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| Title: | Housing & New Homes Committee |
| Date: | 20 September 2023 |
| Time: | 4.00pm |
| Venue | Council Chamber, Hove Town Hall |
| Members: | Councillors: Williams (Chair), Czolak (Deputy Chair), McLeay (Opposition Spokesperson), Baghoth, Fowler, Grimshaw, Meadows, Nann, Oliveira and Sheard |
| Contact: | Shaun Hughes Democratic Services Officer shaun.hughes@brighton-hove.gov.uk |

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AGENDA

15 Procedural Business

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

***NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

16 Minutes of the previous meeting**7 - 16**

To consider the minutes of the meeting held on 21 June 2023 (copy attached).

17 Chairs Communications**18 Call Over**

- (a) All agenda items will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

19 Public Involvement

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 14 September 2023;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 14 September 2023.

20 Items Referred from Full Council

- a) **Petitions referred from full Council:** None for this agenda.
- b) **Deputations referred from full Council:** None for this agenda.

21 Issues Raised by Members

17 - 20

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

22 Next phase of New Homes for Neighbourhoods programme

21 - 38

*Ward Affected: Patcham & Hollingbury;
Queen's Park; South
Portslade*

- 23 Private Sector Housing: Discretionary licensing schemes – proposed fees and conditions** **39 - 96**
- Contact Officer: Diane Hughes, Housing Strategy & Enabling Manager Tel: 01273 293159*
- Ward Affected: All Wards*
- 24 Housing, Health & Safety Update, Report and Action Plan** **97 - 138**
- Contact Officer: Martin Reid, Assistant Director- Housing Management Tel: 01273 293321*
- Ward Affected: All Wards*
- 25 Housing Major Capital Works Framework review of procurement options** **139 - 144**
- Contact Officer: Martin Reid, Assistant Director- Housing Management Tel: 01273 293321*
- Ward Affected: All Wards*
- 26 Housing Repairs & Maintenance, procurement of contractors** **145 - 152**
- Contact Officer: Martin Reid, Assistant Director- Housing Management Tel: 01273 293321*
- Ward Affected: All Wards*
- 27 Items referred for Full Council**

To consider items to be submitted to the 20 October 2023 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting.

28 Part Two

29 Part Two Proceedings

To consider whether any items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Shaun Hughes (email: shaun.hughes@brighton-hove.gov.uk) or email: democratic.services@brighton-hove.gov.uk

Date of Publication Tuesday, 12 September 2023

BRIGHTON & HOVE CITY COUNCIL
HOUSING & NEW HOMES COMMITTEE
4.00pm 21 JUNE 2023
COUNCIL CHAMBER, HOVE TOWN HALL
MINUTES

Present: Councillor Williams (Chair), Councillor Czolak (Deputy Chair), McLeay (Opposition Spokesperson), Baghoth, Fowler, Grimshaw, Meadows, Nann, Sheard and Hewitt (Substitute)

PART ONE

1 PROCEDURAL BUSINESS

- a) **Declaration of Substitutes:** Councillor Hewitt substituted for Councillor De Oliveira.
- b) **Declarations of Interest:** Councillor Grimshaw declared they were a council tenant. Councillors Williams, Czolak, Sheard and Grimshaw declared they were members of Acorn.
- c) **Exclusion of Press and Public:** As there were Part Two items on the agenda, it was agreed that the press and public would be excluded from the meeting when any of the agenda items are under consideration.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 The Minutes of the 15 March 2023 committee meeting were agreed.

3 CHAIRS COMMUNICATIONS

- 3.1 Welcome to the June 2023 Housing and New Homes Committee. Welcome new and seasoned committee members. I am delighted to be chairing and look forward to chairing for the next few years. I am hopeful and enthusiastic that during that time we will see to fruition our manifesto pledges and significantly improve housing conditions for our residents.

To that end we are certainly off to a good start. Our quarterly review reflects that we are doing better in responding to our council tenants and we are making significant progress in tackling the backlog of repairs.

I am really happy to announce that We are investing in our Housing Repairs & Maintenance apprenticeship programme to increase employment opportunities within our communities and city. Funding has been agreed to expand our programme and provide up to 20 apprenticeships this year, with a new Property Maintenance (with plumbing) qualification starting in September, alongside our electrical apprenticeship opportunities.

We would particularly welcome applications from our residents. We will be holding an Apprenticeship Experience Event on Friday 14th July at the Housing Centre to allow for those interested in learning more about being an apprentice to take part in activities as part of our recruitment process and meet some of our repairs & maintenance team.

More information is available via Homing In, the council website and posters in your community'.

The safety of our council tenants is a high priority, and we are embarking on extensive programme to make sure we reach the highest safety standards in our council homes.

We are investing £13 million in building, fire and other health and safety measures in council homes to get ahead of new national regulations expected to come in next spring. This investment is to make sure we continue to provide safe, good quality council homes. Your safety is our key priority. We're carrying out an ongoing review of our building health and safety to check what new measures we need to put in place around fire safety, asbestos management, gas and electrical safety, lifts and water safety.

On top of the extensive programme of fire risk assessments and ongoing door replacement programme, we will be carrying out detailed building surveys on our blocks of flats to make sure we have the most up to date information. We hold data on asbestos across council housing and have a process in place to manage asbestos risk when work is carried out. While the asbestos risk is low in our properties, we need to improve how we store the information so it's in a single system.

We are committed to increasing affordable housing supply in the city. As well as new build schemes the council has an active acquisition programme which includes buying back homes lost through the right to buy and seeking opportunities to increase social housing stock by buying off plan from developers. An opportunity has arisen to acquire Kubic apartments, a block of thirty eight flats in Whitehawk. By purchasing a new build development, we can accelerate the provision of much needed homes.

I have had the pleasure a few days ago to attend the official opening of two major housing developments that have been completed in Portslade this year providing a total of 91 new council homes. Residents have moved into 49 council flats at Quay View Wellington Road. These are the first new homes delivered through the council's Homes for Brighton & Hove partnership, with affordable housing provider, the Hyde Group. The Quay View homes are part of a Homes for Brighton & Hove development of 104 one, 2 and 3-bedroom flats, with the other flats available as shared ownership through Hyde. The partnership is also building 242 low-cost homes in Coldean, which includes a further 127 council-rented homes. The Coldean Lane development is due to be completed this winter.

In addition, 42 council flats, at Jay Court and Perching Court in Victoria Road, welcomed tenants earlier this year as part of our New Homes for Neighbourhoods building programme. These new homes in both developments were designed by the council's own in-house architects to be highly energy efficient, which will help keep energy bills low for residents. So important given our cost-of-living crisis which is causing much hardship. All of these new homes are built to a very high standard and are an

achievement to be proud of They have been let to people on the council's housing register. A huge thanks you to all those involved in making this happen.

We need more, many more of such developments let's do all we can to make this happen. It is crucial to tackle the housing crisis. We must do everything possible.

4 CALL OVER

4.1 Agenda items 7, 8, 9, 10 and 11 were called for discussion.

5 PUBLIC INVOLVEMENT

a) Petitions:

There are none for this agenda.

b) Written Questions from Members of the Public:

There were three for this agenda.

1. From Daniel Harris:

"I think agenda Item 9 is blooming marvellous, what a steal for the city bringing this in-house. Active listening indeed. The Kubix building and public land asset sale to the developer was an injustice to the community, one which has been put right. Last November the developer tried to rescind on the 40% affordable homes agreement, I spoke against the change at planning committee, these are energy efficient, accessible, and are perfect for in-house temporary accommodation. Well Done Indeed! Temporary Accommodation Spend last year was very high, will we see more plans for more in-house emergency & Temporary accommodation this coming administration?"

Response: Thank you for your question. The Kubic Apartments, in agenda Item 9, are not being 'brought in-house'. It is a proposal to purchase a property from a private developer. This has partly been possible because the council was able to secure a grant from Homes England. That said, I would agree with the Mr Harris that this has been an excellent opportunity the council has acted upon. Once the property has been secured, it would not be used for temporary accommodation, but instead would provide a secure council tenancy, at social housing rents, for 38 households. The council will continue to explore opportunities to purchase properties, where this is initially viable. These may or may not be for the purposes of temporary accommodation, as each property would need to be considered on its own merits.

Supplementary question: The 3.6m over spend is a concern. Money needs to be spent on services, please look at bringing housing into council ownership.

Response: All matters raised are taken into consideration.

2. From: Charles Harrison

Provision of New Build Council Homes - "I am pleased to note, from the Labour Party's Manifesto pledge (Homes for Everyone), that you are committed to continuing the additional council homes provision, building on the approx. 500 additional homes achieved from May 2019 to May 2023 and to build 800 additional council homes. Would you please clarify that the current administration's target is to build 800 additional Council Homes during the period May 2023 to May 2027? If not, what is the target for this period?"

Response: Thank you for your question. The council is committed to creating a supply of new council homes. Since May 2023, 52 new build council homes have been completed at Quay View, Portslade (49) and Manor Hill (3). We have secured a further 6 properties through the Home Purchase Policy 'buy back' scheme. As Mr Harrison can see from today's reports we are also seeking to approve the purchase of another 38 units of accommodation, which will also become new council homes, at social rent. We have a target of achieving 318 additional council homes for 2023/24, which is the highest target set for any one year. A current review of the pipeline is being undertaken to inform the anticipated numbers to be achieved in subsequent years.

Supplementary question: Please speed up home building and make a construction tracker available to the public.

3. From: David Gibson

"In March the council agreed to instigate negotiations to end the current lease arrangements with seaside homes and return 499 properties to direct ownership and management of the council. Tenants will under this arrangement benefit from a rent reduction and given the cost of living pressures that people the sooner this can be finalised the better. Please can you update me on progress and the current anticipated date the council expects (if all goes well) to end the lease and lower people's rents?"

Response: Thank you for your question. The council will be entering negotiations with Seaside Homes and other parties with a shared interest. We expect these negotiations to be complex. We can neither pre-determine the outcome of these negotiations, nor the time it will take should an agreement be reached. As such no date can be given.

Supplementary question: Please prioritise bringing Seaside Homes in house.

(c) **Deputations:** There was one for this meeting.

From Adrian Hart:

A Crisis of Affordability. (A deputation to the Housing and New Homes Committee 21/06/23)

Much of the focus on the city's housing crisis understandably centres on the plight of people experiencing housing insecurity or indeed the lack of any home at all. I want to commend local campaigners on their efforts but also draw this committee's attention to a crucial set of issues highlighted at October's *Action on Homes* one day-conference organised by Brighton & Hove Housing Coalition (Cllr Williams - I think I saw you in attendance). (1) Nationally, the crisis of housing supply has been approached by central

government as something remedied by a top-down house building drive enforced by targets. However, the 'build more homes' mantra sidesteps the issue of affordability. In reality, Britain needs to build council homes by the 100s of thousands. In Brighton & Hove, as the birth-rate drops, as half the population is swapped out by those who can afford to come and live here, as school leavers realise, they'll have to leave the city to have a home of their own ... it feels to many of us that successive council administrations have failed to grasp – or certainly to act on – the key obstacles to resolving the crisis of affordability.

I lived in Lambeth in the 1980s – I learnt that a radical council does not cower to government decree. It unites with other like-minded councils to demand change. In this case that means demanding that central government abolish the 1961 Land Compensation Act (2). It means seeking, as London has done, that government regulate Airbnb and other forms of short-term letting in our city (3). It means demanding that government enable local action on empty homes (4). This new administration should recognise, as the public does, that housing is the political issue of our times. On behalf of citizens forced out of Brighton by this crisis, I hope the new administration will be a campaigning council issuing relentless demands on government to engage in a large scale nationwide council house building programme. Of course, this means challenging the oligopoly of the big house builders. Until the issue of land ownership is tackled, the crisis of affordability will continue. Big business buys up pre-planning permission land and the iniquitous 1961 Act ensures the owners reap the financial gain from permissions granted (in other countries 50 percent of the land gain goes to the community). Buying up land, hoovering up permissions and sometimes sitting on the land for years while values rise results in the big developers putting the small house builders out of business.

One morsel of good news is that the government has asked the Competition and Markets Authority (CMA) to conduct an inquiry into the house building sector (5). Could this be a challenge to the big house-builder oligopoly? So long as this virtual cartel continues to dominate the sector, rents and house prices will stay high ensuring the housing crisis will rumble on.

It is my hope that the Housing and New Homes Committee will celebrate the government rebels who recently forced an end to the imposition of targets. For years B&H hasn't been able to demonstrate the required 5 year housing land supply and that, as you know, came at a cost (6). However, criticism that the end of targets has created a "nimby's charter" is unwarranted. Yes, permissions are down but most of these simply lead to more unaffordable homes. As my colleague at the Brighton Society Jeremy Mustoe has written:

"House building targets kill off local planning control and community involvement. The emphasis on pure numbers leads to the wrong type of housing and it ignores other important planning considerations such as heritage and landscape concerns. It effectively transfers power over planning matters into the hands of big powerful developers".

I hope this committee concurs with this assessment. We must transform BHCC into a radical, campaigning council that demands current and future governments break the oligopoly and build council houses on a massive scale countrywide. As a first step I trust

the council will press the government to legislate to deal with the Airbnb mega hosts and the glut of empty homes which make renting impossible for most people (7).

Thank you.

Signed by six local residents.

Notes:

- (1) The conference inspired this essay: <https://www.brighton-society.org.uk/housing-held-hostage-a-2023-update/>
- (2) 1961 Land Compensation Act:
It is land ownership that stands in the way. Big business buys up pre-planning permission land and the iniquitous 1961 Land Compensation Act ensures the owners reap the financial gain from permissions granted (in other countries 50 percent of the land gain goes to the community). Buying up land, hoovering up permissions and sometimes sitting on the land for years while values rise results in the big developers putting the small house builders out of business. In short, the big house builders act like a cartel. That governments (both Labour and Tory) have so far refused to take on such a powerful vested interest speaks for itself. The push will have to come in the form of a people's campaign. MPs should tell voters where they stand on this question.
- (3) Airbnb: In Brighton & Hove, there are over 2,000 houses and flats are 'entire home/apartment' Airbnb rentals. The UK government has legislated in London so that Airbnb properties cannot be let for more than 90 days a year (this restriction applies to both 90 days in a row or 90 days throughout the year). Government must do this for Brighton and Hove too. There are some promising signs that the 'levelling up and housing secretary' wants to take specific action on Airbnb 'mega hosts'.
- (4) Empty Homes: In Brighton & Hove around 4,500 homes are empty (1,350 long-term, plus 850 exempt) with around 2,000 more declared as second homes. There are 237,000 long term empty homes in England. Another 231,000 are short-term empty and 185,000 are empty but exempt from council tax. This adds up to 653,000 homes no one lives in. On top of this figure there are a further 253,000 'furnished empties' (though it's impossible to know how many of these are Airbnb lets or other kinds of holiday or second homes). The already existing 'empty dwelling management order' legislation needs to be allowed to perform its intended social duty rather than be frustrated by government red tape designed to impede it.
- (5) See: <https://www.insidehousing.co.uk/news/competition-watchdog-to-launch-review-of-housebuilding-market-79899>
- (6) Because the targets were mandatory, failing to deliver on them came at a cost. The powerful developers challenged refusals via the courts and, if they could show a failure to meet the housing target, permissions for large, badly designed blocks of unaffordable flats were invariably awarded.
- (7) Some hopeful signs: <https://www.architectsjournal.co.uk/news/gove-proposes-new-planning-powers-to-curb-airbnb-style-home-conversions>

Campaigner Daniel Harris writes on the 'mega-host' problem here:
<https://housingcoalition.co.uk/airbnb-mega-hosts-worsen-housing-crisis-for-key-workers-and-council-tenants-in-brighton-as-investment-properties-leave-them-in-dire-need-of-temporary-and-affordable-accommodation-with-emphasis-on/>

Response: The second homes report was discussed at the 16 June 2022 Committee meeting. Planning permissions include s106 agreements requiring registered providers to be included in the development. The council is reviewing the situation to help residents. The short term lets report is looking at working within national standards. The council encourage empty homes to be occupied, and after two years the council tax can be doubled.

The committee agreed to note the deputation.

6 ISSUES RAISED BY MEMBERS

a) Petitions:

None for this agenda

b) Written Questions:

None for this agenda.

c) Members Letters:

None for this agenda.

d) Notices of Motion:

None for this agenda.

7 CONSTITUTIONAL MATTERS

7.1 The Democratic Services officer introduced the report to the committee.

7.2 Following questions the committee Members were informed: the administration were looking forward to working with other groups.

Vote

7.3 A vote was taken, and by 8 to 2 abstentions the committee agreed the recommendations.

RESOLVED:

2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted; and

2.2 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees) to exercise its powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee, be approved.

8 HOUSING PERFORMANCE REPORT QUARTER 4 - 2022/23

- 8.1 The Assistant Director Housing Management introduced the report to the committee.
- 8.2 Following questions the Committee Members were informed that: the higher volume of complaints helps to make improvements and any upheld complaints are being looked at; works can take 3 months if they are complex; rent collection delays due to universal credit are being resolved; changes to rents for Seaside Homes are being implemented; gas safety checks are a priority and forced access will be used if absolutely necessary; there has been a large migration over to universal credit and this has resulted in rents being paid in arrears, and the council are working with residents to resolve this; money advice services are available and it is noted that the eviction target is zero; the council are working with landlords before serving eviction notices, and process is protocol driven; landlords compliance is preferred; boilers are being monitored and there is a pilot on heat pumps; energy plans are being looked along with voltaic panels; solar panels are installed when right for the building; new homes in Portslade and Charles Kingston Gardens are not included in the report; timescales on buying properties vary greatly.

Vote

- 8.3 A vote was taken, and the committee agreed the recommendations unanimously.

RESOLVED:

- 2.1 That Housing & New Homes Committee notes the report.

9 PURCHASE OF KUBIC APARTMENTS, WHITEHAWK WAY, BRIGHTON

- 9.1 The Head of Strategy & Supply introduced the report to the committee.
- 9.2 Following questions the Committee Members were informed of that: the project seems ideal for those wishing to downsize; the council are looking at the long life of homes and are carrying out surveys to inform on the state of properties; there no tenants in the property at this time; S106 agreements give 40% affordable housing on new builds when delivered on site, and this development is ideal for downsizing to a well-built development.
- 9.3 The Committee Voted to enter into Part Two. The private and confidential elements of the report were discussed.

Vote

- 9.4 A vote was taken, and by 9 to 1 abstention the committee agreed the recommendations.

RESOVLED:

That Housing & New Homes Committee:

- 2.1 recommends to the Strategy, Finance & Regeneration Committee that it agrees the purchase of Kubic Apartments Whitehawk Way, Brighton, East Sussex, BN2 5FH and

grants delegated authority to the Executive Director Housing, Neighbourhoods & Communities to negotiate the sale price up to the maximum set out in the Part 2 report.

- 2.2 recommends to the Strategy, Finance & Regeneration Committee that funding is switched and part of the budget from the Home Purchase Policy 2023/24 is used to purchase Kubic Apartments as outlined in paragraphs 3.3. and 3.4 of the Part 2 report.

That Strategy, Finance & City Regeneration Committee:

- 2.3 agrees the purchase of Kubic Apartments Whitehawk Way, Brighton, East Sussex, BN2 5FH and grants delegated authority to the Executive Director Housing, Neighbourhoods & Communities to negotiate the sale price up to the maximum set out in the Part 2 report.
- 2.4 agrees that funding is switched and part of the budget from the Home Purchase Policy 2023/24 is used to purchase Kubic Apartments as outlined in paragraphs 3.3. and 3.4 of the Part 2 report.

10 HOUSING, HEALTH & SAFETY UPDATE

- 10.1 The Assistant Director Housing Management introduced the report to the committee.
- 10.2 Following questions the Committee Members were informed that: vulnerable residents were prioritised for home gas checks; Members can contact officers if they know of resident issues, as the council wants to engage with residents; it was noted that access can be an issue; recruitment is ongoing and some technical posts have been difficult to fill; one IT platform is preferred to the legacy database systems; all residents will be consulted on decent homes review; all budgets have been reviewed with reserves covering current pressures and ongoing issues; investments in better homes means less repairs in future; fines will be issued if landlords do not comply; the council reaches out to community groups; the IT platform will be recommissioned soon; disrepair claims are rigorously rejected.

Vote

- 10.3 A vote was taken, and the committee agreed the recommendations unanimously.

RESOLVED:

- 2.1 That Housing & New Homes Committee note the key outcomes, actions and resourcing plan arising from the Housing health & safety review to date and that a final report and an Action Plan will be brought back for consideration at September Housing & New Homes Committee following engagement with tenants at Housing Area Panels.
- 2.2 That Housing & New Homes Committee agree that this Committee report is shared with the Regulator of Social Housing.

11 ROUGH SLEEPING AND SINGLE HOMELESS SERVICES RE COMMISSIONING

- 11.1 The Head of Temporary & Supported Accommodation introduced the report to the committee.
- 11.2 Following questions the committee Members were informed that: the reconnection policy was national legislation and reconnections were carried out whenever possible; the council engages with registered providers to find solutions to reconnections; for evictions due process needs to be carried out; the importance of language is a priority when referring to the community, and this will be explored at Member workshops; users' options are important and sustainable housing is a priority.

Vote

- 11.3 A vote was taken, and by 9 to 1 abstention, the committee agreed the recommendations.

RESOLVED:

That Housing & New Homes Committee agree to:

- 2.1 Delegate authority to the Executive Director of Housing, Neighbourhoods and Communities to take all steps necessary to procure and award contracts for the rough sleeping and single homeless services listed in Appendix 1.
- 2.2 A Housing Committee Member workshop will take place prior to the stage 2 tender exercise. This will provide detail of the needs analysis, how contracts will be specified in order to drive better performance, and actions available to the local authority to improve performance (if necessary).

12 ITEMS REFERRED FOR FULL COUNCIL

- 12.1 None from this meeting.

13 PART TWO

14 PART TWO PROCEEDINGS

- 14.1 The Committee voted to discuss item 9 appendices in Part Two. The committee discussed the confidential appendix attached to the report.

The meeting concluded at 6.55pm

Signed

Chair

Dated this

day of

Brighton and Hove City Council

Housing & New Homes Committee Agenda Item 21 (b)

Subject: **Member Questions**

Date of Meeting: **20 September 2023**

Councillor McLeay Questions to Chair of Housing Committee

- 1. Theobald House needs attention. Ahead of the May election I was led to understand that there is major investment capital proposed for the block's improvements this year. Is there a plan in place for when these major works will start, and if so, what will be involved, how will residents be involved and how will that apply to residents wanting a playground?*
- 2. As evictions are a major contributing factor to homelessness, we should strive to keep a closer eye on the numbers and trend indicators. Can there be a report on evictions in emergency accommodation to a future Housing & New Homes Committee, within the next 6 months?*
- 3. What rent collection rate is budgeted for 23-24 from council tenants and how much rent is this? What were the actual collection rates for 2022-23 and 21-22?*
- 4. When will the annual report for 22/23 of the homeless reduction board and homeless reduction operational board be presented to housing committee? Given the abolition of the homeless reduction board which was a key part of the homelessness and rough sleeping strategy agreed in June 2020, will it be revised and rewritten to reflect this?*

Councillor McLeay

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 21(d)

Subject: Housing and Homelessness Work Programme

Date of meeting: 20 September 2023

Proposer: Councillor Sheard

Seconded: Councillor De Oliveira

Ward(s) affected: All

Notice of Motion submitted by Labour Group

This committee notes:

1. Private Rent in Brighton & Hove is one of the highest in the country, with an average rent of £1,100 which accounts for 50% of the average monthly income and this causes distress and poverty.
2. The Labour Mayor of London, Sadiq Khan has called on the Conservative Government to grant him powers to freeze rents in the City. The Labour Mayor of Bristol, Marvin Rees, has also called for powers to intervene in the rental market.

This committee will take action to:

3. Request an officer report to be brought to the Housing & New Homes Committee assessing private rental costs in the City and analysing the impact that rental controls would have on affordability and our local housing market, should such powers be granted by an incoming Labour Government.
4. Explore how we can develop a long-term strategy to improve conditions and affordability for private renters in our city.

Supporting evidence:

On 16th March 2022 a motion was passed at Housing committee requesting that the Chief executive Write to the Secretary of State to ask that powers to implement rents controls are given to the city of Brighton and Hove. This has had absolutely no effect on the plight of renters.

This administration will act and take steps to initiate a report to assess private rental costs in the city and analyze the impact of rent controls should such powers be granted by an incoming Labour Government. We will explore how we can develop a long-term strategy to improve conditions and affordability for private renters on our city.

[Why is renting in Brighton so hard? MP and union respond | The Argus](#)

[SN06760.pdf \(parliament.uk\)](#)

HOUSING & NEW HOMES COMMITTEE

Agenda Item 22

Brighton & Hove City Council

Subject: Next phase of New Homes for Neighbourhoods programme
Date of Meeting: 20 September 2023
Report of: Executive Director: Housing, Neighbourhoods & Communities
Executive Director of Economy, Environment and Culture

Contact Officer: Name: Stephen Marsden **Tel:** 07775 221351

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Ward(s) affected: Patcham & Hollingbury, South Portslade, Queen's Park, and Whitehawk and Marina

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report seeks approval to proceed with the next phase of the New Homes for Neighbourhoods programme with the submission of full plans Planning Applications for four Council-owned sites.
- 1.2 This phase will deliver circa 100 new homes which will be made available for rent to those on the Council's housing register.
- 1.3 Further reports giving greater detail and seeking full budget approval to build out the sites will follow for each site, should Planning Approval be granted.

2. RECOMMENDATIONS:

2.1 That the Housing & New Homes Committee:

2.1.1 Authorises the Executive Director Housing, Neighbourhoods and Communities to progress the design development and submission of full plans planning applications for the proposed redevelopments of the Former Hollingbury Library site, Portslade Village Centre, Oakley House, and Swanborough Drive

3. CONTEXT/ BACKGROUND INFORMATION

New Homes for Neighbourhoods

- 3.1 Building new homes on council land is a council priority. It is essential if City Plan housing targets are to be met and the city's housing crisis tackled. The New Homes for Neighbourhoods (NHfN) programme aims to proactively respond to the acute housing need in the city, and to build much-needed new rented homes on Council-owned, land making best use of Council assets.
- 3.2 Established in 2013, NHfN has delivered 269 new homes across 15 sites. A further 264 homes (including 212 on the Moulsecoomb Hub and Housing Project) have Planning approval, and are progressing through the development process.
- 3.3 This proposed next phase represents an exciting opportunity to deliver circa 100 homes on four Council owned sites. This could deliver a mix of one, two, and three bedroom homes which will comply with Nationally Described Space Standards (NDSS), meet with the Council's Affordable Housing Design Requirements, and deliver against the acute Housing Need in the city on a programme level.
- 3.4 Proposals for these sites have been progressed through the Council's feasibility budget and are now at a stage where they can move towards detailed design, and the subsequent submission of Planning Applications.

The former Hollingbury Library

- 3.5 Hollingbury Library was a Council-owned library located on Carden Hill, Hollingbury, Brighton, BN1 8DA, which has been closed since 2017. The site is allocated in the City Plan Part 2 for housing development. A site plan is included as Appendix 1.
- 3.6 The library was constructed in 1950 and is a prefabricated building construction which was originally used as a pub. The pub relocated to a building adjacent to the site in 1961 and the prefab building was re-fitted as the small branch library, which opened in 1962.

- 3.7 The site is currently hoarded as the building has become derelict and needs to be demolished. This will enable the site to come forward for a General Needs housing scheme to deliver a mix of up to 10 new one and two bedroom homes.
- 3.8 Architects have been appointed to develop design proposals, and pre-application Planning advice has been sought.
- 3.9 A public consultation has taken place to seek the views of the local community to inform design proposals. Of those that attended, 38% supported the proposals, 33% supported the proposals with some reservations, and 29% were unsure. None of those that attended the consultation objected to the proposals.
- 3.10 Points raised at the consultation will be considered by the project team, and will inform the scheme as it progresses.
- 3.11 This project is in receipt of £150,000 grant funding from One Public Estate's Brownfield Land Release Fund (BLRF). Additionally, it is assumed that the scheme will also make use of Retained Right to Buy receipts applied at 40% of eligible costs.

Portslade Village Centre

- 3.12 This site is located at Windlesham Close, Portslade, Hove. The site was identified by the Council's Estates team as part of a review of Council owned assets and was considered suitable for redevelopment to make best use of this underused landholding. This site could provide a mix of 28 new one, two, and three bedroom homes for rent alongside the reprovision of 413m² community space.
- 3.13 This project is in receipt of £338,834 grant funding from BLRF. Additionally, it is assumed that the scheme will also make use of Retained Right to Buy receipts applied at 40% of eligible costs.
- 3.14 It currently comprises the Portslade Village Centre and surrounding areas including a hard surface games area, a row of garages, a parking area with garages, and an area of grass and pathway. A site plan is included as Appendix 2.
- 3.15 A consultation comprising two public exhibitions and mail drop to surrounding properties took place in spring 2023. Of those who responded, 28% supported the scheme, while 35% would prefer if no development took place on the site. Wide-ranging comments outlining the concerns of neighbours were received, and these have informed the development proposals.
- 3.16 Further consultation will take place as the scheme progresses.

Oakley House

- 3.17 This site is located on the junction of Leicester Street and Edward Street, Brighton, BN2 0AZ and comprises the current Oakley House building. The site

sits within DA5 (Eastern Road and Edward Street development area) in the City Plan Part 1. A site plan is included as Appendix 3.

- 3.18 The current building houses six General Needs residential council tenants and one commercial tenant occupying part of the building under a tenancy at will.
- 3.19 The commercial tenant has leased part of the property as meanwhile use on a sub-market rent since May 2021. The lease expired in May 2023, and occupation is under a tenancy at will. It is anticipated that a new lease will be granted until November 2024, after which the commercial tenant will be expected to find alternative accommodation.
- 3.20 Should approval be granted to progress this project towards a planning submission, the Council will work with the six affected households. They will be offered priority on the housing register, help with moving, and support to consider their options for alternative housing.
- 3.21 It is proposed that the current building is demolished, and the site is redeveloped to provide a new scheme maximising the provision of affordable housing and making best use of the site. It is anticipated that the site could deliver a mix of circa 23 new one, two and three bedroom homes.
- 3.22 Significant recent changes to Homes England's Capital Funding criteria mean that all 23 units would be eligible for grant funding, rather than funding being limited to additional units under the previous guidance. This change would help address any viability gap, and presents an opportunity to maximise development on this brownfield site. The project is in receipt of £93,031 from BRLF
- 3.23 The current occupants of the building have been informed of the council's proposals. Their initial responses have been mainly positive, and there has been constructive engagement in the process. There will be continued communication from the Estate Regeneration team and colleagues in Housing Management
- 3.24 The local community have recently been made aware of the proposed development and they and the building's current occupants will be invited to consultation events in due course.

Swanborough Drive

- 3.25 This site is a former play area and allocated for housing in City Plan Part 2 for around 39 new homes. A site plan is included as Appendix 4.
- 3.26 An early round of community engagement delivered by Planning for Real, took place between June and October 2022. The resident and stakeholder engagement on how the site might be developed to deliver new homes and some wider benefit to the community has helped to inform the project brief.
- 3.27 Architects are appointed to develop the design proposals, and a further round of community engagement is planned for Autumn. An application pre-application Planning advice with input from Urban Design and Design Panel has been made, and separately pre-application advice from Highways has been sought.

- 3.28 The site is subject to an application for Brownfield Land Release funding (BLRF2) of around £600K toward costs of site clearance and abnormal costs, with an updated application to be submitted by end this year. The new affordable homes are expected to be funded by Homes England Grant.

4 RISK ANALYSIS & PROPOSED WAY FORWARD

- 4.1 These projects do not currently have Planning Approval. In the case of Hollingbury Library and Portsade Village Centre, pre-application advice has been sought from the Planning Department, and designs have been developed in accordance with recommendations from this advice. Oakley House will follow the same route, seeking advice from the Case Officer and working up proposals which are acceptable in Planning terms.
- 4.2 In all cases, public consultation over and above the statutory consultation required by the Planning Process will be integral to managing the planning process and ensuring residents have an opportunity to feed in the views. The views of the local community will be considered and will inform proposals as they progress towards Planning submission.
- 4.3 The long-standing uncertainty in the market initially caused by Brexit and Covid-19 was exacerbated by the conflict in Ukraine. Economic factors including cost inflation and high interest rates are contributing towards this uncertainty.
- 4.4 Given the challenging environment in which we are operating, risk allowance within an Order of Costs for these projects is likely to be increased giving a higher build cost which may impact upon viability. It is not clear at this stage how much costs will be impacted, and therefore how much risk allowance will be realised.
- 4.5 Given the lack of clarity and the resultant impact on project viability, it may be prudent to delay seeking Committee approval for the full budget for these projects until Planning Approval is in place, and there is greater cost certainty. Detailed reports for each project, seeking approval to build out the schemes, will be sent after the receipt of Planning Approval when the projects are ready to progress.
- 4.6 Receipt of Planning Approval significantly de-risks these projects, safeguards the development potential of each site and gives the Council time to firm up funding options and gives greater comfort that all details can be resolved. It allows the Council to maintain momentum on these projects, making use of design work which has taken place to date and making the Council well placed to bid for any future funding opportunities that arise.
- 4.7 If the submission of Planning Approvals is delayed, there is a risk that momentum may stall, and funding opportunities may be lost. The planning process and subsequent procurement of a delivery partner is likely to take between 9 and 12 months, given sufficient time to ascertain accurate costings, request a budget, and receive approval to take each project into the construction phase.

- 4.8 The current Homes England grant funding programme runs from 2012-2026, with a longstop date for development completion set at March 2026. While these timescales are achievable, they are challenging, and any delays to the programme may impact on meeting these timescales. Future funding rounds are yet to be announced.
- 4.9 Funding from the Brownfield Land Release Fund is conditional on land being released within defined timescales. Delays in securing Planning for these schemes may impact on the Council's ability deliver within milestones, and may result in funding being lost.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 As described above, consultation has taken place with the local community to inform the proposals on the Swanborough Drive, Hollingbury Library, and Portslade Village Centre sites. Similar events will take place for Oakley House. Statutory consultation will take place as part of the Planning process, allowing the local community to comment directly upon the Planning Application.
- 5.2 As with all NHfN projects, consultation will remain integral to the development process as these projects progress. Other opportunities for community engagement will be explored, including 'Meet the contractor' events before development starts to ensure that the local communities' concerns are taken into account, and steps are taken to minimise disruption during the build.

6. CONCLUSION

- 6.1 Uncertainty in market conditions makes seeking full budgets for these projects difficult at this stage of the development process, but delaying submitting Planning Applications may stall the projects and prevent grant funding opportunities being released.
- 6.2 Enabling the planning application to be submitted at this stage will de-risk these projects and allow each project to gain momentum through the design and planning processes. This, in turn, will allow a significant phase of up to 100 new affordable homes to come forward under the NHfN programme.
- 6.3 Approval to proceed to Planning Submission does not mean that these schemes will automatically progress into development stages should Planning Approval be granted. Viability analysis, and if necessary value engineering, will take place post-planning to ensure value for money and to inform more detailed reports to requesting full budgets and seeking approval to proceed.
- 6.4 This approach will allow further work to be undertaken to finalise design, assess funding options and ensure accurate cost, funding and viability information can be provided to inform the final budget and subsequent decision.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of bringing the four identified sites up to the planning submission stage is estimated to be £0.442m split across 2023/24 and 2024/25. The 2023/24 HRA capital programme includes a budget line for feasibility work of £0.350m, after deducting the actual and committed spend to date of £0.180m there is budget remaining for 2023/24 of £0.170m. Expected costs associated with the four sites for the remainder of 2023/24 are estimated to be £0.175m, creating a minor variance which can be managed in year via the councils TBM process. The provisional 2024/25 budget formed part of the 2023/24 HRA budget paper and was estimated to be £0.300m, 2024/25 costs associated with the four sites outlined in the report are expected to be £0.115m therefore there is sufficient budget included in the capital programme to meet these costs next year. The feasibility budget is in place to bring forward new sites and test the viability of those sites. It is funded by HRA borrowing which once projects are completed the rental income from the new homes will pay for the associated financing costs. These financing costs have been factored into the latest TBM position and the Medium-Term financial forecast for the HRA.
- 7.2 If sufficient progress with the developments outlined in the report is not made there is a risk that the Brownfield Land Release Funding of £1.192m, of which £0.582m is already received will have to be foregone. In addition to this any significant delays could impact on the use of Right to Buy Receipts which are assumed to be used to fund two of the developments outlined. The worst-case scenario being that these receipts would need to be returned to Central Government with an interest charge applied.
- 7.3 Should the projects not proceed to completion then in line with the councils accounting policies the cost associated to get to planning would need to be charged to the HRA's revenue account, which would become an in year financial pressure, based on current estimates this would be £0.442m if all four did not progress. However, these projects are expected to proceed, and will be subject to a full financial appraisal which would be presented to Housing & New Homes Committee and subsequently Strategy, Finance and City Regeneration committee for full scheme and budget approval. Taking the projects to planning should de-risk the sites sufficiently to provide more cost certainty, allowing for a more robust appraisal to be undertaken. The financial appraisal will need to ensure Value for Money is achieved.

Name of finance officer consulted: Craig Garoghan
:11/09/2023

Date consulted

Legal Implications:

7.4 Under the council's constitution, officers' delegated land management powers do not extend to making applications for planning permission. Hence, the recommendation to authorise officers to make those applications.

Equalities Implications:

7.1 Equalities Impact Assessments will be completed for all elements of this project as part of the design and planning stage of proposals. Feedback from

communities and residents gathered through consultation sessions that relates to Equalities issues will be incorporated into proposals.

- 7.2 These projects will deliver a mix of housing types and sizes to help meet the acute need for affordable housing within the City. All of the homes will be made available for rent to those in the Council's housing register. Regular dialogue with the Council's Housing Service will take place to ensure the mix responds to need, in terms of size and accessibility. Each fully wheelchair accessible home will have their own allocated parking space.

Sustainability Implications:

- 7.3 The NHfN programme supports corporate sustainability priorities by investing in sustainable construction methods and low carbon energy supply such as solar panels, and ground or air source heat pumps avoiding the use of gas for heating. The programme is also engaged in the Circular Economy work in relation to the demolition of existing buildings on site, and the construction of new building. Opportunities to promote bio-diversity and edible growing will be considered by the Design Team, and swift bricks and bee boxes will be incorporated into the design.
- 7.4 A Whole Life Carbon Assessor will be appointed to the projects so a full understanding of the carbon impacts of the project will be understood and strategies developed for meeting the council's Zero Carbon New Homes Policy. A carbon design calculator is also being used during the design process which will inform a more sustainable choice of building materials. As part of the planning submission a full energy strategy will be submitted and will be assessed against planning policy requirements. The design team includes Sustainability Consultants, who will draft range of sustainability reports to inform the design as part of the Planning process.

Crime & Disorder Implications:

- 7.21 Making best use of Council-owned sites and demolishing buildings which are unused, damaged, or dangerous supports the local agenda to reduce antisocial behaviour.

Risk and Opportunity Management Implications:

- 7.22 The project follows corporate guidance and practice in terms of risk and opportunity management. Risk registers are in place for all elements of the project, and project/programme governance is in place to oversee mitigation and escalation as required.

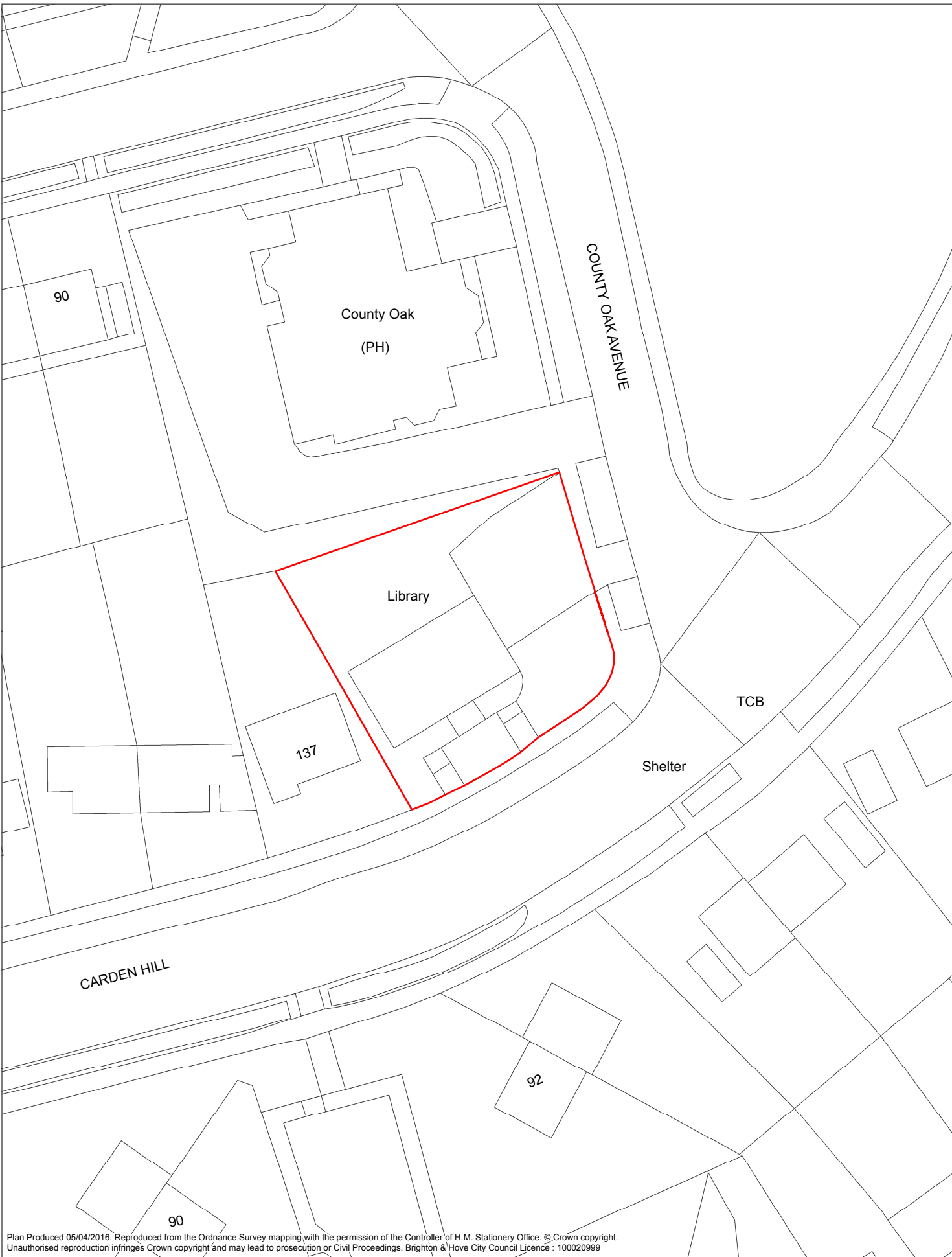
Corporate / Citywide Implications:

- 7.24 These proposals support corporate and citywide priorities relating to Housing, Carbon Neutral targets, and Community Wealth, and the provision of much-needed affordable housing described in the body of the report.

SUPPORTING DOCUMENTATION

Appendices: Site plans

1. The former Hollingbury Library
2. Portslade Village Centre
3. Oakley House
4. Swanborough Drive



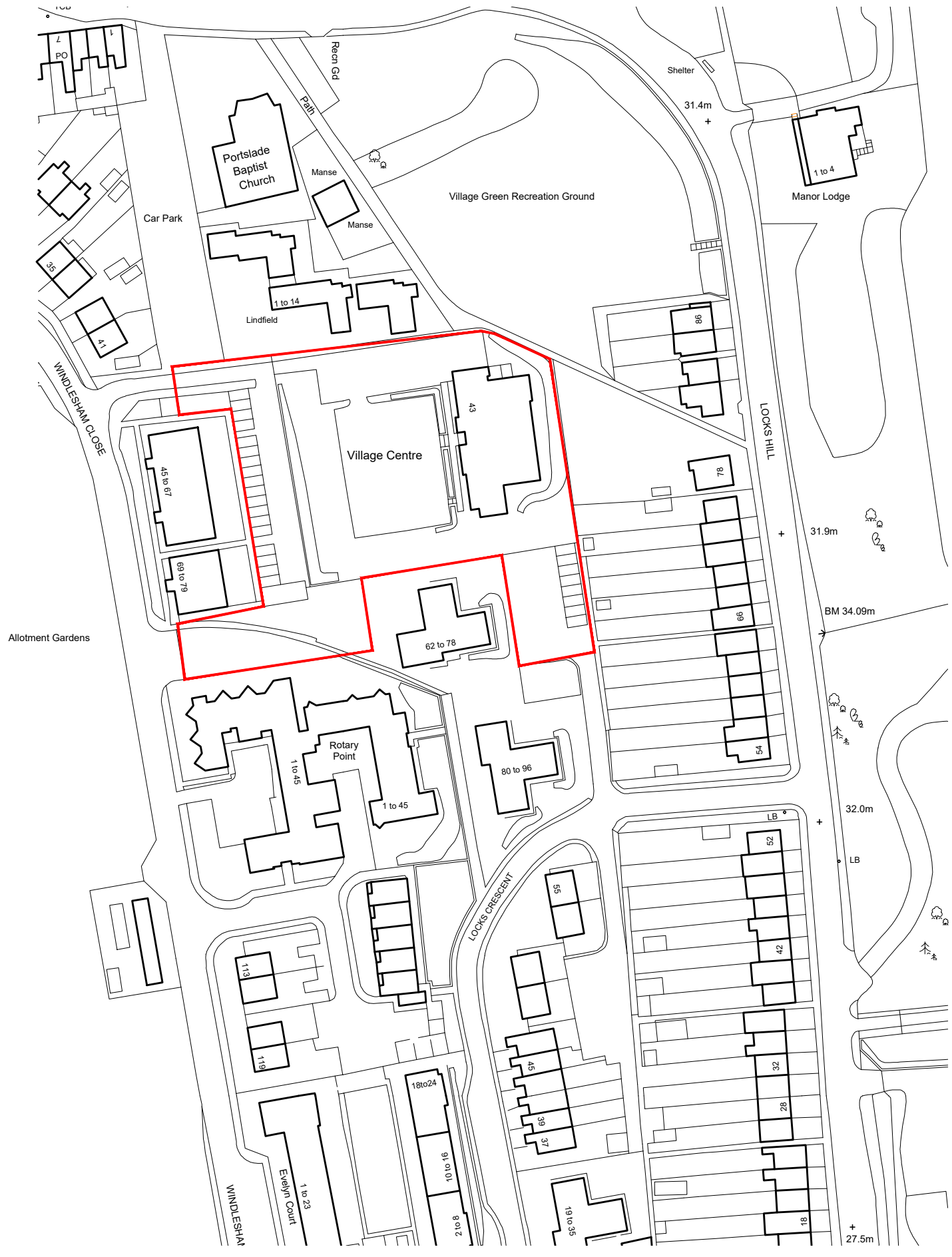
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Hollingbury Library

Scale 1:500





Note:
 All levels and dimensions are to be checked on site.
 This drawing is to be read in conjunction with all relevant consultants' requirements, drawings and specifications.
 Any discrepancies between consultants' drawings to be reported to the Contract Administrator before any relevant work commences.

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Notes

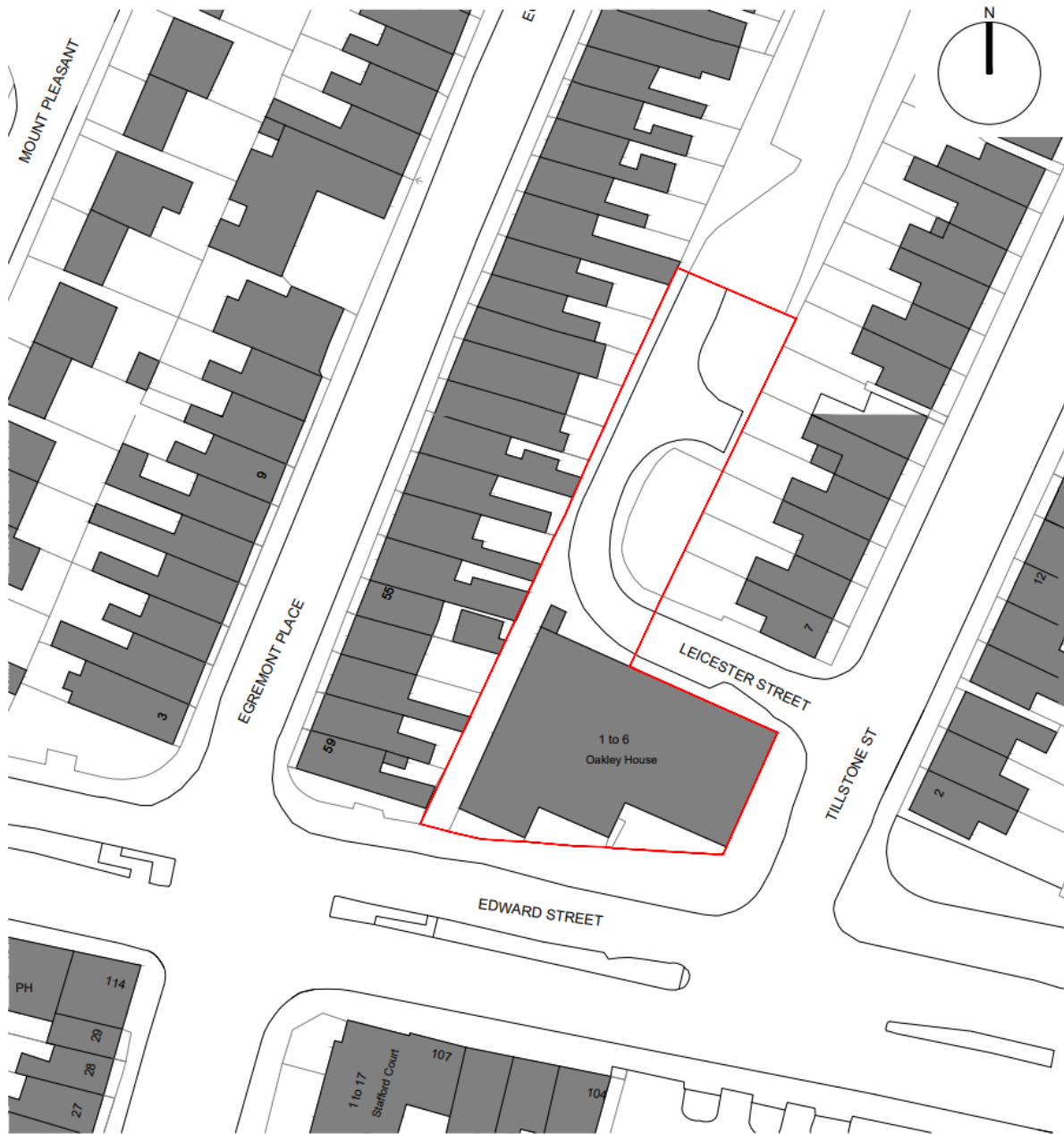
| Rev | Date | Description | Drawn | Checked |
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| PO1 | 22.02.23 | First Issue | CT | CT |
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| S2 - FOR INFO | Portslade Village Centre | | PO1 |
| | Site Location Plan | | |
| | Scale 1:1250@A3 | Ref Number NN030-MBA-ZZZZ-0000-DR-A-001000 | |

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Oakley House Site plan

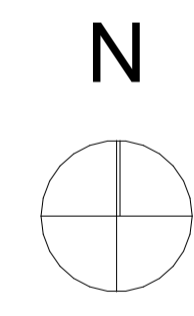




Block Plan 1:500



Location Plan 1:1250



| Rev ID | Change ID | Change Name | Date |
|--------|-----------|---------------|------------|
| 01 | Ch-01 | Initial Issue | 25/08/2023 |

Project
Swanborough Drive
Whitehawk
Brighton

Layout Title
Location Plan

Client
BHCC

Purpose of Issue
Sketch

Original Scale
A1

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The Old Library
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| Project | Status | Number | Revision |
| 9177 | SK | 01 | 01 |

Subject: Private Sector Housing – Discretionary licensing proposed fee structure and licence conditions

Date of Meeting: Housing and New Homes Committee 20 September 2023

Report of: Executive Director Housing, Neighbourhoods and Communities

Contact Officer: Name: Diane Hughes

Email: Diane.Hughes@brighton-hove.gov.uk

Ward(s) affected: All wards

For general release

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The significant growth in the private rented sector in Brighton & Hove means just under one in three households in the city are renting privately. While many landlords operate responsibly, there are concerns that some do not. As a result, issues are raised in relation to the management, standards and quality of homes in this expanding sector.
- 1.2 On 15 March 2023 Housing Committee considered a report on the extension of discretionary licensing in the local authority area. It agreed the recommendation to consult on an additional licensing scheme for smaller Houses in Multiple Occupation (HMOs) citywide and the introduction of a Selective Licensing Scheme for non-HMO private rented sector homes in 4 wards in the city. In addition, it was agreed to consult on the option of a further Selective Licensing Scheme in 13 wards in the city.
- 1.3 This report:
- Outlines the proposed fee structure for a Selective Licensing Scheme and Additional HMO Licensing Scheme and provides updated fees for the Mandatory Scheme for larger HMOs.
 - Presents draft conditions for a Selective Licensing Scheme and updated conditions for the Additional Licensing Scheme and Mandatory Scheme for HMOs
 - Highlights the approach to consultation due to take place in autumn 2023.

2. RECOMMENDATIONS:

That Housing & New Homes Committee:

- 2.1 Approve for consultation the proposed fee structure for a Selective Licensing Scheme and Additional HMO Licensing Scheme.
- 2.2 Approve the updated fee structure for the Mandatory HMO Licensing Scheme.
- 2.3 Note the draft Selective Licensing Scheme conditions and updated Additional HMO Licensing Scheme conditions attached at Appendix 1 and 2.
- 2.4 Note the updated conditions for the Mandatory HMO Scheme attached at Appendix 2.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Housing Act 2004 gave councils the power to introduce additional HMO licensing and selective licensing of privately rented properties. Essentially, for improved property management and conditions for tenants and the local community in certain circumstances. The 5-year term of the city's previous Additional House in Multiple Occupation (HMO) Licensing Scheme (for smaller HMOs not covered by Mandatory HMO Licensing) ended earlier this year. The Additional Scheme covered around 1,900 smaller HMOs and allowed us to work closely with landlords to improve properties. A number of licence conditions were set during the Additional Scheme. This resulted in direct improvements to properties. Subsequently, the health and wellbeing of around 5,500 tenants, as well as homes becoming safer environments, was improved.
- 3.2 Housing Committee on 15 March 2023 approved the recommendation to go out to consultation on the preferred option for private rented sector discretionary licensing across Brighton & Hove with persons who are likely to be affected by the designation. Having considered the evidence base the preferred option agreed was:
 - Citywide additional HMO licensing covering properties which have two or more storeys and where three or more tenants are living there as more than one household.
 - Selective licensing on non-HMO private rented sector homes in the 4 worst affected wards where the evidence demonstrates a clear link between poor property conditions, deprivation and private rented homes. These wards are Kempdown, Moulsecoomb & Bevendean, Queens Park and Whitehawk & Marina.
- 3.3 In addition, it was agreed to consult on a further option to extend the scheme in 13 wards in the city on the grounds of poor property conditions. These wards are Brunswick & Adelaide, Central Hove, Goldsmid, Hanover & Elm Grove, Hollingdean & Fiveways, Preston Park, Regency, Rottingdean & West Saltdean, Round Hill, South Portslade, West Hill & North Laine, Westbourne & Poets Corner and Wish. If approved, this would form a second phase of the scheme and would be subject to Secretary of State approval.

- 3.4 Since March, extensive research has been undertaken to develop the consultation proposals for this report and Committee was advised in March that a budget of £120,000 had been identified for this stage of the process. It is the aim of any licensing scheme to be self-financing, and therefore, any costs are paid from the license fees. However, depending on the outcome of the consultation, a scheme may need some upfront funding which could require budget approval. Officers will, therefore, need to report back to Committee following the consultation phase.

Selective Licensing Scheme conditions

- 3.5 During the proposed scheme all landlords or letting or managing agents on behalf of a landlord, would be required to obtain a licence for each property that they let (with some exemptions that apply under the Housing Act 2004). The proposed licence holder would need to demonstrate they are a fit and proper person and that conditions are met. If the property is sold during the term of the licence, it cannot be transferred to another person and a new application would need to be made.
- 3.6 The conditions attached to each licence would relate to the management of the property. Under the Housing Act 2004, several conditions are mandatory. They include:
- Producing an annual gas safety certificate, if gas is supplied to the property
 - Keeping electrical appliances and furniture in a safe condition, and producing a declaration on their safety
 - Ensuring all electrical installations are in working order and safe, and producing a declaration on their safety
 - Ensuring a smoke alarm is present on each floor level and keeping alarms in working order, and producing a declaration on their condition and position
 - Ensuring, where a gas boiler or gas fire are provided, that carbon monoxide alarms are present and keeping them in working order, and producing a declaration on their condition and position
 - Requirement to obtain references for prospective tenants
 - Supplying tenants with a tenancy agreement.
- 3.7 In addition, Housing Act 2004 allows councils to apply further conditions to regulate the management, use or occupation of the property. The council proposes to introduce such conditions to improve the management and quality of private rented homes. They include:
- Limits on numbers of persons who may occupy a property in accordance with room and space standards legislation
 - Ensuring that gas, electricity or water supplies are not interrupted at the property
 - Producing a valid energy performance certificate
 - Property inspections required at least every 6 months
 - Requiring arrangements in place for waste and recycling
 - Ensuring tenancy agreements include provision for dealing with anti-social behaviour

A copy of the proposed conditions is attached at Appendix 1.

To assist in preventing homelessness further advice will also be provided to landlords in correspondence encouraging them to contact the council at an early stage should they wish to end tenancies.

Citywide Additional and Mandatory HMO Licensing Scheme conditions

- 3.8 The council's additional and mandatory HMO conditions were last reviewed in June 2017. We look to update these conditions following changes in legislation and best practice. Similar to the proposed Selective Licensing Scheme, landlords, or letting or managing agents on behalf of a landlord, would be required to obtain a licence for each HMO under the additional licensing scheme (with some exemptions that apply under the Housing Act 2004). The proposed licence holder would need to demonstrate they are a fit and proper person and that conditions are met.
- 3.9 Again, as with the Selective Licensing Scheme, conditions attached to each additional HMO licence would relate to the management of the property. Equally, under the Housing Act 2004 several conditions are mandatory. Apart from the requirement on licence holders to obtain references for tenants, for selective licensing conditions in paragraph 3.6 of this report, conditions for additional HMO licensing match selective licensing. However, there are added conditions. They include:
- setting occupancy levels proportionate to floor areas of habitable rooms; and
 - requiring a licence holder to comply with the council's arrangements on storage and disposal of household waste from the HMO.
- 3.10 Similar to selective licensing, Housing Act 2004 allows councils to apply further conditions to regulate the management, use or occupation of licensed HMOs. The provision of facilities (bathrooms, toilets and kitchens) and fire safety precautions are key conditions. The council's updated conditions for the additional and mandatory HMO licensing schemes, showing changes from existing conditions, are attached at Appendix 2.

Selective Licensing Scheme costs and fee structure

- 3.11 If the decision is made to designate a Selective Licensing Scheme covering 4 wards in the city this would require licence applications for an estimated 4,000 properties. A second phase of the scheme for the additional 13 wards would require Secretary of State approval to implement. If that was received it would cover a further estimated 19,000 properties.
- 3.12 Legislation allows authorities to charge a fee for recovering costs to administer and run the scheme. The fee must be proportionate so that administrative support, property inspections and all other scheme-related tasks can and are funded from licence fees. The proposed fee structure is set out below based on current costs.

| Standard application fee | Standard weekly fee comparison | Prompted fee |
|--|---|---------------------|
| £670 | £2.57 | £760 |
| Accredited/EPC rating C or above application fee (£75 discount) | Accredited/EPC rating C or above weekly fee comparison | |
| £595 | £2.29 | |

Table 1 - proposed selective licensing scheme fee

- 3.13 It is proposed to set the fee at a level that would ensure full cost recovery for the scheme. In addition, a fee which is a balance between reasonable cost for licence holders against ensuring the scheme is successful, properly funded and appropriately resourced. It is intended that the fees would be reviewed on an annual basis.

The fees have been calculated taking into account existing case law and official guidance. They may go up or down before any decision on implementation due to various influencing factors so would be subject to a further committee decision.

- 3.14 Property inspections will be prioritised on risk, following review of each selective licensing scheme application received. This mirrors how other local authorities manage their inspections. In addition, research in 2022 by the Department of Levelling Up, Housing and Communities and in line with the English Housing Survey, is important to highlight.
- 3.15 This research explored compliance with legislation and other requirements by private sector housing landlords. It found 30% of landlords show good practice, 24% follow legal requirements, 35% had mixed compliance and 11% had lower compliance and awareness. Therefore, there is not complete non-compliance by landlords. Subsequently, programming property inspections according to risk is considered practical. Not all properties will be non-compliant in view of that research. In addition, for actual numbers of property inspections, then it is proposed to visit all properties for each licence application during the licence period.
- 3.16 Extensive benchmarking has taken place to understand fee structures in other local authorities who operate or who are currently consulting on Selective Licensing Schemes and share similarities with Brighton & Hove. More information on this benchmark group and the fees applied are set out in Appendix 3.
- 3.17 Our proposed fee is lower than a number of our peers, as can be seen in Appendix 3 but not so significantly. This is partly due to our peer group of London local authorities with staff salaries benefiting a London weighting. Salaries are a significant aspect in licensing fees. In addition, from Appendix 3 it can be seen a number of authorities have early bird licence fees to incentivise timely applications. It is not proposed that we introduce this, as we are keen to ensure full cost recovery of a scheme. Conversely, the introduction of such adjustments has had mixed effectiveness when used in previous licensing schemes at other councils.

- 3.18 The fee has been calculated based on the following elements and has been assessed using the Local Government Association's toolkit to ensure cost recovery.
- Set up costs and on costs – Recruitment of suitable staff, publicising the scheme, accommodation, support services including IT services and equipment
 - Processing applications – staff costs in assessing and processing the application
 - Visits – time spent inspecting properties including travel to and from them
 - Monitoring costs – estimated staff time to do compliance checks of licence conditions
 - Administration – actual costs involved in producing and sending licences.
- 3.19 It is important to note that as referred to above, there is no existing set up budget and this would need to be identified before any scheme could start, as it is likely that there would be a lag of at least 12 months before licensing started to generate sufficient income to cover the council's on going costs. It is estimated that between £0.440m and £1.800m would be required upfront and there could be borrowing/cash flow costs associated with this (see 7.1 Financial Implications). If all schemes were to commence, an additional team of approximately 28 staff would be required.
- 3.20 We are proposing a prompted application fee. It is proposed that this would apply where a licence application has not been made proactively and the council has to investigate or do chase up work to ensure an application is made. In addition, an adjusted fee has been suggested which would apply to properties with an Energy Performance Certificate rating of C or above and to landlords who are accredited with landlord groups (these are the National Landlords Association and National Approved Letting Scheme (now safeagent and ihowz)). It is also proposed to offer assistance to landlords within the selective licensing scheme if the accommodation is used to provide accommodation for the council's Direct Lets' Scheme. This is a scheme for providing housing assistance for vulnerable households who have approached the council and struggling to access private rented accommodation.
- 3.21 Our experience to date with HMO licensing is that it has not had a material effect on the level of rents or availability of accommodation in the city. The proposed fee structure is considered reasonable. Equally, fees are fully tax deductible and over a five-year scheme would cost a licence holder less than £3 per week.
- 3.22 Under the proposed fee structure, those who fail to apply for a licence would forgo the option of a standard fee and would be required to pay £760 prompted licence fee. This is a progressive fee structure and a deliberate policy to strengthen and make licensing of privately rented property efficient. Ultimately, avoiding additional costs in identifying unlicensed properties.

Licence duration

- 3.23 Licences cannot be issued to extend beyond the end date of any designated scheme. This would be no more than five years after the scheme came into force. It ensures there is no benefit gained by those applying late and will run in line with the length of the scheme.

3.24 There would be no requirement for the council to issue a licence for the full length of the scheme. Instead, issuing a shorter licence is an alternative measure where there are outstanding planning permission or other issues at the property. In these circumstances, it is proposed that the council would generally issue a one-year licence in the first instance to allow sufficient time to regularise the planning position or other issues. Licence holders could then apply for a further licence. This would apply across the mandatory and additional HMO schemes. It may also apply to the selective licence scheme in certain circumstances. For example, before starting any works to satisfy licence conditions to a protected property or inside a conservation area.

Additional and Mandatory HMO licensing fee structure

3.25 **Table 2** and **3** below show the proposed fee structures for the Mandatory Scheme. **Tables 4 and 5** show the proposed fee structure for the Additional HMO scheme.

Table 2 –Mandatory HMO licence fees have been updated where there are 5 or more occupiers.

| Number of occupiers | 5 | 6 to 8 | 9 to 11 | 12 to 14 |
|---|------|--------|---------|----------|
| New application fee | £820 | £840 | £860 | £880* |
| Accredited/EPC C rating or above (£75 discount) new application fee | £745 | £765 | £785 | £805 |
| Prompted fee | £930 | £950 | £970 | £990 |
| Renewal application fee | £670 | £680 | £690 | £700** |
| Accredited/EPC C rating or above (£75 discount) renewal application fee | £595 | £605 | £615 | £625 |
| Prompted fee | £760 | £770 | £780 | £790 |
| *For new applications with more than 14 occupiers, add £21 for up to 3 additional occupiers (based on per room) | | | | |

**For renewal applications with more than 14 occupiers, add £11 for up to 3 additional occupiers (based on per room)

Table 3 - Mandatory HMO Licence fees have been updated for when there are 5 or more lettings.

| Number of lettings | 5 | 6 to 8 | 9 to 11 | 12 to 14 |
|---|----------|---------------|----------------|-----------------|
| New application fee | £1,030 | £1,190 | £1,330 | £1,470*** |
| Accredited/ EPC rating C or above (£75 discount) new application fee | £955 | £1,115 | £1,255 | £1,395 |
| Prompted fee | £1,090 | £1,260 | £1,400 | £1,550 |
| Renewal application fee | £840 | £860 | £870 | £890**** |
| Accredited /EPC rating C or above (£75 discount) renewal application fee | £765 | £785 | £795 | £815 |
| Prompted fee | £890 | £910 | £920 | £940 |

*** For new applications with more than 14 occupiers, add £28 for up to 3 additional occupiers (based on per room and one facility)

**** For renewal applications with more than 14 occupiers, add £15 for up to 3 additional occupiers (based on per room and one facility)

Table 4 - Additional HMO Licensing scheme - proposed fees for properties let on single tenancies with 3 or 4 occupants.

| Standard application fee | Prompted fee |
|---|---------------------|
| £800 | £900 |
| Accredited/EPC rating C or above | |

| | |
|---|--|
| application fee (£75 discount) | |
| £725 | |

Table 5 - Additional HMO Licensing scheme - proposed fees for properties let on multiple tenancies with 3 or 4 occupants.

| Standard application fee | Prompted fee |
|--|---------------------|
| £1,020 | £1,080 |
| Accredited/EPC rating C or above application fee (£75 discount) | |
| £945 | |

Consultation on the proposed schemes

- 3.26 A 12-week public consultation is planned to begin in late September 2023 and finish by December 2023. The consultation process has been designed to enable initial proposals to be fully considered and scrutinised by the public. The consultation should be informative, clear, and relevant, so that all details of the proposal can be readily understood. The consultation will include information on the proposed schemes, including reasons for them and how they are formulated. It will also include information on proposed fees and conditions.
- 3.27 A supplier has been appointed to assist the council with the consultation. The council will consult local residents, including tenants, landlords, managing agents, key interested parties (the Police, Fire Service and Universities) and other members of the community. This includes business owners, voluntary and community groups who live, operate, or provide services within the proposed designation areas. The consultation will also be promoted in surrounding areas that may be affected by the introduction of the proposed schemes.
- 3.28 This consultation will consist of an online survey available on the council's website and available as a printed version at council public offices and the city's libraries. Printed information will be made available in the form of posters to be displayed in libraries and other public locations in the local authority's area.
- 3.29 The council will publicise the consultation via press releases and other local media, social media, adverts in local and national newspapers and news items on its own website. To enable us to reach landlords who are not based on the local area or who may be located abroad we will look to increase publicity of the proposed schemes through national newspapers, other local authorities and property websites or international investment or property agents within the city. Therefore, showing reasonable steps are being taken to consult those who may be affected by the introduction of the schemes. In addition, officers will attend meetings with stakeholder groups. This includes landlord groups to raise awareness on the consultation.

4. ANALYSIS & CONSIDERATION OF ANY OPTIONS

- 4.1 The report on Private Sector Housing: Discretionary Licensing Evidence discussed at Housing Committee on 15 March 2023 undertook a full options appraisal on options for licensing in the city. The committee agreed to proceed with consultation on the preferred option as outlined in paragraph 3.2 of this report.
- 4.2 As outlined in paragraph 3.19 of this report in order to implement new schemes a budget will need to be identified to support the mobilisation of the scheme before licence fees are collected. A series of options have been modelled and the budget required varies according to the number of schemes introduced. Following consultation, should committee agree to commence the process then officers will need to report back to Committee on the budget required.

Option A: Mandatory HMO scheme, Additional HMO scheme plus Selective Licensing Scheme for 4 wards and a further 13 wards would require an estimated upfront budget of £1.82m.

Option B: Mandatory HMO scheme, Additional HMO Scheme plus Selective Licensing Scheme for 4 wards would require an estimated upfront budget of £680,000.

Option C: Additional HMO and Mandatory HMO scheme would require an estimated up-front budget of £440,000.

Option D: Mandatory HMO scheme only would not require an upfront budget.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Section 80(9) of the Housing Act 2004 states that prior to designating an area as subject to selective licensing the local housing authority must:
- Take reasonable steps to consult persons who are likely to be affected by the designation; and
 - Consider any representations made in accordance with the consultation and no withdrawn.
- 5.2 Section 56(3) imposes the same consultation requirements for the designation of areas subject to additional licensing. To meet these requirements the council will be undertaking a 12-week public consultation on the proposed schemes as outlined in paragraphs 3.26 – 3.29 of this report.

6. CONCLUSION

- 6.1 Should Committee agree the proposals the results of the consultation will be analysed, and consultation responses and outcomes brought back to Housing & New Homes Committee to consider and decide whether to proceed with the implementation of the schemes. If citywide additional HMO licensing and selective licensing in 4 wards is agreed, a three months' notice of the new designation would be required. On this basis, the scheme would be anticipated to be in place by July 2024.
- 6.2 It should also be noted that for selective licensing, the second phase of an additional 13 wards in the city would require permission from the Secretary of

State. It is anticipated that the application to them would be submitted 6 months after the designation of the first selective licensing scheme (if approved by committee). The Secretary of State decision should be made within 8 weeks from the date of submission of an application, but the council would have no control over this time period. It is notable that some local authorities have experienced longer waiting times for the Secretary of State's decision. If agreed, a second Selective Licensing Scheme would at the earliest be in place by Summer 2025.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

There is currently £0.120m one-off resources in 2023/24 to pay for the support and consultation necessary to introduce further licensing (discretionary and/or selective) in the city. It is paramount that this is managed within budget, given that other budgets in Housing are currently forecasted to overspend in 2023/24. Licensing fees will be set to recover costs. However, there will inevitably be some costs (such as staffing) which will be needed upfront before the license fee is collected. The service is planning to profile spending and recruitment to minimise this wherever possible.

The level of upfront costs required will vary depending on the licensing schemes that are implemented (see paragraph 4.2). Upfront costs can be paid for through internal borrowing from reserves, external borrowing or through modernisation funding. There are likely to be costs associated with lost investment or interest costs associated with borrowing. Therefore, once the consultation is completed, a further committee report will be required with full financial implications and any new revenue budget required will need to be identified.

Finance Officer Consulted: Monica Brooks Date: 6 September 2023

7.2 Legal Implications:

The report sets out the legislative framework for the introduction of additional HMO licensing and selective licensing of non-HMOs.

Meaningful consultation is an essential pre-requisite to the introduction of a selective licensing scheme. Case law has established that to be meaningful, the consultation must be undertaken when the proposals are still at a formative stage, there is sufficient information to permit "intelligent consideration", there is adequate time for consideration and response and conscientious consideration must be given to the consultation responses before a decision is made.

Lawyer Consulted: Liz Woodley Date: 7 September 2023

7.3 Equalities Implications:

In seeking to tackle poor management and quality standards, it is expected that any licensing scheme would have a positive impact on tenants including those with protected characteristics. After the consultation a full Equalities Impact Assessment would be taken in relation to any discretionary licensing scheme

recommended to Housing & New Homes Committee for approval. This assessment would incorporate the relevant findings of the stakeholder consultation to help inform decision making.

7.4 Sustainability Implications:

The evidence has identified poor property conditions in the private rented sector. Action to tackle this is expected to improve the quality of the city's housing stock, thereby improving its sustainability. An adjusted fee where the property has an EPC rating of C or above also acknowledges properties with a higher home energy efficiency which could reduce energy bills, make homes warmer and more comfortable and reduce its carbon footprint.

Any Other Significant Implications:

7.5 None

SUPPORTING DOCUMENTATION

Appendices

Appendix 1: Draft Selective Licensing Scheme Conditions

Appendix 2: Updated HMO Licensing Scheme Standards and Conditions

Appendix 3: Benchmarking comparison on Selective Licensing Scheme fees

Documents in Members' Rooms: None

Background Documents:

- Housing Act 2004
- The Selective Licensing of Houses (Additional Conditions) England Order 2015
- Department of Communities and Local Government 'Selective licensing in the private rented sector: A guide for local authorities' March 2015' (last updated 20 June 2023)

Appendix 3 – Benchmarking comparison on Selective Licensing Fees

| Local authority | Application fee | Adjusted fee for accredited landlords | Other adjustments | Estimated numbers of properties in the licensing scheme |
|---|-----------------|---|---|---|
| Brighton & Hove Proposed fee | £670 | (£75 saving) making a £595 application fee | EPC rating above C £75 reduction Signing up to Direct Lets' Scheme | 4 Wards: 4,000 17 Wards: 23,000 |
| Bexley | £766 | 6.53% (£50 saving) making a £716 application fee | At the scheme's start an early bird discount was offered, but will not feature on new schemes | 2,451 |
| Brent | £640 | 6.25% (£40 saving) making a £600 application fee | No | 11,500 |
| Ealing | £750 | 10% (£75 saving) making a £675 application fee | At the scheme's start an early bird discount was offered, but uncertain if will feature again on new schemes 6.67% (£50 saving) for properties with Energy Performance Certificate (EPC) rating C or above making a £700 application fee | 32,713 |
| Hackney | £500 | 15% (£75 saving) making a £425 application fee | No | <i>Unable to provide. But, since the scheme's October 2018 start 2,688 applications were processed.</i> |
| Hammersmith & Fulham | £560 | 14.29% (£80 saving) making a £480 application fee – <i>note one discount available only</i> | 8.93% (£50 saving) for a landlord rental charter bringing a £510 application fee - <i>note one discount available only</i> | 4,100 |
| Lewisham ¹ | £640 | 20% (£128) making a £512 application fee | <i>Unknown, until outcome of approval by DLUHC</i> | 20,000 |
| Newham | £750 | 6.67% (£50) making a £700 application fee | 6.67% (£50) for properties with Energy Performance Certificate (EPC) | <i>Not available, but as of October 2021, there were more than 26,000 private landlords</i> |

¹Lewisham Selective Licensing Scheme pending approval by the Department for Levelling Up, Housing and Communities (DLUHC)

| | | | | |
|----------------|------|--|--|---|
| | | | <p>rating C or above making a £700 application fee or £650 fee for accredited landlords</p> <p>53.33% (£400) for properties registered and approved for Newham's nightly paid temporary properties</p> | <p><i>operating in Newham and the Council issued over 40,000 licences covering the homes of nearly 60,000 households (this includes Mandatory HMO Licensing, Additional HMO Licensing and Selective Licensing properties)</i></p> |
| Redbridge | £860 | 4.07% (£35 saving) making a £825 application fee | No | 36,925 (this includes Mandatory HMO Licensing, Additional HMO Licensing and Selective Licensing properties) |
| Southwark | £900 | 50% discount on Part B licence fee payment – for a gold standard landlord: a “best practice” sign-up charter. It is estimated to be a £150 saving making a £750 application fee. | No | 32,000 |
| Tower Hamlets | £649 | No | No | 9,000 |
| Waltham Forest | £700 | No | At the scheme's start an early bird discount was offered, but uncertain if will feature again on new schemes | 28,000 |

Appendix 1: Draft Selective Licensing Conditions

This document contains the conditions that could form part of a property licence for a Selective Licensing Scheme. Conditions that are mandatory are required to be included by Housing Act 2004. This is set out in Part 3 of that Act 2004. The law also allows Councils to apply discretionary conditions to regulate the management, use or occupation of the House.

Definitions used in this document

'The council' refers to Brighton & Hove City Council.

'Licence Holder' includes any agent or representative acting on behalf of the licence holder.

'House' means the house, flat or bungalow that is the subject of the licence.

'HHSRS' means the Housing Health and Safety Rating System. It identifies 29 hazards. It is a risk-based evaluation tool used by local authorities for identifying and protecting against potential risks and hazards to health and safety, from any deficiencies present at properties¹.

Context

The Licence Holder must ensure that the House complies with each of the conditions in sections 1 to 15 of this document, unless specific alternatives are notified and agreed with the council. Please also note that licensing condition 3 does not apply in all cases. See **3. Permitted Occupation** on page 3 of 8 for further details.

Failure to comply with any condition could result in legal proceedings before a Court, a financial penalty imposed by the council or loss of the licence. In certain circumstances, this may also result in registration on the Government's database of rogue landlords and property agents under the Housing and Planning Act 2016.

Conditions

1. References

- 1.1 The Licence Holder must obtain references for prospective tenants.
- 1.2 It is understood that in certain situations it may not be possible to obtain a reference. For example, where it is a first tenancy or newcomer to the United Kingdom. In these situations, you must provide evidence that you have explained, and the tenant understands implications of them not adhering to tenancy conditions.

¹Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

- 1.3 In addition, the Government's requirements on right to rent must be followed. For further details go to: <https://www.gov.uk/check-tenant-right-to-rent-documents>

2. Tenancy Management

- 2.1 The Licence Holder must give occupiers a written statement of the terms on which they occupy the House, a tenancy agreement. The agreement should provide:
- a. Details of how deposits will be held and terms of return.
 - b. An inventory of contents and condition at the start of the tenancy.
 - c. Details of rent and dates due, rent payment methods, and how and when rent may be increased.
 - d. Details of the means of contact for reporting repairs and any emergency issues.
 - e. Conditions placed on the tenant so that the House is not used for any antisocial purposes².

A model agreement, for a shorthold assured tenancy, for use in the private rented sector, where such an agreement is being entered into, and accompanying guidance, is available here:

<https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

- 2.2 The Licence Holder must make a copy of the tenancy agreement available before the House is let so that tenants can read it before being asked to sign. This also gives tenants an opportunity to get independent advice before signing.
- 2.3 Copies of the tenancy agreement must be provided for inspection within 28 days of demand by the council.
- 2.4 A copy of the licence and name, address and telephone number (including an emergency contact number) of the Licence Holder or manager must be made available to all tenants.

²The council requests views on e. Conditions placed on the tenant so that the House is not used for any antisocial purposes. The council's evidence on anti-social behaviour (ASB) within the private rented housing sector is on noise matters only. Therefore, this does not include all aspects of ASB and part e is subject to review, as with the rest of this document.

3. Permitted Occupation³

- 3.1 The Licence Holder must not allow anyone to live or stay in the House if it exceeds a maximum number of persons. The licence will state how many people can occupy the House⁴.
- 3.2 Tenants must be informed that they must not allow guests to sleep in their homes, except on an occasional short term basis. If this will exceed permitted numbers shown on the licence. Short term is deemed as no more than a two week period, for when visiting friends or family.
- 3.3 The Licence Holder must provide to the council within 28 days of a written notice, information below on occupancy at the House:
- Names and numbers of persons and households in occupation, along with confirmation on rooms occupied by them; and
 - If required, names and numbers of persons in each household.

4. Utility Supplies

- 4.1 The Licence Holder must not unreasonably cause a supply of gas, electricity or water to be interrupted at the House.
- 4.2 The Licence Holder must ensure that the tenant is able to access and obtain readings of all utility meters (gas, electricity or water) for the House at reasonable times throughout the tenancy. This includes a final reading at the close of tenancy. The Licence Holder must supply to the tenant a written document, when the tenancy is signed, describing locations of utility meters and access arrangements

5. Gas and Carbon Monoxide

- 5.1 If gas is supplied to the House, the Licence Holder must arrange for an annual gas safety check, carried out by a Gas Safe registered engineer. A copy of the current gas safety certificate must be provided to the council at the time of the licence application and annually thereafter. For annual copies of certificates then they must be provided within 7 days of demand by the council. The safety of all gas installations and appliances must be maintained.

³Please note, where a tenancy agreement was in place before the property licence was issued (with existing tenants occupying the property) then this licence condition will not be applicable. However, the Council may still look to control any overcrowding at the House under additional legislation.

⁴Permitted occupation will be set using Overcrowding provisions under Part 10 of Housing Act 1985.

- 5.2 The Licence Holder must ensure a carbon monoxide alarm is installed in any room in the House which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. Please note, a room includes halls, landings, bathrooms or lavatories. If not feasible to install alarms inside bathrooms or lavatories then fit within close distance to those rooms.
- 5.3 The Licence Holder must ensure that any carbon monoxide alarm installed in any room in the House is kept in proper working order.
- 5.4 The Licence Holder must supply within 28 days of demand by the council, a declaration by him or her as to the condition and positioning of any such carbon monoxide alarm or alarms.

6. Fire Safety

- 6.1 The Licence Holder must ensure that smoke alarms are installed on each storey of the House, where there is a room used wholly or partly as living accommodation. Please note, a bathroom or lavatory are to be treated as living accommodation.
- 6.2 The alarms must be kept in proper working order and a declaration as to their condition and position must be provided to the council, on demand, within 28 days.
- 6.3 Please note, compliance with this licence condition does not mean the House is subsequently free of any hazard of Fire under HHSRS. Further action may have to be taken by the Licence Holder to mitigate this hazard. For more information go to: [**council web page**].

7. Electrical Installations and Appliances

- 7.1 The Licence Holder must ensure that electrical installations in the House are in proper working order and safe for continued use.
- 7.2 Within 7 days of demand by the council, the Licence Holder must supply a declaration on the safety of electrical installations at the House.
- 7.3 The fixed electrical wiring and installations must be certified as safe by an electrician qualified to complete the test at least every 5 years, unless otherwise indicated on a previous inspection to be sooner, and must be to a 'satisfactory' condition. The Licence Holder must provide a valid Electrical Installation Condition Report (EICR) based on the current BS 7671 within 3 months from the date of licence issue.

- 7.4 Note, an electrician registered with the Electrical Contractors Association (ECA), National Inspection Council for Electrical Installation Contracting (NICEIC) or National Association of Professional Inspectors and Testers (NAPIT) is deemed qualified. The council may accept EICRs from other qualified electricians, provided their competence is proven.
- 7.5 The Licence Holder must also ensure that electrical appliances made available in the House are in a safe condition.
- 7.6 Within 7 days of demand by the Council, the Licence Holder must supply a declaration on the safety of electrical appliances made available at the House.

8. Furniture and Furnishings

- 8.1 The Licence Holder must ensure that furniture and furnishings made available at the House are in a safe condition and comply with current fire safety legislation. This includes all upholstered furniture, covers and fillings of cushions and pillows. A declaration as to their safety should be made at the time of the licence application. In addition, a declaration must be provided within 28 days of demand by the council.

9. Energy Efficiency

- 9.1 Energy Performance Certificates (EPC) give information on how to keep a property more energy efficient and reduce carbon dioxide emissions. The Licence Holder shall ensure the House has a valid EPC⁵. A copy must also be supplied to the tenant or tenants. In addition, the Licence Holder must supply a copy of the EPC within 28 days of demand by the council.

10. Property Management

- 10.1 The Licence Holder must take all reasonable steps for responding to repair issues at the House. In addition, that all repairs are completed within reasonable periods of time.
- 10.2 Specifically, the Licence Holder must:
- Keep inside and outside of the House in a good state of repair. In addition, ensure the House exterior which includes boundary walls, fences and gates etc... is free from graffiti.

⁵For guidance on a valid EPC refer to Energy Performance Certificates, Domestic private rented property: minimum energy efficiency standard – landlord guidance [Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342222/Minimum-energy-efficiency-standard-landlord-guidance.pdf)

- Ensure gardens, yards and any external areas in the House boundary are kept reasonably clean and tidy and free from rodent infestation.
- Protect and secure the House within 24 hours of a notification by completing necessary emergency work. For example, from damage to windows or entrance doors.

11. Property Inspections

- 11.1 The Licence Holder must ensure inspections of the House are completed at least once every six months. Inspections should identify any issues on how the House is managed or its condition. Records of such inspections must be kept for the duration of this licence.
- 11.2 In addition, records must show who completed inspections, their date and time, issues found and action taken. Copies of records must be provided within 28 days of demand by the council.

12. Waste and Recycling

- 12.1 The Licence Holder must provide new tenants with the information below on waste and recycling:
- Collection days for refuse and recycling bins from the House.
 - Details on what tenants can and cannot recycle.
 - How tenants can dispose of bulky waste and avoid penalties for any fly tipping.
- 12.2 The Licence Holder must ensure suitable provision is made available at the start of a tenancy for storage of refuse produced at the House.
- 12.3 The Licence Holder must ensure any rubbish or unwanted household items at the end of each tenancy are not left behind. All items should be removed and disposed of appropriately before the next tenancy starts. This includes any items left in front or back gardens or yards or pavement in front of the House.

13. Notification of Changes

- 13.1 The Licence Holder must inform the council directly, by email or in writing, on any matter below within 28 days of occurrence:
- Any change in ownership or management of the House.
 - Any change in address, email or telephone number of the Licence Holder or their managing agent.
 - Any change to their own or their managing agent's circumstances which could affect the fit and proper person status of them or that agent.

- 13.2 The Licence Holder must notify the council directly, by email or in writing, of any proposed changes in the construction, layout, fire precautions or amenities at the House. Especially, if this will affect the licence or licence conditions. Notification should be made at least 28 days before starting work.
- 13.3 The address of the Licence Holder given on their application form, or a subsequent address provided by them, will be used for the service of any letter, notice or other document between the council and them.

14. Licence Limitations

- 14.1 Transfer of licences. Licences cannot be transferred to another person, organisation, new or different property address.
- 14.2 Companies registered on Companies House. If the Licence Holder is a registered company and is dissolved whilst the licence is in force. The licence then ceases to be in force upon that date of dissolution.
- 14.3 Planning permission. The licence does not grant any planning approvals, consents or permissions, retrospectively or otherwise for the House, under the Town and Country Planning Act 1990 or any related legislation.
- 14.4 Building Control. The licence does not grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise for the House.

15. General

- 15.1 The Licence Holder must arrange for access, to be granted to council officers when requested, at any reasonable time. They must not prevent council officers in carrying out their statutory duties. This includes inspecting, surveying and investigating the House to ensure compliance with licence conditions.
- 15.2 The Licence Holder shall ensure that if any alteration or construction works are in progress, works are completed at the House in such a manner as to ensure the safety of all persons occupying or visiting the property. In addition, that compliance with Health and Safety legislation is met.
- 15.3 The Licence Holder shall ensure that on completion of any works, the House is left in a clean and tidy condition and free from builders' debris

Information and Further Advice

Further information on HMO Licensing at the council is available at [***council web page***]

For help and advice telephone 01273 293156 or email psh@brighton-hove.gov.uk

Current information on all the council's services is available at www.brighton-hove.gov.uk

For help and advice on noise nuisance telephone 01273 294266 or email EHL.environmentalprotection@brighton-hove.gov.uk

Advice and guidance on anti-social behaviour is available from the Community Safety Team by email communitysafety.casework@brighton-hove.gov.uk or telephone 01273 292735

For help and advice on any tenancy issue, telephone the Housing Options Team on (01273) 294400 or email housing.advice@brighton-hove.gov.uk

For help and advice on domestic furnishings and fire, contact Trading Standards by email trading.standards@brighton-hove.gov.uk

If the licensed House includes common parts then a Fire Safety Risk Assessment may be required, in accordance with the Regulatory Reform (Fire Safety) Order 2005. In addition, the Fire Safety Act 2021 and Fire Safety (England) Regulations 2022 clarify what other building elements such as flat entrance doors must be included in Risk Assessments. Further information can be obtained from East Sussex Fire and Rescue Service on 0303 999 1000 or www.esfrs.org See also Fire safety: guidance for those with legal duties [Fire safety: guidance for those with legal duties - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-guidance-for-those-with-legal-duties)

For further details on waste and recycling services at the council go to: <https://www.brighton-hove.gov.uk/rubbish-recycling-and-streets>

Appendix 2: Updated HMO Licensing Standards and Conditions

(Updates to HMO Licensing Standards Start on Page 19 of 36 and Updates to HMO Licensing Conditions on Page 30 of 36)

Conditions for licensed Houses in Multiple Occupation (HMOs) are set out in Part 2 of the Housing Act 2004. The Act 2004 also allows councils to apply discretionary conditions to regulate the management, use or occupation of the HMO, its condition and contents. This document explains standards and conditions set by the council for licensed HMOs.

There are two different sets of management regulations for HMOs depending on the type of HMO applicable. They are:

The Management of Houses in Multiple Occupation (England) Regulations 2006

This set covers HMOs that contain shared accommodation, such as house shares, bedsits, hostels and guest houses and other non-self contained accommodation. These types of HMOs are defined under Section 254 of the Housing Act 2004.

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

This set covers HMOs that are buildings converted into self contained flats. These types of HMOs are defined under Section 257 of the Housing Act 2004.

All HMOs are subject to the **Housing Health and Safety Rating System (HHSRS)** which identifies 29 hazards. It is a risk-based evaluation tool used by local authorities for identifying and protecting against potential risks and hazards to health and safety, from any deficiencies present at properties¹.

The guidance outlined in this document informs conditions, included in property licences, for the Mandatory and Additional Licensing Schemes for HMOs. It is generally expected that this guidance will be followed. There may, however, be exceptional circumstances at a particular HMO that demands a lesser or higher standard.

Failure to comply with any licence condition could result in legal proceedings before a Court, a financial penalty imposed by the council or loss of the licence. In certain circumstances, this may also result in registration on the Government's database of rogue landlords and property agents under the Housing and Planning Act 2016.

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¹Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

Part 1 – Shared Houses

Washing Facilities

| Amenity Standards in Relation to Number of Persons | |
|--|--|
| Up to 4 occupiers | At least 1 bathroom and 1 Water Closet (WC) (the bathroom and WC may be in the same room) Wash hand basin required in bathroom and in separate WC (if provided) |
| 5 occupiers | 1 wash hand basin required where practicable in each sleeping room plus 1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom) |
| 6 - 8 occupiers | 1 wash hand basin required where practicable in each sleeping room plus 2 bathrooms with 2 WCs and wash hand basins |
| 9 – 10 occupiers | 1 wash hand basin required where practicable in each sleeping room plus 2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms) |
| 11-15 occupiers | 1 wash hand basin required where practicable in each sleeping room plus 3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms) |

Bathroom means a room containing a bath or shower.

- All baths, showers and wash hand basins should be equipped with an adequate supply of cold and constant hot water and be connected to an appropriate drainage system.
- All baths, showers and wash hand basins should be equipped with adequate splashbacks (300mm to baths and wash hand basins, full heights for showers) with an adequate waterproof seal between the splashbacks and the fitting.
- All bathrooms and WCs should be suitably and adequately heated and ventilated (see heating section below in **Part 3 – All HMOs** adequate mechanical ventilation in accordance with Approved document F of the Building Regulations 2010 must be provided).
- All bathrooms and WCs should be of an adequate size and layout.

- All bathrooms should be of an appropriate size to provide adequate changing and drying space for the users.
- All WCs and bathrooms should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.
- All bathrooms and WCs should be conveniently and suitably located in or in relation to the living accommodation in the HMO.
- All WC compartments should contain a wash hand basin equipped with adequate splashbacks and waterproof seal.
- No WC compartment should open directly onto an area of kitchen where food is prepared unless mechanical extract ventilation and a wash hand basin is provided in the compartment.
- Personal washing or WC facility should not normally be more than one floor distant from the sleeping accommodation.

Kitchens

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:

- There should be a kitchen, normally not more than one floor distant, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to safely enable those sharing the facilities to store, prepare and cook food; and
- The kitchen should be equipped with the following equipment, which should be fit for the purpose and supplied in a sufficient quantity for the number of those sharing facilities:
 - (1) sinks with draining boards;
 - (2) an adequate supply of cold (from rising main) and constant hot water to each sink;
 - (3) installations or equipment for the cooking of food;
 - (4) electrical sockets;
 - (5) adequate worktops for the preparation of food;
 - (6) cupboards for the storage of food or kitchen and cooking utensils;
 - (7) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer);
 - (8) appropriate refuse storage and disposal facilities;
 - (9) appropriate extractor fans, fire blankets and fire doors; and
 - (10) dining facilities (either within the kitchen or in a separate room on the same storey).

| Facility | Minimum standard | Up to and including 5 persons | More than 5 persons – up to 9 persons |
|---|--|--|---|
| Sinks with draining boards; an adequate supply of cold and constant hot water to each sink supplied. | A fixed water tight sink and drainer. It should be provided with an adequate supply of cold water and constant hot water. | 1 for up to 5 occupiers. | 1 per 4 occupiers or part thereafter – a dishwasher may be considered as an alternative to an additional sink. |
| Installations or equipment for the cooking of food (cooker). | The primary facility should comprise an electric or gas hob with 4 rings and an oven with a grill. | 1 for up to 5 occupiers. | 1 per 4 occupiers or part thereafter – a microwave oven may be considered as an alternative to an additional cooker. |
| Electrical sockets. | 30amp supply for an electrical cooker. Points should be set at a convenient and safe position. | 6 sockets (3 doubles). Additional dedicated sockets are required for a cooker, refrigerator and washing machine. | An additional double for each two occupiers over 5 sharing. Additional dedicated sockets are needed for additional cookers, refrigerators and washing machines. |
| Worktops for the preparation of food. | The worktops should be secure, fixed and of an impervious material. | 1500mm (length) x 600mm (depth). | Additional 500mm length per user. |
| Cupboards for the storage of food or kitchen and cooking utensils. | Single cupboard (wall or floor mounted) per person. This excludes any cupboard under a sink. | | Capacity to be increased proportionately for each additional occupant. |
| Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer). | | A standard sized combined fridge/freezer. | Additional fridge/freezer for up to 9 occupiers. |
| Appropriate refuse disposal facilities. | The refuse facilities should not cause problems of hygiene or attract pests and should not obstruct the means of escape in case of fire. | A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally and externally. | A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally and externally. |

| | | | |
|------------------------------------|---|--|--|
| Appropriate extractor fans. | Electrical extractor fan in accordance with approved document F under the Building Regulations. | As minimum standard. | As minimum standard. |
| Appropriate fire blankets. | To be supplied but not to be sited immediately adjacent to or over a cooker. | To be supplied but not to be sited immediately adjacent to or over a cooker. | To be supplied but not to be sited immediately adjacent to or over a cooker. |
| Dining facilities. | There should be space to eat meals either within the kitchen or in a separate dining or living room (see room sizes below). | See room sizes below. | See room sizes below. |

Kitchens should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.

Kitchen walls adjacent to cookers, sinks and food preparation areas should be provided with impervious splash backs.

If there are between 10 – 18 occupants a second fully equipped kitchen should be provided. Thereafter there should be a further fully equipped kitchen for up to (and for every) 9 additional occupants.

Room Sizes

- A child (regardless of age) will be considered as a separate occupant in terms of these standards.
- The minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space. In this respect only the floor area where the ceiling is 1.5m or higher will be counted. If there are 10+ occupiers, additional rooms of the same dimensions are required.
- A conservatory will not be counted as a bedroom, lounge, dining room or kitchen.

| Shared Houses (single and multiple tenancies) | No of Occupiers | Size |
|--|------------------------|-------------|
| Kitchen (without dining facilities in the kitchen) | 3 and 4 | 6.5 sq m |
| | 5 | 7 sq m |
| | 6 | 8.5 sq m |
| | 7 | 9 sq m |

| | | |
|---|---------|-----------|
| | 8 | 9.5 sq m |
| | 9 | 10 sq m |
| Kitchen (with dining facilities in the kitchen) | 3 and 4 | 11.5 sq m |
| | 5 | 12 sq m |
| | 6 | 13.5 sq m |
| | 7 | 14 sq m |
| | 8 | 14.5 sq m |
| | 9 | 15 sq m |

If there are between 10-18 occupants a second fully equipped kitchen should be provided. Thereafter there should be a further fully equipped kitchen for up to (and for every) 9 additional occupants.

| | | |
|----------------------|--------------|-------------------|
| Separate Dining Room | 3-9 persons | 10 sq m |
| | 10 + persons | 2 rooms x 10 sq m |
| Bedroom – single | 1 person | 6.5 sq m |
| Bedroom – double | 2 persons | 10.2 sq m |

Part 2 – Bedsit/Non-self contained units

Shared Bathrooms

| Amenity standards in relation to number of persons | |
|---|---|
| Up to 4 occupiers | At least 1 bathroom and 1 WC (the bathroom and WC may be combined) Wash hand basin required in bathroom and in separate WC (if provided) |
| 5 occupiers | 1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom) Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation |
| 6 - 8 occupiers | 2 bathrooms with 2 WCs and wash hand basins Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation |
| 9 – 10 occupiers | 2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms) Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation |
| 11 -15 occupiers | 3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms) Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation |

Individual Bathrooms

Where there are no adequate shared washing facilities provided for a unit of living accommodation, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water should be provided for the exclusive use of the occupiers of that unit either:

- Within the living accommodation; or
- Within reasonable proximity to the living accommodation.

These amenities should be located not more than one floor distant from the unit of accommodation.

All baths, showers and wash hand basins should be equipped with taps providing an adequate supply of cold and constant hot water and be connected to an appropriate drainage system.

All baths, showers and wash hand basins should be equipped with adequate splashbacks (300mm to baths and wash hand basins, full heights for showers) with an adequate waterproof seal between the splashbacks and the fitting.

All bathrooms should be suitably and adequately heated and ventilated (see heating section below in **Part 3 – All HMOs**).

All bathrooms and toilets should be of an adequate size and layout to provide adequate changing and drying space for the users.

All bathrooms should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.

Kitchens

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit should be provided with:

- Adequate appliances and equipment for the cooking of food.
- A sink with an adequate supply of cold (from rising main) and constant hot water.
- A work top for the preparation of food.
- Sufficient electrical sockets.
- A cupboard for the storage of kitchen utensils and crockery.
- A refrigerator.
- A slip resistant, impervious and easily cleansable floor covering, extending 800mm from all units and having an edging strip to secure the edges and/or to mark the edges of any carpets.
- Appropriate extractor fans and fire blankets.

| Facility | Minimum standard | Each unit |
|---|---|--|
| A sink with an adequate supply of cold and constant hot water. | A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and an adequate supply of constant hot water. | Per unit. |
| Adequate appliances and equipment for the cooking of food. | A cooker with at least two rings with an oven and a grill. Rings should be at a height level with adjacent worktops. | Per unit. |
| Sufficient electrical sockets. | Points should be set at a convenient height and safe position. | 4 sockets (2 doubles) Additional dedicated sockets are required for a cooker and refrigerator. |
| A worktop for the preparation of food. | The worktop should be secure, fixed and of an impervious material. | Minimum size 600mm X 1000mm (in useable sections – do not include area underneath microwave or cooker). |
| A cupboard for the storage of kitchen utensils and crockery. | Standard floor or wall mounted cupboard. The space below the sink unit is not acceptable to comply with this standard. | |
| A refrigerator. | A standard refrigerator. | A refrigerator with a minimum capacity of 0.15m ³ . |

Where kitchens or kitchens with dining facilities in them are shared, the requirements are those listed for kitchens and kitchens with dining facilities in them in **Part 1 – Shared Houses** of this document.

Room Sizes

- A child (regardless of age) will be considered as a separate occupant in terms of these standards.
- The minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space. In this respect only the floor area where the ceiling is 1.5m or higher will be counted.
- A conservatory will not be counted as a bedroom, lounge, dining room or kitchen.

| Bedsit Rooms | No. of occupiers | Size |
|------------------------------|-------------------------|--------------------|
| Bedsit with kitchen in room | 1 | 13m ² |
| | 2 | 15m ² |
| Bedsit with separate kitchen | 1 | 10.5m ² |
| | 2 | 14m ² |
| Separate Kitchen | | 4.6m ² |

Part 3 – All HMOs

Definitions

‘The council’ refers to Brighton and Hove City Council.

‘Licence Holder’ includes any agent or representative acting on behalf of the Licence Holder.

‘HMO’ means House in Multiple Occupation.

‘House’ means the house or flat that is the subject of the licence.

1. References

- 1.1 The licence holder must obtain references for prospective tenants.
- 1.2 It is understood that in certain situations it may not be possible to obtain a reference. For example, where it is a first tenancy or newcomer to the United Kingdom. In these situations, you must provide evidence that you have explained, and the tenant understands implications of them not adhering to tenancy conditions.
- 1.3 In addition, the Government’s requirements on right to rent must be followed. For further details go to: <https://www.gov.uk/check-tenant-right-to-rent-documents>

2. Tenancy Management

- 2.1 The Licence Holder must give occupiers a written statement of the terms on which they occupy the House, a tenancy agreement. The agreement should provide:
 - a. Details of how deposits will be held and terms of return.
 - b. An inventory of contents and condition at the start of the tenancy.
 - c. Details of rent and dates due, rent payment methods, and how and when rent may be increased.
 - d. Details of the means of contact for reporting repairs and any emergency issues.
 - e. Conditions placed on the tenant so that the House is not used for any antisocial purposes².

A model agreement, for a shorthold assured tenancy, for use in the private rented sector, where such an agreement is being entered into, and accompanying guidance, is available here: <https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

²The council requests views on e. Conditions placed on the tenant so that the House is not used for any antisocial purposes. The council’s evidence on anti-social behaviour (ASB) within the private rented housing sector is on noise matters only. Therefore, this does not include all aspects of ASB and part e is subject to review, as with the rest of this document.

- 2.2 The Licence Holder must make a copy of the tenancy agreement available before the House is let so that tenants can read it before being asked to sign. This also gives tenants an opportunity to get independent advice before signing.
- 2.3 Copies of the tenancy agreement must be provided for inspection within 28 days of demand by the council.
- 2.4 A copy of the licence and the name, address and telephone number (including an emergency contact number) of the Licence Holder or manager should be made available to all tenants.

3. Overcrowding

- 3.1 The Licence Holder must not allow anyone to live or stay in the HMO if it will become overcrowded. The licence will state how many people can occupy the HMO.
- 3.2 Tenants must be informed that they must not allow guests to sleep in their homes, except on an occasional short term basis. If this will exceed permitted numbers shown on the licence. Short term is deemed as no more than a two week period, for when visiting friends or family.
- 3.3 The Licence Holder must provide to the Council within 28 days of a written notice, information below on occupancy at the HMO:
- Names and numbers of persons and households in occupation, along with confirmation on rooms occupied by them; and
 - If required, names and numbers of persons in each household.

4. Utility Supplies

- 4.1 The Licence Holder must not unreasonably cause a supply of gas, electricity or water to be interrupted at the HMO.
- 4.2 The Licence Holder must ensure tenants can access and obtain readings of all utility meters (gas, electricity or water) for the HMO at reasonable times throughout the tenancy. This includes a final reading at the close of tenancy. The Licence Holder must supply to tenants a written document, when the tenancy is signed, describing locations of utility meters and access arrangements.
- 4.3 The Licence Holder must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition.

5. Gas and Carbon Monoxide

- 5.1 If gas is supplied to the HMO, the Licence Holder must arrange for an annual gas safety check, carried out by a Gas Safe registered engineer. A copy of the current gas safety certificate must be provided to the council at the time of the licence application and annually thereafter. For annual copies of certificates then they must be provided within 7 days of demand by the council. The safety of all gas installations and appliances must be maintained.
- 5.2 The Licence Holder must ensure a carbon monoxide alarm is installed in any room in the House which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. Please note, a room includes halls, landings, bathrooms or lavatories. If not feasible to install alarms inside bathrooms or lavatories then fit within close distance to those rooms.
- 5.3 The Licence Holder must ensure that any carbon monoxide alarm installed in any room in the HMO is kept in proper working order.
- 5.4 The Licence Holder must supply within 28 days of demand by the council, a declaration by him or her as to the condition and positioning of any such carbon monoxide alarm or alarms.

6. Fire Safety

- 6.1 The Licence Holder must ensure that smoke alarms are installed on each storey of the House, where there is a room used wholly or partly as living accommodation. Please note, a bathroom or lavatory are to be treated as living accommodation.
- 6.2 The alarms must be kept in proper working order and a declaration as to their condition and position must be provided to the council, on demand, within 28 days.
- 6.3 Please note, compliance with paragraph 6.1 does not mean the House or HMO is subsequently free of any hazard of Fire under HHSRS. Further action may have to be taken by the Licence Holder to mitigate this hazard. For more information go to: [**council web page**].
- 6.4 Most HMOs will require a fire detection and alarm system (normally Grade D interlinked or Grade A system) installed in accordance with recommendations of the current British Standard (BS) 5839 Part 6 for domestic premises. For new installations, a design, installation and commissioning certificate must be provided to the council, on demand, within 28 days.
- 6.5 The fire detection and alarm system must be kept in proper working order and maintained and tested in accordance with recommendations of the current BS 5839 Part 6 for domestic premises. A declaration as to the condition and position of the system, supported by appropriate documentation, must be provided to the council, on demand, within 28 days.

- 6.6 Where a Grade A fire alarm and detection and emergency lighting system are installed, the Licence Holder must provide a logbook to the council, on demand, within 28 days. The logbook must confirm that the system has been maintained correctly. Annual tests and periodic checks, in accordance with the current BS 5839 Part 6 for domestic premises and BS5266 Part 1 (Emergency Lighting), will provide such confirmation.
- 6.7 The Licence Holder has a duty to complete and update a fire risk assessment for each House or HMO where there are common areas under the Regulatory Reform (Fire Safety) Order 2005 with additional requirements by the Fire Safety Act 2021 and Fire Safety (England) Regulations 2022. This legislation is enforced by East Sussex Fire and Rescue Service. Further information is included at the end of this document.
- 6.8 The Licence Holder must ensure that any common parts of the House or HMO used as a means of escape from fire are kept free from obstruction and maintained in good order and repair.
- 6.9 The LACORS Housing – Fire Safety - Guidance on fire safety provisions for certain types of existing housing may be consulted for achieving compliance with this licence condition. Go to: <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf> But, the Licence Holder **must also** have regard to the current BS 5839 Part 6 for domestic premises and any other appropriate guidance.

7. Electrical Installations and Appliances

- 7.1 The Licence Holder must ensure that electrical installations in the House are in proper working order and safe for continued use.
- 7.2 Within 7 days of demand by the council, the Licence Holder must supply a declaration on the safety of electrical installations at the House.
- 7.3 The fixed electrical wiring and installations must be certified as safe by an electrician qualified to complete the test at least every 5 years, unless otherwise indicated on a previous inspection to be sooner, and must be to a 'satisfactory' condition. The Licence Holder must provide a valid Electrical Installation Condition Report (EICR) based on the current BS 7671 within 3 months from the date of licence issue.
- 7.4 Note, an electrician registered with the Electrical Contractors Association (ECA), National Inspection Council for Electrical Installation Contracting (NICEIC) or National Association of Professional Inspectors and Testers (NAPIT) is deemed qualified. The council may accept EICRs from other qualified electricians, provided their competence is proven.

- 7.5 There must be a minimum of 4 single or 2 double socket outlets in accessible positions in a bedroom or living room. For numbers of socket outlets in kitchens please see the kitchen facilities sections above.
- 7.6 The Licence Holder must also ensure that electrical appliances made available in the House are in a safe condition.
- 7.7 Within 7 days of demand by the Council, the Licence Holder must supply a declaration on the safety of electrical appliances made available at the House.

8. Heating

- 8.1 Each unit of living accommodation in a House or HMO must be equipped with adequate means of space heating, which should be capable of reaching and maintaining 21 degrees C in living rooms and bedrooms, 22 degrees C in bathrooms and 18 degrees C elsewhere, within one hour of being turned on, when the external temperature is minus 1 degree C.
- Adequate fixed space heating to be provided in every room including bathrooms and (where space allows) kitchens. Paraffin, liquid petroleum gas and free-standing plug-in electric heaters are not considered acceptable in this respect.
 - The heating should be provided with controls to allow the occupants to regulate the temperature within each individual letting room.
 - Heating systems should be designed to be of adequate size for the House or HMO.
- 8.2 Note, compliance with this licence condition does not mean the House or HMO is subsequently free of any hazard of Damp and Mould Growth (heating or insulation) or Excess Cold (heating or insulation) under HHSRS. Further action may have to be taken by the Licence Holder to mitigate these hazards. For more information go to: [***council web page***].

9. Furniture and Furnishings

- 9.1 The Licence Holder must ensure that furniture and furnishings made available at the House are in a safe condition and comply with current fire safety legislation. This includes all upholstered furniture, covers and fillings of cushions and pillows. A declaration as to their safety should be made at the time of the licence application. In addition, a declaration must be provided within 28 days of demand by the council.

10. Energy Efficiency

10.1 Energy Performance Certificates (EPC) give information on how to keep the House more energy efficient and reduce carbon dioxide emissions. The Licence Holder must ensure that the House has a valid EPC where applicable. A copy must also be supplied to the tenant or tenants. The Licence Holder must supply a copy of the EPC to the council within 28 days of demand³.

11. Property Management

11.1 The Licence Holder must take all reasonable steps for responding to repair issues at the House. In addition, that all repairs are completed within reasonable periods of time.

11.2 Specifically, the Licence Holder must:

- Provide, at the start of every tenancy, clean and in good repair, units of accommodation before tenants move in.
- Continue to keep inside the accommodation in a good state of repair, and where they are responsible for outside of the HMO keep that in repair and ensure the exterior which includes boundary walls, fences and gates etc... is free from graffiti.
- Keep common parts of the House or HMO in clean and good decorative repair. In shared houses, it is recognised cleaning of shared facilities is usually tenants' responsibility. Cleaning of communal areas in HMOs occupied as bedsits and flats (where tenants have exclusive rights of occupation for specific parts of the property under separate tenancies) is, however, a landlord's or manager's responsibility.
- Where the Licence Holder is responsible for outside of the HMO, ensure that gardens, yards and any external areas in the building's boundary are kept reasonably clean and tidy and free from rodent infestation.
- Protect and secure the House or HMO within 24 hours of a notification, by completing necessary emergency work. For example, from damage to windows or entrance doors.

³For guidance on a valid EPC refer to Energy Performance Certificates, Domestic private rented property: minimum energy efficiency standard – landlord guidance [Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance)

12. Property inspections

- 12.1 The Licence Holder must ensure inspections of the House or HMO are completed at least once every six months. Inspections should identify any issues regarding management or condition of the House. Records of such inspections must be kept for the duration of the licence.
- 12.2 In addition, records must show who completed inspections, their date and time, issues found and action taken. Copies of records must be provided within 28 days of demand by the council.

13. Waste and Recycling

- 13.1 The Licence Holder must comply with the council's household waste collection scheme. They should ensure suitable provision is made for storage and disposal of household waste at the House, pending collection by the council.
- 13.2 The Licence Holder must also provide new tenants with the information below on waste and recycling:
- Collection days for refuse and recycling bins from the House.
 - Details on what tenants can and cannot recycle.
 - How tenants can dispose of bulky waste and avoid penalties for any fly tipping.
- 13.3 The Licence Holder must also ensure any rubbish or unwanted household items at the end of each tenancy are not left behind. All items should be removed and disposed of appropriately before the next tenancy starts. This includes any items left in front or back gardens or yards or pavement in front of the House or HMO.

14. Notification of Changes

- 14.1 The Licence Holder must inform the council directly, by email or in writing, on any matter below within 28 days of occurrence:
- Any change in ownership or management of the House.
 - Any change in address, email or telephone number of the Licence Holder or their managing agent.
 - Any change to their own or their managing agent's circumstances which could affect the fit and proper person status of them or that agent.
 - Any increase in the number of occupiers at the House.
- 14.2 The Licence Holder must notify the council directly, by email or in writing, of any proposed changes in the construction, layout, fire precautions or amenities at the House. Especially, if this will affect the licence or licence conditions. Notification should be made at least 28 days before starting work.
- 14.3 The address of the Licence Holder given on their application form, or a subsequent address provided by them, will be used for the service of any letter, notice or other document between the council and them.

15. Licence Limitations

- 15.1 Transfer of licences. Licences cannot be transferred to another person, organisation, new or different property address.
- 15.2 Companies registered on Companies House. If the Licence Holder is a registered company and is dissolved whilst the licence is in force. The licence then ceases to be in force upon that date of dissolution.
- 15.3 Planning permission. The licence does not grant any planning approvals, consents or permissions, retrospectively or otherwise for the House, under the Town and Country Planning Act 1990 or any related legislation.
- 15.4 Building Control. The licence does not grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise for the House.

16. General

- 16.1 The Licence Holder must arrange for access, to be granted to council officers when requested, at any reasonable time. They must not prevent council officers in carrying out their statutory duties. This includes inspecting, surveying and investigating the House or HMO to ensure compliance with licence conditions.
- 16.2 The Licence Holder shall ensure that if any alteration or construction works are in progress, works are completed at the House or HMO in such a manner as to ensure the safety of all persons occupying or visiting the property. In addition, that compliance with Health and Safety legislation is met.
- 16.3 The Licence Holder shall ensure that on completion of any works, the House is left in a clean and tidy condition and free from builders' debris.

Information and Further Advice

Further information on HMO Licensing at the council is available at [**council web page**]

For help and advice telephone 01273 293156 or email psh@brighton-hove.gov.uk

Current information on all the council's services is available at www.brighton-hove.gov.uk

For help and advice on noise nuisance telephone 01273 294266 or email EHL.environmentalprotection@brighton-hove.gov.uk

Advice and guidance on ant-social behaviour is available from the Community Safety Team by email communitysafety.casework@brighton-hove.gov.uk or telephone 01273 292735

For help and advice on any tenancy issue, telephone the Housing Options Team on (01273) 294400 or email housing.advice@brighton-hove.gov.uk

For help and advice on domestic furnishings and fire, contact Trading Standards by email trading.standards@brighton-hove.gov.uk

If the licensed HMO includes common parts then a Fire Safety Risk Assessment may be required, in accordance with the Regulatory Reform (Fire Safety) Order 2005. In addition, the Fire Safety Act 2021 and Fire Safety (England) Regulations 2022 clarify what other building elements such as flat entrance doors must be included in Risk Assessments. Further information can be obtained from East Sussex Fire and Rescue Service on 0303 999 1000 or www.esfrs.org See also Fire safety: guidance for those with legal duties [Fire safety: guidance for those with legal duties - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-guidance-for-those-with-legal-duties)

For further details on waste and recycling services at the council go to: <https://www.brighton-hove.gov.uk/rubbish-recycling-and-streets>

Updates to HMO Licensing Standards

| Page number | Section | Updates (Text in bold italics shows updated or new text and any specific updates explained) |
|-------------|--|--|
| 1 of 36 | Introductory text | <p><i>Text reviewed and shortened. Reference to national regulations removed. To view current regulations search in Part 2 of the Housing Act 2004, under textual amendments, go to:</i> https://www.legislation.gov.uk/ukpga/2004/34/part/2</p> <p><i>New paragraph added:</i> <i>Failure to comply with any licence conditions could result in legal proceedings before a Court, a financial penalty imposed by the Council or loss of the licence. In certain circumstances, this may also result in registration on the Government’s database of rogue landlords and property agents under the Housing and Planning Act 2016.</i></p> |
| 10 of 36 | Part 3 – All HMOs 1. References | <p>1.1 The licence holder must obtain references for prospective tenants.</p> <p>1.2 It is understood that in certain <i>situations</i> it may not be possible to obtain a reference. <i>For example</i>, where it is a first tenancy or newcomer to the United Kingdom. In these <i>situations</i>, you must provide evidence that you have explained, and the tenant understands implications of them not adhering to tenancy conditions.</p> <p>1.3 <i>In addition, the Government’s requirements on right to rent must be followed. For further details go to:</i> https://www.gov.uk/check-tenant-right-to-rent-documents</p> |

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| 10 of 36 to 11 of 36 | Part 3 – All HMOs 2. Tenancy Management | <p>2.1 <i>The Licence Holder must give occupiers a written statement of the terms on which they occupy the House, a tenancy agreement. The agreement should provide:</i></p> <ul style="list-style-type: none"> <i>a. Details of how deposits will be held and terms of return</i> <i>b. An inventory of contents and condition at the start of the tenancy</i> <i>c. Details of rent and dates due, rent payment methods, and how and when rent may be increased</i> <i>d. Details of the means of contact for reporting repairs and any emergency issues</i> <i>e. Conditions placed on the tenant so that the House is not used for any antisocial purposes⁴</i> <p><i>A model agreement, for a shorthold assured tenancy, for use in the private rented sector, where such a shorthold tenancy is being entered into, and accompanying guidance, is available here:</i></p> <p>https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy</p> <p>2.2 <i>The Licence Holder must make a copy of the tenancy agreement available before the House is let so that tenants can read it before being asked to sign. This also gives tenants an opportunity to get independent advice before signing.</i></p> <p>2.3 <i>Copies of the tenancy agreement must be provided for inspection within 28 days of demand by the council.</i></p> <p>2.4 <i>A copy of the licence and the name, address and telephone number (including an emergency contact number) of the Licence Holder or manager should be made available to all tenants.</i></p> |
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⁴The council requests views on e. Conditions placed on the tenant so that the House is not used for any antisocial purposes. The council's evidence on anti-social behaviour (ASB) within the private rented housing sector is on noise matters only. Therefore, this does not include all aspects of ASB and part e is subject to review, as with the rest of this document.

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| 11 of 36 | Part 3 – All HMOs 3. Overcrowding | <p>3.1 The Licence Holder must not allow anyone to live or stay in the HMO if it will become overcrowded. The licence will state how many people can occupy the HMO.</p> <p>3.2 Tenants must be informed that they must not allow guests to sleep in their homes, except on an occasional short term basis. If this will exceed permitted numbers shown on the licence. Short term is deemed as no more than a two week period, for when visiting friends or family.</p> <p>3.3 The Licence Holder must provide to the Council within 28 days of a written notice, information below on occupancy at the HMO:</p> <ul style="list-style-type: none"> • Names and numbers of persons and households in occupation, along with confirmation on rooms occupied by them; and • If required, names and numbers of persons in each household. |
| 11 of 36 | Part 3 – All HMOs 4. Utility Supplies | <p>4.1 The Licence Holder must not unreasonably cause a supply of gas, electricity or water to be interrupted at the HMO.</p> <p>4.2 The Licence Holder must ensure tenants can access and obtain readings of all utility meters (gas, electricity or water) for the HMO at reasonable times throughout the tenancy. This includes a final reading at the close of tenancy. The Licence Holder must supply to tenants a written document, when the tenancy is signed, describing locations of utility meters and access arrangements.</p> <p>4.3 The Licence Holder must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition.</p> |

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| 12 of 36 | Part 3 – All HMOs 5. Gas and Carbon Monoxide | <p>5.1 <i>If gas is supplied to the HMO, the Licence Holder must arrange for an annual gas safety check, carried out by a Gas Safe registered engineer. A copy of the current gas safety certificate must be provided to the Council at the time of the licence application and annually thereafter. For copies of annual certificates then they must be provided within 7 days of demand by the council. The safety of all gas installations and appliances must be maintained.</i></p> <p>5.2 <i>The Licence Holder must ensure a carbon monoxide alarm is installed in any room in the House which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. Please note, a room includes halls, landings, bathrooms or lavatories. If not feasible to install alarms inside bathrooms or lavatories then fit within close distance to those rooms.</i></p> <p>5.3 <i>The Licence Holder must ensure that any carbon monoxide alarm installed in any room in the HMO is kept in proper working order.</i></p> <p>5.4 <i>The Licence Holder must supply within 28 days of demand by the council, a declaration by him or her as to the condition and positioning of any such carbon monoxide alarm or alarms.</i></p> |
| 12 of 36 to 13 of 36 | Part 3 – All HMOs 6. Fire Safety | <p>6.1 <i>The Licence Holder must ensure that smoke alarms are installed on each storey of the House, where there is a room used wholly or partly as living accommodation. Please note, a bathroom or lavatory are to be treated as living accommodation.</i></p> <p>6.2 <i>The alarms must be kept in proper working order and a declaration as to their condition and position must be provided to the council, on demand, within 28 days.</i></p> <p>6.3 <i>Note, compliance with paragraph 6.1 does not mean the House or HMO is subsequently free of any hazard of Fire under HHSRS. Further action may have to be taken by the Licence Holder to mitigate this hazard. For more information go to: [council web page].</i></p> |

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| | | <p>6.4 Most HMOs will require a fire detection and alarm system (normally Grade D interlinked or Grade A system) installed in accordance with recommendations of the current British Standard (BS) 5839 Part 6 for domestic premises. For new installations, a design, installation and commissioning certificate must be provided to the council, on demand, within 28 days.</p> <p>6.5 The fire detection and alarm system must be kept in proper working order and maintained and tested in accordance with recommendations of the current BS 5839 Part 6 for domestic premises. A declaration as to the condition and position of the system, supported by appropriate documentation, must be provided to the council, on demand, within 28 days.</p> <p>6.6 Where a Grade A fire alarm and detection and emergency lighting system are installed, the Licence Holder must provide a logbook to the council, on demand, within 28 days. The logbook must confirm that the system has been maintained correctly. Annual tests and periodic checks, in accordance with the current BS 5839 Part 6 for domestic premises and BS5266 Part 1 (Emergency Lighting), will provide such confirmation.</p> <p>6.7 The Licence Holder has a duty to complete and update a fire risk assessment for each House or HMO where there are common areas under the Regulatory Reform (Fire Safety) Order 2005 with additional requirements by the Fire Safety Act 2021 and Fire Safety (England) Regulations 2022. This legislation is enforced by East Sussex Fire and Rescue Service. Further information is included at the end of this document.</p> |
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| | | <p>6.8 <i>The Licence Holder must ensure that any common parts of the House or HMO used as a means of escape from fire are kept free from obstruction and maintained in good order and repair.</i></p> <p>6.9 <i>The LACORS Housing – Fire Safety - Guidance on fire safety provisions for certain types of existing housing may be consulted for achieving compliance with this licence condition. Go to: https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf But, the Licence Holder must also have regard to the current BS 5839 Part 6 for domestic premises and any other appropriate guidance.</i></p> |
| <p>13 of 36 to 14 of 36</p> | <p>Part 3 – All HMOs 7. Electrical Installations and Appliances</p> | <p>7.1 <i>The Licence Holder must ensure that electrical installations in the House are in proper working order and safe for continued use.</i></p> <p>7.2 <i>Within 7 days of demand by the council, the Licence Holder must supply a declaration on the safety of electrical installations at the House.</i></p> <p>7.3 <i>The fixed electrical wiring and installations must be certified as safe by an electrician qualified to complete the test at least every 5 years, unless otherwise indicated on a previous inspection to be sooner, and must be to a ‘satisfactory’ condition. The Licence Holder must provide a valid Electrical Installation Condition Report (EICR) based on the current BS 7671 within 3 months from the date of licence issue.</i></p> <p>7.4 <i>Note, an electrician registered with the Electrical Contractors Association (ECA), National Inspection Council for Electrical Installation Contracting (NICEIC) or National Association of Professional Inspectors and Testers (NAPIT) is deemed qualified. The council may accept EICRs from other qualified electricians, provided their competence is proven.</i></p> |

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| | | <p>7.5 There must be a minimum of 4 single or 2 double socket outlets in accessible positions in a bedroom or living room. For numbers of socket outlets in kitchens please see the kitchen facilities sections above.</p> <p>7.6 <i>The Licence Holder must also ensure that electrical appliances made available in the House are in a safe condition.</i></p> <p>7.7 <i>Within 7 days of demand by the Council, the Licence Holder must supply a declaration on the safety of electrical appliances made available at the House.</i></p> |
| 14 of 36 | <p>Part 3 – All HMOs 8. Heating</p> | <p>8.1 Each unit of living accommodation in the <i>House or HMO</i> must be equipped with adequate means of space heating, which should be capable of reaching and maintaining 21 degrees C in living rooms and bedrooms, 22 degrees C in bathrooms and 18 degrees C elsewhere, within one hour of being turned on, when the external temperature is minus 1 degree C.</p> <ul style="list-style-type: none"> • Adequate fixed space heating to be provided in every room including bathrooms and (where space allows) kitchens. Paraffin, liquid petroleum gas and free-standing plug-in electric heaters are not considered acceptable in this respect. • The heating should be provided with controls to allow the occupants to regulate the temperature within each individual letting room. • Heating systems should be designed to be of adequate size for the <i>House or HMO</i>. <p><i>Paragraph on adequate structural thermal insulation now removed and replaced with paragraph 8.2 below.</i></p> <p>8.2 <i>Note, compliance with this licence condition does not mean the House or HMO is subsequently free of any hazard of Damp and Mould Growth (heating or insulation) or Excess Cold (heating or insulation) under HHSRS. Further action may have to be taken by the Licence Holder to mitigate this hazard. For more information go to: [council web page].</i></p> |

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| 14 of 36 | Part 3 – All HMOs 9. Furniture and Furnishings | 9.1 <i>The Licence Holder must ensure that furniture and furnishings made available at the House are in a safe condition and comply with current fire safety legislation. This includes all upholstered furniture, covers and fillings of cushions and pillows. A declaration as to their safety should be made at the time of the licence application. In addition, a declaration must be provided within 28 days of demand by the council.</i> |
| 15 of 36 | Part 3 – All HMOs 10. Energy Efficiency | 10.1 <i>Energy Performance Certificates (EPC) give information on how to keep the House more energy efficient and reduce carbon dioxide emissions. The Licence Holder must ensure that the House has a valid EPC where applicable. A copy must also be supplied to the tenant or tenants. The Licence Holder must supply a copy of the EPC to the council within 28 days of demand⁵.</i> |
| 15 of 36 | Part 3 – All HMOs 11. Property Management | <p>11.1 <i>The Licence Holder must take all reasonable steps for responding to repair issues at the House. In addition, that all repairs are completed within reasonable periods of time.</i></p> <p>11.2 <i>Specifically, the Licence Holder must:</i></p> <ul style="list-style-type: none"> • <i>Provide, at the start of every tenancy, clean and in good repair, units of accommodation before tenants move in.</i> • <i>Continue to keep inside the accommodation in a good state of repair, and where they are responsible for outside of the HMO keep that in repair and ensure the exterior which includes boundary walls, fences and gates etc... is free from graffiti.</i> • <i>Keep common parts of the House or HMO in clean and good decorative repair. In shared houses, it is recognised cleaning of shared facilities is usually tenants' responsibility. Cleaning of communal areas in HMOs occupied as bedsits and flats (where tenants have exclusive rights of occupation for specific parts of the property under separate tenancies) is, however, a landlord's or manager's responsibility.</i> |

⁵For guidance on a valid EPC refer to Energy Performance Certificates, Domestic private rented property: minimum energy efficiency standard – landlord guidance [Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance)

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| | | <ul style="list-style-type: none"> • <i>Where the Licence Holder is responsible for outside of the HMO, ensure that gardens, yards and any external areas in the building's boundary are kept reasonably clean and tidy and free from rodent infestation.</i> • <i>Protect and secure the House or HMO within 24 hours of a notification, by completing necessary emergency work. For example, from damage to windows or entrance doors.</i> <p><i>The paragraph on the house is kept in a good state of repair and free from significant hazards is removed.</i></p> |
| 16 of 36 | Part 3 – All HMOs 12. Property inspections | <p>12.1 <i>The Licence Holder must ensure inspections of the House are completed at least once every six months. Inspections should identify any issues on management or condition of the House. Records of such inspections must be kept for the duration of the licence.</i></p> <p>12.2 <i>In addition, records must show who completed inspections, their date and time, issues found and action taken. Copies of records must be provided within 28 days of demand by the Council.</i></p> |
| 16 of 36 | Part 3 – All HMOs 13. Waste and Recycling | <p>13.1 <i>The Licence Holder must comply with the council's household waste collection scheme. They should ensure suitable provision is made for storage and disposal of household waste at the House, pending collection by the council.</i></p> <p>13.2 <i>The Licence Holder must also provide new tenants with the information below on waste and recycling:</i></p> <ul style="list-style-type: none"> • <i>Collection days for refuse and recycling bins from the House.</i> • <i>Details on what tenants can and cannot recycle.</i> • <i>How tenants can dispose of bulky waste and avoid penalties for any fly tipping.</i> <p>13.3 <i>The Licence Holder must also ensure any rubbish or unwanted household items at the end of each tenancy are not left behind. All items should be removed and disposed of appropriately before the next tenancy starts. This includes any items left in front or back gardens or yards or pavement in front of the House or HMO.</i></p> |

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| No page number | Part 3 – All HMOs 14. Anti-Social Behaviour | <p><i>This section is removed. Part e. of paragraph 2.1 in licence condition 2. Tenancy Management now requires tenancy agreements to include a condition so the House is not used for any antisocial purposes.</i></p> <p><i>In addition, advice and guidance material on anti-social behaviour will be made available upon issue of a licence.</i></p> |
| 16 of 36 | Part 3 – All HMOs 14. Notification of Changes (formerly section 15.) | <p>14.1 <i>The Licence Holder must inform the Council directly, by email or in writing, on any matter below within 28 days of occurrence:</i></p> <ul style="list-style-type: none"> • <i>Any change in ownership or management of the House.</i> • <i>Any change in address, email or telephone number of the Licence Holder or their managing agent.</i> • <i>Any change to their own or their managing agent's circumstances which could affect the fit and proper person status of them or that agent.</i> • <i>Any increase in the number of occupiers at the House.</i> <p>14.2 <i>The Licence Holder must notify the council directly, by email or in writing, of any proposed changes in the construction, layout, fire precautions or amenities at the House. Especially, if this will affect the licence or licence conditions. Notification should be made at least 28 days before starting work.</i></p> <p>14.3 <i>The address of the Licence Holder given on their application form, or a subsequent address provided by them, will be used for the service of any letter, notice or other document between the council and them.</i></p> |
| 17 of 36 | Part 3 – All HMOs 15. Licence Limitations (formerly section 16.) | <p>15.1 <i>Transfer of licences. Licences cannot be transferred to another person, organisation, new or different property address.</i></p> <p>15.2 <i>Companies registered on Companies House. If the Licence Holder is a registered company and is dissolved whilst the licence is in force. The licence then ceases to be in force upon that date of dissolution.</i></p> |

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| | | <p>15.3 Planning permission. The licence does not grant any planning approvals, consents or permissions, retrospectively or otherwise for the House, under the Town and Country Planning Act 1990 or any related legislation.</p> <p>15.4 Building Control. The licence does not grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise for the House.</p> |
| 17 of 36 | <p>Part 3 – All HMOs 16. General (formerly section 17.)</p> | <p>16.1 The Licence Holder must arrange for access, to be granted to council officers when requested, at any reasonable time. They must not prevent council officers in carrying out their statutory duties. This includes inspecting, surveying and investigating the House or HMO to ensure compliance with licence conditions.</p> <p>16.2 The Licence Holder shall ensure that if any alteration or construction works are in progress, works are completed at the House or HMO in such a manner as to ensure the safety of all persons occupying or visiting the property. In addition, that compliance with Health and Safety legislation is met.</p> <p>16.3 The Licence Holder shall ensure that on completion of any works, the House is left in a clean and tidy condition and free from builders' debris.</p> |

Updates to HMO Licensing Conditions

| Existing Conditions | Updated Conditions (Text in <i>bold italics</i> shows update or if no update required then No update required is stated) |
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| <p>1 Gas Supply and Appliances</p> <p>The Licence Holder must produce to Brighton & Hove City Council a gas safety certificate obtained in the last 12 months confirming that the gas installation(s) and appliances are safe. Such a certificate must be produced to the council by [<i>number of days stated here</i>] and annually thereafter upon renewal.</p> | <p>1 <i>Gas Supply, Appliances and Carbon Monoxide</i></p> <p>The Licence Holder must produce <i>to the council</i> a gas safety certificate obtained in the last 12 months confirming that the gas installation(s) and appliances are safe. Such a certificate must be produced to the council by [<i>number of days stated here</i>] and annually thereafter upon renewal.</p> <p><i>Carbon monoxide alarms (or alarm if one) provided by the Licence Holder must be in proper working order and a declaration must be supplied to the council on demand.</i></p> <p>[<i>Carbon monoxide requirement to be deleted if not applicable</i>]</p> |
| <p>2 Electrical Installation and Appliances</p> <p>(a) The Licence Holder must ensure that electrical safety standards are met and maintained during any period when the residential premises are occupied under a tenancy.</p> <p>The Licence Holder must ensure that the electrical installations are inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing.</p> <p>The Licence Holder must produce a comprehensive electrical installation condition report that provides an assessment of the condition of an electrical installation against the requirements of the edition of BS 7671 current at the time of the inspection and confirms that the fixed electrical installations are safe (unless such a certificate has been previously provided and remains current).</p> | <p>No update required</p> |

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| <p>The Licence Holder must supply a copy of the report to the tenants within 28 days.</p> <p>A copy of this report must also be provided to the council within 3 months of the date of the full licence or a copy of the report dated [report date stated here] has been received.</p> <p>(b) The Licence Holder must supply a copy of the last report to any new tenant before occupation, or any prospective tenant within 28 days of a request from the prospective tenant.</p> <p>(c) Where the report requires the Licence Holder to carry out further investigative or remedial work, they must undertake such further investigative or remedial work within 28 days (or within such lesser time period as specified in the report). The Licence Holder must obtain and supply written confirmation of completion of such further investigative or remedial work to the tenant and the Council.</p> <p>(d) Electrical appliances provided by the landlord must be kept in a safe condition and a declaration of electrical safety must be supplied to the council on demand.</p> | |
| <p>3 Maintenance of Fire Precautions</p> <p>The Licence Holder must ensure that all existing fire precautions, and additional precautions required by the council (if any), are maintained and kept in proper working order. On demand, current test certificates confirming the proper operation of fire alarm and emergency lighting systems must be supplied.</p> | <p>3 Maintenance of Fire Precautions</p> <p>The Licence Holder must ensure that all existing fire precautions, and additional precautions required by the council (if any), are maintained and kept in proper working order. On demand, current test certificates confirming the proper operation of smoke alarms (including their condition and operation), fire alarm and emergency lighting systems must be supplied.</p> |

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| <p>4 Furniture</p> <p>All furniture provided by the landlord must be kept in a good and safe condition and comply with current regulations. On demand, a declaration as to the safe condition of the furniture must be supplied.</p> | <p>No update required</p> |
| <p>5 Written agreements for tenants</p> <p>The Licence Holder must supply to the occupants of the house a written statement of the terms on which they occupy it and shall on demand send a copy to the council.</p> <p>It should include the following:</p> <ul style="list-style-type: none"> a) Details of how deposits will be held and terms of return b) An inventory of contents and condition at the commencement of the tenancy c) Details of rent and dates due, rent payment methods, and how and when rent may be increased d) Details of the means of contact for repairs reporting etc e) Conditions expressly prohibiting antisocial behaviour (which causes a nuisance or annoyance to adjacent occupiers or the community, whether carried out by tenants or their guests) and a warning that breach of the prohibition could lead to a loss of accommodation. When asked to do so by the council, the Licence Holder should produce evidence to show that they are taking appropriate action to enforce tenancy conditions relating to nuisance prevention. | <p>5 Written agreements for tenants</p> <p>The Licence Holder must supply to the occupants of the house a written statement (<i>a tenancy agreement</i>) of the terms on which they occupy it and shall on demand send a copy to the council.</p> <p>It should include the following:</p> <ul style="list-style-type: none"> a) Details of how deposits will be held and terms of return b) An inventory of contents and condition at the commencement of the tenancy c) Details of rent and dates due, rent payment methods, and how and when rent may be increased d) Details of the means of contact for repairs reporting etc e) Conditions <i>placed on the tenant so that the house is not used for antisocial purposes and a warning that breach of the conditions could lead to a loss of accommodation</i> |
| <p>6 General Property Maintenance</p> <p>The Licence Holder (or the property manager) shall attend to the property at frequent intervals to ensure the proper management of the property and that health and safety problems are not present or quickly eliminated.</p> | <p>No update required</p> |

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| <p>7 Changes in the Property</p> <p>The Licence Holder is required to notify the council of any changes at the property that may affect the licence. This includes changes to the ownership or management; events that may affect the fit and proper person status of the owner, Licence Holder or manager; structural alterations and any increase in the number of occupiers.</p> | <p>No update required</p> |
| <p>8 Disposal of Rubbish and Recycling Facilities</p> <p>The Licence Holder must ensure that suitable and appropriately sited refuse and recycling containers are provided which are on a scale adequate to the reasonable requirements of the residents. Rubbish must be disposed of in accordance with Brighton & Hove City Council's arrangements for the street. Any rubbish containers must have a lid. Recycling containers must have a lid or a net. 'Bin envelopes' should be kept in a clean and tidy condition and not stored outside the curtilage of the property.</p> <p>Yards, gardens and the front of the property must be kept in a clean and tidy condition and in good order.</p> <p>If there is inadequate or no space to store rubbish and recycling within the boundaries of the house, and no way of providing extra space, the licence holder / manager may have to make arrangements for extra collections.</p> <p>The Licence Holder should ensure that at the end of each tenancy any rubbish or unwanted household goods left behind should be removed and disposed of appropriately before the start of the next tenancy. In particular, any rubbish or goods left in front or back gardens or the pavement in the front of the HMO should be removed immediately.</p> | <p>8 Disposal of Rubbish and Recycling Facilities</p> <p>The Licence Holder must ensure that suitable and appropriately sited refuse and recycling containers are provided which are on a scale adequate to the reasonable requirements of the residents. Rubbish must be disposed of in accordance with the council's arrangements for the street. Any rubbish containers must have a lid. Recycling containers must have a lid or a net. All containers should also be kept in a clean and tidy condition and not stored outside the curtilage of the property.</p> <p>Yards, gardens and the front of the property must be kept in a clean and tidy condition and in good order.</p> <p>If there is inadequate or no space to store rubbish and recycling within the boundaries of the house, and no way of providing extra space, the licence holder / manager may have to make arrangements for extra collections.</p> |

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| | <p>The Licence Holder should ensure that at the end of each tenancy any rubbish or unwanted household goods left behind should be removed and disposed of appropriately before the start of the next tenancy. In particular, any rubbish or goods left in front or back gardens or the pavement in the front of the HMO should be removed immediately.</p> |
| <p>9 Room Sizes and Occupancy</p> <p>The Licence Holder must ensure that the floor area of any room in the HMO used as sleeping accommodation by:</p> <ul style="list-style-type: none"> - one person aged over 10 years is not less than 6.51 square metres; - two persons aged over 10 years is not less than 10.22 square metres; - one person aged under 10 years is not less than 4.64 square metres; <p>And ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.</p> <p>Note:</p> <ul style="list-style-type: none"> - number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO. - a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes. - Also any part of the floor area of a room where the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room. <p>The Licence Holder must also ensure that where any room in the HMO is used as sleeping accommodation by:</p> <ul style="list-style-type: none"> - persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the occupancy table below: - persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the occupancy table below: - persons aged over 10 years and persons aged under 10 years, it is not used as such by | <p>9 Room Sizes and Occupancy</p> <p>The Licence Holder must ensure that the floor area of any room in the HMO used as sleeping accommodation by:</p> <ul style="list-style-type: none"> - one person aged over 10 years is not less than 6.51 square metres; - two persons aged over 10 years is not less than 10.22 square metres; - one person aged under 10 years is not less than 4.64 square metres; <p>And ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.</p> <p>Note:</p> <ul style="list-style-type: none"> - number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO. - a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes. - Also any part of the floor area of a room where the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room. |

more than the maximum number of persons aged over 10 years and the maximum number of persons aged under 10 years as specified in the occupancy table below:

Occupancy table

Maximum number of occupants due to amenities and room sizes combined = *[number of occupants stated here]*

These people may occupy the sleeping rooms in any combination of the following but the total must not exceed the figure above: *[number of occupants stated here]*

| Room | Size (m ²) | Number of possible occupants | Actual number of occupants (must equal <i>[number of occupants stated here]</i>) |
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The Licence Holder must also ensure that where any room in the HMO is used as sleeping accommodation by:

- persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the occupancy table below:
- persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the occupancy table below:
- persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years and the maximum number of persons aged under 10 years as specified in the occupancy table below:

Occupancy table

Maximum number of occupants due to amenities and room sizes combined = *[number of occupants stated here]*

These people may occupy the sleeping rooms in any combination of the following but the total must not exceed the figure above: *[number of occupants stated here]*

| Room | Size (m ²) | Number of possible occupants | Actual number of occupants (must equal <i>[number of occupants stated here]</i>) |
|------|------------------------|------------------------------|---|
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| | <p><i>On demand, information on occupancy, including occupants' names, numbers and households and rooms they occupy and names and numbers of persons in each household (if required) must be supplied.</i></p> |
| <p>10 Special Conditions Requiring Further Action</p> <p><i>[Any special conditions requiring further action stated here]</i></p> | <p>No update required</p> |

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 24

Subject: Housing, Health & Safety Update, Report and Action Plan.

Date of meeting: 20th September 2023

Report of: Executive Director Housing, Neighbourhoods & Communities

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The health & safety of our residents and those who visit and work on our council homes is a key Housing Management service priority. In light of significant changes in management and maintenance of council housing and in anticipation of forthcoming legislative and regulatory changes impacting social housing landlords, following the Grenfell Tower tragedy, the service has undertaken a review of our approach toward health & safety compliance and assurance for council homes.
- 1.2 Housing & New Homes Committee (21 June 2023) considered and noted a Housing Health & Safety Update report on the key outcomes, actions to date, including resourcing plans arising from our Housing health & safety review. This review was completed against the following six areas of compliance and assurance: fire safety; asbestos; electrical safety; gas / fuel safety; lifts and lifting equipment; water safety.
- 1.3 Housing & New Homes Committee also agreed that the Committee report be shared with the Regulator for Social Housing in order to seek assurance on the steps being taken by the Council in preparation for the new regulatory framework and increased regulatory powers becoming law in Spring 2024.
- 1.4 This report updates Committee on progress against some key Housing health & safety review outcomes and actions to date.
- 1.5 A Housing Health & Safety Action Plan, Key Priority Actions 2023/24, is included in Appendix 1 for Committee consideration. This Action Plan will be subject to review and update to reflect the outcomes of Government and Regulator of Social Housing (RSH) consultation aligned to new legislative and regulatory provisions. It is proposed that further updates are shared with Committee once we have the outcomes of this consultation.

- 1.6 The report also updates on the Social Housing (Regulation) Act 2023 and current RSH consultation on draft consumer standards. These are proposals on standards registered providers, including BHCC, must meet ‘so tenants live in safe, quality homes, have choices and protection, and can hold landlords to account’.
- 1.7 As agreed at Committee, engagement with tenants on the Housing health & safety review has been undertaken via a presentation to September Housing Area Panels. We have also updated Area Panels on the current RSH consultation on their proposed new consumer standards. The presentations shared with Housing Area Panels are appended in Appendix 2 & 3.

2. Recommendations

- 2.1 That Housing & New Homes Committee note the Housing health & safety update and Action Plan and that further updates will be brought back for Committee consideration following the outcome of current Government and Regulator consultation.

3. Context and background information

- 3.1 The Housing health & safety review is part of our long-term Housing Management service improvement plan. This started with bringing the repairs & maintenance service in house, and is now moving toward a more comprehensive, proactive and integrated Housing Management service for our residents. The full background to the Housing health & safety review being undertaken was comprehensively covered in the June Committee report.
- 3.2 As reported to June Housing & New Homes Committee, the 2023/24 Housing Revenue Account budget anticipated that the investment required from the new Building Safety Act, Fire Safety Regulations and Social Housing Regulation Act would have a significant impact upon capital and revenue budgets and prudently included substantial budget provision for investment in the areas of compliance and assurance covered by the review.
- 3.3 The core health & safety compliance areas for review were as follows: asbestos; water safety; fire risk, including fire risk assessments; electrical; gas & fuel safety; and lifts and lifting equipment. The review also considered overarching areas for compliance and assurance, including data and ICT systems and policies, procedures and risk management. The key priority actions, with an update on progress to date and resource plan aligned to these were outlined in the June Committee report. A detailed Health & Safety Action Plan has been developed aligned to the key compliance areas for review, identifying and prioritising agreed actions, responsibilities and timelines for completion. This Health & Safety Review Action Plan, Key Priority Actions 2023/24, is attached as Appendix 1 to this report.
- 3.4 This Action Plan will be subject to review and update to reflect the outcomes of Government and Regulator of Social Housing (RSH) consultation aligned

to new legislative and regulatory provisions. An officer Housing Health & Safety Compliance Governance Board, chaired by Assistant Director, Housing Management, and including senior officers from Housing, Legal and Corporate Health & Safety services, has been established and will meet monthly to oversee and report on progress on actions and compliance arising from the review and to prepare for the new regulatory inspection regime. Responsible officers have been assigned accountabilities in the Action Plan to be monitored by the Board to ensure clarity over delivery of the actions against the timescales outlined.

- 3.5 Updates on the legislative and regulatory developments since the June 2023 Committee report are outlined below along with progress updates against some key Housing health & safety review outcomes and actions to date.

Social Housing (Regulation) Act 2023.

- 3.6 The Social Housing (Regulation) Act 2023 received Royal Assent on 20th July 2023 and will become legislation in April 2024. Following the Grenfell Tower tragedy and more recent issues such as the death of Awaab Ishak in Rochdale and Housing Ombudsman findings of severe maladministration against some social housing providers, there is a focus on a new, improved and more proactive approach towards regulating social housing, ensuring standards are met and action taken against landlords who fail to do so. The purpose of the Act is to '*reform the regulatory regime to drive significant change in landlord behaviour*'. Some of the key changes introduced by the Act include:

- Strengthening the Regulator of Social Housing (RSH) with new enforcement powers, including to carry out regular inspections of the largest social housing providers seeking to ensure it can effectively intervene where required. This is particularly the case in relation to the new proactive consumer regulatory regime and breaches of the new consumer standards on which the RSH is currently consulting. The Act also allows the RSH to issue unlimited fines to social landlords who are not able to demonstrate they are compliant with the legislation.
- Giving tenants a stronger voice, including that the Housing Ombudsman will be given additional powers to publish best practice guidance to landlords following investigations into tenant complaints. A specific intention of the Act is to ensure a more joined up approach to regulation and handling of complaints between the RSH and the Housing Ombudsman for the benefit of tenants. Both the RSH and Housing Ombudsman service are currently undergoing significant expansion in capacity to meet their new wider remits.
- The Act focuses on health & safety, requiring registered providers to nominate a designated person to lead on health and safety in relation to compliance with obligations towards tenants.
- The Act gives the Secretary of State the power to introduce new requirements for registered providers relating to electrical safety checks. As advised in the June Committee report, the Government ran a consultation exercise on electrical safety in the social rented sector in 2022. This included specific proposals around mandatory checks for social housing at least every 5 years and mandatory portable appliance testing on all

appliances provided by social landlords as part of a tenancy. We await the outcome of this consultation.

- Social landlords will be required to set strict time limits for addressing hazards such as damp and mould. If they fail to meet these time limits, they could face enforcement action from the RSH.
- Introducing new qualification requirements for social housing managers: This is intended to ensure that managers have the skills and knowledge necessary to provide high-quality housing services.

3.7 Statutory Instruments are expected to follow the Act which will deal with the details such as what exactly the time limits will be for repair of damp and mould. Officers from Housing & Legal teams are reviewing and process mapping these changes. Other changes introduced by the Act include:

- Enabling the regulator to set standards for the competence and conduct of staff working for registered providers.
- Having safety, transparency and energy efficiency as part of the regulator's objectives.
- Giving the regulator power to direct registered providers to collect and publish performance information.
- Allowing for regular inspections of registered providers. Publication and implementation of a plan relating to the carrying out of both regular and one-off inspections of registered providers. Requiring the regulator to publish a plan for regular inspections of the largest landlords.
- Broadening the regulator's power to require people to provide documents or information for regulatory purposes.
- Removing the 'serious detriment' test, which is a barrier to the regulator's action on consumer issues which will allow the regulator to act without the need for serious detriment to be proven.
- Giving the regulator the power to require a registered provider to prepare and implement a performance improvement plan.
- Giving the regulator the power to set standards relating to energy efficiency including a minimum energy efficiency in the sector.
- Enabling the regulator to carry out surveys and authorise emergency remedial action (at the cost of the registered provider).

Regulator of Social Housing Consultation on Consumer Standards

3.8 In line with the enhanced consumer regulation role under the Social Housing (Regulation) Act, the Regulator of Social Housing is seeking views on revised regulatory consumer standards. Consultation has been issued on four draft consumer standards which set out the specific expectations and outcomes that all registered providers will be expected to achieve. It is anticipated that the final set of standards will apply from April 2024.

3.9 The Consumer Regulation Review seeks to ensure that Councillors and other senior leaders within local authorities understand their core landlord responsibilities and accountability. This includes ensuring effective oversight is in place and that there are effective mechanisms to quickly identify and tackle under-performance.

3.10 The RSH vision for consumer regulation is:

- Landlords maintain tenants homes so that they are safe and of a decent standard and that landlords provide a quality service.
- Where things go wrong, complaints are handled effectively, and things are put right.
- The relationship between tenants and landlords is underpinned by shared expectations of fairness and respect and a shared understanding of their respective rights and responsibilities.
- Landlords demonstrate that they understand the diverse needs of the communities that they service, and that their services reflect that.
- Tenants understand, use, and have confidence in the recourse that they have to get problems resolved.
- Stakeholders have confidence that landlords' commitment to their tenants is underpinned by effective consumer regulation, whether that landlord is a housing association, council, or for profit provider.

3.11 The proposed consumer standards cover the areas outlined below. The RSH is also consulting on a draft Code of Practice:

1. The Safety and Quality Standard: Requires landlords to provide safe and good quality homes and landlord services to tenants.
2. The Transparency, Influence and Accountability Standard. Requires landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints when necessary, influence decision making and hold their landlord to account.
3. The Neighbourhood and Community Standard. Requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.
4. The Tenancy Standard. Sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.

3.12 The consultation closes on 17th October 2023. In addition to engaging with tenants via Housing Area Panels and our Council Tenant Annual Conference, we are currently preparing our BHCC response. Following the analysis of consultation responses, it is anticipated that the RSH will publish the new consumer standards and Code of Practice in February 2024 with expanded consumer regulation to commence in April 2024.

Key areas of compliance and assurance.

3.13 Comprehensive details of the Housing health & safety review, key areas of compliance & assurance and resource plan were included in the June 2023 Committee report. Our Health & Safety Action Plan aligned to this, identifying and prioritising agreed actions, responsibilities and timelines for completion is attached in Appendix 1 of this report. Progress against meeting Target Completion Dates in the Action Plan and any further review necessitated by the outcomes of current consultation aligned to new legislative and regulatory requirements will be overseen by the officer Housing Health & Safety Compliance Governance Board. Below is an

update on progress against some key Housing health & safety review outcomes and actions since June Committee.

Fire Safety

Building Safety Act (BSA) Compliance.

3.14 The BSA identifies new responsibilities for people and organisations who are responsible for the safety of high-rise residential buildings, the definition of high-rise buildings being those of more than 18m or 7 storeys or more. Those responsibilities include registering high-rise residential buildings with the Building Safety Regulator. An update on actions underway to register our 44 high-rise residential buildings with the Building Safety Regulator by end of September 2023 are outlined below:

- We have commenced registration of our high-rise blocks with the Building Safety Regulator.
- The Large Panel (LPS) structural investigation surveys of 8 Housing blocks (St James' House, Nettleton, Dudeney, Swallow, Kestrel, Kingfisher, Heron and Falcon) continue. This is to ensure we have the required structural information required to register these blocks with the Building Safety Regulator.
- We currently hold information on the construction of external walls to our taller buildings. However, we have commissioned more detailed surveys as part of our Building Safety Act compliance works.
- Our programme of flat entrance door (Manse Masterdor) replacement is progressing well. It is anticipated that this programme will be complete by the end of March 2024.
- We are in the process of procuring a contractor to undertake our fire door inspection programme.
- We are currently up to date with type 1 fire risk assessments to all our blocks. We have appointed external consultants to carry out intrusive FRA type 4 surveys.
- We have completed our surveys to provide digital floor plans and are finalising review and adding of this information to relevant databases as part of our BSA compliance. These plans detail each floor including ground floor lobby, basement levels and plant rooms. Building services such as the main electrical intake, gas shut off valves, main fire alarm panel and dry risers will be plotted.
- We propose to improve the current provision of way finder signage within blocks following our review, replacing existing signage with new signage. This work is now in progress aligned with the completion of the digital floor plan surveys to ensure consistency and clarity.
- Red Fire rated boxes to contain essential information on the building in the event of a fire have been installed in communal areas of all blocks. We propose to update these boxes with the relevant information as it becomes available, including copies of the surveys undertaken to provide digital floor plans.
- We have in place long standing methods of engagement with tenants through regular tenant representative meetings. These meeting have been updated on the fire safety works and health and safety works we are

undertaking. This engagement with residents will continue as we come closer to completion of the Building Safety Cases and Registration of blocks with the Building Safety Regulator.

- All progress will be tracked through our existing Building Safety Act (strategic) and Fire Review Board (operational) meetings. We continue to work closely with ESFRS staff to assist with ongoing stakeholder collaboration and shared governance assurance.

Electrical

Electrical Testing Programme.

- 3.15 Between 1 April 2022 and 31 March 2023 the Housing Repairs & Maintenance Service undertook 1377 electrical tests (EICRs) on domestic dwellings. As advised in the June Committee report, the Council responds to electrical repair requests and carries out electrical checks at a change of occupation in our homes. In light of the Housing health & safety review and anticipated changes in legislation and regulation, implementation of a 5 yearly inspection cycle for domestic council dwellings has commenced. Resources and recruitment are agreed and establishment of an expanded inspection programme is underway.
- 3.16 The service has set up and is mobilising a dedicated Electrical Testing and Compliance Team to manage a full cyclical reinspection programme. This is in addition to existing electrical team resources. The team aim to fully test the housing stock, domestic and communal, within 3 years and permanently maintain a 5-year testing cycle.
- 3.17 In Quarter 1 (April, May and June) 2023 the service has completed 405 EICRs overall. 137 of these were generated in empty council homes, 30 were completed as a result of our contractor rewiring tenanted properties and 238 were completed by electricians working on the Electrical Testing and Compliance Programme. As this team become fully mobilised and the programme progresses it is anticipated that the number of EICRs generated will increase. Access to tenanted homes to undertake electrical testing and certification has proved challenging in many instances. We are following our 'no access' procedures and will be reviewing all our options, including legal measures, to improve access.
- 3.18 In establishing our programme to fully test the housing stock, domestic and communal, within 3 years and permanently maintain a 5-year testing cycle, we have undertaken a review of electrical certification currently held within the service. Following this review, as at the end of June 2023 we estimate that our programme to fully test the domestic housing stock within three years will include 7626 properties where there is either no EICR held by the service, an EICR issued over 5 years ago or an unsatisfactory EICR. The programme will initially focus on properties with unsatisfactory EICRs and then those with a high volume of electrical repairs reported followed by homes in higher risk buildings. The work required in these properties is likely to be more significant and take longer than more straightforward

electrical certification. Through our review we estimate that 4286 domestic properties have an EICR issued within the last 5 years.

- 3.19 Electrical testing resource planning also included procurement of a contractor resource to renew recently expired EICRs. Procurement of this contractor has been completed. Once fully mobilised the contractor is anticipated to carry out 700 EICRs in council homes annually.
- 3.20 Progress and use of resources with the electrical testing programme will be kept under regular review with reporting via the Housing Health & Safety Compliance Governance Board.

Gas / Fuel Safety

- 3.21 Our existing Corporate KPI 'council properties with a valid Landlord's Gas Safety Record' is measured and reported quarterly to Housing Area Panels and Housing & New Homes Committee. As of Quarter 1, 2023/24 99.95% (10,092 of 10,097) of council homes have a valid Landlord's Gas Safety Record. The 100% target was slightly missed because five checks were overdue on 30 June 2023. Performance was affected by the change in gas contractor, as the previous contractor experienced staff shortages towards the end of their contract. Now that the new contract is in place with PH Jones performance is expected to improve.

Smoke and Carbon Monoxide alarms

- 3.22 Recent regulations, effective from October 2022, require social landlords to install carbon monoxide detection in their homes. Some installation had been undertaken in our council homes, including as part of domestic electrical rewires, however this has not been consistent or well recorded. Carbon Monoxide detector (battery powered) installation is being undertaken by our Heating & Hot Water contractor.
- 3.23 PH Jones have installed 527 carbon monoxide detectors between contract start to 24th August. We expect this performance to improve as we continue to mobilise this contract. Adding 527 to the previous total of 4383 reported to June Committee gives a total of 4910 detectors installed up to the 24th August 2023.
- 3.24 Installation of hard-wired Smoke Detection and Carbon Monoxide Alarms detection in accordance with the requirements of Smoke and Carbon Monoxide Regulations will be taken forward by the new Electrical Testing and Compliance Team. Our Heating & Hot Water contractor will continue to install battery powered Carbon Monoxide detectors.

4. Analysis and consideration of alternative options

- 4.1 The Housing health & safety review, key priority actions and resource plan have been taken forward in anticipation of and in order to ensure that we are prepared for forthcoming legislative and regulatory changes impacting social

housing landlords following the Grenfell Tower tragedy. A detailed Health & Safety Action Plan, Key Priority Actions 2023/24, is appended to this report. Progress against Target Completion Dates and any changes to the Action Plan, including those arising following completion of current Government and RSH consultation, will be overseen by the officer Housing Health & Safety Compliance Governance Board. Further updates will be brought back to Housing & New Homes Committee for consideration as required.

5. Community engagement and consultation

- 5.1 Engagement with our tenants and residents is essential to enable the Housing service to progress key elements of the review. This will include residents being engaged within our Fire Risk Assessment process, incorporating sharing information on fire safety assessments in high-rise blocks, and also communication with tenants and residents to enable access to homes for essential inspections.
- 5.2 Resident engagement has and will continue to be taken forward via established communication routes such as Homing In and resident consultation meetings. This includes Housing Area Panels, Council Tenant Annual Conference, Home Group, Involvement & Empowerment Service Improvement Group and Tenant Disability Network. We will also reach out to residents and communities as part of our wider proposals to expand resident engagement.
- 5.3 Housing Health & Safety Update and RSH Consumer Standards presentations shared with September Housing Area Panels are appended to this report.
- 5.4 East Sussex Fire & Rescue Service are a key stakeholder and regulator with whom we continue to work closely on legislative and regulatory matters.

6. Conclusion

- 6.1 Housing & New Homes Committee members are asked to note the Housing health & safety update and Action Plan and that further updates will be brought back for Committee consideration following the outcome of current Government and Regulator consultation. This review into our approach to Housing health & safety compliance and assurance in council homes and resultant Action Plan have been undertaken in anticipation of a new legislative and regulatory framework for social housing becoming law in Spring 2024.

7. Financial implications

- 7.1 The June 2023 Housing & New Homes Committee paper, Housing, Health & Safety Update outlined in detail the investment required for the financial year 2023/24 and over the medium term for the Housing Revenue Account. The update provided by this paper has not impacted on the required investment outlined in that report and as such there are no direct financial implications from this paper.

7.2 The investments both capital and revenue for 2023/24 will be met from within existing resources. The 2024/25 HRA budget paper will include the updated investment required based on surveys undertaken and the updated action plan. The budget paper is presented to Housing Committee in January 2024.

Name of finance officer consulted: Craig Garoghan Date consulted:
06/09/2023

8. Legal implications

8.1 As this report is for noting, there are no significant legal implications to draw to Members' attention. Detailed legal implications were included in the June 2023 Committee report.

Name of lawyer consulted: Liz Woodley Date consulted 08/09/23:

9. Equalities implications

9.1 The HRA budget funds services for people with a range of needs, including those related to age, vulnerability or health. All capital programme projects undertaken include full consideration of various equality issues and specifically the implications of the Equality Act. To ensure that the equality impact of proposals included in this report are fully considered, equality impact assessments will be developed on specific areas as required.

9.2 In terms of engagement with our residents. It is clear from the current equality monitoring of participation, that there is under representation from minoritised communities. The Housing service continue to work with Community Engagement Team colleagues on proactively seeking the voice of underrepresented groups in line with the Public Sector Equality Duties placed on the council to advance the equality of opportunity, to foster good relations and eliminate discrimination for marginalised communities.

10. Sustainability implications

10.1 Helping residents to live in well-insulated, efficiently heated, healthy homes addressing fuel poverty issues remains a key long-term objective, which is supported through the work of our Housing health & safety review.

Supporting Documentation

1. Appendices

1. Appendix 1 – Health & Safety Review Action Plan, Key Priority Actions 2023/24.
2. Appendix 2 – Housing Health & Safety Update, Area Panel Presentation, September Area Panels.
3. Appendix 3 – RSH Consumer Standards Consultation, Area Panel Presentation, September Area Panels.

2. Background documents

1. Housing Health & Safety Compliance Review, Brighton & Hove City Council, Ridge, March 2023.

BHCC Health & Safety Review Action Plan Key Priority Actions 2023/24

| Risk Area | Action | Priority (H/M/L) | Implement Start Date | Target Completion Date | Status |
|-----------------|--|------------------|----------------------|------------------------|-----------|
| General | Building Safety Act. | | | | |
| | Carry out a gap analysis to comply with the Building Safety Act. | High | Sep-23 | Nov-23 | Ongoing |
| Asbestos | Policies & Procedures | | | | |
| | Prepare a Strategic Management Plan (SMP) for asbestos. | High | Jun-23 | Dec-23 | Ongoing |
| | Revise and update Asbestos policy document to meet the requirements of the Asbestos Strategy Homes & Communal Ways. | High | Jul-23 | Dec-23 | Ongoing |
| | Set IT Asbestos module and train teams | High | May-23 | Nov-23 | Ongoing |
| | Appoint Asset Management Officer to undertake the management of the asbestos register | High | May-23 | Sep-23 | Completed |
| Asbestos | Communal Asbestos Surveys | | | | |
| | Set up annual reinspection programme of all common ways. | High | Jul-23 | Sep-23 | Completed |
| Asbestos | Asbestos Register | | | | |
| | Appoint a dedicated Asbestos Manager to manage all requirements related to common ways and domestic stock | High | Aug-23 | Dec-23 | Ongoing |
| | Retain and manage a compliant asbestos register-combining data currently held on separate IT systems | High | May-23 | Dec-23 | Ongoing |
| Water | Water Risk Assessments & Site Monitoring | | | | |
| | A third party contractor ensures compliance and undertakes water risk assessments for all BHCC premises. Review assets held in the contractor portal. | High | Jul-23 | Dec-23 | Ongoing |
| Fire | Policies and Strategy | | | | |
| | Update policy to include Fire Safety Strategy and management plan, to reflect current regulation and responsibilities. Create a Strategic Management Plan to set out how we meet obligations and duties. | High | Jul-23 | Nov-23 | Ongoing |
| Fire | Fire Risk Assessment | | | | |
| | Utilise Government's Risk Prioritisation tool to determine which of our buildings will require immediate/medium- and longer-term re- evaluation. | High | Jul-23 | Aug-23 | Completed |
| | Commission resources to complete more intrusive Type 4 FRAs on high rise and Seniors Housing | High | Jul-23 | Aug-23 | Completed |
| Fire | Actions Arising from Fire Risk Assessments | | | | |
| | Develop procedures and processes for the methods of assignment of actions. | High | Jul-23 | Feb-24 | Ongoing |
| | Produce a Fire Safety Management Plan, including key performance indicators to be reported to the Operational Fire Safety Group | High | Jun-23 | Dec-23 | Ongoing |

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|-------------------|---|--------|--------|--------|-------------|
| | Fire safety remedial works to be checked and ordered in relevance and priority. | High | Jun-23 | Oct-23 | Ongoing |
| | Actions to be allocated to contractors. | High | Jul-23 | Nov-23 | Ongoing |
| Fire | Fire Doors | | | | |
| | Fire Safety Management plan, to include a strategy for assessment and inspection of fire doors including consideration of doors with known or suspected defects and requirements for routine inspections. | High | Jun-23 | Nov-23 | Ongoing |
| | Procure external contractors for the fire door inspections as required | High | Aug-23 | Mar-24 | Ongoing |
| | Train in house surveyors for fire door inspections | Medium | Mar-23 | Mar-23 | Completed |
| | Complete programme for all Manse Master door Replacements | Medium | Mar-23 | Mar-24 | Ongoing |
| | Provide Sample IG door for testing and arrange to be tested at BRE or similar. | Medium | Mar-24 | Mar-24 | Not Started |
| Fire | Maintenance of Fire Safety Equipment | | | | |
| | Confirm the servicing and maintenance arrangements for fire dampers and implement programme. | High | Aug-23 | Mar-24 | Ongoing |
| | Establish performance criteria for contractor and monitor. | High | Jun-23 | Dec-23 | Ongoing |
| | Implement a regime for servicing and maintenance of dry risers. | High | Jul-23 | Dec-23 | Ongoing |
| | Provide schedule for dampers and include in Asset Management System. | High | Apr-23 | Apr-24 | Ongoing |
| | Implement a regime for servicing and maintenance of fire dampers. | High | Sep-23 | Mar-24 | Ongoing |
| Fire | Quality Assurance | | | | |
| | Develop a framework of quality control related to fire safety management to include an independent assessment of FRA's, appropriateness of recommended remediation and assurance of works. | High | May-23 | Dec-23 | Ongoing |
| Fire | Function Testing - Fire Safety Equipment | | | | |
| | Establish procedures and process for the testing and management of fire safety equipment. | High | Mar-23 | Dec-23 | Ongoing |
| | Establish monthly/quarterly/ annual checks as required by operating manuals or British Standards requirements and provide accurate records for this and maintain service levels | High | Jun-23 | Dec-23 | Not Started |
| | Procure contracts for the servicing and maintenance of sprinkler systems | High | Aug-23 | Jan-24 | Not Started |
| | Maintain all records for fire safety equipment | High | Jul-23 | Aug-23 | Completed |
| | Procure third party contractors as required | High | Jun-23 | Jun-23 | Completed |
| Fire | Information to Residents | | | | |
| | Formulate process and procedure for the resident engagement communication requirements under Fire Safety Regulations and Building Safety Act. | High | Jun-23 | Nov-23 | Ongoing |
| | Implement and undertake resident engagement. | High | Sep-23 | Dec-23 | Ongoing |
| Electrical | EICRs | | | | |
| | Establish electrical strategic management plan and timeline for the management of outstanding electrical certification and resources required to manage this going forward. | High | Apr-23 | Jul-23 | Completed |

| | | | | | |
|--------------------------------------|--|--------|--------|--------|-----------|
| | Provide accurate reports for electrical safety in fixed electrical installations in dwellings and communal areas. | High | Aug-23 | Dec-23 | Ongoing |
| | Establish ongoing programmes for future and to meet compliance requirements | High | Jul-23 | Jul-23 | Complete |
| Electrical | Risk Analysis | | | | |
| | Establish a programme which focusses on testing properties deemed to be high risk. | High | Aug-23 | Aug-23 | Completed |
| Electrical | Testing Programme | | | | |
| | Establish a 5 yearly inspection cycle and vary as necessary on a risk-based approach. | High | Sep-23 | Jul-23 | Completed |
| Electrical | Portable & Fixed Appliance Testing (PAT & FAT) | | | | |
| | The arrangements for PAT/FAT testing should be set out and resources identified. Approach and timescales for re-testing based on a risk assessment. | High | May-23 | Sep-23 | Completed |
| | Produce policy and procedure for PAT testing | High | Jun-23 | Sep-23 | Completed |
| | A database of assets with a requirement for PAT/FAT testing to be identified and established. | High | Aug-23 | Sep-23 | Ongoing |
| Electrical | Electrical Works Resulting From Testing | | | | |
| | Ensure adequate budget and resource requirements to undertake works. | Medium | Aug-23 | Aug-23 | Completed |
| Gas/Fuel Safety | Homes with Isolated Gas Supplies | | | | |
| | Implement a review and establish procedure for homes with no gas supply to determine options for providing support to vulnerable residents. | High | Jun-23 | Jul-23 | Completed |
| | Instruct gas contractor to check for alternative heating and hot water sources when medium and long-term 'disked' properties are inspected annually. | Medium | Aug-23 | Aug-23 | Completed |
| | Establish process for provision of support for vulnerable/at risk residents with no heating. | Medium | Aug-23 | Sep-23 | Ongoing |
| Gas/Fuel safety | Regular BHCC Audit Cycle | | | | |
| | Implement a cycle of internal audit and review gas safety management. | High | Aug-23 | Aug-23 | Completed |
| Gas/Fuel Safety | Smoke and Carbon Monoxide (CO) Alarms | | | | |
| | Establish a reporting mechanism of installations between the heating and hot water contractor and Housing Repairs and Maintenance and record installations on the Asset Management System. | High | Jun-23 | Mar-24 | Ongoing |
| | Establish installation regime of CO detectors | High | Aug-23 | Aug-23 | Completed |
| | Develop processes to record and monitor the management of defects. | High | Aug-23 | Mar-24 | Ongoing |
| | Establish a smoke alarm installation programme and the reporting mechanism. | High | Jun-23 | Mar-24 | Ongoing |
| Lifts & Lifting Equipment | Database | | | | |

| | | | | | |
|--------------------------------------|---|--------|--------|--------|-----------|
| | Establish a list of all assets and update systems accordingly to Asset Management System | High | Jun-23 | Mar-24 | Ongoing |
| | Provide service schedule for lifts and lifting equipment and reporting of this. | High | Jun-23 | Jun-23 | Completed |
| | Form document data base for all information. | High | Jun-23 | Nov-23 | Ongoing |
| | Maintain records, this will require the systems to be updated and managed, | High | Jul-23 | Aug-23 | Completed |
| Lifts & Lifting Equipment | Data Validation | | | | |
| | Undertake regular audits. Ensure that all relevant asset are included on maintenance programmes and our approach outlined in the Lifts SMP. | High | Jul-23 | Jul-23 | Completed |
| | Maintain records and keep systems updated and managed. | High | Jul-23 | Aug-23 | Completed |
| Lifts & Lifting Equipment | Sample Records | | | | |
| | Establish procedures for the reporting and management of lifts inspected by Zurich, the insurer (LOLER reports). Expedite and manage actions, ensure more that one manager is sited on the reports. | High | Jun-23 | Jun-23 | Completed |
| | Establish procedure for the reporting and management of LOLER reports | High | Jul-23 | Nov-23 | Ongoing |
| | Establish records to keep systems updated and managed. | High | Jul-23 | Aug-23 | Completed |
| Lift & Lifting Equipment | Lift Systems Testing | | | | |
| | Implement monthly lift alarm function tests, record these in an accessible place and incorporate this requirement into the SMP. | Medium | Jul-23 | Nov-23 | Ongoing |
| | Ensure lift alarm testing compliance is reflected and incorporated into the lift SMP | High | Jul-23 | Nov-23 | Ongoing |
| | Weekly testing of the emergency call system to be undertaken and recorded. | High | Jul-23 | Nov-23 | Ongoing |
| | Implement a weekly test of all fire service override controls, record these, place and incorporate into the SMP. | High | Jul-23 | Nov-23 | Ongoing |



Brighton & Hove
City Council

Housing Health & Safety Update

All Area Panels

Sep 2023

Martin Reid. Assistant Director, Housing Management

Introduction

The health & safety of our residents and those who visit and work on our homes is our key priority.

- Legislative and regulatory changes are coming.
- These follow the Grenfell Tower and Awaab Ishak / Rochdale Borough Homes tragedies.
- Housing are getting ready for the changes in legislation and regulation, we are in the process of carrying out a **Housing Health & Safety Review**

- We have commissioned consultants to work with us, focusing on **6 key areas** of health & safety compliance and assurance.
- The 2023/24 HRA budget included funding to carry out work related to health and safety.
- The legislative and regulatory changes will be in place by Spring 2024.

Housing & New Homes Committee Report

- In June this year, a report went to Housing & New Homes Committee to update councillors on key outcomes and actions of the Housing Health & Safety review.
- A further report with an action plan & final review will be presented at September Housing & New Homes Committee.
- We are proposing we share this report with the Regulator of Social Housing (RSH), ahead of the new regulations and legislation.

Six Main Areas of Compliance

 Fire safety

 Asbestos

 Electrical safety

 Gas / fuel safety

 Lifts and lifting equipment

 Water safety

Legal and Budget Position

Legal Framework

- Building Safety Act
- Fire Safety Regulations
- Social Housing Regulation Act
- RSH are reviewing their Consumer Standards and Code of Practice- tenants and social housing providers are being consulted on these.

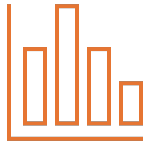
Budget Provision

- 2023/24 HRA budget included provision for H&S
- Initial annual investment required, estimated £13m 2023/24.
- Ongoing investment identified as service pressures, forming part of the 2024/25 budget proposal.

Information and Systems

More detailed on the condition and quality of our homes.

Better understanding of the needs of our tenants



Integration of IT systems, one dataset for all key information

- Works Management Systems
- Asset management System
- Prioritisation of analysis and risk
- Monitoring of actions

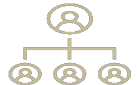
1. Fire Safety

- Review current Fire Risk Assessments
- Undertake more extensive FRAs
- Programme of replacing fire doors in progress
- Testing of fire safety equipment for general needs homes to be carried out
- Fire Safety Manager post
- Requirement to register 44 high rises with the Building Safety Regulator
- Digital floor plans are being prepared
- Large Panel System investigation has started
- External wall surveys
- Resident engagement
- Financial implication £2.080m per annum



2. Asbestos

- Vast majority of asbestos found in our homes is either low or very low risk
 - Currently we survey when carrying out work on homes, all empty homes, we have a planned inspection for common ways
 - We are creating a single data management system
 - We have a risk averse policy when working with asbestos
 - Challenging to know all potential costs until the new data base is up to date.
- All operatives are trained to identify asbestos
 - We give advice to tenants undertaking alterations
 - Strategic Management Plan is being produced
 - We are appointing an Asbestos Manager
 - Investment estimated to be £1.755m per annum



3. Electrical

At present social landlords are legally obliged to keep their electrical installations in repair but not inspect them

1377 electrical tests on domestic dwellings
2022/23 (include Seaside & HRA TA)

In the past testing done in response to repairs, home improvements and change of occupancy

- An electrical inspection programme underway
- We aim to fully test within three years then maintain 5-year cycle

- Estimated cost £5.261 per annum
- Planned electrical upgrades on homes and common areas.
- Additional contractor being used to test and renew recently expired electrical certificates.



4. Gas / Fuel Safety

Gas safety checks- 2022/23 out-turn
99.98%

From October 2022, social landlords have also been required to install **carbon monoxide and fire detection** in individual homes

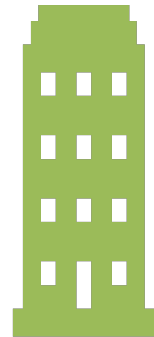
- 4910 CO alarms installed
- Smoke detectors in all senior's schemes.
- All flats in converted buildings
- All properties which have had electrical works

- Regular audit of gas safety management is to be implemented by the service.
- Improvements to data storage as the roll out progresses.
- Budget- £1.722m, 2023/24



5. Lifts

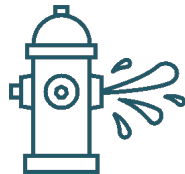
- We keep records for each lift
 - One database includes details of all lifts, service schedules
 - Regular audits and maintenance schedules are in place
 - Budget-£1.008m, 2023/24.
-
- **Lift Systems Testing**
 - Emergency lift alarm function tests are carried out 6 monthly by our contractor Liftec.
 - We are considering implementing a more frequent testing programme.



6. Water

Water Risk Assessments (WRA) and site monitoring

- Our contractor HSL undertakes monitoring, system flushing and some works and WRA for all BHCC premises
- Budget of £0.290m, 2023/24



Next Steps

Complete

Complete the
Health & Safety
Action Plan

Identify and
prioritise

Identify and
prioritise
actions,
responsibilities
and timelines

Communicate

Present the
Action Plan with
progress updates
to September
'23 Housing
Committee

Present

Communicate
with residents
and tenants



Brighton & Hove
City Council

Consumer Standards

All Area Panels

September 2023-Martin Reid

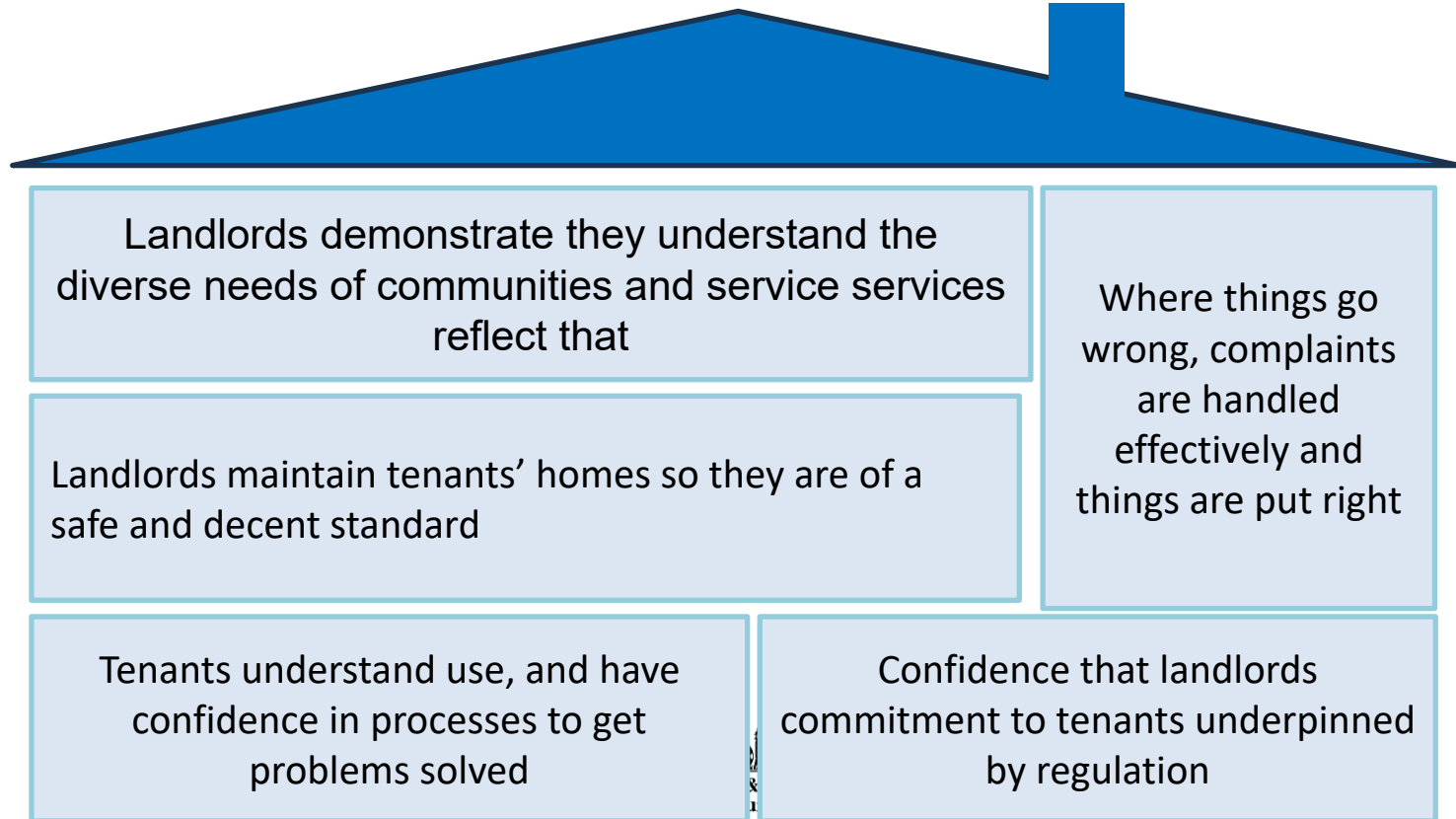
Introduction

People and homes



- The Social Housing Regulation Act 2023 received Royal Assent in July.
- The consumer standards will form the foundation of the legislation
- The consultation on the proposed standards are out to consultation until 17th October 2023

The Regulator's Vision for Social Housing



Four Proposed Consumer Standards

130

DRAFT



Regulator of
Social Housing

Safety and Quality Standard

Consumer Standards
2023



DRAFT

4/61/23

DRAFT



Regulator of
Social Housing

Neighbourhood and Community Standard

Consumer Standards
2023



DRAFT

DRAFT



Regulator of
Social Housing

Tenancy Standard

Consumer Standards
2023



DRAFT

4/61/23

DRAFT



Regulator of
Social Housing

Transparency, Influence and Accountability Standard

Consumer Standards
2023



DRAFT

1. Safety and Quality



Stock quality- accurate and up to date records of homes-good quality and well maintained homes

Decency -2012 directions remain

Health & Safety- Legal assessments-safety in all aspects of service delivery

Repairs and Maintenance-emphasis on communication and timely repairs

Adaptations- clear access to adaptations service

2. Transparency, Influence and Accountability Standard

Fairness and Respect

Underpins the aims of the act

Diverse needs

Use data to improve outcomes, focus on accessibility of information

Engagement with tenants

Opportunities to influence and scrutinise
Continuous service improvement

132

Service information

Information to all tenants so they are able to interact with their landlord

Performance information

Broaden available performance information

Complaints

Policy continuity

Self-referral

New power in the Act

3. Neighbourhood and Community Standard



Maintenance of shared spaces – Safe and well maintained spaces for tenants



Local cooperation – consideration of local area



Safer neighbourhoods – approach to tackling and preventing anti-social behaviour, focus on hate incidents



Domestic abuse – landlords role in tackling domestic abuse

4. Tenancy Standard

Allocations and Lettings

– more tenant centric, best use of stock, adaptations

Tenancy Sustainment

Tenure – 2012 directions remain in place, future changes

Mutual exchange-
Information, support

Consultation Documentation

Draft consumer standards

Draft Code of Practice

Draft Regulatory Impact Assessment

Draft Equality Impact Assessment

Plain English summary

Easy Read summary

Have your Say- take part in the consultation

The Social Housing Regulator wants to hear from tenants, landlords, and anyone else with an interest in social housing.

9 questions

Residents can feedback on the draft consumer standards to include in the council's response to the consultation questions. We have created a digital online survey [Survey Design - SmartSurvey](#)

Log in details – CommunityEngagement@brighton-hove.gov.uk Password – Sam12345

- **Online** [Consumer Standards Online \(snapsurveys.com\)](https://snapsurveys.com)
- **Email** consultation@rsh.gov.uk
- **Post** Consultation on the consumer standards
Regulator of Social Housing
Referrals and Regulatory Enquiries team
Level 2
7-8 Wellington Place
Leeds LS1 4AP

Next Steps



Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 25

Subject: Housing Investment & Asset Management – Major Works Framework review of procurement options (Lot 2 – works over £300k)

Date of meeting: 20 September 2023

Report of: Executive Director Housing, Neighbourhoods & Communities

Contact Officer: Name: Geof Gage
Tel: 01273 293235
Email: Geofrey.gage@brighton-hove.gov.uk

Ward(s) affected: All

For General Release

1. Purpose of the report and policy context

- 1.1 The Housing Revenue Account contains the income and expenditure relating to the council's social landlord duties covering approximately 11,900 rented properties and approximately 2,300 leasehold properties. The Housing Revenue Account (HRA) capital programme provides substantial investment in the council's housing stock and improvement in the quality of our homes. This forms a key part of implementing the main aims of our long-term asset management approach, which seeks to maximise investment in council dwellings and support reductions in responsive repairs whilst providing safe, good quality, sustainable housing. For 2023/24 the total HRA capital budget investment in existing council housing stock is c £35m.
- 1.2 The HRA capital programme includes major works. These are major capital projects including the design and delivery of larger schemes for the council's housing stock, using the council's capital investment, for example refurbishments of blocks, cladding, structural works or whole estate works.
- 1.3 Following the expiry of the contractual arrangements with Mears in March 2020, Housing & New Homes Committee and Policy & Resources Committee (26th September 2018 & 11th October 2018) approved the procurement of contracts for major capital works to council housing stock via a multi-contractor framework. The framework consists of two lots, works to the value of up to £300,000 and works over that value, details of which can be found on the contracts finder portal; BHCC Major Capital Projects - Contracts Finder. The lower value lot is currently working well. However, the higher value lot for larger contracts is not currently generating sufficient interest from contractors in our major works projects to meet the expectations of this element of the framework. We therefore wish to increase the number of contractors to invite to tender to ensure that we are maximising competition.
- 1.4 The report recommends replacement of this element of the framework with the procurement of a compliant alternative framework and /or formation of a suitable list of approved contractors for each project to ensure that we receive sufficient tender bids for assurance of value for money and cost comparison.

- 1.5 This report seeks delegated authority to the Executive Director, Housing, Neighbourhoods and Communities to enter into contracts procured through the alternative compliant procurement routes identified subject to budget approval.

2. Recommendations

- 2.1 That Committee delegates authority to the Executive Director Housing, Neighbourhoods & Communities to procure a Framework Agreement for major works over £300,000 and to enter into call-off contracts for works under that Framework Agreement.
- 2.2 That Committee grants delegated authority to the Executive Director Housing, Neighbourhoods & Communities to procure and award contracts for major works over £300,000 using other routes to market where the use of a Framework Agreement is not available or appropriate.

3. Context and background information

- 3.1 Major works are part of the capital investment programme which is planned, agreed at Committee and delivered on an annual basis to ensure our housing assets are maintained, improved and kept in a good state of repair. A major project may consist of a combination of multiple work streams, for example new roof, windows and external repairs, or a single piece of more specialist work such as a new roof covering to a high-rise block of flats which typically has increased costs due to the complexity of the project. Major works also include structural and exterior works to our blocks such as concrete repairs and external wall insulation. Major capital projects are more extensive than planned programmes of work, which may include replacement of roofs, doors, windows and external repairs and decorations, and cover all elements of works. Major works will also consider energy saving elements.
- 3.2 The council's Housing Investment & Asset Management service (HIAM) identify the need for major capital works project through our stock condition and asset management information and undertake detailed condition surveys ahead of commissioning any work specifications. The team then consider what works are required and engage with tenants and leaseholders on the potential scope of the project. Following consultation with tenants and/or leaseholders on the nature of the works, HIAM develop a specification of works and competitively tender each project by way of a mini competition under the framework. Working closely with Corporate Procurement, HIAM are responsible for the procurement processes as well as the quality assurance, quantity surveying and associated contract management of all major capital works projects.
- 3.3 The current Major Works Framework Agreement was established in 2020 and formalised in April 2021 and comprises two lots:
- Lot 1 works up to £300,000. This lower value lot was designed to attract local SME's (Small Medium Enterprises) and allows for mini-competitions between the approved contractors.

- Lot 2 works over £300,000. This higher value lot includes larger contractors competing for more substantial works ensuring the optimum capability and capacity is employed.
- 3.4 Each lot comprises six contractors who were admitted onto the framework after an open tender process which included an evaluation of quality and price. Under the framework:
- All works are competitively tendered.
 - All contractors within that lot are invited to tender.
 - All tender returns are reviewed both on price and quality.
 - After robust review and approval by BHCC, the highest scored contractor will be offered the works.
 - Once acceptance given the contractor will be procured under the NEC4 (New Engineering Contract).
- 3.5 Lot 1 of the framework has proved to be successful with a consistent number of tender bids being received and this will continue with the existing contractors for the full term of the framework of 4 years which is due for renewal March 2025.
- 3.6 However, experience and review of Lot 2 has shown that of the six contractors on the framework only two bidders have returned tenders on our current projects.
- 3.7 Corporate Procurement colleagues have investigated why only two bidders have been returning tenders and have reported that three contractors are not interested in the nature of the works currently on the framework and would therefore not tender.
- 3.8 The feedback received indicates that the scope and nature of the projects which make up the mainstay of major works required to our homes, partial property refurbishment, are not attractive to three of the six contractors currently on the framework. We are advised that current market conditions mean that while these three contractors may have bid for this type of work in the past, as the market has changed, they are now being significantly more selective in the works they will tender for.
- 3.9 The current construction market is suffering from several pressures; inflation, employment issues and high credit costs. These pressures are resulting in a large number of construction related businesses becoming insolvent and going into administration. Contractors are therefore becoming more selective with projects they will undertake and in particular the materials supply chain has become far more selective in who they will open credit lines with.
- 3.10 Increasing the number of contractors to invite to tender for our major capital works will better ensure that we are tendering in a more competitive manner.

4. Analysis and consideration of alternative options

- 4.1 The current Major Works Framework was intended to provide value for money and competitive tendering opportunities for works of over £300,000. However, with only one or two of the contractors willing to provide a tender bid we are unable to

recommend continuing with the current arrangements concerning Lot 2 of the Framework.

- 4.2 We could continue with the Framework Lot 2 through to the end of the current term and renewal in March 2025. However, given the concerns raised in this report, maintaining the current position risks hampering our capacity to deliver major capital works and our assurance around a competitive process resulting in sufficient bids to offer the best price and quality for major capital works.

5. Community engagement and consultation

- 5.1 We continue working closely with residents to help increase levels of resident satisfaction with the quality of their homes and neighbourhood and to support proactive investment in and maintenance of the council housing stock to enable a preventative approach that allows for the ongoing reduction in the level of responsive repair needs. Resident consultation is undertaken for all major projects work.
- 5.2 We will be consulting with residents on our forthcoming review of the HRA Asset Management Strategy and on matters related to the new regulatory framework arising from the Social Housing (Regulation) Act 2023.

6. Conclusion

- 6.1 In order to support completion of the required volume of work in this area of our major capital works programme, the recommendation of this report is to procure additional contractor resource in order to increase major works contractor capacity and support greater assurance around cost comparison, quality and value for money.

7. Financial implications

- 7.1 The 2023/24 capital programme includes budget of approximately £8m for major works, this budget requirement is reviewed on an annual basis and is based upon the expected delivery over the medium term. The recommendations in this report don't impact on the budget approved for 2023/24, the 2024/25 budget paper will include the plan to deliver major projects over the next 5 years based on the increased capacity.

As referred to in the main body of the report, Lot 2 has not delivered sufficient tenders from the contractors on the framework. The recommendation to replace the current framework arrangement will help to ensure that sufficient tender bids are received to allow greater comparison and improve value for money.

Name of finance officer consulted: Michael Bentley

Date consulted: 12/07/23

8. Procurement Implications

The Threshold for the Public Contract Regulations for works is currently £5,336,937.00 under this value the applicable rules are the Contract Standing Orders.

The Framework Lot 2 was to cover procurements with an estimated value of £300,000.00+, currently the contract standing order dictate that outside of complaint frameworks / Dynamic Purchasing Systems the council should seek a minimum of 5 quotes for projects over £75,000.00.

Giving delegated authority to the Executive Director for Housing, Neighbourhoods & Communities to enter into contracts on the basis of a complaint procurement processes for these works will allow the service area and procurement colleagues to tailor the approach to contractors based on the nature of the works.

The route to market for each project would seek to deliver best value by approaching the market for each project either through;

- an existing compliant framework from either a partner authority or trusted public sector purchasing organisation.
- Inviting at least 5 local (BHCC and the South East) contractors to bid, ensuring that the 5 requests are from specialists in the relevant field.

The majority of the works are building refurbishments to which there are several contractors in the South East who are specialist in or generalists with strong refurbishment experience. The current framework is inclusive of at least one of these contractors who are consistently bidding but the inclusion of further contractors will provide us with the benefits of more tenders being returned to enable better competition and value for money comparison.

Name of procurement officer consulted: Robert Sullivan

Date Consulted: 12/07/2023

9. Legal implications

9.1 The contractors were not guaranteed any work under the existing Framework Agreement and the Council is therefore not under any obligation to use it. It is open to the Council to procure another Framework Agreement and/ or to let contracts using other routes to market.

9.2 Decisions to enter into contracts over £500,000 have to be taken by Committee. The recommendations above will, if approved, enable officers to procure all major works contracts (including those over £500,000) without bringing further reports to committee. As set out in the body of the report, the capital investment plan is approved annually at committee.

9.3 Using a Framework Agreement is a route to market which complies with both the Council's Contract Standing Orders and the Public Contracts Regulations 2015.

9.4 If the Framework Agreement is not used, officers will need to comply with the Council's Contract Standing Orders and if the contract is over the threshold for works contracts will need to carry out a procurement which complies with the Public Contracts Regulations 2015.

Name of lawyer consulted: Alice Rowland Date consulted 14/8/23.

10. Equalities implications

- 10.1 The tender documents will include questions that ensure the bidders address all equalities considerations, both as a business and through evaluation of how they will engage with residents to ensure they give consideration to the diversity of the city's population.
- 10.2 Contractors will be expected to carry out their works in line with the Council's Fair & Inclusive Action Plan.

11. Sustainability implications

- 11.1 Bidders proposals will be evaluated for the sustainable practice and delivery which will be weighted at a minimum of 10% of the quality evaluation.

12. Other Implications

Social Value and procurement implications

- 12.1 Bidders will be asked to submit a Social Value proposal against the relevant criteria from the Social Value framework which will be evaluated at a minimum of 10% of the quality criteria.
- 12.2 This weighting may be altered through requests for specific Social Value outcomes such as delivery of a fixed number of apprentices.

Brighton & Hove City Council

Housing & New Homes Committee

Agenda Item 26

Subject: Engagement of Contractor Resource for the Repairs and Maintenance Service

Date of meeting: 20th September 2023

Report of: Rachel Sharpe, Executive Director - Housing Neighborhoods & Communities

Contact Officer: Name: Grant Ritchie
Email: Grant.Ritchie@brighton-hove.gov.uk

Ward(s) affected: All
For general release

1. Purpose of the report and policy context

- 1.1 Improving housing quality is a priority in the Council Plan, 2023 to 2027. This includes to '*complete post pandemic recovery, including reducing backlog of housing repairs and the number of empty properties*'. A further goal of the Corporate Plan is to '*optimise the local benefits and social value of our inhouse repairs and maintenance service*'.
- 1.2 Housing & New Homes Committee has received regular updates on the performance of the Housing Repairs & Maintenance Service, including concerning the high level of post pandemic Works in Progress which encompass both a backlog in routine repairs and jobs within time. As has been previously reported, the Service has reached pre-pandemic levels in terms of numbers of repairs being completed, customer satisfaction remains high as does the percentage of emergency repairs completed within our target of 24 hours.
- 1.3 The Service has also seen increased pressures owing to significantly higher levels of reported damp and condensation cases following the tragic Rochdale case where a reported death of a child was linked to exposure to mould. However, a high level of older routine repairs built up over the pandemic remain as a backlog to the detriment of our residents and service capacity to optimise the opportunities offered by the in house service moving forward. In light of this, and following analysis undertaken by the service, this report seeks approval to delegate authority to the Executive Director, Housing, Neighbourhoods & Communities to procure a specialist contractor to assist in addressing the backlog of routine repairs.
- 1.4 The report also seeks approval to delegate authority to procure additional contractors to the existing Contractor Framework as the Service was only able to award six of the eight lots when the initial procurement exercise was

undertaken and contractors have also subsequently left or are not bidding for work under the Framework.

2. Recommendations

- 2.1 That Housing & New Homes Committee delegate authority to the Executive Director, Housing, Neighbourhoods & Communities to procure an additional specialist contractor resource to support the Housing Repairs & Maintenance Service repairs recovery plan.
- 2.2 That Housing & New Homes Committee delegate authority to the Executive Director, Housing, Neighbourhoods & Communities to procure new and replacement contractors to the existing Contractor Framework as follows:
Lot A Empty Properties,
Lot B General Building,
Lot E Damp and Condensation,
Lot H Floor Fitting.

3. Context and background information

Post pandemic recovery, reducing backlog of housing repairs.

- 3.1 Housing & New Homes Committee have been regularly updated on the performance of the Housing Repairs & Maintenance Service:
 - During Quarter 1 2023/24, 95.1% (3084 of 3243) emergency repairs were completed within 24 hours. This was against a target of 99%.
 - Customer satisfaction remains high against all measures. For Quarter 1 2023/24 tenant satisfaction with the standard of repair work was 98% (1,754 of 1,787 telephone surveys for completed emergency and routine repairs). This was against a target of 96%.
 - During Quarter 1 2023/24 the service completed 8551 repairs (3243 of which were emergency and 5308 were routine repairs) this was against an average of 7,538 repairs (2,909 of which were emergency and 4,630 routine repairs) completed per quarter for 2022/23.
 - The Repairs Helpdesk answered 95% of calls in Quarter 1 2023/24, (15,108 of 15,925) against a target of 85%.
- 3.2 Challenges remain regarding overall number of Works in Progress with the team, remaining high, and not meeting the Corporate KPI of 70% of routine repairs being completed within 28 calendar days. As of 5th September 2023, the Housing Repairs & Maintenance Service had 11, 781 Works in Progress, which will include both backlog jobs and those within time. This is a reduction from 12,036 Works in Progress reported to June Housing & New Homes Committee. However, we are yet to see significant falls in the levels of routine repairs with the service despite the high levels of repairs activity. We are currently undertaking analysis of the age and nature of these jobs to ensure accurate recording, prioritisation and action being undertaken and whether works are still required.

- 3.3 For Quarter 1, 2023/24, 42.9 % (2,279 of 5,308) routine repairs were completed within 28 calendar days. However, this performance indicator is greatly impacted by the completion of older back log jobs. When older tasks are completed, they add a higher number of days to the calculation which reduces the overall average completed against the 28-day measure.
- 3.4 As part of our analysis of day to day performance in relation to completed jobs we have removed the back logged jobs from the calculation. If we consider repairs requested since April 2023 only, for the first quarter calculation of completed jobs, we see that the Service has completed 88% (2087 of 2,369) of routine repairs jobs issued on or after 1 April 2023 within 28 days. This is above our current Corporate KPI target of 70% of routine repairs being completed within 28 calendar days.
- 3.5 This performance suggests that the current resource, both in house and contractors closely matches the demand.
- 3.6 While this is positive, it does also clarify that at the current levels of activity the Service is unlikely to make significant impact on the number of older backlogged repairs. These repairs have been triaged and analysed and we have found that generally the backlogged repairs are the low-risk repairs (risk is defined by impact on the tenants Health and Safety or damage to the property).
- 3.7 Whilst the backlogged jobs have generally been assessed as lower priority, they still impact the condition and enjoyment of a tenant's home and can contribute to greater property deterioration over time.
- 3.8 To assist clearing these backlogged repairs the Service proposes to procure an additional contractor resource to enable it to continue to complete both backlogged repairs and newly reported repairs simultaneously.
- 3.9 In order to provide this additional resource, it is proposed to procure a specialist contractor through a compliant route to assist in addressing the backlog of older routine repairs. There are a number of contractors working within social housing to supply specialist repair resource. These companies are experienced in organising, managing and completing repairs in social housing.
- 3.10 There are currently approximately 9,000 back logged routine repairs. Based on our work activity in 2022/23 the average cost per job was £154. This is a cost value and a contractor is likely to add up to 20% for profit and overhead giving an estimated cost per task of £185. Based on this we estimate that the cost of procuring a contractor to undertake these backlog repairs will be approximately £1.6m.
- 3.11 The financial risk relating to the post pandemic backlog of responsive repairs and empty property works was identified as a significant financial issue for 2022/23 and the HRA budget report set aside a total of £1.5m to ensure one-off funding was available during the year to cope with this pressure.

For 2022/23, there was a drawdown of £0.560m from the reserve, with the balance of £0.940m being carried forward to 2023/24 and budget setting assumptions were that the earmarked reserve will be required during the year to continue to fund the backlog works and the additional contractor spend in excess of typical business as usual budgets. The TBM02 report showed that this was offsetting the in-year forecast overspend across the service. However, it is now clear that the main drivers for the overspend are a result of business as usual pressures (increased material and contractor costs across the market) and also due to additional works to minimise damp and condensation last winter and the resulting remedial works.

- 3.12 We estimate that the contractor would be required to complete approximately 9000 backlog tasks. We propose to set a time-frame of no longer than 12 months to complete all tasks to clear the backlog of routine repairs. Progress will be monitored on a trade by trade basis through monthly contractor meetings and reported to the officer Housing Health & Safety Compliance Governance Board which will oversee monitoring of progress and contractor performance in reducing the backlog of routine repairs work.
- 3.13 Investment in a specialist contractor to supplement the Housing Repairs & Maintenance Service to undertake older backlog works will support optimising the benefits of an in-house service through a move away from a wholly responsive repair model to a more planned preventative model of maintaining council homes. To achieve this the service needs capacity not only complete requested repairs within a reasonable period but to be able to put in place planned maintenance schedules and to start to bridge the gap between the day to day repair service and the planned and major capital works undertaken by the Housing Investment & Asset Management Service. Planned preventative maintenance would include proactive works such as gutter clearance, servicing and maintenance of windows and upgrades to plumbing infrastructure to reduce the time and productivity loss of plumbing system drain-downs.

Supplementing the existing Contractor Framework.

- 3.14 Housing Committee 21st June 2021 approved the procurement and award of a four-year multi-contractor framework for the Housing Repairs & Maintenance Service. This Contractor Framework was divided into lots based on trade types. Following a tender exercise, contracts were awarded in October 2022 for six of the eight lots.
- 3.15 Lot E Damp & Condensation and Lot H Flooring received no compliant bids. Lots A & B did receive compliant bids but contractors on these lots have subsequently been unable to complete works on any scale and have either left the Lot or are currently not taking work from the service.
- 3.16 We have mitigated this situation through a combination of short term and limited value procurements and in the case of damp and condensation the use of waivers.

- 3.17 However the Service needs to review and supplement the Contractor Framework to move away from these short-term solutions onto a reliable and compliant framework.
- 3.18 Following the outcome of the previous procurement exercise it is proposed to review options that encourage the engagement of smaller local contractors. We will also review the tender details to ensure the work is correctly organised to appeal to contractors.
- 3.19 The Service propose to re tender Lots A Empty Properties, B General Building, E Damp and Condensation and H Floor Fitting on the existing Contractor Framework.

4. Analysis and consideration of alternative options

- 4.1 Lack of specialist contractor resource to supplement the Service and tackle the post pandemic backlog in routine repairs will result in the risk of the Housing Repairs & Maintenance Service capacity continuing to be taken up with reactive rather than proactive works as focus remains on clearing older routine repairs as well as newly arising emergency and routine jobs.
- 4.2 With regard to the existing Contractor Framework, the Service has considered continuing with the current interim arrangement of procuring contractors individually for each trade group. This is very time consuming for the Service and Procurement colleagues as it requires significant planning and administration. Re tendering within the existing agreed framework is less onerous for both the Service and the contractor while continuing to ensure value for money.

5. Community engagement and consultation

- 5.1 Housing Repairs & Maintenance Service performance is subject to regular reporting to and engagement with tenants and residents, including through Housing Area Panel meetings.

6. Conclusion

- 6.1 Delegating authority to the Executive Director, Housing, Neighbourhoods & Communities to procure a specialist contractor to assist in addressing the backlog of routine repairs will increase service capacity to tackle the repairs backlog and support with optimising the benefits of the in-house service, including moving toward a more planned preventative maintenance approach.
- 6.2 Procuring replacement contractors for the existing Contractor Framework will enable the Service to reduce reliance on remaining contract waivers and offer greater efficiency than the current arrangements for procuring sub-contractors.

7. Financial implications

7.1 The estimated costs of the additional contractor resources to tackle the backlog are estimated to be in the region of £1.6m. Given the specific nature of this resource, it would be best funded through the use of the earmarked reserve balance of £0.940m (referred to in the main body of the report) and instead covering the in-year TBM pressures across the service by funding from the direct revenue funding budget, as a result of forecast underspending across the HRA capital programme in 2023/24. Additional funding for the remaining £0.660m would need to be identified from the possible capitalisation of any eligible works and the utilisation of any in-year revenue underspends across the service or other areas of the HRA identified through the TBM process in 2024/25. The last point of call would need to be from HRA reserves.

7.2 The Contractor framework resource is business as usual budgets and spend will be managed as part of the current TBM resources for the service and any growth considered alongside the yearly budget setting process.

Name of finance officer consulted: Mike Bentley Date consulted
:16/08/23

8. Legal implications

8.1 The proposals set out in the report are compliant with the council's Contract Standing Orders and the statutory procurement regime.

Name of lawyer consulted: Liz Woodley Date consulted : 11/09/23

9. Equalities implications

9.1 The HRA budget funds services for people with a range of needs, including those related to age, vulnerability or health. All programmes and projects undertaken include full consideration of various equality issues and specifically the implications of the Equality Act. To ensure that the equality impact of proposals included in this report are fully considered, any equality impact assessments will be developed on specific areas as required.

10. Sustainability implications

10.1 Helping residents to live in well maintained, safe and healthy homes remains a key long-term objective, which is supported through our proposals in this report in relation to increasing the capacity of the Housing Repairs & Maintenance Service.

11. Other Implications

Social Value and procurement implications

11.1 Any procurement process will be undertaken in conjunction with Procurement colleagues and in accordance with the Council Contract Standing Orders, including application of relevant Social Value criteria in the evaluation of bid quality.

11.2 Through any procurement process, we will seek to secure support for local business, optimise opportunities for community wealth building, engage with local contractors and help provide employment opportunities for the city's residents. Other options to include in our procurement processes could incorporate, but are not limited to, community projects, volunteering and providing apprenticeship opportunities in the city.

