

4a have You seen a copy of the gas safety certificate issued in the last 12 months?				
Ward	Don't know	No	Yes	Not applicable
Hanover & Elm Grove	21	24	99	
Hollingdean & Stanmer	14	9	41	
Moulscroomb and Bevendean	13	12	63	2
Queens Park		9	17	2
St Peter's and North Laine	29	33	90	
Grand Total	77	87	310	4
	16%	18%	65%	1%

Q4b Have You seen a certificate showing that the electrical wiring was safe issued in the last 12 months?

4b	don't know	no	yes
Hanover & Elm Grove	31	48	67
Hollingdean & Stanmer	23	19	23
Moulscroomb and Bevendean	25	21	45
Queens Park		17	11
St Peter's and North Laine	41	43	68
Grand Total	120	148	214
	25%	31%	44%

4c Is there any type of fire detection, e.g. a smoke detector in Your home?

Ward	don't know	no	yes
Hanover & Elm Grove		46	99
Hollingdean & Stanmer		5	58
Moulscroomb and Bevendean		17	70
Queens Park		3	25
St Peter's and North Laine	7	31	113
Grand Total	7	102	365
	1%	22%	77%

4d If you have smoke detectors are they operated from mains electricity? (Not just a battery).?

Ward	don't know	no	yes
Hanover & Elm Grove	4	79	61
Hollingdean & Stanmer	9	19	36
Moulscroomb and Bevendean	13	40	32
Queens Park		10	16
St Peter's and North Laine	20	77	50
Grand Total	46	225	195
	10%	48%	42%

4e Are there any disrepair problems or dampness?

Ward	don't know	no	yes
Hanover & Elm Grove		101	45
Hollingdean & Stanmer		46	19
Moulscroomb and Bevendean	1	68	19
Queens Park		17	11
St Peter's and North Laine	3	95	52
Grand Total	4	327	146
	1%	69%	31%

4f If You have a disrepair problem, does Your landlord/managing agent deal with it within a reasonable time?

Ward	don't know	no	yes	not applicable
Hanover & Elm Grove	1	25	114	
Hollingdean & Stanmer	6	12	40	2
Moulscroomb and Bevendean	1	16	58	
Queens Park		5	18	
St Peter's and North Laine	6	31	113	
Grand Total	14	89	343	2
				448

4g If 'No' do You know the name of Your landlord/managing agent and how to contact them?

Ward	don't know	no	yes
Hanover & Elm Grove		4	36
Hollingdean & Stanmer	1		31
Moulscroomb and Bevendean			19
Queens Park			10
St Peter's and North Laine	4	1	34
Grand Total	5	5	130
	4%	4%	93%
			140

4h Does Your landlord/managing agent regularly visit to see where repairs or maintenance is needed?

Ward	don't know	no	yes
Hanover & Elm Grove		72	73
Hollingdean & Stanmer		26	38
Moulscroomb and Bevendean	1	29	60
Queens Park		10	18
St Peter's and North Laine	11	68	70
Grand Total	12 3%	205 43%	259 54%

4i Thinking of Your safety and the maintenance of Your home (i) Do You have adequate heating?

Ward	don't know	no	yes
Hanover & Elm Grove		3	143
Hollingdean & Stanmer		1	64
Moulscroomb and Bevendean		5	86
Queens Park		2	26
St Peter's and North Laine	2	5	145
Grand Total	2 0%	16 3%	464 96%

4j Is the loft insulated?

Ward	don't know	no	yes	not applicable
Hanover & Elm Grove	105	9	28	2
Hollingdean & Stanmer	53	4	6	1
Moulscroomb and Bevendean	72	4	8	
Queens Park	19	6	2	1
St Peter's and North Laine	106	14	30	1
Grand Total	355 75%	37 8%	74 16%	5 1%

Source: B&HCC Private Sector Housing

Summary

Column1	Is the front garden/parliament clean and tidy?	Is there a communal area for eating?	Have you seen a gas cert?	Have you seen electrical cert?	Are there smoke detectors?	If there are smoke detectors are they mains powered?	Are there disrepair problems or dampness?	Does your landlord/m managing agent deal with disrepair within a reasonable time?	Do you know the name of Your landlord/m managing agent and how to contact them?	Does the landlord/m managing agent regularly visit to see where repairs or maintenance is needed?	Do You have adequate heating?	Is the loft insulated?
yes	320	453	310	214	365	195	146	343	130	259	464	74
no	138	20	87	148	102	225	327	89	5	205	16	37
don't know	0	0	77	120	7	46	4	14	5	12	2	355
n/a	0	0	4	0	0	0	0	2	0	0	0	5

Source: B&HCC Private Sector Housing

Appendix v) - Options Appraisal Methodology

Brighton & Hove City Council – Action on Small Houses In Multiple Occupation (HMOs)

OPTIONS APPRAISAL

1. Introduction

Conditions Applying to Additional HMO Licensing:

The 2004 Housing Act (Section 56(2)) requires that before making an additional HMO licensing designation for a particular type of HMO, or for a particular area, a local authority must 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.

This options appraisal therefore seeks to examine a range of alternative options including licensing.

There are two parts to the appraisal process. The first is option development, which identifies the available options for tackling substandard and 'problem' HMOs in the City and examines the strengths and weaknesses of each. The second part is the option appraisal itself. It measures the effectiveness of each of the identified options by giving them individually a series of scores against the agreed objectives. The options, and the objectives against which they are scored, need to derive from the Council's vision for the future role of the HMO sector.

A multi-disciplinary panel of Council officers undertook the options appraisal, with representatives from the following services:

Private Sector Housing
Housing Strategy & Development
Housing Options
Economic Development
Planning
Marketing & Communications

2. Our Vision

The agreed vision for the private rented sector and the future role HMOs can play in it is:

Safe, well-managed private rented accommodation for all our residents.

3. Option Development

3.1 Options

Eight possible options for tackling substandard and 'problem' smaller HMOs in the City were identified and are set out below:

1. Do nothing. This option would involve the Council doing nothing to intervene in the small HMO sector, leaving the housing market as the driver for landlords carrying out improvements to their properties.

2. Do the minimum. This option envisages Council intervention in the small HMO sector being limited to a basic 'complaint response' service with action by other departments and agencies on a largely ad hoc basis. The option is predominantly reactive in character. It looks to the operation of the housing market as a driver for landlord-initiated housing improvement across the board. It would include departments continuing to use powers available to them such as:

- Anti-Social Behaviour Orders (ASBOs) under the Crime and Disorder Act 1998;
- Injunctions whether under section 153A et seq of the Housing Act 1996 or section 222 of the Local Government Act 1972;
- Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
- Little abatement notices under section 92 of the Environmental Protection Act 1990;
- Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
- The power to require rubbish to be removed from land under section 2 -4 of the Prevention of Damage by Pests Act 1949.

3. Informal area action. A non-statutory Action Area, taking in part of the City where substandard HMOs are concentrated, would be declared. The impetus for housing improvement would come from a combination of the Council's activity in the area (a mixture of advisory surveys, Council-landlord dialogue and, where necessary, the threat of follow-up enforcement action), landlord peer pressure, and the prospect of an enhanced and thus more credible HMO sector.

4. Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs). There are other tools available under the Housing Act 2004 such as Interim and Final Management Orders for non-licensable HMOs or Special Interim Management Orders with regard to anti-social behaviour if problems are associated with a small number of properties.

This option would involve making Interim and, if necessary, Final Management Orders in selected HMOs whose condition justified it. Estimated at between 1 – 5 properties per year. Once made, the IMO/FMO would be implemented in a determined fashion until the property was fit either to be handed back to the landlord or sold-on to a Registered Social Landlord, as appropriate. The action would be well-publicised to send a message to other landlords.

5. Article 4 Direction only. This option would involve the Council adopting and implementing an Article 4 Direction to require a planning application for any change of use from single dwelling house (C3) to a small HMO (C4) in the five wards with the highest

concentrations of HMOs. This would not be retrospective and would only affect changes of use to HMOs proposed once the Article 4 Direction had come into force. The Council would need to demonstrate the harmful impacts arising in areas of high concentrations of HMOs and consequently that the exercise of permitted development rights would undermine local objectives to create or maintain mixed communities.

6. Area-based voluntary accreditation. Accreditation schemes are a set of standards (or code) relating to the management or physical condition of privately rented accommodation, that recognise and reward landlords who manage their properties to a good standard. Cross-City private rented sector Accreditation, with landlord participation in the steering group, has been employed with notable success in Brighton & Hove. This option would involve a localised Accreditation scheme, tailored to suit the characteristics of the HMOs and the problems associated with them. It would run alongside the established scheme.

7. City Wide Additional Licensing Scheme. Licensing introduced for all smaller HMOs (two or more storeys with three or more households) across the whole city, i.e. all 21 wards.

8. Area-based Additional Licensing scheme. Licensing introduced for smaller HMOs (two or more storeys with three or more households) in the City's five wards with the highest concentration of HMOs – Hanover & Elm Grove, Hollingdean & Stanmer, Moulsecoomb & Bevendean, St Peter's & North Laine, and Queens Park.

3.2 Strengths and Weaknesses

The strengths and weaknesses of each option are now examined.

Option 1 – Do nothing		
Option Description	For	Against
No Council involvement in the small HMO sector Housing market is the driver for improvements to the small HMO sector	No additional resource costs Housing market determines the quality of accommodation Meets landlord aspirations for self-regulation	Would not meet statutory obligations Community concerns not addressed Concerns of people renting not addressed

Option 2 – Do the minimum		
Option Description	For	Against
▪ Council intervention limited to: • Complaint response; • Action on Planning Use contraventions, HMOs where external appearance detrimental to amenity; • Building Control action on non-compliant works. ▪ Wider HMO issues left to the normal operation of the market	▪ Responds to tenants' expressed concerns ▪ Ensures Council meets basic statutory responsibilities towards standards in rented housing ▪ If pursued rigorously sends a strong signal to the erring landlord, may lead to subsequent voluntary improvement ▪ Should produce worthwhile improvements in neighbourhood environment, external appearance, structural integrity, fire safety in cases where these tackled.	▪ Reliance on the market unlikely to yield widespread housing improvement in the current climate; ▪ Reactive intervention not strategic: • No impact beyond the subject property; • Not need- or risk-based; • Wider issues in rented stock not addressed; • Little scope for project planning against defined objectives. ▪ Little scope for synergy with other Council initiatives; ▪ Lack of scope for coordination across agencies and staffing imbalances between them would seriously undermine the initiative. ▪ Most Planning, Building Regs enforcement powers would not reach longer-established HMO stock- where need is greatest; ▪ Key HMO issues- amenities, space, health and safety would be overlooked; ▪ Acting only on complaint can lead to retaliatory eviction; ▪ No. of complaints fluctuates, staffing stays the same so quality of response varies; ▪ Labour-intensive, so costly; ▪ Falls short of meeting goals of Housing Strategy

Option 3 - Informal Area action		
Option Description	For	Against
Would involve: ▪ Informal 'Action Area' declaration, taking in an area where HMO issues are concentrated; ▪ Setting of aims and objectives linked to identified HMO issues; ▪ Heavy publicising of initiative followed by seeking landlord community positive participation; ▪ Programmed surveys to identify 'condition' and 'management' issues ▪ Tailored enforcement where individual landlords uncooperative.	▪ Targeted Action • Choice of area can be need- and risk-based • Tailored solutions to area's housing and other problems possible • Initiative can be project-planned • Should lead to comprehensive area improvement • Concentration of resources can lead to economies of scale; ▪ Message that Council active in area gets around, this facilitates resident co-operation, promotes voluntary landlord action	▪ Informality of approach can result in extended timescales; ▪ Traditional, resource-intensive enforcement the only available response to non – co-operation; ▪ Additional funding or resources needed to implement; ▪ Pulls resources away from other areas ▪ Doesn't deal with other HMOs needing intervention outside of action area

Option 4 - Targeted use of Interim Management Orders and Final Management Orders		
Option Description	For	Against
Council uses Housing Act 2004 Part 4 powers to take over the very worst HMOs, manage and improve them, eventually hand them back to landlord	▪ An effective response to the most serious HMO problems; ▪ Local Authority (LA) taking control means work done to proper standard, management issues resolved optimally; ▪ Action sends a strong message that poor standards will not be acceptable	▪ Powerful enforcement action, not designed to secure overall stock improvement; ▪ Strict statutory criteria for use of the power; these will apply to a small proportion of the overall substandard HMO stock; ▪ Highly resource-intensive for LA and lengthy legal processes leads to delay ▪ Minimal impact on the overall level of poor-quality rented housing; ▪ Not a proportionate response to HMO problems; ▪ Cost implications for the LA;

Option 5 – Article 4 Direction		
Option Description	For	Against
Council just adopts Article 4 Direction to deal with change of use from single family house to a small HMO in the five wards with the highest concentrations of HMOs.	▪ Controls location of new HMOs ▪ Addresses proliferation of HMOs ▪ Addresses some community concerns ▪ No impact on current renting	▪ In isolation it cannot control current HMOs ▪ No impact on management or health & safety of buildings ▪ Requires resourcing ▪ Could lead to short term rush to change to HMO use before Article 4 Direction takes effect ▪ Rents could increase due to longer term impact on supply ▪ Will not deal with all the community concerns, e.g. relating to existing HMOs

Option 6 - Area-Based Voluntary Accreditation		
Option Description	For	Against
Accreditation model: Landlord/property accreditation as a result of meeting laid-down property and letting standards.	▪ Accreditation's proven track record; ▪ Easy set-up through access to existing local and national Accreditation models; ▪ Infrastructure for further Accreditation exists through the current scheme; ▪ Rewards responsible landlords for their efforts; ▪ Prospective tenants signposted to quality accommodation run by responsible landlords.	▪ Risk of confusion between simultaneous City-wide and Area-based Accreditation schemes. Also, Area-based scheme likely to struggle to gain acceptance and credibility because of prior existence of City-wide scheme; ▪ Accreditation would tend to attract the responsible landlord, be ignored by the irresponsible; no particularly strong incentive on the latter to join in. ▪ Brighton and Hove is a high demand area – impact of area based accreditation may be minimal

Option 7 – City Wide Additional Licensing		
Option Description	For	Against
Licensing introduced for all smaller HMOs across the city's 21 wards.	▪ Seen as fairer for all landlords as not focused on specific part of the City ▪ More strategic as would tackle problems in all smaller HMOs ▪ Avoids risk of displacing HMO problems from one area to another	▪ Not targeted ▪ Disproportionate – if evidence suggests concentration of problems in certain areas ▪ Significant resources (staff) required to license all HMOs within 5 years ▪ Phased approach would be required to deal with the large number of HMOs and is not appropriate ▪ Would take resources away from doing other priority housing renewal activity

Option 8 - Area-based Additional Licensing scheme		
Option Description	For	Against
Additional Licensing scheme in selected Wards where there is a concentration of smaller HMOs and there are community concerns with unsatisfactory management	▪ Strategic: •Area(s) selected by need, risk, priority •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 landlords are required to participate; ▪ Scheme would be self funding ▪ Big impact on achieving health & safety standards ▪ Credibility, standing of rented sector enhanced as 'approved' rental housing pool enlarges. ▪ Strong sanctions for non-compliance ▪ Likely to be popular with communities	▪ Risk of 'displacement': new HMOs established outside designated areas to avoid controls. ▪ Scheme would need appropriate staff resourcing to succeed. ▪ Could be unpopular with some landlords who comply with current HMO standards and manage properties effectively ▪ Scheme on it's own won't deal with anti-social behaviour of tenants ▪ Some landlords may sell up due to cost of meeting the required housing standards

4. Option Appraisal

4.1 Introduction

The panel identified seven objectives for the small HMO sector and these are listed in the table below. Each of the options identified were evaluated and scored against the agreed objectives.

4.2 Objectives

No.	Objective
1.	To keep occupants safe by securing effective management of smaller HMOs.
2.	To improve the living conditions for tenants through ensuring an appropriate level of facilities is provided.
3.	To improve housing standards and maintenance within HMOs, with particular emphasis on security, fire safety and thermal comfort.
4.	Landlords to exercise appropriate management and supervision of the buildings to help reduce any adverse impact of HMOs on the neighbourhood
5.	To build on and expand existing partnerships with landlords, agents, tenants, colleges and the Universities, community forums and partner agencies/services, maintaining effective two-way communication, promoting joint working and best practice and through these, facilitating improvements to the HMO sector.
6.	To encourage and support owners and managing agents of HMOs to work proactively with the Council in achieving clearly defined standards and management of HMOs. .
7.	To facilitate stable and integrated communities through policy and proactive targeting of intervention.

4.3 Appraisal of options against objectives

Each panel member evaluated and scored the eight options against the agreed objectives using the scoring criteria set out below. Scores were averaged for each option/objective and a total score arrived at for each option.

4.3 Appraisal of options (continued)

Scoring Criteria
Over 1- 5 years on a significant number of properties.
Scoring
0 = will not impact
1 = very little impact
2 = reasonable impact
3 = significant impact
4 = very significant impact

Objective	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8
	Do nothing	Do the minimum	Informal area action	HMOs and FMOs	Article 4 Direction	Accreditation	City wide licensing	Area based Licensing
1. To keep occupants safe by securing effective management of smaller HMOs.	0	0.7	1.6	1.3	0.9	1.4	2.7	3.4
2. To improve the living conditions for tenants through ensuring an appropriate level of facilities is provided.	0	0.9	1.4	1.4	0.6	1.6	2.7	3.1
3.To improve housing standards and maintenance within HMOs, with particular emphasis on security, fire safety and thermal comfort.	0	0.9	1.7	1.9	0.9	1.6	2.9	3.3
4. Landlords to exercise appropriate management and supervision of the buildings to help reduce any adverse impact of HMOs on the neighbourhood	0.3	1.1	1.7	1.4	1.3	1.9	2.1	2.9

Objective	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8
	Do nothing	Do the minimum	Informal area action	IMOs and FMOs	Article 4 Direction	Accreditation	City wide licensing	Area based Licensing
5. To build on and expand existing partnerships with landlords, agents, tenants, colleges and the Universities, community forums and partner agencies/services, maintaining effective two-way communication, promoting joint working and best practice and through these, facilitating improvements to the HMO sector.	0.9	0.9	1.7	0.7	1.0	2.3	2.0	2.4
6. To encourage and support owners and managing agents of HMOs to work proactively with the Council in achieving clearly defined standards and management of HMOs.	0.1	0.9	1.7	1.0	1.0	2.0	2.0	2.6
7. To facilitate stable and integrated communities through policy and proactive targeting of intervention	0	0.4	1.4	0.9	2.1	1.3	1.3	2.9
Total Score	1.3	5.8	11.2	8.6	7.8	12.1	15.7	20.6
	2%	7%	14%	10%	9%	14%	19%	25%

5. Option Appraisal - Outcome

A summary of the Panel's total scores from the appraisal exercise is set out below for each option and ranked according to their total score.

The outcome of the option appraisal process is that an area-based licensing scheme for HMOs best meets the objectives for securing the vision for small HMOs into the future.

Options	Total Score	Rank
1. Do nothing	1.3	8
2. Do the minimum	5.8	7
3. Informal area action	11.2	4
4. Targeted use of Management Orders	8.6	5
5. Article 4 Direction	7.8	6
6. Area-based voluntary accreditation.	12.1	3
7. City wide Additional Licensing scheme	15.7	2
8. Area-based Additional Licensing scheme	20.6	1

Appendix vi) – Consultation Results

a) Examples of consultation publicity, leaflets and questionnaire

1. Postcard used to promote consultation throughout the area

Improving how shared homes are managed - tell us your views

Safe, well-managed private rented accommodation for all residents

The council wants to hear from residents and local businesses over a 10 week consultation period on proposals to extend licensing of Houses in Multiple Occupation (HMOs) with the aim to improve management and standards of multi-occupied homes in your area of the city.

What would the proposed scheme cover?

The scheme would cover smaller HMOs of two or more storeys and three or more occupiers in the wards of Hanover & Elm Grove, Moulsecoomb & Bevendean, St Peters & North Laine, Hollingdean & Stanmer and Queen's Park. These are the wards with some of the highest concentrations of multi-occupied homes in the city.

Go to www.brighton-hove.gov.uk/hmo-survey to find out more and send us your views. You can also email psh@brighton-hove.gov.uk or telephone (01273) 293164.



2. Example Press Release

From: Simon Ellery
Sent: 19 January 2012 17:10
To: Simon Ellery
Subject: Brighton & Hove plans to extend licensing of HMOs to improve neighbourhoods

Press release
For immediate release

Brighton & Hove plans to extend licensing of HMOs to improve neighbourhoods

New plans have been unveiled to licence Houses in Multiple Occupation (HMOs) in targeted areas, including properties housing multiple students, to improve both the accommodation and neighbourhood relations.

The move underpins the council's student housing strategy to cater for neighbourhoods with high numbers of homes with multiple tenants to curb problems such as noise nuisance and litter. This strategy was devised in close talks with key partners including the universities, landlords and estate agents.

The council wants to hear from residents, students and others over a 10-week consultation on additional HMO licensing of HMOs of two or more storeys and three or more occupiers in the wards of Hanover and Elm Grove, Moulsecoomb and Bevendean and St Peters and North Laine, Hollingdean & Stanmer and Queen's Park. These are the wards with the highest concentrations of smaller HMOs, including student HMOs.

HMO licensing was brought in under the Housing Act 2004 to improve conditions for tenants. This legislation also provided provisions for additional licensing areas where a need was identified, such as those included in the current proposals.

Councillor Liz Wakefield, Cabinet Member for Housing, said:

"Students bring many benefits to the city and there are many excellent landlords in the city. But in areas of high concentrations of HMOs, especially where many students live together, there is a minority of landlords whose management is less than effective and encourages noise and litter nuisance. This additional licensing aims to address these problems while improving tenants' housing conditions."

The council currently licences more 800 HMOs of three or more storeys, which have five or more tenants across the City.

ends

For more info contact the Brighton & Hove City Council press office on 01273 291 555

3. Example of the email Communication Used to inform a Range of Groups about the consultation, including Landlords

Dear Colleague

Safe, well managed private rented accommodation

The Council (BHCC) would like to hear from residents, local businesses and others over a 10-week consultation period on proposals to extend licensing of Houses in Multiple Occupation (HMOs) with an aim to improve management and standards of multi-occupied homes and neighbourhood relations in areas of the City outlined below.

The proposed scheme would cover smaller HMOs of two or more storeys and three or more occupiers in the wards of Hanover & Elm Grove, Moulsecoomb & Bevendean, St Peters & North Laine, Hollingdean & Stanmer and Queen's Park. These are the wards with some of the highest concentrations of multi-occupied homes in the City.

I would welcome the chance to meet with you or groups you may represent to discuss these proposals.

Please let me know your availability and I would be happy to arrange a meeting with you.

For more information please go to www.brighton-hove.uk/hmo-survey to find out more and send us your views. Or email psh@brighton-hove.gov.uk or call (01273) 293164.

Regards

4. Questionnaire Used on the Council's Consultation Portal and for the Door to Door Survey

Proposed Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) – Extended Consultation

Safe, well managed private rented accommodation for our residents

Introduction

The Council is carrying out further consultation to seek views on the proposal to implement an Additional Licensing Scheme for houses in multiple occupation (HMOs) in the five wards below. A property is an HMO if it is let as a main or only home to at least three tenants, who form more than one household and who share a kitchen, bathroom or toilet. In order to ensure we obtain feedback from all groups, including residents & local businesses we are extending the consultation for 10 weeks. We will also be carrying out door to door surveys during this time and consulting with partners and stakeholders, neighbourhood groups, student unions, landlords and lettings agent forums and business forums.

Final collation and analysis of all consultation responses and evidence collated, including those from the initial consultation, will be reviewed against the stated aims of additional licensing proposals and an outcome report will be considered at a future Housing Cabinet Member meeting (HCMM).

What does the current scheme cover?

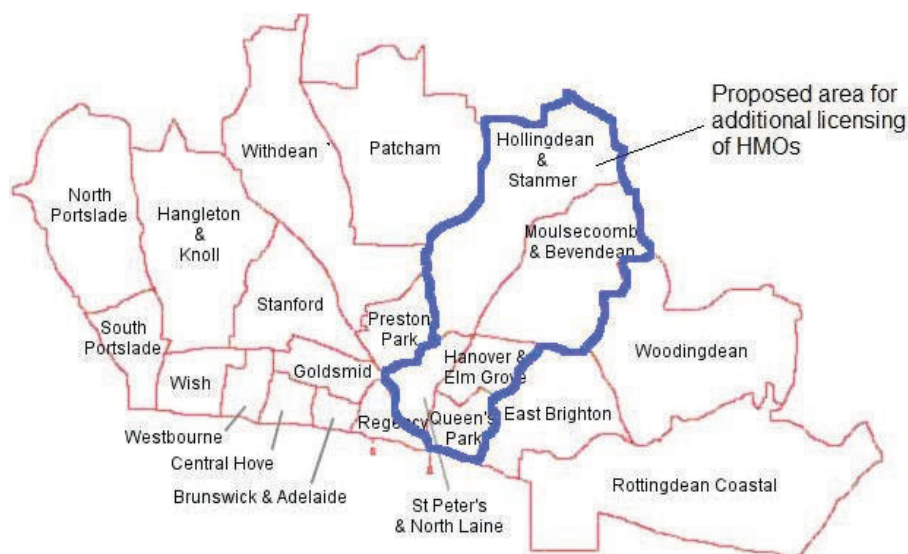
The 2004 Housing Act introduced a statutory duty on local authorities to license privately rented HMOs that have three or more storeys housing five or more people forming two or more households.

Why extend the scheme?

We have been using existing powers to their full extent and we have licensed over 800 HMOs through mandatory licensing. However we are aware that there are a significant number of smaller HMOs that our current licensing scheme doesn't cover where there is evidence of unsatisfactory management, disrepair and poor safety standards.

What would the proposed scheme cover?

- Smaller HMOs of two or more storeys and three or more occupiers
- The wards of
 - Hanover & Elm Grove
 - Moulsecoomb & Bevendean
 - St Peters & North Laine
 - Hollingdean & Stanmer
 - Queen's Park (see the map below)



What would the proposed scheme require?

It would require landlords and their agents to:

- Meet appropriate personal and professional standards of conduct
- Upgrade poorer buildings to minimum health and safety standards including fire and electrical safety
- Exercise appropriate management and supervision of the buildings to help reduce any adverse impact of the HMO on the neighbourhood.
- Meet current council standards for licensable HMOs – available to view at http://www.brighton-hove.gov.uk/downloads/bhcc/housing/HMO_Licensing_Std_Oct_11.pdf
- If implemented, the cost of administering this scheme will be covered by the HMO Licence fee which will be payable by landlords and agents. Information on the current fee structure on existing HMOs can be viewed on the Private Sector Housing website. Fees in relation to any additional licensing have not yet been set.

Where can I find more information?

- Cut and paste <http://www.brighton-hove.gov.uk/index.cfm?request=c308#SubTitle3> to read more about HMO licensing
- Cut and paste <http://present.brighton-hove.gov.uk/mgConvert2PDF.aspx?ID=37010> to read the Housing Cabinet Paper

The council is also consulting upon proposed changes to the Brighton & Hove City Council Standards for Licensable HMOs. Go to <http://consult.brighton-hove.gov.uk/portal/bhcc/housing/hmo/proposed-additional-licensing-hmo> to view and comment.

If you would like any help with this survey or would like it in a different format or another language please email psh@brighton-hove.gov.uk

Please return your completed questionnaire(s) to:

Brighton & Hove City Council
Private Sector Housing Team
(Additional Licensing for HMOs)
Hove Town Hall
Norton Road
Hove
BN3 4AH

Proposed Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) Extended Consultation

Safe, well managed private rented accommodation for our residents

Data Protection Statement

The information collected in this survey will not be used for any purpose other than this consultation exercise.

Please tick ☒ the most appropriate box(s) or comment as appropriate.

1. Which of the following describes you? You can tick more than one box.

An owner/occupier of a property in the area	☐	An accredited landlord	☐
A private tenant	☐	A student	☐
A social housing tenant	☐	Live close to an HMO	☐
A letting/managing agent	☐	A local business	☐
A landlord	☐	Other (please state)	☐

.....

2. In the last 12 months how much of a problem are the following in your area? Please select one option for each row.

	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/N/A
Poor external appearance of HMOs and their gardens	☐	☐	☐	☐	☐
Noise nuisance such as loud music and parties from HMOs	☐	☐	☐	☐	☐
Dumped rubbish and litter around HMOs	☐	☐	☐	☐	☐
Poorly managed HMOs	☐	☐	☐	☐	☐
Poor internal property conditions within HMO	☐	☐	☐	☐	☐
Any other problems caused by HMOs please state	☐	☐	☐	☐	☐

3. You only have to respond to this question if you live in a shared or rented property. In the last 12 months, how much of a problem have the following been in your home? Please select one option for each row.

	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/N/A
Poor external appearance of HMOs and their gardens	☐	☐	☐	☐	☐
Noise nuisance such as loud music and parties from HMOs	☐	☐	☐	☐	☐
Dumped rubbish and litter around HMOs	☐	☐	☐	☐	☐
Poorly managed HMOs	☐	☐	☐	☐	☐
Poor internal property conditions within HMO	☐	☐	☐	☐	☐
Any other problems caused by HMOs please state	☐	☐	☐	☐	☐

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4. In the last 12 months have you contacted the council about issues in HMOs in your area or home?

Yes ☐ No ☐

Please give details.....

5. Do you think additional licensing of smaller HMOs will: You can tick more than one box.

a. Improve how HMOs are managed and maintained?

Yes	No	Don't Know
☐	☐	☐
☐	☐	☐
☐	☐	☐

b. Reduce noise and nuisance such as loud music and rubbish from HMOs?

Yes	No	Don't Know
☐	☐	☐
☐	☐	☐
☐	☐	☐

c. Improve safety standards within HMOs?

Yes	No	Don't Know
☐	☐	☐
☐	☐	☐
☐	☐	☐

6. Would you like to see an additional licensing of smaller HMOs in the proposed areas?

7. You can use this space to write any other comments you have about Additional Licensing of HMOs in the proposed areas.

Please confirm your street or postcode. This will tell us which ward you live in

Equalities Monitoring Form

We want to make sure that our services are available to everyone in the community and that everyone is treated fairly when they use our services.

We will only use this information to help us improve services and to identify gaps or barriers. You do not have to fill in this form and you can answer just some of the questions.

The form is anonymous and confidential. Data collected from this form is combined so it is not possible to link data collected or used back to a particular person.

Your age:	
What age are you?	 ☐ I do not wish to disclose this

Gender	☐ Male ☐ Female ☐ I do not wish to disclose this information
Is your gender identity the same as the gender you were assigned at birth?	☐ Yes ☐ No ☐ I do not wish to disclose this information

I would describe my ethnic origin as		
White ☐ English / Welsh / Scottish / Northern Irish / British ☐ Irish ☐ Gypsy ☐ Traveller ☐ Polish ☐ Portuguese ☐ Any other White background Asian or Asian British ☐ Bangladeshi ☐ Indian ☐ Pakistani ☐ Chinese ☐ Any other Asian background	Black or Black British ☐ African ☐ Caribbean ☐ Sudanese ☐ Any other Black Background Mixed ☐ Asian & White ☐ Asian & Black African ☐ Asian and Black Caribbean ☐ White & Black African ☐ White and Black Caribbean ☐ Any other mixed background	Other Ethnic Group ☐ Turkish ☐ Arab ☐ Japanese ☐ Any other ethnic group (please give details) ☐ I do not wish to disclose this <u>After</u> you have ticked a box: If there is an ethnic category that is not included here that you think should be, please tell us what it is:

Please select the option which best describes your sexual orientation

- ☐ Heterosexual
☐ Lesbian
☐ Gay
☐ Bisexual
☐ Other (please state)
☐ I do not wish to disclose this

Please indicate your religion or belief

- ☐ I have no particular religion
☐ Buddhist
☐ Christian
☐ Hindu
☐ Jain
☐ Jewish
☐ Muslim

- ☐ Pagan
☐ Sikh
☐ Agnostic
☐ Atheist
☐ Other (please state)

- ☐ Other philosophical belief

- ☐ I do not wish to disclose this

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

- ☐ Yes
☐ No
☐ I do not wish to disclose this

Please state the type of impairment which applies to you. People may have more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, please mark 'other'.

- ☐ Physical Impairment
☐ Sensory Impairment
☐ Mental Health Condition
☐ Learning Disability/Difficulty
☐ Long-standing illness
☐ Other (please state)

Are you a carer?

- ☐ Yes
☐ No
☐ I do not wish to disclose this

If yes, do you care for a.....?

- ☐ Parent
☐ Child
☐ Other family member
☐ Partner / spouse
☐ Friend
☐ Other

Appendix vi) (b) Summary and Analysis of Consultation Questionnaire Results

Proposed Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) Extended Consultation - January to March 2012

Wards	Portal		Door to Door		Total	
Hanover & Elm Grove	98	31.5%	206	20.4%	304	23.0%
Hollingdean & Stanmer	38	12.2%	200	19.8%	238	18.0%
Moulsecoomb & Bevendean	57	18.3%	201	19.9%	258	19.5%
Queens Park	20	6.4%	201	19.9%	221	16.7%
St Peters & North Laine	38	12.2%	202	20.0%	240	18.2%
Brunswick & Adelaide	3	1.0%			3	0.2%
Central Hove	3	1.0%			3	0.2%
East Brighton	2	0.6%			2	0.2%
Goldsmid	3	1.0%			3	0.2%
Patcham	1	0.3%			1	0.1%
Preston Park	7	2.3%			7	0.5%
Regency	7	2.3%			7	0.5%
Rottingdean Coastal	7	2.3%			7	0.5%
South Portslade	3	1.0%			3	0.2%
Stanford	4	1.3%			4	0.3%
Westbourne	1	0.3%			1	0.1%
Wish	2	0.6%			2	0.2%
Withdean	1	0.3%			1	0.1%
Woodingdean	1	0.3%			1	0.1%
Not known	8	2.6%			8	0.6%
Outside area	7	2.3%			7	0.5%
Totals	311	23.5%	1010	76.5%	1321	100%

Q1	Which of the following describes you? NB multiple tick boxes	Portal (total 311)		Door to Door (total 1010)		Total (total 1321)	
	An owner/occupier of a property in the area	188	60.5%	381	37.7%	569	43.1%
	A private tenant	31	10.0%	503	49.8%	534	40.4%
	A student	16	5.1%	319	31.6%	335	25.4%
	Live close to an HMO	0	0.0%	223	22.1%	223	16.9%
	A local business	7	2.3%	100	9.9%	107	8.1%
	A landlord	82	26.4%	10	1.0%	92	7.0%
	A social housing tenant	1	0.3%	25	2.5%	26	2.0%
	A letting/managing agent	14	4.5%	6	0.6%	20	1.5%
	An accredited landlord	17	5.5%	3	0.3%	20	1.5%
	Council tenant	0	0.0%	9	0.9%	9	0.7%
	Unemployed	0	0.0%	6	0.6%	6	0.5%
	Leaseholder	0	0.0%	4	0.4%	4	0.3%
	Miscellaneous	2	0.6%	4	0.4%	6	0.5%

Q2	In the last 12 months, how much of a problem were the following in your area or own home?											
		A very big problem	A fairly big problem		Not a very big problem		Not a problem at all	Don't know/		N/A		
	Poor external appearance of HMOs and their gardens	Portal	51	16.8%	65	21.5%	62	20.5%	107	35.3%	18	5.9%
		Door to Door	41	4.1%	153	15.2%	482	47.9%	314	31.2%	17	1.7%
		Total	92	7.0%	218	16.6%	544	41.5%	421	32.1%	35	2.7%
	Noise nuisance such as loud music and parties from HMOs	Portal	59	19.5%	44	14.6%	65	21.5%	112	37.1%	22	7.3%
		Door to Door	68	6.8%	179	17.8%	417	41.4%	335	33.3%	8	0.8%
		Total	127	9.7%	223	17.0%	482	36.8%	447	34.1%	30	2.3%
	Dumped rubbish and litter around HMOs	Portal	73	24.2%	68	22.5%	48	15.9%	95	31.5%	18	6.0%
		Door to Door	137	13.6%	273	27.1%	361	35.8%	229	22.7%	7	0.7%
		Total	210	16.0%	341	26.1%	409	31.2%	324	24.8%	25	1.9%
	Poorly managed HMOs	Portal	48	16.3%	48	16.3%	39	13.3%	107	36.4%	52	17.7%
		Door to Door	70	7.0%	136	13.6%	321	32.1%	263	26.3%	211	21.1%
		Total	118	9.1%	184	14.2%	360	27.8%	370	28.6%	263	20.3%
	Poor internal property conditions within HMO	Portal	20	6.8%	19	6.4%	29	9.8%	97	32.9%	130	44.1%
		Door to Door	45	4.6%	116	11.8%	253	25.7%	221	22.4%	350	35.5%
		Total	65	5.1%	135	10.5%	282	22.0%	318	24.8%	480	37.5%
	Any other problems caused by HMOs	Portal	37	51.4%	25	34.7%	2	2.8%	4	5.6%	4	5.6%
		Door to Door	63	68.5%	26	28.3%	2	2.2%	0	0.0%	1	1.1%
		Total	100	61.0%	51	31.1%	4	2.4%	4	2.4%	5	3.0%

Q2a	In the last 12 months, how much of a problem were the following in your area? Other problems caused by HMOs	Portal (total 311)	Door to Door (total 1010)	Total (total 1321)
	Problems with other residents/students/anti-social behaviour/noise/parties/inconsiderate neighbours/drunken behaviour in streets/thefts/street drugs.	37	17	54
	Car parking is a problem/nightmare. Multiple cars. Why pay £100 to park? Inconsiderate parking.	24	25	49
	Problems with rubbish collection/communal bins/binvelopes/recycling/frequency/seagulls.	13	26	39
	Litter/bags in street. Broken furniture etc dumped at end of term. Contractors too fussy.			
	Problems with landlord/agency/contacting them/getting them to act on issues. Maintenance of property/damp/mould/electrics.	8	20	28
	HMOs taking over area. Families leave/no houses left in area for families. Constantly changing	14	4	18
	population. Too many people in properties. Destroys character of community. Devalues properties in area. Area deserted in summer.			
	Problems with dogs' messes in area/put in our bins	0	2	2
	Graffiti	2	0	2
	Sub-letting	1	0	1
	Gardens paved over	0	1	1
	Lack of support for businesses	0	1	1
	Rodent problem	0	1	1
	Squatters	0	1	1
	Virgin over-subscribed area	0	1	1
	No fire escape route	0	1	1

Q3	In the last 12 months, how much of a problem have the following been in your home? Those who live in shared or rented property.										
		A very big problem		A fairly big problem		Not a very big problem		Not a problem at all		Don't know/ N/A	
		7	9.6%	8	11.0%	6	8.2%	40	54.8%	12	16.4%
	Poor external appearance of HMOs and their gardens	9	1.9%	65	13.7%	206	43.4%	188	39.6%	7	1.5%
		16	2.9%	73	13.3%	212	38.7%	228	41.6%	19	3.5%
	Noise nuisance such as loud music and parties from HMOs	7	9.7%	5	6.9%	6	8.3%	43	59.7%	11	15.3%
		11	2.3%	62	13.1%	190	40.1%	208	43.9%	3	0.6%
		18	3.3%	67	12.3%	196	35.9%	251	46.0%	14	2.6%
	Dumped rubbish and litter around HMOs	8	11.3%	8	11.3%	5	7.0%	39	54.9%	11	15.5%
		26	5.5%	84	17.7%	172	36.3%	190	40.1%	2	0.4%
		34	6.2%	92	16.9%	177	32.5%	229	42.0%	13	2.4%
	Poorly managed HMOs	4	5.6%	6	8.3%	4	5.6%	40	55.6%	18	25.0%
		23	4.9%	76	16.1%	167	35.5%	197	41.8%	8	1.7%
		27	5.0%	82	15.1%	171	31.5%	237	43.6%	26	4.8%
	Poor internal property conditions within HMO	4	5.6%	4	5.6%	6	8.3%	38	52.8%	20	27.8%
		28	5.9%	73	15.5%	171	36.2%	189	40.0%	11	2.3%
		32	5.9%	77	14.2%	177	32.5%	227	41.7%	31	5.7%
	Any other problems caused by HMOs	0	0.0%	3	60.0%	0	0.0%	2	40.0%	0	0.0%
		16	55.2%	4	13.8%	9	31.0%	0	0.0%	0	0.0%
		16	47.1%	7	20.6%	9	26.5%	2	5.9%	0	0.0%

Q3a	In the last 12 months, how much of a problem have the following been in your home? Those who live in shared or rented property. Other problems caused by HMOs	Portal (total 311)		Door to Door (total 1010)		Total (total 1321)	
	Problems with landlord/agency. Contacting them. Paperwork. Getting them to act on issues.	0	0.0%	23	2.3%	23	1.7%
	Maintenance of properties. Damp/mould/heating/initial teething problems.						
	Problems with rubbish collection	2	0.6%	2	0.2%	4	0.3%
	Problems with other residents/students/anti-social behaviour/noise.	2	0.6%	2	0.2%	4	0.3%
	Car parking problems	1	0.3%	1	0.1%	2	0.2%
	Mouse problem	1	0.3%	0	0.0%	1	0.1%
	Burglaries increase during holidays. Feel less safe.	1	0.3%	0	0.0%	1	0.1%
	Freeholders should be obliged to maintain their properties	0	0.0%	1	0.1%	1	0.1%

Q4	In the last 12 months, have you contacted the council about issues in HMOs in your area or home?				
	Portal (total 311)		Door to Door (total 1010)		Total (total 1321)
Yes	64	20.6%	111	11.0%	175
No	233	74.9%	865	85.6%	1098
Not answered	14	4.5%	34	3.4%	48

Q4a	Details of issues				
		Portal (total 311)	Door to Door (total 1010)	Total (total 1321)	
	Problems with rubbish collection/litter/rubbish outside/in street	32	48	4.8%	80
	Problems with other residents/noise/anti-social behaviour/vandalism	32	36	3.6%	68
	Re neighbouring house without proper HMO license/too many students in. Landlord issues/	7	3	0.3%	10
	giving false address/absent. Illegal building work/conversion into flats. Poorly managed				
	properties. Against planning permission application.				
	Internal issues. Problem with oven/shower/drain/heating/taps/window locks/mould.	1	8	0.8%	9
	Car parking problems	2	4	0.4%	6
	Environmental health department. Street appearance. House maintenance/upkeep/repairs.	2	4	0.4%	6
	Pest infestation/foxes/rats/wasps	1	4	0.4%	5
	Graffiti	4	0	0.0%	4
Q4a	Bike parking/student bikes chained to street furniture	1	1	0.1%	2
	Re fence/jurisdictional issues	0	2	0.2%	2
	Theft. People steal bins.	0	2	0.2%	2
	Triangle Community group contacted	0	2	0.2%	2
	Too many HMOs in area	1	0	0.0%	1
	Gas leak	0	1	0.1%	1
	Housing grant from Mears	0	1	0.1%	1
	Requested move	0	1	0.1%	1

Q5 Do you think additional licensing of smaller HMOs will:							
		Portal 311)	(total	Door to Door (total 1010)	Total (total 1321)		
a.	Improve how HMOs are managed and maintained?	Yes	141	45.3%	779	77.1%	920
		No	143	46.0%	73	7.2%	216
		Don't know	24	7.7%	134	13.3%	158
		Not answered	3	1.0%	24	2.4%	27
b.	Reduce noise and nuisance such as loud music and rubbish from HMOs?	Yes	109	35.0%	677	67.0%	786
		No	169	54.3%	149	14.8%	318
		Don't know	28	9.0%	159	15.7%	187
		Not answered	5	1.6%	25	2.5%	30
c.	Improve safety standards within HMOs?	Yes	140	45.0%	732	72.5%	872
		No	119	38.3%	82	8.1%	201
		Don't know	47	15.1%	166	16.4%	213
		Not answered	5	1.6%	30	3.0%	35

Q6 Would you like to see an additional licensing of smaller HMOs in the proposed areas?					
	Portal (total 311)	Door to Door (total 1010)	Total (total 1321)		
Yes	136	713	849	64.3%	
No	173	81	254	19.2%	
Don't know	0	146	146	11.1%	
Not answered	2	70	72	5.5%	

Q7	Any other comments about Additional Licensing of HMOs in the proposed areas	Portal (total 311)	Door to Door (total 1010)	Total (total 1321)
	Leave it as it is/unnecessary. Too expensive to landlords. Favours tenants over landlords. Already conform to proposed standards/landlord already good. Don't need more bureaucracy/interference. Will drive out good landlords/put up rents. Will reduce rented accommodation. Smaller properties will be expensive to upgrade. It will be disruptive.	80	14	94
	Good idea. Good to consult us. Glad council is addressing issue. Would make landlords more responsible for tenants' behaviour. Would improve health & safety for tenants. Good landlords will have nothing to fear. Need rules for noise/parties e.g. noise insulate shared walls. Need rules for rubbish.	42	41	83
	Licensing needs to be justified. Waste of money. Just revenue collection. Additional licensing will have no effect on poor landlords/agents/anti-social behaviour of residents/walkers/ students having parties/seagulls. Landlords have no powers to stop anti-social behaviour/ littering.	44	6	50
	Against HMOs spreading into family areas. Need to limit number of HMOs in area. Moving house because of HMOs in area. Need to keep balance of families and HMOs. Need to limit number of occupants in terraced/family houses when used as HMOs.	33	14	47
	Rubbish/litter problems need addressing	18	6	24
	Needs to be properly staffed/have resources to enforce standards. Need to make more inspections. What happens if do not uphold conditions of licence? Do they lose licence/get fined? Is it annual renewal? Not enforceable	14	4	18
	Noise problems need addressing	16	2	18
	Not just HMOs with problems - other rented properties too. Students unfairly blamed/targeted. Students vital to economy of area	5	6	11
	Link in parking. Parking problems need addressing.	2	6	8
	Definition of HMO required. Need more information about criteria/proposals/who to contact.	2	5	7
	Additional licensing areas too small - should extend to cover whole city. Should include single storey HMOs too and those within two or more storey properties.	3	0	3
	Still problem with sub-letting without landlord's knowledge. Often more occupants than stated.	3	0	3
	Have concerns over effect of possible cap on maximum % of HMOs in a street	1	0	1
	All agents should be licensed individually	0	1	1
	Squatters can be a problem in area	0	1	1

Q8	Comments about the Standards for Licensable Houses in Multiple Occupation (On Portal only)	Portal (total 311)
	These standards seem comprehensive/ok/they will lead to progressive improvements in overall stock. Pleased with proposed new clauses on looking after rubbish and noise.	11
	Health & safety gone mad. Preposterous to require hand washbasin in each room - more effective to have second shower/toilet required. Having to have 2 toilets in every 5 bed house wipes out fifth of bedrooms currently available. Fire doors not needed.	5
	Standards are too detailed/costly/will increase rents. Higher standards than for houses in same street who have related occupants.	4
	Fire safety is a number one issue. Should be compulsory to have linked mains smoke alarms/fire blanket/extinguisher.	3
	No need for regulation of small dwellings. Need to have different standards for smaller lets than 5 or cost will be prohibitive. HMOs to be 4 or more people rather than starting at 1	3
	Adequate standards already in place. Should not impose additional local standards as Government set standards.	2
	Good proposal to prevent use of conservatories as a substitute for proper rooms	2
	Need landlords to soundproof shared walls	2
	Standards needed for socially-aware behaviour. Need standards for compliance with waste management.	2
	Landlords should insulate properties to reduce heating costs	1
	Needs extra section specifying that landlords supply adequate refuse bins	1
	Need resources to enforce these standards	1
	Single room minimum sizes are too small	1
	Should limit number of occupants in terraced/family houses when used as HMOs	1
	The implied responsibility of landlords for tenants' behaviour may be unenforceable	1
	Too much communal room space could create more noise/party issues	1
	Will clause on anti-social behaviour curtail playing of loud music and frequent noisy parties?	1

Methodology

Brook Data Consulting of Lancing, West Sussex undertook the door to door surveys with residents and businesses using a dedicated team of 4 interviewers in the period February to March 2012

BHCC supplied 5 maps of the wards from which randomly selected properties were chosen to carry out the surveys

BHCC, Economic Development Department supplied names and addresses of local businesses in the 5 wards from which randomly selected businesses were chosen to carry out the surveys

No one business type was selected for surveying, business surveys were typically carried out at newsagents/neighbourhood stores/food stores/convenience stores/minimarkets, cafes/takeaways/eating houses/public houses/restaurants and chemists/pharmacies; also visited were guest houses, garages/car repairs and GP practice surgeries.

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Appendix vi) (c) Portal responses where comments received from residents and the wider community	
Extended Consultation	
Theme	Comments
Agree with principles of the scheme	Licensing would be a great idea and would benefit the students/tenants
	Hopefully this could go some small way in redressing rate payers concerns that areas of Brighton are being turned into student ghettos. And that the council is only interested in serving universities and letting agencies of Brighton.
	Good landlords will have nothing to fear
	Support the idea of licensing HMO landlords
	Glad council is beginning to address the issue
Disagree with principles of the scheme	Not worthwhile investment
	I see no requirement to change status quo
	Waste of money and human resources
	I don't think additional licensing will solve problems such as litter or noise. Perhaps you should consider licensing the tenants and seagulls that actually cause these problems. Have you done any research to show whether these problems have been reduced in existing licensed property (those over 3 stories and 5 tenants)
	It seems completely pointless to bring this scheme in given that it's the job for the police and the council to deal with rubbish and noise etc anyway. That's why we pay such high council tax.
Comments regarding management /responsibility issues	Hard to contact. Needs hounding for help
	The management of private HMO's across the city is poor. Landlords are either unaware of their responsibilities or unable to meet them. Any new policy should contains sanctions that can be levied quickly for non-compliance.
	Landlords to take responsibility for their tenants please
	Its not only the licensing but how the occupants are managed. The Unis have to take far more responsibility as do the Agents. Studentification is ruining our Community. Please help.
	Landlords should be made to take more responsibility in general for both the state of their properties and the behaviour of their tenants. I would like to have access directly to the landlord to take up issues caused by their tenants and feel that their contact details should be publicly available.
	Less absentee landlords
	The need to make in particular absentee landlords more accountable for the properties they use pas a business to both their tenants and neighbours.

	Present landlord is very good
	Private landlords in my area are concreting front gardens and diminishing attractiveness of street
	There needs to be a better standard of property which can be monitored and regulated
	Would like to see the universities getting more involved in student accommodation locally
	More regular inspections from council. More tax on landlords. Gas fire issues - lack of certification. Graffiti on pepperpot (not necessarily HMOs)
	Have an excellent landlord but like licensing idea
General comments	No problem with residents, only landlords
	Depends on enforcement. Current licensing could prevent a lot with better enforcement. Knowledge is important too.
	Pathway to independent" clients is a real problem. Complained to estate agent but no joy.
	Letting agencies better than private.
	Students unfairly blamed, bigger problems with employed people - issue with specific house. Smoking detritus on porch. Lacking common sense.
	I see no requirement to change status quo
	I'm not opposed to student housing but despair of lack of respect shown to other residents
	I didn't contact the council about issues as did not know of the department. Increased licensing will improve consistency!
	I own a small two storey house in Hanover and if I want to let it out to three professional sharers in the future this would make an expensive process, much more costly. My house already meets guideline outline and I don't see why I should have to pay the council for a license. We have no problems on our street with any of the problems outlined and it is in this proposed area. I am totally against the proposals.
	Although I have not experienced significant problems from HMOs in my area, I am aware of others in the Hanover area who have done so. I would imagine that licensing works in favour of occupants as well as neighbours, so I think extending it is an excellent idea.
	I would be happy to see more licensing of HMOs in the area if it improved the external condition of houses/building in the area. I am less clear as to whether this would make any difference to the points i made above about the general lack of consideration with noise and rubbish. I understand the universities do some work on this aspect of student life but do not know what this involves. Keeping a balance in the number of HMOs in one area would prevent the character going too far one way but i also think greater communications and bridge building could have a noticeable effect.
	It seems excessive if for example a flat is shared by three professionals that such a property will require HMO licensing. This will however allow for increased regulation of privately rented properties which I suppose can only be a good thing for the occupiers of such properties. If the intention is to improve safety and living standards for occupiers then it does not appear logical to only target certain areas of the city; why is it not important to secure minimum standards in other areas of the city? I would suggest that the same requirements be applied across the city rather than targeting the areas where there

	is most political pressure to deal with the problems associated with concentrations of HMO's.
	Do you really want to reduce the availability of rented accommodation and increase rents in the area? This proposal will do nothing to improve the standard of rented accommodation and will put good Landlords off renting. Have you learnt nothing from the previous licensing of shared housing for more than 5 people??
	I am unclear about the definition of HMO
	I dont see how it is enforceable.
	It should make greedy landlords a little more responsible.
	I feel many houses have more occupants than stated - often a large HMO (5 people) will have additional guests for months at a time. The large HMO occupants tend to integrate less well with immediate neighbours as group behaviour tends to be inward looking.
	Waste of money and human resources
	Strongly support the idea
	Biggest issue is litter not cleared.
	Litter collection is an issue with the council land. Don't want HMO next to me
	Having the occasional party isn't a crime. Constant rubbish etc is a pain.
	Garbage pickup. Garden rubbish not taken
	Landlords should speak to tenants regarding community living ie noise, litter etc. Printed notice in house.
	Should be more residents than students. Limit to number of people in houses. Noise big problem
	I don't understand whether these changes would be good or bad. However, I think the main concern is the noise, nuisance and rubbish caused by student houses, and also big groups of non-students.
	I dont think Additional licensing will solve problems such as litter or noise. Perhaps you should consider licensing the tenants and seagulls that ACTUALLY CAUSE these problems. Have you done any research to show whether these problems have been reduced in existing licensed property (those over 3 stories and 5 tenants)?
	I don't think the council's plans will have any effect anti social behaviour. Most of the problems are from students in the halls on Southover Street and if people want to be noisy or poorly behaved they will do so, whether the council ask the landlord to fit a fire door or not. If the plans are really about safety then they should be rolled out across Brighton and Hove. Why should property owners in these wards be the only ones that have to jump through these hoops? I am not a landlord, but what if I wish to rent my home out? I think the plans are misguided and confused and I am against them.
	It seems completely pointless to bring this scheme in given that it's the job for the police and the council to deal with rubbish and noise etc anyway. That's why we pay such high Council tax.
Concerns regarding Anti-social behaviour	

We do not experience problems with noise or anti social behaviour from any houses on our street in Hanover.
HMO's are the main reason I want to move my family away from this area. We have seen an increase of late night noise, lack of respect for neighbours, rubbish strewn throughout the street. Hopefully tightened licensing can address the problem of landlords renting properties and not caring if their tenants run wild making our lives a misery.
I think they should be licensed and there should be rules about rubbish and noise
Any noise problems we have is from people walking up and down the streets, not from HMO's or any other houses. The council's plans won't stop drunk people being noisy in the street so I think it is a waste of money and not a good idea. Money would be better spent on improved bin services and more police/community officers late at night.
If additional licensing can prevent parties in the houses from loud music after midnight and through the night and people spilling out into the street shouting and swearing then we would support it. We are worried that the accommodation across the road being built for music students will increase the problems for other residents.
Additional licensing is not going to make any difference to noise, rubbish etc, even if these were a problem. It is largely tenants and seagulls that cause any problems and licensing is not going to make any difference to them.
There is a general problem with rubbish caused by people(not just tenants) putting their rubbish out the night before the collection .The bags subsequently being attacked by seagulls causing rubbish to be strewn over the street. I cannot see how anyone could possible think that addition licensing will solve this problem. Provision of those small green wheelie bins could be the answer, or an education program for culprits or the total elimination of seagulls, but this would be breaking the law!!
Have put house on market due to noisy HMO
Additional licensing of smaller HMOs will help in maintaining safety standards and other 'official' elements of shared housing.
I cannot see how addition licensing will stop students having parties causing noise nuisance and seagulls pecking open black plastic bags that have been put out the day before early morning collections. Are you sure that you have thought about this with any common sense or intelligence???
Landlords should be held responsible for nuisance (rubbish on pavements, noise late at night) caused by their tenants. In the densely populated Triangle area, it would help to have recycling collections every week and more street-cleaning in between refuse collections.
Please please please make it a requirement that HMO's should have noise insulation on party walls! We are absolutely fed up of noise from these people!
Parking issues with multiple cars. Overcrowding within properties. "Studentification" of area

Comments on

Several houses on the market in the road due to HMO issues
IT would be ideal if the density of HMOs in a particular area could be reduced, but I assume this is outside the scope of the Council's powers.
Whilst additional licensing is a step in the right direction the only answer is to stop any further properties being converted in the affected areas.
Main problem caused by this is parking
The situation in the Lewes Road area is getting out of control.
I'd like to see the number of HMOs limited by street as well.
Parking A minor problem
Licensing can have adverse effect on tenants ie availability! Poor use of resources. More enforcement on current licensing can achieve same
I believe that this additional licensing of HMOs will not tackle the small amount of problems that mainly arise in larger HMOs. Problem HMOs are in the minority and bringing in further licensing will not effectively tackle this. The licence currently seems to focus on the student rental area, but this will have a knock on affect for professional and family renters, it will push rent prices up for everyone. I am confident it will end up being put in place across the whole of Brighton and Hove. Why should respectable renters across the city be punished for 'bad behaviour' of a small percentage of tenants and landlords. I personally take pride in my home and garden, am considerate to all my neighbours. People who do not comply are irresponsible and uneducated - they need to be targeted directly - which this does not achieve!
I don't believe the proposed measure by the council will improve the area I am living in. I believe that it will reduce the amount of housing for working professionals and limit the opportunities we have to rent our property out in the future if we should choose to. Local agents do a good job, but are limited by the powers they have. I would choose to increase the powers of noise control and refuse control in the council.
Please do not add any more shared accommodation UNTIL YOU have sorted out the existing PROBLEMS
Please don't use an overly bureaucratic system - just target poor landlords.
Proposed scheme would be expensive, and would not address the problems of nuisance or poorly managed properties. Enough powers exist already - just use and fund them effectively.
The proposed measures seem designed to penalise small landlords and to increase rents in one of the few sectors of the housing markets where costs are actually affordable for young people (students and working people), or indeed to drive HMOs out of the market. Private landlords who provide these affordable homes in the form of houseshares/HMOs should be celebrated and not penalised and the neighbours of their properties. Hopefully the properties will become more suitably used and contribute to the local economy. Licensing will have a negative effect on the experience of the people who are already using the properties and making money.

	I do not object to HMOs in my area if the tenants behave as socially responsible residents.
	Not without infrastructure. Additional council housing needed. Licensing can be an issue. Cheaper housing needed. Pro rata local authority housing payment increasing with income.
	Concerned about extra costs to landlords being applied to tenants rather than being taken from their profit. Concerned about HMOs being pushed towards certain areas.
	Make the landlords pay council tax as well because the students do not pay council tax. We are subsidising the landlords who already make a fortune in renting their properties.
	Worried continued lettings will reduce house prices
	Licensing will put up rents
	All license money you are going to introduce will be passed on to the poor students, thanks to the council!!!
	Additional licensing will only increase costs to landlords, who will pass those costs by increased rent onto their tenants. I do not believe that additional licensing will benefit landlords, tenants or the neighbourhood in general. Any problems existing can be resolved without licensing.
	I wish you would leave this alone. It just increases costs for everyone, especially the tenant, most of who are struggling to fund their way through college.
	Would be nice with more regulation on property standards
	More difficult for students who rent privately
	Will help tenants
	Licensing HMOs makes no difference to tenant behaviour, it just polices landlords. Generally the problem is the tenants.
	Need more accountability and more stringent trading standards. University of Sussex gives poor orientation for students compared with Brighton. Investment in communities is needed. No tenancy officers
Economic concerns	
Comments on Standards	
Comments on Tenant issues	

e-petition – Hanover & Elm Grove

The Council also received an e-petition from 30 residents in Hanover & Elm Grove ward in early February, which stated the following:

“We the undersigned petition the council to produce an effective policy that all multiple occupancy landlords and letting agents will have

licenses to rent to students withdrawn if they do not use a letting contract that prohibits unsocial disturbance (including noise and street rubbish) of other residents in a residential area”.

I have lived in Hanover for 9 years and been disturbed each year by a multiple occupancy building close by rented to students. The letting agency say that their hands are tied and the council will only take action if there is a record of complaints/noise measurement etc. This is not acceptable when residents are paying council tax. The council and universities should be working together on this issue and local residents should be given the right to live their lives without this form of disturbance and students should be given better contract conditions/building conditions/fair rent from letting agencies.

Appendix vi) (d) Responses from Businesses

Extended Consultation Responses from the Portal and Door to Door where additional comments received.

From Portal and Door to Door	Number of responses	Yes to Licensing	%	No to Licensing	%	Don't Know	%
Local Businesses	90	79	81.31%	10	15.89%	3	2.80%
An owner/occupier of a property in the area. A local business	3	2		1			
An owner/occupier of a property in the area; A landlord; An accredited landlord; A local business	1			1			
An owner/occupier of a property in the area; A local business	1			1			
An owner/occupier of a property in the area; A letting / managing agent; A landlord; Live Close to an HMO; A local business	2			2			
A private tenant. A local business	1	1					
A letting/managing agent. A local business	1	1					
A landlord. A local business	6	4		2			
Total	107	87	81.31%	17	15.89%	3	2.80%

Q. Isn't this just another tax on responsible Landlords? Why doesn't the Council just target 'rogue' landlords?

A. As with Mandatory Licensing, it is inevitable that many responsible Landlords will be doing everything the scheme would ask of them, providing excellent quality accommodation for their tenants, so they should have no concerns about additional costs for works. The scheme will catch some of the 'rogue' landlords and force them to bring their properties and practices up to the level of the good landlords, without tenant involvement. Not all Landlords currently provide tenancy agreements, respond to requests for repairs or provide details of basic services.

The Council has tried other approaches, such as Accreditation, Registration and dealing with general requests for assistance using existing legislative powers, but as the statistics show, there are still more problems in the 5 wards than other areas of the city, hence the proposal for a targeted approach. Other options have been examined, but none were found to provide as adequate a solution as additional licensing. The Council will continue to use their existing powers of enforcement.

Q. This is a biased survey!

A. The consultation survey was open to anyone to post their views. The door to door survey was carried out as a way to reach more people in the 5 wards for their opinions. We visited various groups across the city and welcomed views by post. The questionnaire was seen as a way to gather information on people's views on aspects which the legislation states must be covered before a scheme is introduced.

Q. The cost of a licence will be high, which will increase rents, decrease availability of shared housing and ultimately lead to a drop in house prices in the area as owners sell up.

A. The proposed average licence fee figure for a small HMO will be £641 for five years. This works out at around £2.46 a week for a whole property. A lot of speculation occurred about house prices dropping and the market being swamped with owners selling up before Mandatory Licensing was introduced, but this simply did not happen. In fact, house prices in the 5 wards have not dropped, but increased since Mandatory Licensing was introduced.

Brighton is a high demand area and the changes in Local Housing Allowances, for single people is likely to increase the demand for smaller HMOs.

Q. Do the Council have the resources to properly staff the enforcement of appropriate conditions and standards?

A. An Additional Licensing scheme has to be cost neutral. Any fees collected would offset the cost of additional staff, resources and administration.

Q. The proposed scheme will mean lots of additional works and cost to Landlords

A. If the proposed scheme goes ahead, for the majority of 3 or 4 person properties this will not result in additional bathing, wash hand basins or kitchen facilities and therefore little or no disruption to the occupiers. Landlords could be required to install a few hard-wired smoke/heat detectors, but these are basic requirements in all rented properties, whether multiple or single-occupied. The testing of gas and electrical installations is also a basic health and safety requirement in all rented accommodation, so should already be undertaken. Improvements in health and safety can also result in lower insurance costs.

Other comments

Source	Ward	Description	Support Licensing	Comments
door to door survey	Hanover & Elm Grove	A local business	Yes	Students vital to economic development of the area
door to door survey	Hanover & Elm Grove	A local business	Yes	Students/young people make up 75% of my customers - grocery shopping
door to door survey	Hanover & Elm Grove	A local business	Yes	Licensing is a good idea and will benefit landlords
door to door survey	Hanover & Elm Grove	A local business	Yes	Hanover area has lots of good residents and landlords
door to door survey	Hanover & Elm Grove	A local business	Yes	Most students benefit this area
door to door survey	Hanover & Elm Grove	A local business	Yes	Strongly support licensing
door to door survey	Hollingdean & Stanmer	A local business	No	Best to leave the status quo - BHCC to keep out
door to door survey	Moulsecocomb & Bevendean	A local business	No	Council should not interfere
door to door survey	Moulsecocomb & Bevendean	A local business	Yes	Support the idea - was a student once!
portal	Moulsecocomb & Bevendean	An owner/occupier of a property in the area; A letting / managing agent; A landlord; An accredited landlord; Live Close to an HMO; A local business	No	The proposal is well-intentioned, but simply not necessary. Why doesn't the council concentrate its resources on dealing with the actual problem properties and landlords using selective powers, rather than ALL the landlords and properties. Why penalise those who've done nothing wrong? IF the proposal goes ahead, many landlord businesses will fail, the net effect will be to damage the well-being of the City. The council needs a reality check - the proposed changes are draconian, insensitive and unworkable.
portal	St Peters & N Laine	A landlord; A local business	No	Seems an unnecessary extra intrusion into something that is running fairly efficiently already.
portal	Not Known	A local business	Yes	Additional licensing would be a good idea, but only if the council have to resources to properly staff the enforcement of appropriate conditions and standards.

The above are the only ones to leave comments. Other's were yes, no or don't know.

Appendix vi) (e) Responses from Landlords and Letting/Managing Agents

From the Consultation Portal and Door to Door where additional comments received.

Q. Isn't this just a way for the Council to collect additional funds in a time of austerity?

A. An Additional Licensing scheme has to be cost neutral. Any fees collected would offset the cost of additional staff, resources and administration.

Q. The proposed scheme will mean lots of additional works, disturbance to occupiers and costs to Landlords

A. If the proposed scheme goes ahead, for the majority of 3 or 4 person properties this will not result in additional bathing, wash hand basins or kitchen facilities and therefore little or no disruption to the occupiers. Landlords could be required to install a few hard-wired smoke/heat detectors, but these are basic requirements in all rented properties, whether multiple or single-occupied. The testing of gas and electrical installations is also a basic health and safety requirement in all rented accommodation, so should already be undertaken. Improvements in health and safety can also result in lower insurance costs.

Q. Why can't the Council simply licence Letting and Managing Agents or change the law in this area?

A. Central, not Local Government, has the power to change legislation in this area.

Q. Doesn't planning law and Article 4 Directions already allow the Council to deal with problem HMO's, so why introduce another scheme?

A. Planning legislation and Article 4 Directions are designed to deal with future development of HMO's. These control measures cannot be applied retrospectively. The proposed additional licensing scheme would deal with the condition of existing HMO's, and work in conjunction with the proposed Article 4 Direction. The two schemes working in partnership would deter large numbers of smaller HMO's being set up in wards outside the proposed Additional Licensing area.

Q. Wouldn't it be better if the Universities took more responsibility for the behaviour of their students?

A. The Council and the Universities already work closely together to deal with student accommodation in the city. The Universities have community liaison officers working with their students to ensure better behaviour and integration into local communities. They can investigate complaints about anti-social behaviour, noise and rubbish issues, as can the Council. The proposed additional licensing scheme would strengthen this work and we would look to providing education and information to all private tenants in the city. Properties let through and managed by the Universities are not subject to Licensing, but must meet a Code of Practice for the condition of the property.

The proposed scheme would cover all smaller HMO's, many of which are let to tenants who are not students.

Q. The cost of a licence will be high, which will increase rents, decrease availability of shared housing and ultimately lead to a drop in house prices in the area as owners sell up.

A. The proposed average licence fee figure for a small HMO will be £641 for five years. This works out at around £2.46 a week for a whole property. A lot of speculation occurred about house prices dropping and the market being swamped with owners selling up before Mandatory Licensing was introduced, but this simply did not happen. In fact, house prices in the 5 wards have not dropped, but increased since Mandatory Licensing was introduced. All rented properties should meet currently recommended levels of safety and amenity and those that do would not face any additional cost beyond the fee. Any that did incur such costs would only do so because they did not meet levels that they should already meet.

Brighton is a high demand area and the changes in Local Housing Allowances for single people is likely to increase the demand for smaller HMOs.

Q. Isn't this just another tax on responsible Landlords? Why doesn't the Council just target 'rogue' landlords?

A. As with Mandatory Licensing, it is inevitable that many responsible Landlords will be doing everything the scheme would ask of them, providing excellent quality accommodation for their tenants, so they should have no concerns about additional costs for works. The scheme will catch some of the 'rogue' landlords and force them to bring their properties and practices up to the level of the good landlords. Not all Landlords currently provide tenancy agreements, respond to requests for repairs or provide details of basic services. The Council has tried other approaches, such as Accreditation, Registration and dealing with general requests for assistance using existing legislative powers, but as the statistics show, there are still more problems in the 5 wards than other areas of the city, hence the proposal for a targeted approach. Other options have been examined, but none were found to provide as adequate a solution as additional licensing. The Council will continue to use their existing powers of enforcement.

Q. This is a biased and negative survey!

A. The consultation survey was open to anyone to post their views. The door to door survey was carried out as a way to reach more people in the 5 wards for their opinions. We visited various groups across the city and welcomed views by post. The questionnaire was seen as a way to gather information on people's views on aspects which the legislation states must be covered before a scheme is introduced.

Further Comments:

Source	Ward	Description	Support Licensing	Comments
Portal	Hanover & Elm Grove	An owner/occupier of a property in the area; An accredited landlord	No	I feel that this a very biased survey as it is designed in a way that only looks for negatives, it reads that the council has already made its mind up that it will bring in additional licensing. Licensing small HMO's, will not necessarily improve how they are managed or maintained, as a landlord of multiple properties in this area my properties are managed and maintained to a far higher standard than the majority of the neighbouring non HMO houses. As a responsible landlord I am concerned about noise and all the neighbours have my address and phone number. All the tenants are made aware of the penalties for noise. However even though I am a responsible landlord I have no powers to prevent noise, only the council has that power, licensing HMO will not change that. I am opposed to additional licensing on the basis that the council through planning permission (preventing additional bedrooms in the roof space) and article 4 (restricting "studentification") already has sufficient powers to restrict the conversion of houses hold large numbers of students. I cannot see that introducing additional licensing would bring any benefits to the tenants. Ultimately costs like additional licensing will be indirectly passed onto the tenants. The Universities are the biggest employer in the town, and the 20,00+ students a huge benefit to a seaside town with little other good quality employment, it would be a great pity to penalise those students with even more expensive accommodation. One of the reasons why there are so many students living in the affected wards is because private landlords are generally cheaper than University provided accommodation.
Portal	Hanover & Elm Grove	An owner/occupier of a property in the area; A letting / managing agent; A landlord; Live Close to an HMO	No	The majority of housing stock in the proposed areas will fall into this new licensing. I think it will have a massive negative affect on the areas. The housing market is slow enough currently without extra limitations being added to it. I also think it will lead to properties not being let directly through the universities and put tenants at greater risks from rogue landlords. I am a former landlord, letting agent and estate agent. The proposals will have a detrimental affect on everyone. I have seen the housing market from all sides and these plans will not help with rubbish, noise or anything else. We already have avenues in which to go down if necessary. We don't need

				added pressures on an already difficult and stagnant market. The new HMOs would be most housing in the area, making them hard to sell and only possible to rent to families. An influx of those properties onto the sales market will drive the prices down and force homeowners into negative equity with an added risk of losing their homes.
Portal	Hanover & Elm Grove	A letting / managing agent	No	The whole proposal of additional licensing of HMOs seems to have been invented in order to create an income source for the council, rather to solve any real problems that are actually out there. None of the problems highlighted in the questionnaire will be addressed by additional licensing of HMOs. External appearance of HMOs - This has nothing to do with licensing and some properties have always looked better than others and some people repaint their properties more regularly than others whether they are an HMO or not. Additionally, 'appearance' is a relative term and any conditions upon landlords regarding external appearances of properties would be un-implementable. Noise etc from HMOs - This is in entirely irrelevant question. Noise and nuisance emanating from properties has absolutely NOTHING to do with whether a property is a licensed HMO or not. The way that tenants behave is completely dislocated from how a landlord looks after a property and whether he pays unnecessary license fees to the council. If the council really wanted to tackle these issues it would be more positive in utilising the powers it already has to fine the perpetrators, rather than passing the buck to landlords and agents who have very limited powers available to them. Dumped rubbish and litter - Again this is an irrelevant question, the amount of litter around a property is often the result of insufficient and inefficient waste disposal time-tables provided by the council. Also there is no connection with how tidy or not tenants are with whether the landlord has an unnecessary license or not. There are ways to solve the problems with rubbish in Brighton - this is not one of them. Poor management - How an HMO is managed has nothing to do with whether it is licensed or not. There are plenty of current licensed HMOs that are poorly managed. Poor internal conditions - Once again this has nothing to do with whether the property has an HMO license or not. If the current licensing is anything to go by, the only thing that it will change is that a ridiculous amount of unnecessary washbasins will have to be installed to the detriment of tenants' usable room space. To conclude this appears to be a scam dreamt up to use bureaucracy to boost the council's income in tough times. There are problems out there that need to be tackled but pretending they are down to students and HMO properties is a facile and irresponsible step that will have unforeseen detrimental consequences especially to renters, whom this will ultimately affect the worst. I cannot see how licensing will improve the problems identified in this survey but will
Portal	Hanover & Elm	An owner/occupier of a	No	

	Grove	property in the area; An accredited landlord		just serve to penalise professional landlords who abide by the law and provide good quality accommodation. In my opinion the council should just target rogue landlords who ignore regulation and potentially put their tenants at risk and cause potential disruption to the local community. In my opinion licensing will not have any impact on student behaviour which seems to present a good proportion of the issues tabled. Maybe the Universities should play a bigger role in demanding responsibility from its students by developing a code of conduct document which could if violated prevent access to Student pad and bad behaviour made available to landlords when applying for accommodation.
Portal	Hanover & Elm Grove	An owner/occupier of a property in the area; A landlord	No	This is a very one-sided questionnaire giving only one argument. What about the economic and social benefits of students (as it's clear that's what you're talking about here). I live next door to a lovely group of students who are very cheerful and friendly, and let us know whenever they have a party and are very respectful. You are reinforcing the negative with none of the positive. I have no doubt your survey will say what you want it to say rather than reflect the true position. What a shame.
Portal	Hanover & Elm Grove	A landlord	No	I believe most landlords are responsible and there are already requirements (eg gas safety) covering key issues. Licensing will not stop students being students, and having occasional parties and not being as house-proud as an owner might.
Portal	Hanover & Elm Grove	A landlord	No	I only house 4 people in my property even though its a big house because I think 4 people cause less problems living together than 6 or 7. If I've got to pay a substantial licensing fee and make loads of changes to meet the new regulations (despite already keeping the property in good condition) then I will need to be housing 7 students not 4 to make it worthwhile-I suspect a number of landlords currently housing 4 students will be forced to do this. Is licensing the property going to make the tenants not slam the doors, not have noisy late night visitors and loud music.... No, the larger number housed will make things worse.....only positive outcome, it will only make the council richer!
Portal	Hanover & Elm Grove	An owner/occupier of a property in the area; A landlord; Live Close to an HMO	No	I don't think that added layers of bureaucracy is the way forward. I think that having lots of extra hoops to jump through will reduce the number of landlords, and hence properties for rent, in the area. Certain sectors of the press like to make landlords out to be close relatives of the devil, but in fact the number of students and other temporary inhabitants of Brighton, added to the lack of council or other affordable accommodation, make a thriving private sector indispensable. The main problem here has been rubbish and recycling, and the council has tried to deal with this by changing the way in which our rubbish is collected. This seems to be making a difference. I also think that more info about things like collection days and what is recyclable would be useful, as the team won't collect stuff from boxes if there are

				also things in there that shouldn't be. Education is the way forward, I feel. I am a small landlord myself, letting one house through Brighton Council and another to 2 sharers. These new rules wouldn't therefore affect me, but if I did have property that would come under the new rules, I would seriously consider my position. I think that that would be a loss to the private rental market, as I keep my properties well-maintained and treat my tenants fairly.
Portal	Hanover & Elm Grove	A landlord	No	As a landlord whose property houses 4 student tenants, I take my responsibilities seriously. I have already met representatives from the Council and complied with every requirement they specified in order to meet Health & Safety regulations. The house is kept in a clean and tidy condition internally and externally, and inspected regularly: a new bathroom was fitted last year, a new kitchen the year before and the whole property is professionally cleaned annually before new tenants move in. If an HMO license is enforced I am unlikely to be in a position to afford the additional plumbing work required; instead, I will probably be forced instead to sell the property and remove it from the housing stock available for student rent in the area. I doubt if I am unique in this, and if enough landlords follow the same route the only result will be a shortage of property and a rise in rents to unaffordable levels.
Portal	Hanover & Elm Grove	An owner/occupier of a property in the area; A landlord; Live Close to an HMO	Yes	At least 50% of the houses in my street are rented - mostly as 2, 3 or 4 storey HMOs. Additional licensing would require landlords to take more responsibility for behaviour of tenants, improve health and safety for tenants and ultimately save the council money e.g. fewer night call outs to noise patrols, less street sweeping of litter and removal of fly tipped furniture. I think it would also improve community relations in these wards. **
Portal	Hanover & Elm Grove	A landlord	No	Antisocial behaviour is not restricted to tenants in HMOs. There needs to be proper evidence that if there is a problem it is significant in all the areas proposed to make licensing justified. This survey only allows for negative Response form council: so its hardly balanced. One could say that the only tenants to complete it will be those with a grievance. How can the majority that are happy have there views reflected.
Portal	Hanover & Elm Grove	A letting / managing agent	No	Not required due to current standards for gas and electrics being sufficient. in addition to building insurance requirements.
Portal	Hanover & Elm Grove	A private tenant; A landlord; A student; Live Close to an HMO; Other	No	As both a tenant and a landlord, I completely agree that standards should be maintained by landlords. However, the law is already clear on the responsibilities that landlords have, and there are potentially very big penalties for those who flout the law. A good example is that tenants can take a landlord to court if their deposit is not lodged with a government backed deposit protection scheme. If found guilty, the landlord can be ordered to pay up to three times the deposit amount to the tenants in compensation. As a landlord, I have always worked religiously to follow the law, and

				worked hard to provide decent accommodation. A licensing scheme will add costs and bureaucracy, and in my case would not add to the standards that I offer my tenants. Ultimately, I suspect that the financial cost of the scheme will have to be passed on to the tenants, making this City even more expensive to live in. A simpler way to deal with the situation might be to ensure that there is excellent publicity and access to information clearly spelling out the rights and responsibilities for both landlords AND tenants. The issue with rubbish has been a problem in the past, but the introduction of wheelie bins or the big communal bins has made a huge improvement. Increasing recycling to weekly collection would be fantastic.
Portal	Hanover & Elm Grove	A landlord; An accredited landlord	No	Additional Licensing of HMOs will only drive out good landlords and have no affect on rogue landlords. Landlords have no powers to stop anti-social behaviour or litter (any action can be interpreted as harassment) but the Council have powers to address this. The Council should be using their existing powers. They should not charge landlords and tell them to do things they can not control.
Portal	Hanover & Elm Grove	A landlord	No	This will create another layer of bureaucracy and cost for the landlord who is already burdened with more than enough thank you.
Portal	Moulsecroomb & Bevendean	An owner/occupier of a property in the area; A landlord	No	I think that for 4 or less persons in one house it is not necessary to register with the council. It is after all the size of a normal family. A sink in each bedroom is also a nonsense if there are adequate baths and toilets. (ie one between 4 minimum.
Portal	Moulsecroomb & Bevendean	A landlord	No	It's just another case of council justifying themselves. "If it ain't broke then don't fix it"
Portal	Moulsecroomb & Bevendean	An owner/occupier of a property in the area; A landlord; An accredited landlord	No	I find more problems associated with rubbish and external looks etc from tenanted houses than from HMO's. HMO's that I know of are reasonably looked after and well maintained from the outside anyway.
Portal	Moulsecroomb & Bevendean	A landlord	No	As a landlord, the prospect of having to make unnecessary alterations to my properties is a real problem, and might jeopardise the business altogether.
Portal	Moulsecroomb & Bevendean	An accredited landlord	No	Councils have enough powers licensing is not going to stop rogue landlords the focus should be on accreditation and education and punishing those not with gas safety certificates and not following all the existing legislation. The housing benefit changes require much more shared accommodation and the proposals will discourage this.
Portal	Moulsecroomb & Bevendean	A landlord	No	I really don't see how an additional charge to landlords, which will inevitably be passed on to tenants (an increase of at least £60 a month) will help the issues you are trying to address. As a landlord with 3 properties, all fully managed by an agent with deposits held in a government backed bond, inspected every 3 months by the agent all I can see is that this purely a money making initiative for the council, made

				even worse for everyone by the fact that the green administration is also imposing a 3% rise in council tax on all residents! I pay over £2500 a year on council tax on my own property (with only 2 occupants including myself) and am finding it increasingly hard to see where this money is being spent. Any issues I have had in the past with other landlords properties around me in the past I have simply called the relevant council department, e.g. environmental health. Also the vast majority of antisocial behaviour, in my opinion, comes from council tenants, NOT private tenants.
Portal	Moulsecocomb & Bevendean	A landlord	No	It will increase costs for students who have already been hit by university charges. Rented property already has to have gas and electricity safety certificates and all respectable letting agents check property to ensure it is maintained to a good standard.
Portal	Moulsecocomb & Bevendean	A landlord	No	The proposal for more than 3 sharing will not have any major impact and may well take accommodation out of the system, leaving a much bigger problem of a shortage of rented accommodation and student prices going up.
Portal	Moulsecocomb & Bevendean	A landlord	No	this is just a tax - it is not about improving accommodation - if landlords get pushed continually they will give up the business - then the local authority will have a lot more people to house - it is tough enough already - there is legislation already in place to protect tenants in relation to acceptable housing standards. Stop searching for easy money.
Portal	Moulsecocomb & Bevendean	A landlord	No	This is just the council money-making. Then what's it going to cost the council to house the students who loose their accommodation? How about giving grants to actually improve properties if it really is improvement and safety you're concerned about?
Portal	Moulsecocomb & Bevendean	A landlord; An accredited landlord	No	Private landlords provide an essential of student house to the local universities. Smaller properties provide less rental income and will not be able to meet costs of the HMO licence and alterations without increasing rental costs to tenants. It would be far better for the local authority to undertake inspections on properties where they have received a complaint or request from tenant occupiers. The majority of landlords are scrupulous and maintain their properties well to ensure they attract tenants.
Portal	Moulsecocomb & Bevendean	An owner/occupier of a property in the area; A letting / managing agent; A landlord; Live Close to an HMO; A local business	No	The property that I own and live in is in one of the wards highlighted for licensing and is an area that has a number of student HMOs. In the 8 years that I have lived here I have never had a problem with noise or ill maintained properties. I live next to a HMO, which has been tenanted by students for the eight years that I have lived here. Our gardens are right next door to each other and I have never had a reason to complain to the tenants or landlords, in fact the house has undergone a full repair and external paint in the last 6 months and the garden is always tidy, as are the

				other HMOs local to my house. I am also a landlord with properties in the wards that are looking to be licensed. I am a responsible landlord, I reference my tenants well and have a good relationship with them to ensure that they are suitable to look after the property and will not cause anti-social behaviour. My properties are safe with the latest safety certificates and they are well maintained, which benefits the tenant, the neighbours and myself. The neighbours of my properties have my contact details so that they can contact me if required. After attending the NLAs meeting on 13th March 2012 and listening to Martin Reid's presentation (Head of Housing Strategy, Development & Private Sector Housing, Brighton & Hove City Council) and reviewing the Standards proposed I cannot see how additional licensing will deal with the problems that they seek to address. Rather than choose a blanket licence over all landlord in this area, which will cost both the Council and the Landlords considerably, I recommend that the most cost effective way to deal with this issue is to target the 'problem' landlords, therefore penalising those that need penalising, rather than penalising responsible, ethical landlords. Thank you for your time. This is a sledgehammer to crack a nut. If there are poor HMO's then find them and force them to be licensed and take action. Why should good caring landlords be tarnished with the same brush? It is an extra cost and bureaucracy that is not needed.
Portal	Moulsecoomb & Bevendean	A landlord	No	
Portal	Moulsecoomb & Bevendean	A landlord	No	I am a landlord who takes a pride in the properties I let, I keep them well decorated have mains linked fire alarms which are checked. I regularly check the houses to ensure that the students are looking after not just the inside but also the gardens. I hate the fact that if this is imposed it is yet another case of the few tainting the many, in all walks of life there are bad eggs, its the same with landlords. The council should have the powers to deal with these and not have a blanket policy that penalises responsible landlords. It was these bad eggs which meant the deposit scheme being put in place which now leave the landlord vulnerable, by all means introduce a system which monitors any landlord that is reported or introduce fines etc but to extend HMO licensing(and in only a select area) is discriminating against the majority landlords who are good.
Portal	Moulsecoomb & Bevendean	A landlord	No	I own & let 3 x 4 bed homes in BN2 4PN, BN2 4PH, BN2 4PJ. All were accredited until the requirement to attend a training course I didn't need. I keep them all in good condition (better than when I bought them), meet all the standards of the guidelines & have never had any complaints
Portal	Moulsecoomb & Bevendean	An owner/occupier of a property in the area; A letting / managing	No	The proposal is well-intentioned, but simply not necessary. Why doesn't the council concentrate its resources on dealing with the actual problem properties and landlords using selective powers, rather than ALL the landlords and properties? Why

		agent; A landlord; An accredited landlord; Live Close to an HMO; A local business		penalise those who've done nothing wrong? IF the proposal goes ahead, many landlord businesses will fail, the net effect will be to damage the well-being of the City. The council needs a reality check - the proposed changes are draconian, insensitive and unworkable.
Portal	Moulsecocomb & Bevendean	An owner/occupier of a property in the area; A landlord; An accredited landlord; A local business	No	The Council is unable to raise Council tax on student houses - but (i) a licence fee for commercial grade fire precautions in 3-bed houses is a most peculiar way to do it; and (ii) it will do very little to reduce the number of student houses in the proposed area, as there is a huge need; and (iii) it is extremely doubtful that it will do anything to significantly reduce rubbish issues, or noise nuisance. Far from curbing the excessive power of letting agents, and their charges, legislation and licensing will drive more and more landlords to use agencies out of fear of complicated rules. This - together with necessary works - will result in higher rents. These rents are unimportant when shared between the middle class parents of students - but they will impact badly on young working sharers. Agents will not manage properties better as a result - they are there to let, not manage and are responsive (at best) on improvements and repairs, not pro-active - and the more properties which are with agents, the worse they will be managed.
Portal	Moulsecocomb & Bevendean	An owner/occupier of a property in the area; A private tenant; A student	Yes	More regular checks to see if standards are being maintained?
Portal	St Peters & North Laine	A landlord; A local business	No	This is a pointless exercise which is not only going to cost the general tax payer (as the previous scheme has not met full costs) but is not going to improve noise and litter. The council already have the necessary powers to curb these problems and need to stop blaming landlords for the actions of tenants and the general residents of these areas. Whilst the additional regulation will do nothing to eliminate rogue landlords it will only result in the acceptable landlord paying money into the councils coffers, (or maybe that is the idea) and increasing the rental fee to offset the cost. The safety standards can be improved by student unions and housing advice centres educating prospective tenants of the essential standards to be provided prior to their agreement to take up a tenancy. I do however suspect this consultation is an exercise in green policy implementation and will be responded to by a majority of 'neighbours' and students with few landlords being heard. If implemented however it will however result in this landlord restricting my properties to two people only, thereby reducing the local housing availability. Stop controlling and do the job you are already empowered to do....and paid for! ...and who on earth compiled this biased questionnaire??

Portal	St Peters & North Laine	An owner/occupier of a property in the area; A landlord	No	So long as they are safe and affectively managed, houses smaller than current HMO legislation offer cost-effective shared accommodation to young people and students who need and want to work and study in an expensive town. A privately available room is as little as £80 a week, where university halls can be nearer £150. Extending HMO will: raise rents, reduce available housing stock for renting, cause landlords to pull funds out entirely, or favour of 1 & 2beds, and favour large commercial companies with greater funds and specialist employees over smaller landlords who care more and are more diligent about the service they offer. Additional licensing will only further penalise good landlords, unscrupulous landlords will continue to ignore it, for example not taking a deposit to get around paying tax or renting to foreign students and not having gas checks. I consider that if an area is to have a high number of HMOs then proper regulation such as is proposed is absolutely necessary. I also think that the Council should encourage the return of properties to family use, and encourage student accommodation at sites other than central to Brighton.
Portal	St Peters & North Laine	A landlord	No	
Portal	St Peters & North Laine	A landlord	Yes	
Portal	St Peters & North Laine	A letting / managing agent	No	I honestly feel that additional licensing of smaller properties in the proposed areas will have a detrimental effect to all parties, neighbours, landlords and students. It will cause disruption during term time having the works completed to the students and it will involve a high cost to the landlord that will not solve the problems that need to be tackled. I do agree that more checks could be done by the council for rental properties concerning safety regulations and working for a letting agent I would rather have integrated fire alarms in properties and electrical certificates in place to protect the tenants and the landlord's investment. I think there should be more police in the effected areas regarding noise. Having a different fine procedure in place for tenants that are causing a disturbance to their neighbours would be more effective that have the property fall under the HMO licensing. I think there should be more money spent on rubbish collection in the proposed areas, Lewes Road. There are more people living in a property that a normal family that cook for themselves as a whole whereas they cook individually and the bins provided are not sufficient. Perhaps the landlords could pay a smaller fee annually to cover the cost of noise patrol in the effected areas and more bin men. This is ultimately what the problem is. Antisocial behaviour which will not be stopped from having to licence a property. The Universities need to do more to education their students on how to behave. It's not like living in halls. Halls have a warden, can the same not apply for the affected areas? It's more about communication and action to tackle this problem. The council can have a list of houses and known who the landlord/ managing agent is and the person in charge of that area to work together to visit the property and have more

				regular meetings with the tenants that are causing a problem. The proposal for smaller HMO's is definitely NOT the solution!
Portal	St Peters & North Laine	An owner/occupier of a property in the area; A landlord; Live Close to an HMO	No	Smaller properties will then be withdrawn from student lets. Landlords of smaller properties have a choice of letting to individuals or families or couples with children. The costs to change such smaller properties could be prohibitive and landlords will withdraw such properties. I am concerned that at the moment HMO means that it is a larger student property and that the survey is asking people what they think about problems with HMOs and this could be obtaining info just about the larger properties which obviously will have more issues as there are more people in them! Surely it is better to have smaller properties with less people in them.
Portal	St Peters & North Laine	A landlord	No	Good private housing for students is essential to sustain the student population of this city. There are some things which would improve student areas at minimal cost, for example: a) Waste collection twice weekly because of the high occupation density - students put their waste in the bins provided but they overflow b) Cycle racks conveniently situated, maybe at each end of each road
Portal	St Peters & North Laine	A landlord	No	I do personally think that we should not be penalizing landlords of small housing units but training students to be more socially aware and understand how to keep themselves clean. As a landlord, I am amazed at how prospective graduates are totally inapt at being able to take care of themselves in a safe and healthy manner.
Portal	St Peters & North Laine	A landlord	No	If the perceived problem is tenant nuisance then the suggested licence scheme will not solve it.
Portal	St Peters & North Laine	A landlord	No	Surely problems concerning noise are the responsibility of the individual tenant and covered by civil disturbance legislation?. Rubbish and litter problems are either due to slovenly tenant behaviour or inadequate provision by the council of rubbish containers. If internal conditions are that poor, they should be covered by Environmental Health regulations. Poor external appearances of a property are not a 'crime' and will not normally affect the living conditions within a building. If the external conditions of a property become dangerous, they will already come under the control of building regulations. Tenants may abuse their position if they become aware that landlords have new legal obligations. This proposal is yet another tax on landlords, the majority of whom are good and the bad amongst them will no doubt flout this legislation, as they probably flout existing. Any additional costs incurred through a licence fee would be passed onto the tenants, thus making an unwelcome increase in their living costs.
Portal	St Peters & North Laine	An accredited landlord	No	We respond as both local authority taxing residents in the proposed area of the City and as accredited landlords with properties in the wards proposed. The proposal to introduce HMO licensing for 3 & 4 bed properties over two floors is not

				supported in its current form and we believe is a too much of a blanket measure and is not sufficiently targeted. It is our view that the local authority has sufficient powers already and should engage with the landlords accredited by the City Council, who have received no briefing, consultation or indeed to the best of our knowledge participated in any workshops or the like to propose potential alternative solutions. The landlord and letting agent community in the City is generally very responsible and well informed and we feel sure would be keen to assist with appraisal of both the problem which we respectfully believe to be very light on definition and quantification. The paper to Housing Cabinet paper in our view was not balanced, did not consider alternatives or make the elected members aware of any potential dis-benefits. In our experience of living in the area for over 33 years is that the Lewes Road corridor has historically been the poorer part of town with many social challenges. Very many properties have been in a poor state of repair and it is shared housing owners who have invested, in our case typically £25k - £60k per property bringing up to and exceeding the decent homes standard with new energy efficient roofs, windows, space heating, electrical re-provision etc. These areas have enjoyed on balance an upgrade not a decline in the standards of the housing stock as a result of shared housing, evidenced in the data for average property resale values for all houses in these areas. The universities could do a lot more to partner landlords in addressing issues concerning the conduct of students which we believe we believe to be in the minority. The sanctions landlords have will not be boosted by licensing; we will manage in just the same way as we do our six bed houses. As you will know the route to eviction for joint tenants is a long, slow and unpredictable one. What is needed is for universities to apply sanctions involving parents and other agencies to provide pro-active intervention. Landlords have limited duties given that the tenant has the primary duty for conduct and standards. Broad brush licensing is a blunt instrument action that wastes resource and will not tackle the perceived issue at present not properly defined. We have non student tenants in the wards identified and in other areas of the City. We have had more issues by far with non student tenants with noise and activities not in keeping with the normal standards: e.g. washing out of windows, fly tipping into our property, domestic disputes. It has to be said that there are dis-benefits of licensed housing standards: we have received complaints about the sounds of heavy fire doors closing with the self closers, fire alarm activation false alarms (the later linked systems are much more sensitive). From the consultation portal it is not possible to see what standards will apply to small shared houses in respect of fire prevention. Unable to be clear if we have to throw away modern reliable smoke alarms with 10 year fuel cells and have linked in all rooms, fire doors in all rooms? 30 minute ceilings or not ? boxed in
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				stairs. If so we believe the cost and work involved for the minimal if any risk assessment improvement by these passive measures to be not justified and has no significant benefit. We like many responsible landlords may well consider this to be the time to exit the business demand will always get satisfied by those on the margins. Apply more lateral thinking and reconsider this proposal.
Portal	Queens Park	An owner/occupier of a property in the area; A landlord	No	As far I can see licensing of HMOs make no difference to the behaviour of landlords or tenants. when I have tried to get some form of input from the council on any of the above issues I have had no success. In fact when i and others locally tried to opposite the development of this kind of usage in this area we were told that nothing could be done. One person in the council told me that if I found it a problem I could sell my property to a landlord and move!
Portal	Central Hove	A letting / managing agent	No	Landlords are reluctant to invest in HMO's since the introduction of licensing and a further extension will only lessen the availability of PRS housing. There is already a major lack of rental property in the City. The areas proposed are popular student areas and this would have a detrimental effect. The survey appears to be biased towards existing tenants in the proposed HMO areas giving an imbalanced view. The licensing does not and cannot control such things as rubbish and 'loud music' from HMO's (so why ask the question?). The vast majority of Landlords in the city nowadays maintain their properties to a reasonable standard given the powers that the Council already has and the extension, with the cost of a license and other (sometimes quite unnecessary) works to obtain the license, will lead to an even more acute shortage of property
Portal	Not known	An accredited landlord	No	A house which has Safety Gas and Electric Certificates, hardwired heat and smoke alarm systems, central heating, double glazing, is in good structural and decorative order with suitable furniture does not need any further bureaucratic interference. This proposal is just another ruse to get more money from hard pressed tenants, because any costs incurred with this idea would invariably be passed on to the tenant. You are therefore only making life worse for the tenants. My tenants live in better run and maintained properties than many of their neighbours who don't rent but who own their properties. It is absolutely unnecessary to extent this scheme to smaller houses with a maximum of 4 tenants. Please drop it.
Portal	Outside area	An accredited landlord	No	I would not purchase further property for rent in Brighton and Hove in fact would consider selling existing stock. It is just another additional tax/cost on businesses trying to provide a service for no return.
Portal	Stanford	An owner/occupier of a property in the area; A landlord	No	This is a ridiculous idea Why on earth waste more tax payers money on these stupid schemes.

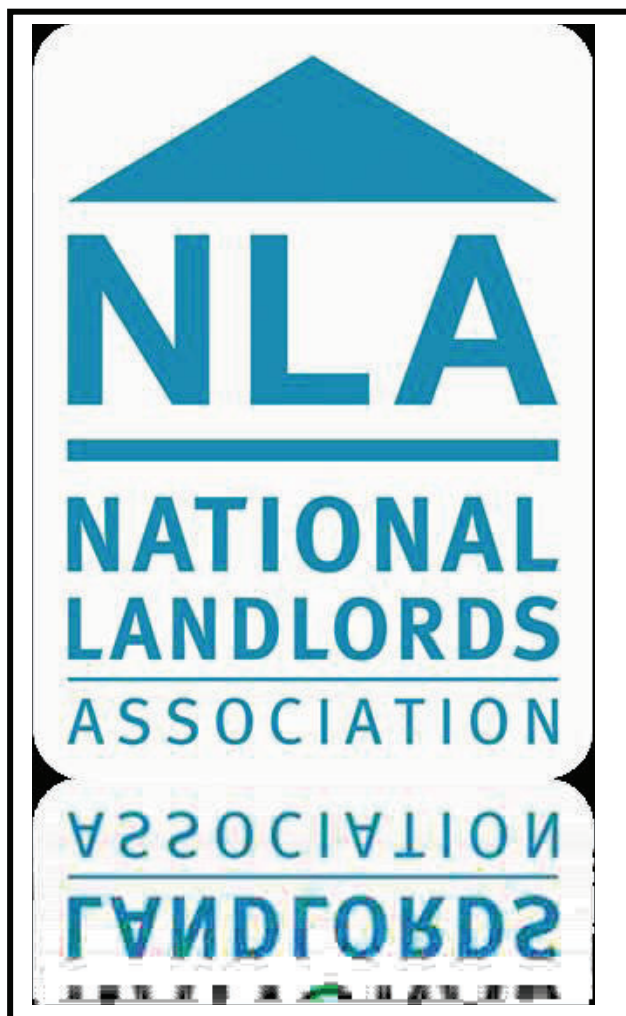
Portal	Not known	An owner/occupier of a property in the area; A landlord; Live Close to an HMO	No	In Seville St there are 3 storey on one side of the street and 2 storey on the other. In my experience the owners of small let houses on the 2 storey side own just the one property and are older people reliant on the rental income. I think with HMO regs imposed they will sell up with the result that if the houses are bought as BTs more people will be squeezed in. The small houses are with 3 people are not the problem. It is the intensively let 4,5, 6, bed houses that are overcrowded, and tend to look like a tip at the front.
Portal	Brunswick and Adelaide	A landlord	Yes	This is a very badly worded questionnaire.
Portal	Rottingdean Coastal	A letting / managing agent; A landlord	Yes	The council are the people with the powers to deal with noise nuisance. Landlords and Letting Agents have no such specific powers and can in the end only speak to problem tenants. Furthermore, every tenant knows who their LL and agent is as it is written in the Tenancy Agreement and the council can easily access this info if required. The current HMO system is a farce and the 'good' LLs who acted promptly ended up spending significantly more when the requirements were changed. Furthermore, the 'bad' LL do not bother to register. Better to target specify know problem properties instead of wasting time with more administration.
Portal	Outside Area	An accredited landlord	No	Increases rents and bad landlords won't get licensed. If you do licence them accredited landlords should get a significant discount on fees. You should check all rented properties to benefits tenants and university tenants have gas safety certificates and use this route to identify bad landlords and educate them or ban them as landlords. Accredited landlords like myself do not want bad landlords giving the industry a bad name. Licensing is not the answer.
Portal	Not known	A landlord	No	I feel that is yet more governmental interference in the daily lives of occupants of property and owners of the property. If you continually introduce more rules and regulations that effectively prohibit people from pursuing their normal lives, you will then effectively stop them from becoming a good citizen and neighbour of the community that they live in. The most effective way for the control of occupants that do not conduct their lives in a sensible manner is for their actions to become socially unacceptable. This theory has been proved to be correct if you look at how drinking and driving is no longer acceptable, in the 50's and 60's there was no stigma attached to drinking and driving, however now there is. Therefore it naturally follows that the best way forward to unacceptable behaviour is education and peer pressure.
Portal	Not Known	A landlord	No	Surely this is just another initiative that will ultimately increase rents to tenants/sharers?

Portal	Not Known	A landlord	No	This is red tape and extra cost for little or no reason. Tenants in the category of three people are not in HMO's they are renting a house and managing themselves - they do not need to have a notice up about their rights and be told when to put their bins out - that is a matter for them as local residents. If you implement this you will put up the costs of these young people being able to afford housing. What will happen? If the idea is to get landlords to sell, then the young people won't afford it and they will merely lose the ability to rent in these areas. This is some crusade against the wrong people - if there is an issue then deal with the problem landlords - don't put the costs up for all of us and then be surprised when the city becomes too expensive for people to live and the city starts to lose the vibrancy that makes it so attractive. The council already have the power to deal with all these problems if they occur and is have the power as an independent body. There is no evidence and not only confined to sharers. Government legislation gives very limited power to landlords to deal with problem tenants, however the council does no problem within the areas you are consulting on. Hearsay and exaggeration is not evidence. licensing small HMOs will not crack the very small amount of rogue landlords that will always work under the radar. This seems a sledgehammer to crack a nut and we cannot support the proposal.
Portal	Wish	A landlord	No	As a conscientious landlord who uses a reliable letting agency and carries out repairs as needed, I feel that your measures favour tenants and in some cases, their whims. Who is to judge what constitutes 'clean' on entry and on departure? Tenants will always dispute this. In the end, and extra expenses mean that the house no longer makes a profit so what will be the point of keeping it rented?
Portal	East Brighton	A landlord	No	This initiative is quite clearly just a revenue generating exercise by the Council. There is absolutely no reason why it would achieve any change in maintenance and management of HMOs. Landlords have very little control over the behaviour of their tenants - short of giving them notice to quit in which case they will simply move on to another property. The sort of issues alluded to above in the vast majority of cases are not extreme issues and would not justify ending a tenancy. Tenants have a right to freedom from harassment by their landlords - and being chased about their music or their rubbish would involve landlords making highly subjective judgements, in all likelihood based on hearsay (since the landlord is unlikely to be around when the alleged problem behaviour takes place). So the landlord's ability to exercise meaningful control is extremely limited - whilst the council collects the extra cash from the licence fee. My experience is of the Coombe Rd area which has a large number of student HMOs and I have never seen the street looking any more messy than any other average Brighton street.
Portal	Goldsmid	A landlord	No	

Portal	Regency	A landlord	Not sure / Don't know	No for hmos of 3. Think that this is too much red tape to solve some issues that are possibly solved by other means. I suspect that the majority of issues are with larger houses. Other avenues of license agents should be looked at first, if there is a health hassled or anti social behaviour then is there not already adequate legislation.
Portal	Regency	A landlord	No	Introducing this just penalises landlords and makes money for the local council. Go and do something to create community, not destroy it.
Portal	Outside Area	A landlord	No	The extension of the license are will increase rents and make Brighton a less desirable.
Portal	Outside area	A landlord	No	As a responsible landlord that carries out electrical checks, gas checks and keeps property in excellent order, I resent having to pay a fee for those that are not responsible. Additionally, if these rules apply to let properties, then the same should apply to owner occupied properties because there should not be double standards. A far better system would be a code of practice and unannounced inspections where "fines" could be imposed for poor standards. The law abiding should not be subsidising the rest!
Portal	Outside Area	A landlord	No	We are landlords of 5 student HMOs in Brighton, mainly in the Hanover Area. We also have 3 smaller properties also let to students which are not HMOs. We have a very good letting agent Q Lets who are on immediately top of any potential trouble which might arise. We wrote in last year and our opinion has not changed. please see the statement below: The council have stated that their belief is that with these new measures they will be able to improve anti-social behaviour, cleanliness of bins and rubbish on the streets, noise complaints and studentification in these areas. We believe that in reality, these measures will have no impact on this at all, as ultimately any powers regarding controlling these problems lie with the Police and Council themselves and it is these channels that need to be improved alongside education from the Universities. Landlords and Letting Agents can try to control their tenants, but are unfortunately limited by law on how far they can go to achieve this. Further to this it is clear that the charge for a license, which currently stands at around Â£700 for five years, would benefit the council at a time of austerity for local government when you consider just how many properties this will include.

The above are the only ones to leave comments. Other's were yes, no or don't know.

** posted survey - completed by a member of staff



National Landlords Association:

***Response to the Brighton and Hove City Council's
Consultation on Additional Licensing***

March 2012

Introduction

The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.

With more than 20,000 individual landlords from around the United Kingdom and over 100 local authority associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards in the private rented sector.

The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

General Comments

The National Landlords Association (NLA) would like to thank Brighton and Hove City Council for including us in your additional licensing consultation.

The NLA believes that any regulation of the private rented sector needs to be carefully balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the rogue landlords who blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate, the last thing good landlords need is to be further penalised by new regulations or licensing schemes; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.

Additional licensing is undoubtedly a powerful tool for local authorities when used appropriately. However it should be considered as an option of last resort, rather than a tool to be applied liberally to communities. We therefore, remain unconvinced that Brighton and Hove City Council has explored all potential avenues prior to this additional licensing proposal.

Consultation Questionnaire

The Department for Communities and Local Government guidance document 'Approval steps for additional and selective licensing designations in England' states that "during consultation, Local Housing Authorities (LHAs) must give a detailed explanation of the proposed designation, explaining the reasons for the designation, how it will tackle specific problems, the potential benefits etc". This guidance was confirmed by Mr Justice McCombe in *Regina (on the application of Peat and Others) -v- Hyndburn Borough Council, Court of Appeal - Administrative Court [2011] EWHC 1739 (Admin)*.

Unfortunately, none of this information has been provided by Brighton and Hove City Council in this consultation. With this in mind, at present, we do not have sufficient information to provide informed comment on the robustness of the proposal or its evidence base. Therefore, we are of the

opinion that the information currently presented does not provide sufficient justification under the Housing Act 2004, Communities and Local Government Guidance or *Hyndburn* Judgment to pass the correct procedural requirements for the creation of an additional licensing designation.

Property and Management Standards

9. Section 56 (2) of the Housing Act 2004 states that the local authority may only designate an area for additional licensing if the local authority considers “a significant proportion of HMOs ... are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more problems either for those occupying the HMOs or for members of the public”.
10. A prescriptive list of requirements such as those which form the basis for every additional licensing scheme will not solve the problem of poor internal or external conditions. The root cause being landlords not knowing their statutory duties or obligations. This does not demonstrate a need for additional licensing. It demonstrates a need for local landlords to be educated and professionalised and this is much better achieved through accreditation and much more cost- effective than additional licensing.

Resources

11. Another key concern over the creation of this scheme is the question of local authority resources. It is well known that in this time of austerity, local authorities are being asked to do more by central government with fewer resources. The administration of a licensing scheme is costly in terms of both officer time and a financial commitment. When local authority budgets are being reduced, we believe that the remaining resources are wasted on a licensing regime and should instead be used for targeted enforcement of the worst, rogue landlords. By way of an example, in 2009 Swansea City and Borough Council spent approximately £272,000 on its mandatory and discretionary licensing schemes (of which approximately £243,000 came from landlords paying the application fee)¹. This caused a shortfall of £29,000 for the local authority and we would argue this money could have been better spent employing additional Environmental Health Officers to target sub-standard and poorly-managed properties.

Other courses of Action

12. Section 57 (4) of the Housing Act 2004 states that a local authority “must not make a particular designation ... unless (a) they have considered whether there are any other courses of action available to them ... that might provide an effective method of dealing with the problem or problems in question”. The consultation document makes no mention of any other measures taken, whether

¹ Response from Swansea City and Borough Council on 31 March 2010 to an NLA request under the Freedom of Information Act

by Brighton and Hove City Council or any other body to reduce the problems associated with HMOs. In particular, no mention is made of:

- ☐ Anti-Social Behaviour Orders (ASBOs) under the Crime and Disorder Act 1998;
- ☐ Injunctions whether under section 153A et seq of the Housing Act 1996 or section 222 of the Local Government Act 1972;
- ☐ Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
- ☐ Litter abatement notices under section 92 of the Environmental Protection Act 1990;
- ☐ Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
- ☐ The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949.

13. As Brighton and Hove City Council does not appear to have considered any alternate powers, the NLA believes more consideration of alternatives to additional licensing is required before a designation can be properly created in accordance with the Housing Act 2004.

14. The NLA agrees that some landlords, most often due to ignorance rather than rogue intent do not use their powers to manage their properties effectively. We would recommend that rather than additional licensing, a more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the sector.

15. If this proves unsuccessful, the NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by additional licensing and that in such situations local authorities should consider Enforcement Notices and Management Orders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect the professional landlords, whilst still leaving the rogues able to operate under the radar.

Accreditation

16. The consultation document notes that Brighton and Hove City Council wishes to use additional licensing to 'ensure acceptable standards are maintained'. Accreditation plays a vital role in educating and improving the professionalism of the private rented sector. Accreditation educates landlords on their obligations and responsibilities towards their tenants, the community and the local authority.

17. Development-based accreditation changes the behaviour of landlords in a way that licensing does not. We believe the aims highlighted in your consultation document can be better achieved through accreditation than additional licensing. The NLA strongly believes that giving landlords the knowledge to effectively manage their properties is a drastically more efficient tool for raising property standards and professionalising the private rented sector.

Fit and Proper Person

18. The NLA would also like to raise an issue with regard to any “fit and proper” person criteria that will become part of the additional licensing regime. The consultation is not clear on the scope of the scheme operator to conduct enquiries in order to ensure that all details and statements made in the application forms are correct. The NLA would argue that any enquiries should not be taken to include an agreement for Brighton and Hove City Council to conduct a Criminal Records Bureau (CRB) check. Landlords are not one of the required professionals under a statutory obligation to provide details of any spent criminal convictions and as such a CRB check (which provides such details) would be inappropriate. We would argue that Brighton and Hove City Council should not include a CRB check in their licensing requirements as it is unduly onerous.

Conclusion

19. Additional licensing should not just be used as a check-box, census, exercise that can be used by any local authorities to identify HMO landlords operating in their area. Should an area become subject to additional licensing we would want to see Brighton and Hove City Council using the information gained to engage with landlords in order to encourage them to participate in whatever other measures you and your partners have enacted to improve the quality of the local private rented sector.
20. Again, the NLA would like to thank Brighton and Hove City Council for the opportunity to respond to this consultation and hope you find our comments useful.

Your Ref:

Our Ref: 10/DB/39492/35

Dated: 30 March 2012

Private Sector Housing Team
Housing Commissioning
Brighton and Hove City Council



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Dear Sir,

Re: HMOs (Houses in Multiple Occupation) - Additional Licensing Consultation

I am writing on behalf of the Residential Landlords Association to make representations in response to the Council's proposal to make an additional HMO licensing scheme for 5 wards in Brighton. Our views are as follows:-

1. Information available to the public

Having looked at the Council's website the only information made available is a copy of the Council Cabinet Report (minus the Appendices) and a generalised note on HMO licensing, which mainly relates to the current mandatory licensing scheme. There are no detailed proposals. Even though this is supposedly a consultation on revised HMO standards the Appendix containing these is missing from the Cabinet Report which is on display. It is unclear from the consultation whether this is the statutory consultation as required by the general consents for the implementation of such schemes. There is reference in the Cabinet Report to the Council publishing the evidence it collected as part of the initial consultation. However, this is not referred to at all on the website. Therefore, it has not been made available.

2. Failure to consult properly

Despite the legal advice contained in the Cabinet Report it is manifestly clear, therefore, that the Council has failed to conduct this consultation in a lawful manner. It is settled law that the Council must publish full details of its proposals, explaining why they should be implemented, and giving information about the scheme, such as sample licence conditions. The Council is referred to the Judgment of the High Court in the case where the licensing scheme introduced by Hyndburn Borough Council in Accrington was quashed for this very reason. There has been a woeful failure by the Council to comply with its duties so as to render any implementation based on this consultation lawful. For instance, as referred to in the next paragraph, there has been no attempt whatever to properly identify what are the "problems" within the purview of the Housing Act 2004, which justifies the introduction of such a scheme.

3. Problems leading to introduction of the scheme

The Act is clear. It is set out in bullet point 11 of paragraph 3.11 of the Report “*A significant proportion of HMOs ...in the area are being managed efficiently and effectively so as to give rise, or to be likely to give rise, to one or more particular problems, either to those occupying the HMOs or for the benefit of the public*”. Despite this the Cabinet Report singularly fails to spell out these supposed problems and to link them to ineffective management by landlords in the PRS.

On the contrary what the Report does is refer on more than one occasion to over concentrations of HMOs. This is not a problem associated with ineffective management. It is nothing whatsoever to do with it and the whole thrust of the intended introduction of Additional HMO licensing is therefore based on an unlawful premise. This scheme is brought about because of the dislike of local residents to having students in their area. It is nothing whatever to do with the problems associated with ineffective management. Any such scheme would therefore be ultra vires and unlawful.

In the fourth bullet point under paragraph 3.2 there is a vague reference to “*adverse impact of HMOs on the neighbourhood*”. Again, this is not a problem associated with poor management and it has not even spelt out what any adverse impacts may be. There is also reference to the need to upgrade poorer buildings to minimum health and safety standards. This has nothing to do with additional HMO licensing. It can be dealt with under HHSRS powers. Indeed, the Act directs that HHSRS powers should be exercised, rather than licence conditions used for this purpose. Furthermore, there is no consideration of the fact that the HMO Management Regulations which were applicable to all HMOs also laid down standards which can be relied upon to enforce minimum standards of the kind referred to. Licensing is not needed for this purpose.

No evidence has been produced in the Report or the Consultation as regards any supposed problems affecting HMOs so as to enable respondents to the consultation to question, challenge or respond to these. Only the most vague generalisations are included which are very non specific.

There has therefore been a complete failure on behalf of the Council to identify any problems which are within the scope of the relevant provisions and which would even begin to justify considering whether or not additional HMO licensing should be introduced by the Council in these five areas.

4. General view of HMO licensing

We consider that it is bureaucratic and costly. Much of the effort has to be devoted to the process of licensing individual landlords, collecting in and processing applications, issuing licences and so on. It is time consuming and resource intensive diverting limited resources away from tackling the real issues if there are any at all. Money has to be spent in fees which would be better devoted to improving individual properties. Often this money is taken out of areas where the rental income is the least. Ultimately the cost will fall on the tenants, as fees are reflected in rental levels.

5. Hostility towards the young

Of particular concern to the Association is that this proposal appears to be motivated by very worrying hostility on the part of local residents towards young sharers such as students who live in HMO accommodation. Local authorities do not have powers to control the numbers of HMOs in terms of exiting stock. By introducing an Article 4 Direction with the appropriate planning policies the Council may have power to control the location of new HMOs but these powers do not operate retrospectively. Why, therefore, is additional HMO licensing being considered. It would appear to be an attempt to simply make life more difficult and expensive for landlords at the behest of activist local residents who detest this kind of accommodation in their midst and see it as a threat to them. The Council must, however, act responsibly and, in particular, as has been pointed out in response to the earlier consultation by tenants overwhelmingly it means that they end up paying more for their accommodation. The Council will be reducing the supply of affordable accommodation if it proceeds in this direction because, inevitably as we point out below licence fees are passed on as part of the rent to those who live in this kind of accommodation.

Furthermore, this seems to be an anti student move. Nevertheless, as the report rightly points out, others will be affected. Where is the evidence of any problems of any kind in non student accommodation. The Council does not even generally know where it is located. Other young people are, therefore, having to suffer because of the anti student bias of a number of local residents.

6. Section 257 HMOs

There is no consideration at all in the Report as to whether Section 257 HMOs will fall within the scope of the additional licensing scheme. The vast majority of local authorities have excluded these. It would bring into additional HMO licensing converted flats. However, there are very considerable difficulties in ascertaining whether or not a property is a Section 257 HMO in the first place. One does not always know whether a property is rented out. Buildings can go into and out of the definition of Section 257 of the 2004 Act as occupation changes. If this scheme is to proceed we would urge that you exclude Section 257 of the HMOs because of the all the difficulties surrounding them including enforcing these measures in such accommodation.

7. The grounds for Licensing

We do not consider that the Council meets the required criteria in this instance for additional HMO licensing based on information set out in the proposal.

8. Difficulties facing PRS landlords regarding anti social behaviour

The report does not even raise questions regarding anti social behaviour (ASB) although there are references to "adverse impact".. In any case dealing with ASBs poses considerable problems for PRS landlords. They can rely on Section 21 to evict but only after six months. Otherwise, we have to rely on a discretionary ground and it is notoriously difficult to make a Judge make an order on these discretionary grounds. PRS landlords are also faced by problems of gathering evidence and getting people to

come to Court. What you fail to appreciate is that you, as one arm of the State, are castigating PRS landlords for failure to take action but another arm of the State, the Legal Services Commission, then gives individual tenants practically unlimited funds to defend these claims based simply on denials from tenants saying that things never happened as alleged. To compound the situation win, lose or draw the landlord has to stand his own costs in this situation because not only does the State pay to defend the tenant but also says that the landlord cannot recover his costs of doing so from the tenant (or the Legal Services Commission which has backed the case) even if the landlord is wholly successful. Tenants who are guilty of ASB are, of course, wise to these things. You cannot realistically expect the landlord to monitor and police ASB on the part of their tenants.

9. Outcomes

The proposal fails to specify what are the desired outcomes of additional HMO licensing in these areas. No targets or objectives are set.

10. Monitoring

Not only are no outcomes specified but there is no suggestion of any kind of effective monitoring for the success or otherwise of the scheme. Clearly, the Council seems to have ambitions to extend selective licensing but unless there are proper defined outcomes and monitoring it would seem hard to justify an extension if you failed to measure the effectiveness of the current proposals should they be implemented.

11. Size of the Area

Although we have objections in principle to the concept we would consider that if it the scheme likely to succeed then it need to be confined to a smaller area. 5 wards is a large area to implement effectively and efficiently. We are always concerned with the danger that areas are too large simply to secure a larger fee income from landlords. It would seem far more sensible to concentrate on just one area if the scheme is to be introduced in the first instance rather than dissipate resources which the Council admits are scarce across a wider area.

12. Stock condition

Reference is made in the proposal to supposed problems regarding property condition. Conditions cannot be imposed under additional HMO licensing to condition as such and, indeed, these matters therefore fall to be dealt with under the Housing Health and Safety Rating System (HHSRS). Thus, this does not give rise to grounds for imposing licensing.

13. Training

One particular concern is that with one or two notable exceptions (including Leeds City Council) local authorities imposing these schemes fail to require landlords and managing agents involved in managing these properties to undergo training. This is far and away the simplest and most effective way of improving management standards. Leeds City Council is the largest HMO licensing authority in the country

with some 2,750 current licences. Landlords and agents had to undergo the training course which was provided by this Association on a non profit making basis. Whilst there was some initial reluctance in some cases the satisfaction rating for those who then attended the course was then extremely high.

14. Adopting other measures

The proposal makes reference to other measures which should be considered first before resorting to licensing, possibly the use of HHSRS powers. However, again, we find it is the case that these other measures have been properly considered to be non existent.

15. Fees

No information has been given about the amount of fees payable. It seems to us that this is an attempt by the Council to impose additional HMO licensing to collect fees so that landlords self pay for enforcement. This overlooks the fact that under the 2004 Act the use of HHSRS powers cannot be charged for as part of the fees for licensing. Full details are requested of the proposed fee structure and a breakdown of how these fees have been calculated.

16. Conclusion

We regret to say that the way in which this consultation is being conducted is woefully inadequate and unlawful for all the reasons we have already explained. The Council should abandon this consultation and if it wishes to proceed with its proposal come forward with a proper consultation exercise. There has already been criticism as part of the previous consultation that the process has not been robust. It seems the Council has failed to learn that this is the case despite the measures it claims for the report to have taken to ensure that the consultation is conducted properly.

Yours faithfully

R.O. JONES
POLICY DIRECTOR

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University of Sussex – Response to Brighton & Hove City Council’s proposal on Additional Licensing (March 2012)

1. The University welcomes the opportunity to comment on the proposal to introduce Additional Licensing *to properties of two or more storeys and three or more occupiers in five wards with the highest concentration of smaller HMOs in the City*. This response should be read in conjunction with the University’s earlier response to the Council’s consultation paper on the Student Housing Policy Options (October 2011).
2. The University currently provides accommodation for approximately 4,500 students in its owned and /or managed housing and as part of its housing strategy is seeking to develop further housing on its campus. In addition the University is working in Partnership with both large and small private landlords to develop and manage good quality student housing across the city. The University is currently able to house all its first year students in University managed accommodation, the majority in accommodation on the campus at Falmer.
3. The University however remains dependant on the private rented sector to house a large proportion of its returning students, the majority of whom are living in HMO properties throughout the City. The University is aware that the exclusion of smaller HMO from the mandatory licensing scheme has prevented the City Council from addressing certain standards such as the use of conservatories as living spaces; and is not always clear who the landlord of a property might be.
4. The University supports the proposal and has worked in partnership with the City Council to raise standards and management practices and will continue to do so.
5. The University however, has two concerns with regards to the proposals as it currently stands
 - Firstly the proposals suggest an implementation date of September 2012 (or 3 months after approval). We are aware that many landlords have already let tenancies for September 2012 and the proposed timescale gives little lead in time for landlord to work towards achieving some of the building standards proposed.
 - As the University’s main concern is to see improved standards across the City, we are concerned that there remains the possibility that by restricting the scheme to five wards. tenants outside of these wards will not enjoy similar improved standards as those who may only live a street or so away in a neighbouring ward.

Appendix vii) - Risk Log

Risk Log

Project:	Additional Licensing for Houses in Multiple Occupation (HMO)
Date:	19 March 2012
Author:	Susan Connelly, Housing Commissioning ☎ 01273 293800

Version Control

Current Version 0.04

Version History

Version	Revision date	Summary of changes
0.01	16.01.12	First draft
0.02	19.03.12	Comments from Project Team
0.03	26.03.12	Revised Draft
0.04	19.04.12	Final

Distribution

This document has been distributed to the following people:

Name	Date of issue	Version
Project Team:	19.03.12	0.02
Jo Holt, Development & Programme Manager	19.03.12	0.02
Martin Reid, Head of Housing Strategy, D&PSH	19.03.12	0.02
Mike Slagter, Private Sector Housing Manager	19.03.12	0.02
Sue Yallop, Senior Environmental Health Officer	19.03.12	0.02
Jenny Innes, Senior Environmental Health Officer	19.03.12	0.02
Nigel Divers, Senior Environmental Health Officer	19.03.12	0.02
Shaun Duchossoy, Senior Environmental Health Officer	19.03.12	0.02
Rachel Dean, Senior Environmental Health Officer	19.03.12	0.02
Martin Reid, Head of Housing Strategy, D&PSH	26.03.12	0.03
Jo Holt, Development & Programme Manager	18.04.12	0.03
Leadership Team:	19.04.12	0.04
Jugal Sharma, Lead Commissioner, Housing	19.04.12	0.04
Martin Reid, Head of Housing Strategy, D&PSH	19.04.12	0.04
Sylvia Peckham, Head of TA & Allocations	19.04.12	0.04
Narinder Sundar, Supporting People Manager	19.04.12	0.04

Purpose

The purpose of this log is to allocate a unique number to each project risk, record the type of project risk and serve as a summary of their analysis and status.

Categories

Measurement

Likelihood

Impact

Status Categories

Current

Resolved

Accepted (accept the risk based on the likelihood and impact being low or the cost being prohibitive)

Id	Date identified	Date last updated	Description	Likelihood	Impact	Control measures	Owner	Status
01	dd.mm.y	dd.mm.y	Description of the risk	Low, medium or high	Low, medium or high	The actions that have been taken, or will be taken, to mitigate this risk	Name, title	Current, resolved or accepted
1	16.01.12	19.03.12	The consultation is not robust enough.	Low	High	The process undertaken was in line with CLG guidance and in line with the 2004 Housing Act.	Head of Housing Strategy Development & Private Sector Housing	Accepted
2	30.01.12	19.03.12	Public many not support the proposal.	Medium	High	Ensure proposed scheme information is publicised and consulted upon as widely as possible.	Project Team	Accepted
3	30.01.12	19.03.12	Legal challenge by	Medium	High	Ensure statutory	Head of	Current

			Landlord groups. Scheme may have to be stopped. Financial and reputational risk.				requirements and guidance for designating an additional licensing scheme are fully met.	Housing Strategy Development & Private Sector Housing	
4	30.01.12	19.03.12	Following implementation many landlords do not apply to licence properties:- Problems are not solved. Landlords operate illegally. BHCC resources taken up with prosecutions.	Medium to High	High		Ensure scheme is promoted and landlords are given information. Use HMO data to target landlords. Use enforcement measures where appropriate. Provide sufficient staff resources to keep monitoring, chasing and prosecuting as necessary.	Private Sector Housing Team	Current
5	06.02.12	19.03.12	Potential increase in tenant evictions.	Low	High		Promote benefits of additional licensing. Continue to work with landlords and tenants.	Private Sector Housing Team	Current
6	06.02.12	19.03.12	Licence fees and cost of work passed on to tenants through increased rents:-	High	Medium		Fees set at reasonable level, similar to mandatory licensing. Standards are at basic minimum to meet Health & Safety requirements.	Private Sector Housing Team	Current
7	30.01.12	19.03.12	High influx of initial applications resulting in delays in the licensing process due to volume. Loss of credibility	High	High		Ensure application process is as efficient as possible. Ensure adequate staff resources. Processes and staff to be in	Private Sector Housing Team	Current

8	13.02.12	19.03.12	Insufficient fee income is achieved to self fund the scheme: - Scheme will not be self-funding and viability affected.	Low	High	place before commencement of scheme. Processes to include target times.	Private Sector Housing Team	Current
9	13.02.12	19.03.12	Large numbers of appeals are made to the Residential Property Tribunal Service: - Drain on staff resources to deal with appeals. Fewer applications processed and inspections carried out.	Low	High	Ensure licence conditions are reasonable and enforceable. Adequate staffing will help to absorb the work of some appeals	Private Sector Housing Team	Current
10	30.03.12	05.04.12	Consider that landlords might if being licensed decide to change living rooms into bedrooms to maximise income.	Medium	Medium	Enforcement measures would need to be taken. (If it is licensable and the landlord makes an application for a certain number of people we can cut this number down if it does not comply with our licensing standards. If it was not licensable and we found overcrowding this can also be dealt with under the Housing Act but not quite so easily).	Private Sector Housing Team	Current

Appendix viii) – Equalities Impact Assessment

Aim of Policy / Scope of Service:

Proposed Additional Licensing for Houses in Multiple Occupation (HMOs)

Safe, well-managed private rented accommodation for our residents

Brighton & Hove has one of the highest levels of Houses in Multiple Occupation in the Country.

A property is an HMO (for current proposed additional licensing purposes) if:

- it is occupied by people who do not form a single household (see s258 of the housing Act 2004)
- the accommodation is their only or main residence
- rent is paid or other consideration provided by at least one of the occupants
- two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation lacks one or more basic amenities (WC, personal washing facilities, kitchen facilities).

We have been using existing powers to their full extent and we have licensed over 800 HMOs through mandatory licensing. However we are aware that there are a significant number of smaller HMOs that our current licensing scheme does not cover where there is evidence of unsatisfactory management, disrepair and poor safety standards.

What would the proposed scheme cover?

- Smaller HMOs of two or more storeys and three or more occupiers. It is estimated that this could cover between 1,500 and 3,000 properties, maps of the concentrations are available to view at <http://present.brighton-hove.gov.uk/mgConvert2PDF.aspx?ID=3293&T=10>
- The proposal covers these smaller HMOs in the wards of Hanover & Elm Grove; Moulsecoomb & Bevendean; St Peters & North Laine; Hollingdean & Stanmer; Queen's Park

It would require landlords and their agents to:

- Meet appropriate personal and professional standards of conduct
- Upgrade poorer buildings to minimum health and safety standards, including fire, gas and electrical safety
- Ensure that facilities are adequate for the number of occupiers
- Exercise appropriate management and supervision of the buildings to help reduce any adverse impact of the HMO on the neighbourhood.
- Meet current council standards for licensable HMOs – available to view at http://www.brighton-hove.gov.uk/downloads/bhcc/housing/HMO_Licensing_Std Oct_11.pdf
- If implemented, the cost of administering this scheme will be covered by the HMO Licence fee which will be payable by landlords and agents. Information on the current fee structure on existing HMOs can be viewed on the Private Sector Housing website. Fees in relation to any additional licensing have not yet been set.

Consultation

Consultation is currently taking place as follows:

- Press releases have been published in the local press
- Briefing notes on what the proposed scheme means are available on council website;
- Door to door consultation survey with resident and businesses in the 5 wards (1000 randomly selected homes and businesses), undertaken
- Online consultation methods for residents and stakeholders through the consultation portal ;
- Engage with partners and other local authority services through the project group
- Consultation with: neighbourhood forums; resident group meetings; student unions; landlords' & lettings agent forums; business forums;

Consultation on is undertaken following guidance issued by the government and as part of this a report will be prepared that will need to:

- Demonstrate that we have considered other strategies to address any problems;
- Present robust evidence of problems in the relevant areas;
- Refer to Planning Department consultation work on Article 4;
- All consultation feedback will be logged, recorded, analysed and collated.

Final collation and analysis of all consultation responses will be reviewed against stated aims of the additional licensing proposals and an outcome report with the EIA and the results of the consultation and any proposals to implement a scheme will be considered by Housing Cabinet Member before a final decision is made.

Who lives in smaller HMOs?

The Stock Condition Survey, 2008 shows that the largest proportions of privately rented dwellings are occupied, as might be expected, by those in the 16 to 34 age bands, with a significant proportion of these residents being students.

Outcomes of the Proposed Scheme

The main outcome of the policy will be to ensure safety for private sector tenants living in properties of multiple occupation. Most people only stay in this sector a short time and given the high turnover the potential for risk to occupiers and opportunity for poorer housing conditions to exist are greater.

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
All (impacts that apply to all groups)	Positive: HMO additional licensing will improve safety and management of properties and help to identify properties where action can be taken to improve standards. Additional Licensing will help to ensure that better standards including energy efficiency and security are consistently maintained. Proactive improvement of safety and standards	Standards in HMOs are either national or locally agreed and aimed at the building. We have been using existing powers to their full extent and we have licensed over 800 HMOs through mandatory licensing. There are a few Mandatory Licensed HMOs whereby non-registered social landlords have had to apply for a Mandatory Licence. These also have to meet	Application Form for Licensing conforms to corporate guidelines. Where required, support will be provided to complete all additional licensing forms and interpreters will be on hand to help with any language barriers. Where action with regards license conditions and enforcement of property conditions becomes necessary, The Private Sector Housing Officers are available to give advice to all tenants about any concerns regarding works to the house being carried out as a result of a Licence being issued. Officers can explain requirements to	As part of the consultation and evidence gathering, we are monitoring all groups identifying the impact/potential impact on all groups. This will form part

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
	removing the onus on tenants having to complain to the council and risking their tenancy and relationship with their landlord. Negative: Landlords unhappy with scheme and may increase rents. Landlord may sell putting tenants at risk of homelessness.	social care standards. No knowledge of how many smaller HMOs would fall into this category. Otherwise the Landlords/Letting agent choose who they want as tenants and Additional Licensing would have no influence on this. It is estimated that there could be between 1,500-3,000 properties that qualify as smaller HMOs in the five wards identified. This would affect around 5,000- 10,000 residents.	landlords and help them through the process. Housing Options advise on obtaining alternative accommodation if a landlord decides to give a tenant notice to vacate. Tenants at risk of homelessness due to rent increases or properties being sold by landlords can be referred to the Housing Options service to discuss any concerns and where appropriate advice is given. We are unable to request additional works for the benefit of tenants (e.g. stairlifts) however we could advise on adaptations. If landlords did not understand enforcement we would translate/assist. Licensing must take into consideration whether any occupants of a licensable property would be considered vulnerable, whether in terms of disability, age etc. This is to ensure that no works asked for or conditions applied to the license will have an adverse impact on persons with	of the final report. Equalities Monitoring Form is attached to the application form. Information is saved on to a database which is analysed yearly.

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
			disabilities, e.g. Creating a means of escape that may adversely affect someone with a disability being able to evacuate safely.	
Ethnicity including, (Asylum seekers, Refugees, Gypsies and Travellers)	Positive: Ensuring good basic standard of amenities through additional licensing of HMOs could help improve private sector rented housing conditions for BME groups who are known to live in some of the worse housing conditions in the country. Negative: BME Landlords who may not have been reached via traditional methods of awareness creation could unfairly face possible legal action for failing to meet additional licensing requirements.	From the door to door questionnaire on HMO licensing in the five wards, of 439 tenants, 91% described themselves as white, 4.5% as Asian or Asian British, 0.91% as Black or Black British 1.82% as mixed and 1.37% as other. Of the landlords who responded to the consultation, 90% classified themselves as White, and 10% as 'Other'.	As above - A framework for good management, the provision of a good basic level of standard amenities and the subsequent remedying of actionable hazards in licensed HMOs has a positive impact for all ethnic groups. Where required, support will be provided to complete all additional licensing forms and interpreters will be on hand to help with any language barriers. Licensing is proactive. It requires landlords to contact the council. Where required, support will be provided to complete all additional licensing forms and interpreters will be on hand to help with any language barriers. If landlords are not coming forward they will be approached by the licensing	as above

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
			team to see if help is required.	
Gender (men, women, trans people)	Positive: This policy will enhance or protect the living condition and safety of any occupier of a House in Multiple Occupation.	No evidence or data to suggest additional licensing would have any gender related impact. However, this will be monitored.	None required	Ongoing monitoring
Disability (physical or mental health issue, long term illness, learning disability, or physical/sensory impairment)	Positive: Additional Licensing of HMOs provides an opportunity for the Council to take enforcement action to ensure that residential accommodation is not only of a minimum standard but also the opportunity to introduce to appropriate agencies who may be able to assist. Additional Licensing creates an opportunity for the landlord and the Council's housing adaptations teams to work together to adapt homes to meet the needs of tenants who may require	There are approximately 14,100 households in Brighton & Hove with one or more residents with a disability, representing 13.5% of the stock. This isn't broken down by tenure but national data shows the majority of people with disabilities are living in their own homes or in the social housing sector. However where disabled people do live in the private rented sector they are less likely to live in suitable adapted homes.	Tenants are informed of the issue of the licence and referred to the Housing Options service to discuss any concerns, where appropriate advice is given.	Ongoing monitoring

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
	adaptations of their homes.			
Age including(older, younger people)	Positive: Additional Licensing of HMOs provides an opportunity for the Council to take enforcement action to ensure that shared residential accommodation is not only of a minimum standard but also the opportunity to introduce to appropriate agencies who may be able to assist. Additional Licensing creates an opportunity for the landlord and the Council's housing adaptations teams to work together to adapt homes to meet the needs of older tenants.	The stock condition survey (2008) shows that the largest proportions of privately rented dwellings are occupied, as might be expected, by those in the 16 to 34 age bands.	Tenants are informed of the issue of the licence and referred to the Housing Options service to discuss any concerns, where appropriate advice is given.	Ongoing monitoring
Pregnancy and Maternity	Positive: Additional Licensing of	No data available. However Housing Options monitor	Tenants are informed of the issue of the licence and referred to the Housing	Ongoing monitoring

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
	HMOs provides an opportunity for the Council to take enforcement action to ensure that shared residential accommodation is not only of a minimum standard but opportunity to introduce to appropriate agencies who may be able to assist. Additional Licensing creates an opportunity for the landlord and the Council's housing adaptations teams to work together to adapt homes to meet the needs of tenants.	homelessness related to pregnant women and take action as appropriate.	Options service to discuss any concerns, where appropriate advice is given.	
Religion/Belief, including(faith communities including no belief)	Negative: Additional Licensing HMOs may sometimes result in difficulties in situations where individuals live and share residential accommodation and facilities as a religious community. This may happen when standards are at odds with	There are legal difficulties regarding HMOs and religious communities. Whereas the 2004 Housing Act exempts religious communities from its definition of HMOs, its wording is said to be unclear.	The Council will therefore seek legal support on a consistent interpretation of this provision on a case by case basis. Where enforcement action becomes absolutely necessary on the grounds of the health and safety of tenants, such actions will be taken.	Ongoing monitoring

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
	religious arrangements.			
Sexual Orientation (lesbian, gay, bisexual, and unsure people)	No evidence or data to suggest additional licensing would have any impact on sexual orientation.	No data available	None required	Ongoing monitoring
Gender Reassignment	No evidence or data to suggest additional licensing would have any impact on sexual orientation.	No data available	None required	Ongoing monitoring
Marriage and Civil Partnership	No evidence or data to suggest additional licensing would have any impact on marriage and civil partnerships.	No data available	None required	Ongoing monitoring
Other groups i.e. carers, homeless (see the Social inclusion groups also on page 14 of this toolkit)	Positive: Overall the impact of additional licensing on tenants would be positive as the primary remit is to address risk and safety of occupants, particularly where vulnerability exists.	In Brighton & Hove, as identified in the 2008 Stock Condition Survey there are 22,120 private sector dwellings (owner occupied and privately rented) occupied by residents in receipt of a means tested benefit (and therefore classified as vulnerable). Of these an estimated 9,400	Tenants are informed of the issue of the licence and referred to the Housing Options service to discuss any concerns, where appropriate advice is given.	Ongoing monitoring

Different Groups included in scope	Potential impact on this group/s - positive and negative	Existing data / information inc. relevant legislation	Potential actions to minimise negative impact and maximise positive impacts	Data / Information required
		are classified non decent.		

What consultation has been used or undertaken?	Date	Methods Used	Key Findings
1. Raise awareness of proposed Additional Licensing for smaller HMOs with residents, students and a wide range of stakeholders and Partners	Extended consultation from 19 January 2012 to 31 March 2012.	• Press Release • Email communication with Partners/Stakeholders inviting views • Presentation at resident Local Action Teams (LAT) meetings • Meeting with Landlords (NLA) association • Meetings with Brighton and Sussex Universities • Leaflet drop in affected wards inviting views • BHCC website • HMO webpage	Good number of responses from: Consultation Portal – 311 respondents. Door to door 1010 respondents Other – 19 including e-petition from residents group
2. Extensive consultation with residents, students and a wide range of stakeholders and Partners	23 Jan 2012 to 5 Apr 2012	• BHCC Consultation Portal • Door to door surveys with 1000 residents/businesses in affected wards • Meetings with Local Action Teams (LATS) • Meetings with landlord associations	Asked if they would you like to see an additional licensing of smaller HMOs in the proposed areas? Out of 1321 respondents: 849 (64.3%) said Yes 254 (19.2%) said No

3. Evidence gathering			• Meetings with University student accommodation offices and students' union • Environmental Health Noise Complaints • City Clean statistics • HMO Stock Survey • Community Safety • Door to door evidence surveys	146 (11.1%) said Don't Know 72 (5.5%) Not Answered	• 485 Shared Houses Surveyed • 34% of tenants either hadn't seen a gas certificate or didn't know if they had • 56% of people either hadn't seen an electrical certificate or didn't know if they had • 22% of homes had no form of smoke detection • Half of all homes that had smoke detectors were battery powered • 31% of all tenants reported they had some disrepair or dampness • 20% of all tenants said that if they reported disrepair it wasn't dealt with quickly. • Tenants reported that only 54% of all landlords visit regularly to check for repairs
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Prioritised and agreed Actions	Timescale	Lead Officer	Review Date
1. Offer help in completing the survey including offering the services of a translator.	Extended consultation from 19 January 2012 to 31 March 2012	Susan Connelly	19 January 2012 to 31 March 2012
2. Offer to produce survey in different format.	Extended consultation from 19 January 2012 to 31 March 2012	Susan Connelly	19 January 2012 to 31 March 2012
3. Ensure questionnaires and literature/web content about the scheme is accessible, consistent, in plain English and conforms to council corporate standards.	Extended consultation from 19 January 2012 to 31 March 2012	Susan Connelly	19 January 2012 to 31 March 2012
4. Develop and maintain HMO section of website to provide central point of information about running an HMO	2006 – ongoing	Mike Slagter	Ongoing
5. Tenants are informed of the issue of the licence and referred to the Housing Options service to discuss any concerns, where appropriate advice is given.	2006 – Ongoing	Mike Slagter	Ongoing

Lead Equality Impact Assessment Officer:	Susan Connelly	Date: February 2012
Reviewed by Housing Strategy Team	Robert Nayan	Date: 13 March 2012
HMO Project Team	SEHO	Date: 23 March 2012
Head of Department:	Martin Reid/Jo Holt	Date: 27 March 2012
For Lead Commissioner:	Andy Staniford	Date: 10 April 2012
Leadership Team	Housing Commissioning	Date: 10 May 2012
Corporate Equalities and Inclusion Team:	Clair Hopkins	Date: 24 May 2012

(NB: Actions must now be transferred to service or business plans)

Appendix ix) – List of Reference Documents

Document	Author	Date
Housing Strategy 2009-2014	Brighton & Hove City Council	2009
Student Housing Strategy 2009-2014	Brighton & Hove City Council	2009
Private Sector House Condition Survey 2008	CPC with Brighton & Hove City Council	August 2008
Homelessness Strategy 2008-2013	Brighton & Hove City Council	2008
Single Homelessness Strategy 2009-2014	Brighton & Hove City Council	2009
Private Housing Renewal Assistance Policy 2008-2011	Brighton & Hove City Council	2008
Empty Property Strategy 2006-2009	Brighton & Hove City Council	2006
Community Safety, Crime Reduction and Drugs Strategy 2011-2014	Brighton & Hove Community Safety Partnership	2011
Strategy for seaside success: Securing the future of seaside economies in 2010	Communities & Local Government Department	2010
Approval Steps for Additional and Selective Licensing Designations in England	Communities & Local Government Department	February 2010
Housing Act 2004	HM Government	2004
Additional & Selective Licensing Under General Consent: A Guide for Practitioners from LG Regulation	Local Government Regulation	March 2011
Asserting Authority: Calling Time on Rogue Landlords	Shelter	September 2011
Scrutiny report – Students in the Community	Brighton & Hove City Council – Adult Social Care & Housing Overview & Scrutiny Committee	February 2009
Scrutiny Panel on Letting Agents Report	Brighton & Hove City Council – Adult Social Care & Housing Overview & Scrutiny Panel	March 2011

