

Cabinet

Date: **23 April 2026**

Time: **2.00pm**

Venue: **Council Chamber, Hove Town Hall**

Members: **Councillors:** Sankey (Chair), Taylor (Deputy Chair), Alexander, Allen, Daniel, Miller, Muten, Robins, Rowkins and Williams

Contact: **John Peel**
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Chief Executive
Hove Town Hall
Norton Road
Hove BN3 3BQ

Date of Publication - Wednesday, 15 April 2026

AGENDA

Part One

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159 PROCEDURAL BUSINESS

- (a) **Declarations of Interest:** Statements by all Members present of any personal interests in matters on the agenda, outlining the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) **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 press and public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and online in the Constitution at Part 3E

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

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To receive any petitions presented by members of the public.
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- (c) **Deputations:**
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To consider the following matters raised by Members:

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Ward Affected: All Wards

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Ward Affected: All Wards

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Contact Officer: Julian Salmon
Ward Affected: All Wards

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Contact Officer: Matthew Thompson
Ward Affected: All Wards

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Contact Officer: Julian Salmon
Ward Affected: All Wards

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

public.

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Further information

For further details and general enquiries about this meeting contact John Peel, (01273 291058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Brighton & Hove City Council

Cabinet

Agenda Item 167

Subject: E-scooter trial consultation report

Date of meeting: Thursday, 23 April 2026

Report of: Cabinet Member for Transport & City Infrastructure

Lead Officer: Name: Corporate Director- City Operations

Contact Officer: Name: Matthew Thompson

Email: matthew.thompson@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: Yes

Reason(s) Key: Is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards).

For general release

1. Purpose of the report and policy context

- 1.1 To seek approval under delegated powers to add an e-scooter trial to the existing Beryl BTN Bike hire scheme
- 1.2 The proposal to introduce e-scooters into the Beryl micromobility fleet directly supports the Council Plan 2023–2027 by expanding sustainable, low-carbon travel choices that contribute to creating an accessible, clean, and sustainable city, as set out under Outcome 1. By improving affordable transport options and widening access to flexible mobility across the city, the initiative aligns with Outcome 2's ambition to build a fair and inclusive city where people feel safe and welcome.
- 1.3 The scheme also reinforces Outcome 3 by encouraging healthier, more active lifestyles and reducing pollution through alternatives to short car trips. Incorporating e-scooters within an integrated, data-driven Beryl system further supports Outcome 4, which emphasises innovation and well-run council services.

2. Recommendations

- 2.1 Cabinet agrees to note the outcomes of the public consultation on the proposed e-scooter trial and the Council responses for the trial as set out in section 5 of the report and Appendices 1 & 2.
- 2.2 Cabinet delegates authority to the Corporate Director City Operations in consultation with the Cabinet Member, Transport and City Infrastructure, to implement and run a new e-scooter trial in accordance with Department for Transport requirements.

- 2.3 Subject to the matters set out in the Part 2 report Cabinet agrees to delegate authority to the Corporate Director City Operations in consultation with the Cabinet Member Transport and City Infrastructure, to enter into the necessary contractual arrangements with the current Bikeshare scheme operator Smidsy (trading as Beryl) for the implementation and operation of the scooter trial and to enter into an extension of the existing Bikeshare scheme (incorporating the scooter trial) for up to two years to cover the period to 30 September 2029.

3. Context and background information

- 3.1 On 16 October 2025, Cabinet authorised an application to the Department for Transport to apply for permission to begin a new e-scooter trial in 2026 as an add-on to the current bikeshare scheme. A public consultation running alongside the application was also authorised. A full financial analysis of the benefits to the Council of adding e-scooters was also requested. (See Part 2 report, Appendix 1).
- 3.2 An application for permission to run a new e-scooter trial was submitted to the Department for Transport on 21 October 2025. Provisional approval to proceed was granted on 22 January 2026. Final Department for Transport approval will be granted subject to evidence of consultation with disability groups and Sussex Police approval. The operator must submit a fleet management plan, details of antisocial behaviour measures, and a map of the e-scooter trial area. Following the public consultation, the recommendation via this report is that the trial proceeds.
- 3.3 The Department for Transport has confirmed there is no obligation to proceed with the proposed trial if elected members do not approve it. Should the trial proceed, the current end date for all UK trial schemes in terms of the legislative framework nationally for e-scooter use as part of trial areas is May 2028. Use of private e-scooters on the public highway remains illegal and would continue to be the case whether an area is undertaking an e-scooter trial or not.

4. Analysis and consideration of alternative options

- 4.1 A full analysis of the arguments for and against, and options for, a proposed e-scooter trial was set out in the 16 October 2025 cabinet report. The options considered were to not proceed with a trial at all; to consider wider options for procurement, or to proceed with a trial with the existing operator for the BTN Bikeshare scheme.
- 4.2 The council must continue to service the original borrowing used to purchase the fleet until April 2029 regardless of whether the scheme runs or not. This borrowing cost created ongoing annual budget pressure. The Part 2 report sets out detailed arguments for extending the contract with Beryl and the commercial negotiation points involved. The extension needs to match the potential 5–6-year total street life of that fleet, so the Council can maximize its return from that initial investment. The bikes rely on Beryl controllers and software to operate as a hire fleet so they cannot be

transferred to another operator. Adding scooters to that offer increases the income to the council during the same period, further reducing overall budget pressures. The scheme continues to deliver many congestion, health & wellbeing, carbon emission reductions and air quality benefits. Usage data shows the offer for residents and visitors is increasing in popularity.

- 4.3 A financial appraisal of Beryl's new parent company will be required and must satisfy financial and legal hurdles before any deal for e-scooters can be entered into.

5. Community engagement and consultation

- 5.1 A public consultation on the proposed trial proposal ran from 10 November to 21 December 2025. Letters were sent to properties located close to the proposed e-scooter sites, inviting people to go online to the council's 'Your Voice' consultation platform to fill in the consultation survey. Paper copies of the survey were also available. Beach hut owners in the vicinity of proposed seafront e-scooter locations were also contacted via the council's Seafront team. In addition, 398 stakeholder groups, relevant council officers and all of Brighton and Hove's ward councillors were contacted about the consultation.

- 5.2 The consultation started with questions on how survey participants categorized themselves and their travel habits. It then asked for responses, suggestions and comments on proposed safety features of the trial, vehicle designs, no go- and go-slow zones, and hire locations. It concluded with a request for any other comments and asked if respondents were interested in trying a scooter as part of the trial. There was a mixture of open text boxes and closed questions. Equalities questions were also asked. A full list of all questions is available as a supporting document on request. The consultation received a total of 1293 responses which included 16 stakeholders and 6 ward councillors.

Table 5.1 Concerns by theme & Council responses

Theme	What respondents said	What we are already doing	What else we will / could do
Vehicle safety features	Strongest support was for technology to detect illegal passengers, pavement riding, and sound alerts for blind and partially sighted pedestrians. Other suggestions included helmets, hi-vis / protective gear, sensors, horns, hub parking, and lights.	Reports of illegal passengers and pavement riding feed into a three-strikes process that can lead to account deletion. Bells, lights, and hub parking. Work is being explored on sound devices with input from blind and partially sighted groups. A helmet campaign and	Publicise the reporting route more clearly, encourage witnesses to record time/location/vehicle ID, test the accuracy and cost of sensor technology, offer hi-vis at events, and review learning from York's previous helmet hire scheme.

		incentives targeted at younger riders.	
Rider behaviour and enforcement	A large number of comments focused on unsafe rider behaviour, enforcement , potential misuse/bypassing of controls , and wider concerns about anti-social behaviour, crime , and Highway Code infringements , including phone and earbud distraction.	The three-strikes sanctions process , GPS-controlled speeds and hire zones, support for Sussex Police enforcement activity, licence requirements at sign-up, ongoing ID checks, and a Friday/Saturday midnight–5am hire ban . Number plates and GPS tracking also support enforcement.	Consider targeted police action days and review whether the phone holder feature should be removed.
Speed and insurance	Respondents asked for slower daytime speeds, lower speeds for new users , and raised a number of questions about insurance .	12.5 mph daytime speed , with a 6.5 mph weekday curfew / go-slow setting , and third-party insurance. App will signpost users to personal injury policy providers.	Add council webpage signposting to Cycling UK insurance advice. No further speed actions were listed in the table.
No-go and go-slow zones	There was broad support for both 24-hour and timed no-go / go-slow zones but also repeated concern about how well they will be enforced . Respondents suggested additional areas; some wanted a few areas to be stricter, while others argued some restrictions were unfair or too extensive.	Seven 24-hour no-go zones including skate parks and pump tracks. Geofencing and GPS enforcement are being tested. Some locations suggested are already covered, including parts of the seafront and Undercliff.	Test the technology thoroughly before launch, consult Churchill Square owners, test additional locations where feasible, assess viability of more go-slow areas, seek feedback from Sussex Police after the first summer, and review no-go / go-slow lists after one year / first summer .
Hire locations	Support was strongest for hire points near Brighton Station , the i360 and Palace Pier . Suggested additional locations included Falmer universities, Seven Dials and Fiveways . Main concerns were obstruction, congestion , and possible anti-social behaviour.	Proposed hire locations are designed as racks or corrals , and riders can be fined if they end hires outside these locations. Some locations near Seven Dials, Hove, Preston Park, and the seafront are already proposed.	Monitor congested locations during peak summer, ask universities to review their decisions after the first academic year, and review possible suburban and central sites after the first summer.

<p>Wider concerns about vulnerable pedestrians and public safety</p>	<p>Risk to vulnerable pedestrians, anti-social behaviour, crime, and whether enforcement would be strong enough.</p>	<p>Existing mitigation includes bells, sound alerts, lights, indicators, no-go/go-slow zones, curfews, number plates, GPS tracking, and enforcement processes.</p>	<p>Review police collision reports involving pedestrians after one year.</p>
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(See Appendix 1 for full consultation analysis, and Appendix 2 for a broader summary of the key feedback and what we are already proposing / what additional actions could be taken in light of feedback received).

5.3 As is common with most transport-related consultations, the council does not seek a referendum on proposals. Out of 1293 respondents, 721 (55.8%) did not indicate whether they were in favour of the trial or not. Of those who did note comments of this nature in the open text question however, 434 (33.5%) respondents said they were not in favour and 138 (10.7%) were.

5.4 Ward Councilors

Six ward councilors responded to the consultation questions and four left additional open text comments. One questioned the lack of a ‘referendum’ style question, while others raised concerns about obstruction, age restrictions for users, accident data from other schemes, pricing, the trial duration, helmets, protective clothing. One member asked where hire sites would be located in their ward, but a no-go zone covering the entire ward is proposed because of technical limitations the gps used to enforce no go zones. (These need to be tested on site once the trial is authorized). Responses to the consultation feedback above reflect some of those answers, and further information on all the other points raised can be found in the initial report to Cabinet dated 16 October 2025.

5.5 Stakeholder group comments in the Consultation

Sixteen stakeholder groups responded to the consultation and 12 of these left open text comments.

Two disability campaign groups expressed concerns about safety and equalities. Other comments cited risks to the elderly, disabled pedestrians, children and pets. These issues have been addressed by the proposed safety measures consulted on.

Some stakeholder groups were in favour of the trial for sustainability reasons, noting the shift from car use in other trials as well as the potential for creating easier access to public transport and multi-modal journeys. Concerns were raised about speeds in pedestrian spaces, and the lack of awareness about 2023 highway code changes giving pedestrians right of

way at side junctions. A separate awareness campaign on this issue using Dept for Transport materials has already been approved to take place in the city during Spring 2026.

Other concerns included women's personal safety, gender equality and disability (including those excluded from driving for medical reasons). These are addressed in the Equalities Impact Assessment. A phased plan for e-scooter introduction was suggested, and this will be incorporated into planning for the trial.

5.6 Sussex Police

Sussex Police expressed general support provided DfT trial guidelines are followed. The Council supports Sussex Police enforcement activity on criminality and e-scooters and unregulated vehicles, but as their response makes clear, there is a legal basis for the proposed hire e-scooter trial.

5.7 Other stakeholders

Both University of Brighton and University of Sussex have decided not to review their bans on e-scooter use on their land, so hire sites are not permitted by these landowners. The University of Brighton's ban may mean a no-go zone is necessary north of Coombe Road because pathways on the Moulsecomb campus are too close to the Lewes Road to allow e-scooters to pass by but not enter key routes on university land. Testing will establish the limits of geofencing technology and controllers and will be the decisive factor here.

5.8 Overall, the consultation provided a wide range of views and valuable insight into how a potential e-scooter trial should be designed and managed. Respondents highlighted key issues relating to safety, proposed locations, enforcement expectations, and the need for clear communication about how the trial would operate.

5.9 Stakeholder and ward councillor feedback similarly reflected a mix of concerns—particularly around impacts on vulnerable pedestrians, equalities considerations, speeds, and site placement—alongside recognition of the potential sustainability and transport-integration benefits.

5.10 While views varied, the consultation has been instrumental in shaping a more robust, better-targeted trial design, and the trial period itself will provide further opportunities to monitor impacts and address any emerging issues. As the scheme would be a trial, there would be opportunities for feedback during the trial period to ensure any concerns continue to be addressed.

6. **Financial implications**

6.1 There is no borrowing pressure associated with the implementation of this scheme as the capital requirement will be met by LTP grant funding. Projections on e-scooter scheme are positive, and it is anticipated the Council will cover its capital outlay within 2 years.

- 6.2 Surplus generated from this will be applied against the costs of the wider bikeshare borrowing, which currently sit at £295k per annum up until 2030, when the repayments will cease.
- 6.3 The part 2 of this report contains a full breakdown of costs and implications with the current provider.

Name of finance officer consulted: David Wilder. Date consulted 25 February 2026

7. Legal implications

- 7.1 The E-scooter trial will require a variation of the existing contractual arrangements governing the BikeShare service provision between the parties, and then an extension and variation of such arrangements, as further set out below.
- 7.2 To extend the current Bikeshare service provision, the Council and the contracting party, Smidsy Ltd (company number 07831245) will need to enter into a new call-off agreement under the existing Framework Agreement for the supply of Pedal Bikes, E-bikes and the operation of Bike Share Schemes, entered into on 14 December 2022 (“**the Framework**”). The Call-Off should be entered into and prior to expiry of the Framework, i.e. on or before 13 December 2026.
- 7.3 **To add the e-scooter service to the Bikeshare service provision:**
- the existing call-off agreement entered into on 14 December 2022 would need to be varied initially, so that the e-scooter service can be piloted prior to the commencement of a new call-off;
 - a new Call-Off can then extend the current Bikeshare scheme and include provision for the e-scooter service.
- 7.4 The e-scooter service can be incorporated without need for a new procurement because the Framework refers to the Council’s ability to extend services to cover e-scooters. For example, clause 4.5 of the Framework stipulates that ‘the Council ... shall be entitled to require the Operator to provide E-scooters as part of its Scheme and shall order this requirement by formally notifying the Operator in writing setting out the number of E-scooters it requires.’

Name of lawyer consulted: Jane Woods

Date consulted (02/04/26):

8. Risk implications

- 8.1 The top three risks from the trial and the measures proposed to manage them are:
- Injuries to riders – vehicle designs are in line with the safety features in Beryl’s 2025 e-scooter specification; all riders must have a provisional or full drivers’ license; sign up and randomized checks, Helmet reminders and incentives; no-go and go-slow zones; speed restrictions in busy areas.

- Injuries to other vulnerable road users – design features include number plates and lights on vehicles; obstruction targets for the operator; pavement bans; no go zones; training offers.
- Misunderstanding – police liaison, press releases; dedicated web page with data and study links; comms strategy clarifying differences between privately owned e-scooters and hire fleets.

9. Equalities implications

- 9.1 The Equalities Impact assessment concludes that the proposed e-scooter trial has the potential to deliver positive benefits by providing an additional affordable, lower-carbon transport option for short journeys and first/last-mile trips, with particular potential to improve modal choice and access for some younger adults, commuters, visitors and certain disabled users who may find scooters easier than pedal cycles in the city's topography and conditions.
- 9.2 The assessment identifies significant equalities risks, particularly for disabled people, blind and visually impaired people, older residents, women, carers, children and other pedestrians, arising from concerns about pavement riding, poor parking, obstruction, safety, harassment, and reduced confidence in using public space independently. The evidence also suggests that, without careful design and mitigation, the scheme could reinforce existing inequalities in shared micromobility, as likely uptake is skewed towards younger men while barriers relating to cost, digital access, licensing, public visibility, and perceptions of safety may limit participation among women, lower-income residents, racially minoritised groups, LGBTQI+ people and other under-represented communities. The Equality Impact Assessment therefore concludes that the trial should proceed with caution, subject to robust controls on siting, parking, enforcement, monitoring and targeted inclusion measures to ensure that benefits are realised without creating disproportionate adverse impacts on protected groups.
- 9.3 Recommended actions as a result of the Equalities Impact Assessment include: hold co-design and impact review sessions with key stakeholder groups; collect additional rider data on protected characteristics and trip purpose with quarterly reviews to check on improvements in representation amongst users; launch a six month inclusion programme with targeted offers for groups likely to be under-represented; identify off campus hubs to incentivise student use with offers; ensure the annual Rider report survey is more flexible on when it can be completed; monitor and publish information on KPI performance on obstruction and enforcement action against rule breakers; and set milestone points and escalate restrictions if vulnerable groups are being negatively impacted.
- 9.4 Affordability remains a key concern for many groups. The proposed tariff for e-scooters is set out at Appendix 3. Minute bundles purchased in advance of use provide a significant saving on e-scooter hire compared to the 'Pay as you ride' tariffs. Specific groups will be targeted with promotions. The full Equalities Impact Assessment is available as background documents item 2.

10. Sustainability implications

- 10.1 A 2024 report by CoMoUK indicates that shared e-scooters play a meaningful role in shifting travel behaviour, with 21% of users replacing car trips and a further 21% substituting bus journeys, while 44% regularly combine e-scooters with other shared or public transport modes. Although 26% of users report replacing some walking trips, 25% of active shared micromobility users walk more often, and 27% say they now cycle more, with 30% using both bikes and e-scooters interchangeably.
- 10.2 Despite e-scooters having a higher lifecycle carbon footprint than e-bikes, the carbon savings from reduced private vehicle and taxi use outweigh these costs, even in locations with larger shifts away from walking, such as the Isle of Wight. The new Beryl scooter model proposed for trial includes higher-capacity batteries enabling up to 20 rides per charge, reducing the need for recharging, and cutting service-vehicle trips, thereby improving the scheme's overall sustainability.

Figure 10.1
Modal shift to Beryl bikeshare away from cars, vans, taxis & motorcycles

Time period	Ebike KMS (distance)			Pedal bike KMs (distance)		
	Car & Van	Motorbike	Taxi	Car & Van	Motorbike	Taxi
Feb 24 to Jan 25	41525	5667	22256	11832	1615	6342
Feb 25 to Jan 26	60275	5673	44497	15703	1478	11593
Total distance replaced	101800	11340	66753	27535	3093	17935
	Ebike journeys			Pedal bike journeys		
	Car & Van	Motorbike	Taxi	Car & Van	Motorbike	Taxi
Feb 24 to Jan 25	14442	1971	7740	4287	585	2298
Feb 25 to Jan 26	22170	2087	16367	6305	593	4655
Total journeys replaced	36612	4058	24107	10592	1178	6953

These figures are based on Bikeshare user reports in in-app smartphone surveys when rides end. Distance indicates a health benefit from replacing those kilometres with cycling. Ebikes are known to encourage extra journeys and further distances. Journeys indicate a congestion reduction and air quality & emissions benefits from motorized traffic reduction.

11. Health and Wellbeing Implications:

- 11.1 In addition to the sustainability points above, the CoMo UK 2024 report found:

- 16% of active e-scooter users said that e-scooters provide them with exercise
- 26% of shared e-scooter users say their e-scooter usage provides them with mental health benefits. This increased to 49% where the user declared some form of disability
- 25% of active users of shared bikes and/or e-scooters walk more often or much more often since starting to use shared micromobility

Other Implications

12. Procurement implications

- 12.1 There are no procurement implications. There is an existing Bikeshare framework which anticipated the potential for an e-scooter add-on and was signed in December 2022. Social Value is already reported annually as a KPI for the scheme, but this will be a key part of the Comms strategy

13. Crime & disorder implications:

- 13.1 Sussex Police have expressed their support for a trial which complies with all Department for Transport requirements. The Bikeshare framework requires data sharing with the police whenever they request information, and the Council has committed to keeping them updated with a communication plan and all outcomes of the trial on a regular basis. The consultation reveals widespread anxiety about perceptions of crime and disorder associated with illegal e-scooters, derestricted e-bikes and unregistered e-mopeds. Hire fleets offer an alternative legal option for use on the public highway and can use GPS and controller technology to enforce trial rules and mandatory rules in the Highway Code.

14. Conclusion

- 14.1 The consultation has highlighted a broad mix of views, ranging from strong support for the safety features as well as the wider benefits of a hire e-scooter scheme, to concerns about safety, enforcement and the impacts on vulnerable road users. Overall, the consultation did not identify barriers that would prevent the proposed trial from progressing.
- 14.2 The feedback does emphasise the need for clear communication about proposed safety measures, better public awareness of Highway Code changes, and careful monitoring of trial impacts. In response, the trial design has been strengthened through additional attention to proposed go-slow and no-go zones, refined site locations, further liaison with Sussex Police, and ongoing engagement with disability groups and landowners. Taking these considerations forward and noting the Department for Transport's provisional approval and the national trial end-date of May 2028, it is appropriate for the Council to proceed with the planned introduction of a controlled, phased e-scooter trial from 31 May 2026. Doing so will allow the city to test the benefits of e-scooters under a managed scheme, address identified risks through communications and technology and generate robust

evidence to inform future decisions while supporting the wider objectives of the Council Plan.

Supporting Documentation

1. Appendices

1. Consultation report
2. Summary of consultation feedback and what is already proposed / what additional actions could be taken following feedback
3. **Proposed Tariff & Promotions for scooter in BHCC trial**

2. Background documents

1. Cabinet report 16 October 2025.
2. Full list of consultation questions
3. Equalities Impact Assessment – Beryl BTN Bike hire e-scooter trial. (File Ref: City Ops-Apr 2026-E-Scooter Trial FINAL).
4. CoMo UK Shared Micromobility Report 2024-v02

Introduction

The council is considering taking part in a DfT regulated trial of an e-scooter hire scheme which would be operated by Beryl, the city's current Bikeshare provider.

If approved, the trial would begin in 2026 and offer residents and visitors a new, affordable and sustainable way to travel.

Headline Results

- 1293 responses were received including:
 - 16 from stakeholders
 - 6 from local ward councillors
- Concerns about enforcement are high, being the top themed comment relating to safety features and the second highest themed comment for all types of No-Go or Go-Slow zones
- Comments on safety features:
 - Passenger sensors, pavement riding sensors and sound alerts are the most highly rated potential safety features
 - Concerns relating to motors cutting out automatically is the most common comment theme relating to safety features
- Comments on 24 hour a day, 7 days a week No-Go zones:
 - Apart from enforcement concerns, respondents show support for No-Go zones
 - The top three named locations suggested for additional No-Go zones are The North Laine, The Lanes and St James's Street.
 - The top two non-specific locations suggested for No-Go zones relate to parks, open spaces, squares etc and also for pedestrian/ shared space areas. It is worth noting that these requests for other non-specific locations were raised far more than for specific areas (eg The Lanes).
 - Lewes Road and the Undercliff are the top, most requested areas to be removed from proposed No-Go zones.
- Comments on timed and temporary No-Go zones:
 - Comments mainly relate to concerns about enforcement although respondents are generally supportive to this idea.
 - There are few suggestions for more timed No-Go zones, these mainly relate to individual streets in the North Laine area or around schools and nurseries.
 - Only non-specific areas were requested for temporary No-Go zones eg for parks or for shared space areas.
- Comments on Go-Slow zones: the majority of comments were supportive of go slow zones stating that they are a good idea, but many respondents were concerned about how these zones would be enforced.
- The top three comments about the proposed scheme are concerns about danger, primarily mentioned are to the elderly, visually impaired or children, concerns about rider anti-social behaviour and lack of adherence to the Highway Code and that the scheme will not be enforced.

Methodology

Letters were sent to 1376 properties located close to 34 proposed e-scooter hire sites, inviting people to go online to the council’s ‘Your Voice’ consultation platform to fill in the consultation survey. Paper copies of the survey were also available. Beach hut owners in the vicinity of proposed seafront e-scooter locations were also contacted via the council’s Seafront team. In addition, 398 stakeholder groups, relevant council officers and all of Brighton and Hove’s ward councillors were all contacted about the consultation.

The council also reached out to people via its social media channels. A press release was sent to local media and a news story featured on the council website.

The consultation was hosted on the council’s Your Voice platform, and paper copies of the survey could be requested by phoning an answerphone service.

The consultation ran from Monday 10th November to Sunday 21st December 2025.

Results

The consultation received a total of 1293 responses which included 16 stakeholders and 6 ward councillors. As is common with most transport related consultations, the council does not seek a referendum on proposals. Instead, respondents were asked for their comments on various aspects of the proposals, including on No-Go areas, suggestions for further locations and comments on the scheme as a whole. Questions were asked as follows:

Q How are you responding to this survey?

Respondents were asked in what capacity they are responding. Respondents could tick more than one category.

	Number
As a resident	1176
As a visitor	55
Work in the city	173
Own or manage a business in the city	46
Study at university	21
Study at college	2
Other, includes: runner, beach hut owner	12

In addition, 16 people identified as a stakeholder and 6 as a local ward councillor.

Q How do you generally travel in a typical week?

	Every day, or nearly every day		2 to 5 days a week		Once a week		Less often, but at least once a month		Less than once a month / never		Total ¹
	No.	%	No.	%	No.	%	No.	%	No.	%	
Walk	751	67.5	273	24.5	51	4.6	23	2.1	15	1.3	1113
Beryl Bikes	12	1.7	62	9.0	50	7.3	89	12.9	476	69.1	689
Cycle (includes Beryl Bikes, E-bike, cargo bike, adapted bike, tricycle)	87	11.7	132	17.7	83	11.1	89	11.9	354	47.5	745
e-scooter	10	1.6	14	2.3	5	0.8	10	1.6	582	93.7	621
Bus	128	12.7	324	32.2	203	20.2	249	24.7	103	10.2	1007
Train	31	3.9	131	16.5	137	17.2	340	42.8	156	19.6	795
Car Club	4	1.4	8	2.8	3	1.0	36	12.6	235	82.2	286
Car / as driver	174	18.9	314	34.0	137	14.8	63	6.8	235	25.5	923
Car / van as passenger	23	3.4	116	16.9	132	19.2	158	23.0	257	37.5	686
Motorcycle/ moped	3	0.5	14	2.3	6	1.0	19	3.1	567	93.1	609
Wheelchair / mobility scooter	4	0.7	6	1.0	3	0.5	7	1.1	590	96.7	610
Taxi / private hire	11	1.6	28	4.0	66	9.5	251	36.1	340	48.9	696
Community transport like dial-a-ride or volunteer car scheme	0	0.0	3	0.5	1	0.2	8	1.3	590	98.0	602
Other	6	1.2	5	1.0	2	0.4	13	2.6	466	94.7	492

¹ Total = number of people who answered this aspect of the question

Safety Features

Q We are considering the following safety features and would like to hear what you think of them

Information was given on in-built safety features for the proposed scheme. Respondents were then presented with details of extra safety features that could be introduced in the Beryl e-scooter hire scheme. A sentiment scale from 1 to 5 was used to gauge what people think of them. 1290 people answered these questions and scores were calculated out of a total of 5 for each safety feature as follows:

Publicity campaigns on helmets and incentives to wear helmets for 17 to 25 year olds	4.1 /5
Online training before sign-up to the hire scheme	4 /5
In person training (for a fee)	3.4 /5
Top speed of 12.5mph	4 /5
Sign-ups restricted to full and provisional driving license holders with randomised checks	4 /5
Nighttime go-slow at 6.5mph (midnight to 5am)	3.8 /5
Nighttime curfew on Friday and Saturday nights (midnight to 5am)	3.8 /5
Smart app based intoxication test	4.1 /5
Passenger sensors	4.3 /5
Pavement riding sensors	4.3 /5
Sound alerts	4.2 /5

Q Are there any other safety features that you would like to be included?²

Respondents made comments on additional safety features whilst also commenting on those they had scored as follows:

Suggestions for other safety features	No. of times mentioned
Helmets for hire at hubs/ compulsory helmets/ for all ages/ free helmets	62
Visibility Riders: Advice to wear hi-viz/gloves/ ensure visibility/ no hoodies/ safety gear/ arm and knee pads	22
Sensors to detect pedestrians/ objects/ buses/ cars	6
Dashcam / black box	4
Needs soft messaging - give way to pedestrians / clarity on where they can be ridden/ online tips	4
Dual sets of wheels for stability/ large wheels/ wheels are too small for the potholes	4
Wing Mirrors	2
Crash or theft detection	2

The following themed comments on other safety features have not been included in the above table as they are existing or planned features and not new suggestions:

Suggestions for other safety features (but are already standard features)	No. of times mentioned
Horn/ bell/ engine noise/ louder noise/ for hearing impaired/ automatic sound won't work - will blend into background	28
Hub parking: ensure scooters parked at hubs/ abandonment sensors/ don't allow to cause obstruction / fine operator/ alarm if dropped on side	25
Lights	22
Indicators	10
Scooter visibility: reflective stem of scooter	7
Needs speed limiters/ in pedestrian areas	2
Brake Lights	2

General comments on safety features are as follows:

Themed comments on safety features	No. of times raised
Concerns about enforcement: Pavement riding / cancel accounts, ban, fine, sanction rule breakers/ who will enforce intoxication / need in-person testing/ riders must stop at zebra crossings/ need tracker/ enforce speed / use GPS to enforce/ not sure pavement sensors will work/ red light jumping	73

² Tables only include items counted more than once

Themed comments on safety features	No. of times raised
Speed: 12.5 mph is too fast / in daytime/ 10 mph/ 6.5mph/ 4mph for first 2 miles of any hire/ speed control/ in pedestrian areas/ speed limiters for first few rides	32
Insurance/ full insurance/ include in hire fee/ riders to have insurance/ council funded insurance	32
Concerns about automatic stopping: motor cutting out at traffic lights/ on pavements/ where they shouldn't be/ if weaving in and out of traffic/ at boundary areas/ needs a warning before motor cuts out	23
Concerns safety features can be bypassed / over-ridden/ won't work / ignored/ need proof license holder is the rider/ stop 'sub-letting' of scooters/ pavement sensors won't work - potholes etc/ how will you check safety features/ can speed limits be over-ridden / needs age restriction/ needs speed restriction if no helmet	23
Rider training: should be in-person/ compulsory test/ riders will share phones for tests/ should be free/ Highway code test	21
More cycle lanes/ use in cycle lanes only/ don't allow on roads/ only on roads if no cycle lanes/ improve cycle lanes for e-scooter/ if have to use the road then dangerous surfaces need to be addressed/ seafront cycle lane needs barrier for ped safety/ clarify use in cycle lanes/ only allow in seafront cycle lane	19
Rider behaviour: No phone holder/ no using phone whilst riding/ no wearing headphones/ jumping red lights/ not following rules of the road/ trackable in case of red-light jumping etc/ general bad behaviour/ noise / shouting/ adhere to Highway Code/ rider behaviour is the problem not the technology/ Highway code test	18
Scooters need number plates	13
Riders: history of driving lessons/ experience of driving/ have full license	13
Age: Over 18s only/ age restrictions/ over 25/ over 21/ photo id for registration	13
Must be docked/ dedicated parking zones/ have trackers to move scooters so not a safety hazard/ fines if not docked	8
Safe routes away from cars/ only allow in cycle lanes	8
Safety features are sensible / will be safer than current scooters	7
Nighttime mode should be set on daylight hours not midnight/ start at 10pm/ 6pm	5
Concerns about helmet wearing rider and potential collisions with pedestrians	4
Don't allow use in cycle lanes	3
scooters need to be taxed	3
Nighttime curfew: extend to 6am/ no riding on Bank Holidays/ Friday evenings	3
e-scooters cause fires/ needs to be safe for next user	3
Don't allow by delivery riders	2
Intoxication test needs to be more stringent	2

Themed comments on safety features	No. of times raised
Compulsory rider registration & license fee	2
Speed: if speed is too slow it's unsafe get overtaken all the time/ to keep safe in traffic	2
Link accounts to verify ID so banned riders can't use	2
Get rid of the illegal e-scooters	2
Consultation doesn't say where they are allowed	2

No-Go zones and go-slow zones

No-Go zones are areas where e-scooters will be geo-fenced to stop the motors from running. Most would be permanent, operating 24 hours a day, 7 days a week. There would also be timed No-Go zones where e-scooters can be used only at times when other vehicles can use the streets and temporary No-Go zones where scooters can't be used when events are taking place.

No-Go zones (operating 24 hours a day, 7 days a week)

Q Please share any comments you have on the No-Go zones

These would operate 24 hours a day, 7 days a week, proposed areas for these are:

- Cranbourne Street
- The Undercliff (Marina to Saltdean)
- Lewes Road (north of Saunders Park/ Lewes Road bus garages)
- Hove Promenade
- Brighton Lower Promenade
- Madeira Drive Boardwalk
- The Level cross-walks
- All skate parks and bike pump tracks

Apart from enforcement concerns, respondents show support for No-Go zones.

The top three named locations for more No-Go zones are The North Laine, The Lanes and St James's Street.

The top two non-specific locations for No-Go zones relate to parks, open spaces, squares etc and also for pedestrian/ shared space areas. It is worth noting that these requests for non-specific locations were raised far more than for specific areas (eg The Lanes).

Lewes Road and the Undercliff are the top two areas requested to be removed from No-Go zones.

The following tables show themed comments on the No-Go zones:

Themed comments on No-Go zones	No. of times issue raised
No-Go zones are a good idea/ supportive	115
Concerned about enforcement/ how will it be enforced/ no one will adhere to rules	89
Don't support No-Go zones/ too many No-Go zones/ not fair on people with disabilities	29
e-scooters should be used in the cycle lanes	25
Don't understand the logic of choice of areas it's confusing/ complicated/ will be confusing/ needs to be the same everywhere	12
Allow where other vehicles can go/ needs to be consistent with other vehicles	12
Concerned about abandoned e-scooters when motors cut out / at boundaries of No-Go zones/ on the seafront/ at Brighton Station	12
e-scooters should not be allowed in cycle lanes	6
Needs supporting signage/ app notifications/ explanations	6
Align No-Go zones with where bikes can go	5
Engines need to cut out if eg going wrong way down a one-way street	2

Suggestions for more No-Go zones

The following tables show areas that have been suggested by respondents as No-Go zones. Only areas/ roads that featured more than once in respondent free-text suggestions are featured in the tables:

The table below lists additional specific streets or locations requested to be No-Go zones:

Requests for No-Go zones for specific streets or locations	No. of times mentioned
North Laine	27
The Lanes	35
St James's Street	25
Churchill Square (inside and out)	24
North Street	24
Western Road	20
New Road	19
George Street	14
London Road/ London Road Shopping areas	13
Pavilion/ Pavilion Gardens	12
Kensington Gardens	10
Lewes Road/ Lewes Road N of Saunders Park/ Gyrotory	9
Church Road	7
Sydney Street	7
Queens Road	5
Bond Street	4

Requests for No-Go zones for specific streets or locations	No. of times mentioned
Marine Parade	4
Old Steine	4
RSCH/ medical facilities	4
Gardner Street	3
Madeira Drive	3
St George's Road	3
The Level at St Peters Church	3
Trafalgar Street	3
Bear Road	2
Church Street	2
Clocktower	2
Ditchling Road	2
Eaton Place	2
Elm Grove	2
Hove lagoon	2
Hove Lawns/ Beach Huts	2
Hove Street	2
Jubilee Street/ Jubilee Library	2
King's Esplanade	2
Portland Road	2
Ship Street	2
Valley Gardens / Valley Gardens cross-walks	2
Open Market	2

And the following are for non-specific areas:

Requests for No-Go zones for non-specified areas	No. of times mentioned
Parks/ Open spaces/ squares including these specifically mentioned parks/ areas: Hove Park x10, Preston Park x7, The Level x3, St Ann's Well Gardens x2 plus Adelaide Square Gardens, Hove Rec, Queen's Park, Saltdean Oval, Westdene Green, Wish Park, Crematoria, Graveyards, Playing Fields, All grassed areas	52
Pedestrian areas/ Shared Space	47
Include the Go-slow zones	41
Pavements/ paths	30
Seafront	17
Temporary No-Go zones	17
Roads/ City Centre Roads/ A roads/ motorways	16
Timed No-Go zones	14
Busy areas/ shopping areas	13
Rail stations: includes Brighton station x 10, Moulsecoomb station x1	12

Requests for No-Go zones for non-specified areas	No. of times mentioned
More areas/ as many as possible	12
Schools/ school routes/ nurseries/ anywhere with children	10
Twittens/ passages/ walk throughs/ alleyways	8
City Centre	7
Cycle Lanes/ poorly maintained cycle lanes/ seafront cycle lanes/ near cycle lanes	6
Residential areas/ non-main roads	5
Car Parks	3
One-way streets	3

A number of respondents named areas that they would like to see added to the No-Go list despite them being on the list already, as follows:

No-Go zones requested that are already included on the list	No. of times mentioned
The prom/ upper prom/ lower prom/ Hove prom	56
Madeira Drive Boardwalk	14
Undercliff	13
Skateparks/ pump-tracks	5
The Level Crosswalks	4
Cranbourne Street	3

Amongst the comments raised about adding further No-Go zones, respondents suggested that the following areas should be removed from the list of No-Go zones:

Requests for areas to be removed from proposed No-Go zones	No. of times mentioned
Undercliff	40
Lewes Road/ Lewes Road North	32
Proms	15
Madeira Drive/ Madeira Drive Boardwalk	10
Marine Parade	5
The Level cross-walks	3

Respondents also suggested that Marine Parade, St James's Street, North Laine, The Lanes, New Road be removed, despite them not being a proposed No-Go zone (New Road is proposed to be a temporary No-Go Zone). A number of non-specific areas were also suggested to be removed including cycle lanes, parks and the seafront.

4 respondents also suggested that all No-Go zones be removed except:

- The Level cross-walks, Madeira Drive boardwalk, skate parks and pump tracks
- Skate parks
- Proms

- Where shop access could be blocked

Timed No-Go zones

Please share any comments you have on the timed No-Go zones

These include George Street, Hove and Gardner Street, Brighton. Times will coincide with restrictions for other motor vehicles.

The following tables relate to opinions on the timed No-Go zone. Comments mainly relate to concerns about enforcement although respondents are generally supportive to the idea of timed No-Go zones.

There are few suggestions for more timed No-Go zones, these mainly relate to individual streets in the North Laine area or around schools and nurseries.

Comments on the timed No-Go zones are as follows:

Themed comments	No. of times mentioned
Supportive of timed No-Go areas	95
Concerns about enforcement/ rules will be ignored	43
Timed No-Go zones not needed/ don't support timed No-Go zones	29
Extend hours of operation/ to 24/7/ during business hours/ 9am to 11pm	17
Needs to be consistent with other road users/ cycles	9
Don't understand this concept/ it's confusing	7

Suggestions for more timed No-Go zones:

4 respondents said there should be more timed No-Go zones in shared space areas or areas with high levels of pedestrians and 2 respondents said that there should be more timed No-Go zones without specifying where these should be placed. The following table shows areas or roads which were suggested:

More timed No-Go zones	No. of times mentioned
Sydney Street	6
New Road	4
North Laine	4
The Lanes	4
Schools/ School Streets/ nurseries	4
Kensington Gardens	2
Undercliff	2

Temporary No-Go zones

These would be in operation in areas where events are taking place. Examples include:

- Preston Park
- Madeira Drive
- New Road
- Marine Parade
- St James's Street

Respondents were generally supportive of temporary No-Go zones shown in the following tables:

Q Please share any comments you have on the temporary No-Go zones

Themed comments	No. of times mentioned
Supportive of temporary No-Go zones	69
Concerns about enforcement / how will it be enforced/ rules will be ignored	31
Temporary No-Go zones should be permanent	14
Not needed/ road closures are enough	6
Temporary No-Go zones are confusing/ don't understand the logic	4
Allow e-scooters where cycles are allowed	3

In addition, 3 people said that there should be more temporary No-Go areas and also in pedestrian / shared space areas and 5 people said that parks should be temporary No-Go zones.

Go-Slow zones

These are areas where top speeds will be limited to 6mph using software controls. These will typically be used in busy areas. These include:

- the promenade in front of Brighton Palace Pier
- the promenade at the bottom of West Street by the Shelter Hall

Q Please share any comments you have on Go-Slow zones

Themed comments on Go-Slow zones	No. of times mentioned
In support of Go-Slow areas	119
Concerns about enforcement/ how will you enforce this/ they will be used on pavements/ rules will be ignored	47
Needs to be slower/ suggestions range from 10mph to 3mph/ walking pace/ same as mobility scooters	31
Don't support/ not practical/ not necessary if cycle lanes are wide/ these areas are too busy	24
It's too slow / if in cycle lanes/ if on road/ dangerous if too slow / drivers will want to overtake	13
Too restrictive/ for tourists/ for students	7
Must use cycle lanes / not in shared space/ not in front of pier	5
It's confusing/ too complicated	5

Align with speeds of e-bikes/ other vehicles	4
If faster speeds they should be on roads/ allow on roads only	2
Only at busy times eg summer	2

Q Are there any other areas you think should be added to the Go-Slow zones?

Specific areas to add to Go-Slow zones	No. of times mentioned
Undercliff	14
North Laine	13
The Lanes	7
New Road	3
Kensington Gardens	2
Gardner Street	2
Rottingdean	2
St Peters Church	2
Trafalgar Street	2

In addition, some people named non-specific areas:

Non-specific areas to add to Go-Slow zones	No. of times mentioned
Schools	27
All areas	21
Busy areas/ high ped areas	19
Footpaths/ shared spaces/ ped crossings	17
Seafront/ proms/-360/Palace Pier/ Hove Lawns	14
Shopping centres/ Churchill Square/ Western Road/ London Road/ George Street/ North Street/ East Street/ West Street	19
Parks/ Skateparks	12
No-go zones/ timed no-go zones	4
All roads/ City Centre roads	4
More areas	2
Hospitals/ medical centres/ care homes	2
Universities	2

E-scooter hire locations

Proposed hire locations have been based on:

- central areas where current bikeshare data suggests a demand for e-scooter hire
- near key bus stops and train stations
- car parks used by commuters
- leisure facilities and routes

E-scooter hire hubs would be either single or double racks depending on the space available. Proposed hire sites are at:

- Brighton i-360
- Black Rock car park
- Brighton Palace Pier
- Brighton Marina (near multi-storey car park)
- Brighton Town Hall
- Brighton Station (south)
- Church Street (near Theatre car park)
- Eastern Road (near Buzz Bingo)
- Elm Grove/ Sandown Road junction
- Hove Beach Park (near padel tennis)
- Hove Lawns (near the Lawns Café)
- Hove Park (Old Shoreham Road entrance)
- Hove Town Hall
- Hove Station (south)
- King Alfred Leisure Centre
- Lewes Road/ Edinburgh Road junction
- Lewes Road (at Saunders Park)
- London Road/ Ann Street junction
- Madeira Drive (Duke’s Mound)
- Marine Parade (opposite Sussex Square)
- New Church Road/ Boundary Road junction
- New England Quarter (near Sainsbury’s)
- Palmeira Square/ Salisbury Road junction
- Pavilion Buildings
- Portland Road/ Shelley Road junction
- Portslade Station (Worcester Villas)
- Preston Road/ Harrington Road junction
- Preston Road/ Stanford Avenue junction
- Seafront (Peace Statue)
- Surrenden Road (near Varndean College)
- The Upper Drive/ Dyke Road
- Upper Gloucester Road/ Surrey Street junction
- Valley Gardens (near Gloucester Street)
- Whitecross Street

Respondents were invited to comment on locations and to also suggest any further locations.³

Site	Comments on locations for -e-scooter hire hubs	No. of times mentioned
Brighton Station (south) 33 responses	Supportive of this location (includes convenient, good for visitors x3, helps commuters and reduces need for car, will need cycle lane down Queen’s Road, much used transport hub x2, good for community, good to get back to Preston Park when trains don’t stop there)	12
	Not a safe area/ too congested/ crowded	6
	Concerns about e-scooters being left unlocked/ causing obstructions, being left on paved areas	3
	Anti-social for elderly/ pedestrians, people will ride them inside the station, don’t trust riders going downhill	3
	Road outside stations is chaotic (needs bus gate)/ crowded area/ on match days	3

³ Themes included for 2 or more times mentioned

Site	Comments on locations for -e-scooter hire hubs	No. of times mentioned
	Unclear is this the front or back of station, by the front is ideal	2
Brighton i360	Supportive of location/ good use of dead space/ will attract visitors	9
23 comments	Unsupportive of location/ area too busy	4
	Concerned about abandoned scooters/ by visitors	4
Brighton Palace Pier	Area is too busy/ too many Beryl bikes already in this location already	8
21 responses	Concerned about abandonment/ obstruction / will make place look a mess	6
	Good idea	3
	Concerned about anti-social riding/ on the prom/ there will be collisions/ will be dangerous	3
	Will ruin view of Pier/ vista	2
King Alfred	Supportive/ to get to sports centre	6
17 responses	Area is too busy/ dangerous	4
	Ensure enough scooters/ racks – high use area	3
	Needs good lighting / current Beryl Hub too dark	2
Hove Beach Park (near padel tennis)	Supportive of this location / good for getting from Hove to Brighton	6
14 responses	Area is too busy	4
	Dangerous for pedestrians/ elderly/ children	3
Hove Lawns (near the Lawns Cafe)	Unsupportive of this location	5
14 responses	Area is too busy/ congested	4
	Will be dangerous/ for the elderly/ for families	4
	Concerned about people riding them anti-socially/ along the prom/ muggings	4
	Supportive of this location	2
Hove Station (south)	Supportive of this location	4
14 responses	Unsupportive of this location	2
Black Rock car park	Supportive of this location/ will link into town	10
12 responses		
Old Shoreham Road	Dangerous for elderly/ children in the park/ too busy/ anti-social riders	5
11 responses	Supportive	2
	Needs to be connected / with safe infrastructure/ to other parts of the city	2
Elm Grove/ Sandown Road junction	Supportive of this location	6
10 responses		

Site	Comments on locations for -e-scooter hire hubs	No. of times mentioned
Madeira Drive (Duke's Mound) 10 responses	Supportive of this location / will connect to the Marina	3
	Unsupportive of this location / Should be a no-go zone/ not along the seafront/	4
Brighton Marina (near multi-storey car park) 9 responses	Supportive of this location / connects to town/ Rottingdean/ bus connections poor/ only way to currently get there is by car/ Ovingdean/ for schools	5
	Dangerous spot/ too many fast vehicles/ anti-social behaviour	2
Hove Town Hall 9 responses	Supportive of this location / good location for connectivity	8
Lewes Road/ Edinburgh Road junction 9 responses	Supportive of this location	4
	Site unsuitable/ pavement too busy/ not enough room here/ bikes and scooters will be strewn around here	3
	Cycle lane infrastructure needs upgrading along Lewes Road	2
Lewes Road (at Saunders Park) 8 responses	Supportive of this location / good location/ good access to town	5
	Unsupportive if rest of Lewes Road is no-go/ scooters will be dumped here	3
London Road/ Ann Street junction 5 responses	Unsafe area/ vandalism/ anti-social behaviour	3
Church Street (near Theatre car park) 5 responses	Not suitable/ too much traffic	2
	Supportive of this location / good location	3

Respondents were asked to name further areas where e-scooter hubs could be located:

Further locations for e-scooter hire hubs	No. of times mentioned
Shopping areas (includes George Street x4, Cowley Road x2, Western Road x2, Hangleton, Westdene x2, Marina, London Road, Arundel Road, Carden Avenue, Churchill Square, Mile Oak, Patcham, West Hove Sainsbury's, Warren Road, Westdene)	17

Further locations for e-scooter hire hubs	No. of times mentioned
Parks (includes Preston Park x5, Hove Park x3, Queen's Park, St Anne's Well Gardens, The Level, Wish Park)	13
Falmer/ universities	12
Seven Dials	11
Seafront (includes Hove lawns x2, Hove lagoon-Hove Beach Park, Marrocco's, Old Ship Hotel, Rockwater, Reading Room, Sealanes, Yellow Wave)	11
Rail stations (includes Preston Park x2, Hove x2, Brighton, Mouslecoomb, Aldrington, London Road)	11
Sports Centres (includes Withdean x7, Prince Regent x2, Stanley Deason)	10
Fiveways (includes Rugby Road x2)	10
Patcham (includes Ladies Mile Road x2, Braybon Avenue, Carden Avenue, Carden Avenue-Preston Road junction)	6
Woodingdean (includes Happy Valley x1)	6
Rottingdean	6
Hospital/ RSCH	5
Whitehawk (includes Bristol Estate x1)	5
Ditchling Road (includes Roundhill pocket park, Varndean School, Hollingdean Road junction)	4
Hanover	4
Elm Grove (includes at the bottom, at the ev-charging stations)	4
Schools (includes BHASVIC x2, Ditchling Road for Varnden, Surrenden Road-Loder Road for Dorothy Stringer and Balfour)	4
Hollingbury (includes Asda x2, Golf Course, Woodbourne Garage)	4
Hangleton	3
Jubilee Square (includes library x1)	3
Mile Oak	3
Kempton	3
John Street (includes Police Station, corner with Edward Street)	3
St James's Street	2
Racecourse	2
Portslade	2
Grenadier	2
Bevendean	2
Coldean	2
Hove Cricket ground	2
East Brighton	2
Dyke Road (includes Hilltop café, Greenridge)	2

Further non-specified locations for e-scooter hire hubs	No. of times mentioned
Existing Beryl sites	5
Everywhere	3
Non-town centre/ outlying areas	2
Temporary seafront sites	2

Any Other Comments

Q Please share any final comments you have about the proposed e-scooter trial

A final opportunity to make general comments was offered⁴. A referendum style question was not asked as is the norm with transport-related consultations. The majority of respondents (55.8%) did not say whether they support the scheme or not. Of those who did however, 434 respondents reported that they do not support the scheme and 138 said they do support the scheme. It should be noted though, that these numbers do not entirely reflect peoples' thinking eg some people may have said they do support the scheme yet have concerns about enforcement or people who say they don't support the scheme could show positive responses about the proposed safety features.

6 Ward councillors submitted responses, 4 of these left comments which are summarised in the table below along with comments made by other respondents:

Themed comments	No. of times issue raised
Concerns about danger: to the elderly/ visually impaired/ children/ other road users/ riders	370
Concerns about rider anti-social behaviour/ recklessness/ not adhering to the Highway Code/ bag or phone thefts	150
Unenforceable/ won't be enforced/ needs enforcement plans/ issue fines for breaking the law	136
e-scooters (trials) hasn't worked in other cities/ let other cities do the trials/ Cities eg Paris have banned hire scooters	116
Concerns e-scooters will be left on pavements/ undocked scooters/ dumped scooters/ needs good retrieval system	102
Crack down on illegal scooters/ before a trial	62
Spend funds elsewhere: potholes/ reducing public transport fares/ libraries/ benches/ outdoor spaces for children/ enforcing cyclists	41
Safety features: won't work/ are not enough/ hard to tell if enough/ criminals will find ways to by-pass	30
Concerned about costs: to the council/ enforcement costs/ wasting public money	25
Will encourage private illegal e-scooter usage	21

⁴ Many comments made in previous sections were general comments not relating to that question. These have been moved across to this table accordingly and have not been reported twice.

Themed comments	No. of times issue raised
Hire fees need to be reasonable/ cheaper than taking a bus/ what are the fees?	17
Concerned about over-regulation/ too many restrictions/ not good for shift workers	12
Needs road tax paid and/or insurance	10
Cycle lanes/ surfaces/ roads network need improvement	8
Speed needs to be faster/ 12.5 mph too slow	7
Improve Beryl Bike scheme instead/ make Beryl hire cheaper	6
Only allow e-scooters in cycle lanes	5
Scooters need to be maintained well	3
Have phased approach/ 6 month probationary period	3
Only allow e-scooters on roads	2
Should not be used in cycle lanes	2
Consider other options for those who don't have driving license	2
Disability: I don't have a driving license consider other options/ disabilities could mean people fail the intoxication test	2

After commenting on proposals, respondents were asked if they would be interested in using an e-scooter as part of the proposed trial.

	Number	%
Yes	362	28.4
No	779	61.1
Not sure	134	10.5
Total	1275	100

Q How did you hear about this consultation?

	Number
Social media	467
Other	266
Local News	197
Word of mouth	169
The council's website	128
Letter	117

Equalities Monitoring Questions

Respondents were asked if they want to ask Equalities Monitoring questions which is reflected in the relatively low response rates in the tables below.

Q What gender are you?

	Number	%
Male	187	50.4
Female	183	49.3
Non-binary	0	0.0
Other	1	0.3
Total	371	100.0

Q Do you identify as the sex you were assigned at birth?

	Number	%
Yes	360	97.8
No	8	2.2
Total	368	100.0

Q What is your age?

	Number	%
Under 17	1	0.2
18-24	15	2.8
25-34	50	9.3
35-44	85	15.8
45-54	113	21.0
55-64	137	25.5
65-74	93	17.3
75+	43	8.0
Total	537	100.0

Q What is your ethnicity?

	Number	%
Asian/ Asian British	5	1.0
Black / African / Caribbean / Black British	9	1.8
Mixed / Multiple Ethnic Groups	14	2.7
Other ethnic groups	14	2.7

White	469	91.8
Total	511	100.0

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

	Number	%
Yes, a little	68	18.1
Yes, a lot	38	10.1
No	269	71.7
Total	375	100.0

Q What are your health problems or disability?

	Number
Physical impairment	79
Sensory impairment	21
Long-standing illness	56
Mental health condition	20
Learning disability / difficulty	6
Developmental condition	2
Autistic spectrum	25
Other	2

Q What is your approximate income?

	Number	%
Less than £10,000	26	6.3
£10,000 to £19,999	57	13.7
£20,000 to £29,999	86	20.7
£30,000 to £39,999	75	18.0
£40,000 to £49,999	61	14.7
£50,000 to £59,999	43	10.3
£60,000 to £69,999	19	4.6
£70,000 to £99,999	26	6.3
£100,00 or more	23	5.5
Total	416	100

Appendix 2: Summary of public consultation feedback and what is already proposed / what else could be considered

Question theme	Type of question	Respondents' feedback	What we / Beryl are already proposing	What further actions could be considered
Vehicle Safety features	Rate the proposal between 1 & 5	Three Highest scoring: 4.3/5 - sensors to detect illegal passengers. 4.3/5 - sensors to detect pavement riding. 4.2/5 - sound alerts for blind & partially sighted pedestrians.	Illegal passengers and pavement riding – three strikes on reports, then rider account deleted. Riders can use bells on handlebars without changing grip. Exploring potential local partnerships to develop sound devices with input from blind & partially sighted stakeholder groups.	Publicise reporting line to the public. Remind people witnessing antisocial riding to record and report time, location, vehicle reg. Test accuracy and assess the cost of adding sensor technology.
Safety: Vehicle features & measures.	Free text comments suggest other features	62 comments suggesting helmets for hire/ compulsory helmets 22 comments on Hi Viz, gloves, kneepads etc. 6 comments on sensors for riders to detect pedestrians, vehicles objects. Horns, hub parking, lights also suggested.	Helmet campaign and incentives focused on 17–24-year-olds. Sensor tech – see above. Bells, hub parking & lights already part of proposed scheme.	Offer Hi Viz at events around hire sites – focus on Oct clock change. Contact York CC re outcomes of helmet hire scheme and why it was abandoned.
Safety measures	Free text comments	114 comments on rider behaviour 73 comments on aspects of enforcement.	Sanctions – see above. Controllers on every vehicle use GPS to set	Offer police trial focused action days. Consider removing

Question theme	Type of question	Respondents' feedback	What we / Beryl are already proposing	What further actions could be considered
		<p>23 predicting bypassing of measures and misuse. 18 predicting highway code infringements and anti-social behaviour and phone/ ear bud distraction.</p>	<p>speeds and enforce the hire zone. BHCC campaigns support regular Sussex Police enforcement activity against illegal scooters, derestricted e-bikes and unregistered e-mopeds. Comments passed to Sussex Police. Provisional licence requirement to sign up for use of scooters. Randomised ongoing checks on existing member's proof of ID. Friday and Saturday night hire ban midnight to 5am.</p>	<p>phone holder feature.</p>
Safety measures	Free text comments	<p>32 comments on speeds Daytime speed should be slower. Speed limits for initial periods.</p>	<p>12.5mph daytime speed in line with other UK trials. Weekday curfew and go-slow speed is 6.5mph. This goes beyond the features of most trials.</p>	
Safety measures	Free text comments	<p>32 comments raising questions on insurance.</p>	<p>Third party insurance in existing scheme will be extended to scooter trial.</p>	<p>Council webpage to signpost (but not link to)</p>

Question theme	Type of question	Respondents' feedback	What we / Beryl are already proposing	What further actions could be considered
			Beryl app will signpost personal injury policy providers.	Cycling UK advice.
No go zones 24 hr	Comments on proposed list of zones	115 comments - Good idea/ support. 89 comments - enforcement concerns. 29 comments - Don't support, too many, unfair on people with disabilities.	Seven zones proposed plus all skate parks, bike pump tracks. Equalities impact assessment to consider negative impacts.	Geofencing technology will be tested before the trial goes live to ensure it can enforce in the specific locations.
24 hour No go & go slow suggestions	Free text box	25 suggestions for St James' Street. 24 suggestions for Churchill Sq. (inside & out) 24 suggestions for North St. Non-specific location suggestions – Parks & Squares, Shared spaces, Pavements. Areas but not streets - The Lanes, North Laine. Other – Hove Prom, Lower Prom, Madeira Drive, Boardwalk Undercliff. Remove no go zones – Undercliff, Lewes Rd, Promenade, Boardwalk.	Support Sussex police NPT enforcement days on St James' Street one way. Shared space on seafront 6.mph go slows. Parks Byelaws ban cycling where signed and this will also apply to e-scooters. Hove Prom, Lower Prom, Madeira Drive Boardwalk, Undercliff (already on no go list).	Consult owners of Churchill Square & test technology there prior to trial. Check with Sussex Police for feedback after first summer on St James' St and North St. Consider GPS viability of other go slows. Test no go zone in sections of The Lanes (subject to roads adjacent remaining permitted). Review lists of no go & go slow after one year.

Question theme	Type of question	Respondents' feedback	What we / Beryl are already proposing	What further actions could be considered
Timed No go zones	Comment on proposed list of zones	95 comments in support 43 comments raised concerns about enforcement 29 comments - don't support	Testing of tech underway. Nothing will be installed that endangers riders passing on adjacent roads.	Review lists of timed no gos after first summer.
Timed Go slow zones	Suggest others not included	3 suggestions for The Level; 3 suggestions for St Georges Rd; 3 suggestions for Trafalgar St.	The Level is a no go in the centre; cycle lanes around outside are permitted. There are no hire sites at The Level proposed	See above.
Timed No go- and go-slow suggestions	Suggest other sites	6 suggestions for Sydney St, 4 suggestions for New Rd, 2 suggestions for Kensington Gdns.	New Rd will be a temporary no go zone during specific events.	Kensington Gdns will be tested.
Comments on No go zones	Free text comments	69 comments in support; 31 comments raised concerns about enforcement; 14 comments suggesting they should be full time. Additional suggestions: Sydney St, New Rd, Kensington Gdns.	See previous comments on testing for GPS enforcement.	No go zones will be reviewed after first summer.
Comments on Go slow zones	Free text comments	119 comments in support; 47 comments raised concerns about enforcement; 31 comments suggested should be slower speed. Additional suggestions:	See previous comments on testing for GPS enforcement. Undercliff is a no go for operational reasons.	Go slow zones will be reviewed after first summer.

Question theme	Type of question	Respondents' feedback	What we / Beryl are already proposing	What further actions could be considered
		Undercliff New Rd, Kensington Gdns.		
Hire locations from list of 34 proposals	Free text comments	Top 3 supported: 12 - Brighton station; 9 - I360; 8 - Palace Pier. Concerns raised – obstruction, congestion, anti-social behaviour.	All hire locations are racks or corrals. Fines will be issued if hires are ended away from these locations.	Monitor congested periods in peak summer for incidents.
Hire locations suggested	Free text comments	12 suggestions for Falmer Unis; 11 suggestions for Seven Dials; 10 suggestions for Fiveways Non-specific – shopping areas, parks seafront.	Site a short walk north of Seven dials suggested. Sites at Hove & Preston Park & on seafront proposed.	Universities will be asked to review their decisions to ban hire e-scooters after first academic year of trial operation. Potential Suburban and central sites will be reviewed after first summer.
Any other comments No1.	Free text comments	370 comments raised concerns on theme of danger to vulnerable pedestrians.	Safety features – bells; sound feature to warn; Lights; indicators. Safety measures – curfews; go slow/ no go zones.	Review police reports of casualties in collisions where pedestrians are involved after one year of trial operation.
Any other comments No 2	Free text comments	150 comments raised concerns on theme of antisocial behaviour and crime	Safety features – number plates to identify riders breaking rules & laws; GPS tracking on accounts. Safety measures – three strikes	

Question theme	Type of question	Respondents' feedback	What we / Beryl are already proposing	What further actions could be considered
			rule on reports. No go/go slow; curfews.	
Any other comments No 3.	Free text comments	136 concerns on theme of enforcement.	GPS and controllers as above. Support for police actions on illegal vehicles.	

Appendix 3: Proposed Tariff & Promotions for scooter in BHCC trial

Benchmarking: Beryl in BCP & Norwich

The Scooter 'Pay as you Ride' (PAYR) rate is £1 to unlock and 22p per min.

Beryl's BHCC PAYR scooter proposal:

£1 unlock. 20p per min weekday, 22p at weekend.

Scooter Minute Bundle option:

The existing 50min and 100 min Bundles would apply to scooters for the same no of mins. No unlock fee. These represent a significant saving compared to the PAYR rate, and an even greater than the saving provided by bundles for E-bikes and pedal bikes.

PAYR weekend rate Illustrations:

£2.65 = £1 unlock plus 1.65 (approx. 8 min ride).

The average min ride time on e-bikes in Feb 26 was 12.5 mins. In scooter terms (PAYR weekend) the cost would be £3.75

The average minute ride time on e-bikes in July 25 was 14.6 minutes. In scooter terms (PAYR weekend) the cost would be £4.21

B&H Bus fares 2026 as benchmark:

- Medium length fares are £2.80 reducing to £2.50 in the autumn.
- Longer fares are rising to £3 as per the cap rise.
- Student all day £4.40; Student all week £19.50 reducing to £4 & £15 from autumn 26.
- Older (timed) and disabled (24 hours) bus passes remain free.

First Six-month promotions

Target groups: Care leavers, job seekers, Low income/ Universal credit.

Other shorter period promotions:

- Women while summer women only e-bike and scooter only taster sessions are running.
- LGBTQ+ during week running up to pride weekend at end of July.
- Students in Sept focused on hubs at weekends near HMOs.
- BME groups

Brighton & Hove City Council

Cabinet

Agenda Item 168

Subject: The King Alfred Leisure Centre Regeneration Project

Date of meeting: Thursday, 23 April 2026

Report of: Cabinet Member for Sports, Recreation & Libraries

Lead Officer: Name: Corporate Director - City Operations

Contact Officer: Name: Mark Healy

Email: Mark.Healy@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: Yes

Reason(s) Key: Expenditure which is, or the making of savings which are, significant having regard to the expenditure of the City Council's budget, namely above £1,000,000 and is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards).

For general release

1. Purpose of the report and policy context

- 1.1 This paper seeks Cabinet agreement to progress the King Alfred Regeneration Project to the next stage of implementation following the completion of the technical design stage (Royal Institute of British Architects Plan of Work Stage 4 or RIBA 4) and the submission of the planning application.
- 1.2 Specifically, the paper seeks agreement to allow the Council to enter into the Development Management Agreement with Alliance Leisure Services ("Alliance"). Alliance will then enter into the building contract directly with the chosen main contractor Willmott Dixon Construction (WDC) to take forward the on-site enabling works including the demolition of the disused bowling alley area.
- 1.3 The paper also seeks agreement to bring forward the allocation of £3.5m from the total agreed capital budget to fund these works up to November 2026, when construction of the new facility is scheduled to begin.
- 1.4 Ahead of the full construction works commencing, a further paper will be presented to Cabinet in September or October to seek agreement for the final agreed budget and to enter into a further Development Management Agreement with Alliance for the construction of the new facility.
- 1.5 The replacement of the King Alfred Leisure Centre aligns with the Council Plan 2023-2027, particularly Outcome 1 *A city to be proud of*, which sets out a commitment to *'Deliver improvements to leisure facilities across the city'* and Outcome 3, *'A healthy city where people thrive'*. Replacing the facility is

also a specific commitment of the council's Sports Facilities Investment Plan (SFIP).

2. Recommendations

That Cabinet:

- 2.1 Agrees that the Council enters into Development Management Agreements with Alliance Leisure for enabling works on the new King Alfred leisure facility site including the demolition of the disused bowling alley area.
- 2.2 Agrees to delegate authority to the Corporate Director City Operations in consultation with the cabinet member for Sports, Recreation and Libraries to finalise the terms of the Development Management Agreements and enter into the Development Management Agreement and any ancillary documentation.
- 2.3 Agrees to bring forward the allocation of £3.5m from previously agreed project capital budget to fund these works up to November 2026.

3. Context and background information

- 3.1 At its meeting on 25 September 2025, Cabinet approved recommendations to (i) agree to the design team progressing the King Alfred design proposals up to the submission of the planning application, (ii) agree the overall project budget of £65m, (iii) agree to increase the initial allocation to £5m for professional fees and surveys, and (iv) approve the demolition of the redundant parts of the site.
- 3.2 Since the last decision paper was considered by Cabinet, significant progress has been made in driving the project forward. The key achievements since then are summarised in the following paragraphs.

Completion of on-site surveys

- 3.3 Prior to the commencement of the demolition works and main construction works, an extensive programme of surveys has been completed on site. This has included technical surveys to better understand the ground conditions on site to ecological surveys to understand the extent of biodiversity net gain (BNG) and habitat replacement that may be required. It has also included desk research such as utilities records surveys and heritage reports.
- 3.4 The key onsite surveys and desk reports that have been completed prior to works on site are:
 - topographical, ground penetrating radar (GPR), CCTV, and high-pressure drainage survey
 - utilities records report
 - ground conditions survey, including trial holes
 - land contamination survey and soil investigation
 - air quality report
 - noise report

- arboricultural survey
 - ecology and biodiversity net gain (BNG) survey
 - asbestos survey
 - car park usage survey
 - flood risk assessment report
 - sewer records report.
- 3.5 The ecology and BNG report has informed the ecology mitigation plan which in turn has shaped the design of the planting programme on the adjacent events space which was completed earlier this year to provide BNG and reinstate habitat for local species. This is described in more detail in paragraphs 3.15 – 3.16.
- 3.6 The asbestos survey identified extensive contamination in the disused bowling alley area. This has informed the asbestos removal programme that was conducted between December 2025 and March 2026, as described in paragraphs 3.22 – 3.25.

Prior approval of the demolition works

- 3.7 An application for prior approval to proceed with the demolition of the disused underground bowling alley area was submitted on 4 December 2025. Approval was granted on 2 February, with just one additional condition which required that an Ecological Mitigation Strategy is submitted to and approved in writing by the Local Planning Authority before the demolition works commence.
- 3.8 The final Ecological Mitigation Strategy is due to be submitted to the planning authority in April 2026, with formal discharge required prior to demolition starting on site in July 2026. Engagement has taken place with the planning authority, who have reviewed the Ecological Mitigation proposals and provided comment prior to planting works starting on site in February 2026.

Submission of the planning application

- 3.9 The main planning application for the construction of the new King Alfred Leisure Centre was submitted on 27 February (planning reference BH2026/00490). The planning application included an application to also deliver a temporary car park on Hove Lawns No.1 (the events space which lies immediately to the west of the site for the existing car park which forms part of site for the new King Alfred facility).
- 3.10 Subject to achieving approval, construction of the new facility is scheduled to begin in November 2026.

Design and delivery of a temporary car park with ecological mitigation

- 3.11 When the construction of the main facility begins in November, a hoarding line will need to extend around the whole of the existing car park for the duration of those works. At that time alternative parking arrangements will be required.

- 3.12 With that requirement in mind, the design team have developed proposals for a temporary car park on the adjacent event space immediately to the west of the site (Hove Lawns No1). The proposed design will initially provide just over 100 spaces on the northern half of the site, of which 6 will be blue badge spaces, and incorporates the option to add an additional row of spaces once the coastal protection project on the south of the site concludes later this year.
- 3.13 The design proposals also feature some element of ecological mitigation to provide biodiversity net gain and the replacement of habitats for local species. The initial phase of this mitigation work began in March. For the planting works, particular attention has been paid to providing new nesting habitats for sparrows and other species of nesting birds along with other measures to mitigate the loss of the green roof area, including sand baths and sources of lime-rich water for the bird species in the area. Those features will be in place for the 2027 nesting season.

Outcome of application to the National Heritage List for England

- 3.14 Before the 2025 Christmas holiday period an application was submitted to Historic England requesting that the current King Alfred Leisure Centre be added to the List of Buildings of Special Architectural or Historic Interest (*application no 1495760*). The existing King Alfred facility had been previously assessed and turned down for listing in 2016 (application reference 1433626). The current King Alfred is not located in a conservation area and is not included on a local heritage list.
- 3.15 English Heritage published their response to the request on 20 January 2026. Having considered the application and the Secretary of State decided not to add the King Alfred Leisure Centre, Kingsway, Hove to the List. The response noted that based on the evidence provided, the King Alfred Leisure Centre, Kingsway, Hove, does not have special architectural and historic interest in the national context.
- 3.16 The full decision from English Heritage can be found here:
<http://services.historicengland.org.uk/webfiles/GetFiles.aspx?av=7A04F977-3F1C-401D-B1B9-B1B811FA7B3B&cn=71AFE20F-A554-4E57-9A8E-A83B86E499FB>

Update on asbestos removal and soft strip works

- 3.17 Ahead of redevelopment of the site, a survey was conducted of the redundant bowling hall during September and October 2025. That survey revealed high quantities of asbestos-containing debris within ceiling voids, beneath the main bowling alley structures, and as loose contamination on several floor areas. These areas are all closed off to staff and to the public.
- 3.18 The survey's results made clear that in order to make the building safe for future work, a comprehensive asbestos removal program will be required. This work necessitated the removal of all asbestos containing materials (ACMs), along with the soft strip-out of internal walls, ceilings, floor coverings, and soft furnishings within the affected areas to mitigate the risk of cross-contamination and the spread of asbestos fibres.

- 3.19 The proposed soft strip works to address the asbestos contamination are not considered demolition, and no planning consent is required to proceed with works of this type. With that in mind, the asbestos removal works began in December, ahead of the submission of the application for a prior notice for demolition. As mentioned in para 3.6, this application was submitted on 4 December, with consent granted on 2 February.
- 3.20 All works were undertaken in a manner fully compliant with relevant health and safety legislation, with the Health and Safety Executive (HSE) being provided with statutory notifications at the appropriate times.

Engagement of UK Power Networks (UKPN) to relocate power cables

- 3.21 From Willmott Dixon Construction's (WDC's) previous work on the Crest Nicholson scheme, they are aware of 33Kva and 11Kva cables running to the King Alfred site, which would need to be relocated prior to construction of the new facility.
- 3.22 UKPN require that payment for relocation of high-capacity cables is made in advance. All the necessary agreements and payments were made in November 2025 to ensure that the diversion works will be completed in a timely manner to avoid any delays to the wider programme.
- 3.23 However, following initial investigations, UKPN have informed to the council that it may not be necessary to relocate the cables. UKPN are currently undertaking further investigative work to confirm if the move will be required, and if the results of that investigation confirm that the cables can remain in place, then the majority of the fee paid in November will be refunded (less costs for the investigative survey work).

4. Analysis and consideration of alternative options

- 4.1 With prior approval to proceed with the demolition of the disused underground bowling alley granted on 2 February, and following completion of the asbestos works described above, the project will progress to the more substantive site enabling works. The scope of these works is outlined below.

Scope of the enabling works

- 4.2 The enabled works are scheduled to commence at the beginning of May 2026 with a view to completion in November 2026, after which, subject to planning, cabinet approval and entry into a delivery management agreement for the construction, construction of the new facility will begin.
- 4.3 Once the delivery management agreements have been signed with Alliance Leisure for the demolition and enabling works, those works will commence. The enabling works will consist of:
- Surveys to bowling area on completion of asbestos removal. Ground investigation, services surveys, and surveys of drainage and the northern retaining wall.
 - Soft landscaping and ecological mitigation works ahead of the delivery of temporary car park. As described in section 3, this will entail planting across the northern boundary of Hove Lawns no 1 where the temporary car park will be delivered, subject to approval of the planning application.

- Delivery of the temporary displacement car park - forming of new car park within the adjacent Hove Lawns no 1 (events space) ahead of existing car park closure for main construction works.
- Creation of a site compound for the demolition. The compound will feature secure boundary hoarding, biometric turnstiles and welfare accommodation for those on site. In addition to enclosing the area to be demolished, the site hoardings will extend along the northern edge and part of the eastern edge of existing car park. This is so that the hoarding can replace the existing car park safety fencing, which due to its current condition would have required imminent replacement irrespective of any other works on the site.
- Completion of the UKPN diversions (if required) as described in section 3 above. The close proximity of the cables to the site means that they may need to be relocated to ensure that construction work could safely take place without disrupting or impacting the cables.
- Diversion of foul and surface water drains to outside of new building footprint.
- Pre-demolition: completion of soft strip and installation of temporary support works and removal of old bowling structure.
- Service yard ramp access, creating an alternative access to the service yard to enable continued use once existing ramp is demolished.
- Main demolition of bowling alley area (*to commence after the nesting season has concluded*). Willmott Dixon Construction's (WDC's) demolition strategy will ensure that the existing facility is protected during these works. Their approach will include taking measures to ensure that the existing building is structurally supported during the works and isolated from vibrations arising from the demolition, as well as installing a secure, weatherproof hoarding to ensure the existing live building is protected. A Principal Designer (CDM) has been appointed and is reviewing all necessary risk assessment and method statement (RAMS) relating to enabling works from a health & safety and compliance perspective, and a temporary works specialist is also undertaking a review of the demolition strategy. By law, the RAMS is provided to the Health and Safety Executive (HSE) who are the competent body to assess the adequacy of the contractor's ways of working and to arrange for inspectors to visit if required. Wherever possible, materials from the demolition will be used for the new build (foundation materials et cetera).
- Removal of advertising boards and replacement of fencing to perimeter with hoarding.
- Early installation of the main foul water and storm water connection points.
- Main works preparation. Installation of perimeter hoarding to secure site, installation of initial office and welfare arrangements.

Notes on the enabling works

4.4 As main contractor, Willmott Dixon Construction (WDC) will be undertaking the demolition and other enabling works. WDC have been closely involved with the technical and practical design of the new facility and have commissioned the site surveys and asbestos removal ahead of the demolition. More information on the appointment of WDC is set out in section 14, *Procurement*.

5. Community engagement and consultation

5.1 The redevelopment of the King Alfred site has been a strong council commitment since 2016, as set out in [City Plan Part 1](#). The current project to deliver the new facility was started in autumn 2022. Close and regular public engagement has been a key priority since then. A detailed overview of the engagement and consultation which has formed part of the project since its inception in Autumn 2022 is set out in the September 2025 Cabinet paper.

5.2 In brief, the first phase of that engagement work, from September to December 2022, focused on engaging with core users of the King Alfred such as leaseholders and occupiers, such as the boxing club, sports clubs, and community groups that regularly use the facility. Soon thereafter, from January 2023 we began much wider community groups and residents in the local area and across the city. We engaged with many local resident groups such as the West Hove Seafront Action Group, Hove Civic Society, the Friends of St Aubyns, and many others. In addition, we held many public facing events open to everyone, including an all-day drop-in event in April 2023 and a visioning workshop with residents who had shown an interest in being involved.

5.3 At the beginning of January 2024 we began a further phase of engagement to inform the choice of site for the facility. That phase of engagement included all-day drop-in sessions at the King Alfred centre and other venues in the west of the city, and an on-line questionnaire on the sites and delivery options. That questionnaire generated over 3,600 responses, one of the highest levels of engagement for any project. To ensure high levels of engagement with the questionnaire, we advertised through many channels including social media, posters in libraries, sports centres, and bus shelters, articles in the Argus, and most importantly, a maildrop to over 17,000 local homes.

5.4 From January 2025 we have been engaging with residents on the emerging design proposals. That work has involved further engagement with resident groups such as those mentioned above. In addition, focus groups sessions were held in April and May at the King Alfred to engage with sports clubs, community groups, disabled users, and local residents. During July 2025 detailed 'surgeries' were held with local sports clubs to meet the design team to work through their specific needs.

5.5 During October and early November 2025 we undertook a further phase of engagement, given that the designs were nearing the final versions for submission in the planning application. That phase included:

- a public exhibition held from 9 October to 2 November on site at the existing King Alfred facility, sharing images of the design proposals for new facility and setting out the story of how the design has developed.
- a series of ‘meet the design team’ days, also held on site at King Alfred from 9 October to 11 October, with around 300 attendees.
- comments and views captured through comment cards and on-line through an on-line survey hosted on the council’s YourVoice platform, with around 600 respondents.
- wide press interest generated, with news items in the Argus following the release of the designs and journalists attending the ‘meet the design team’ days.
- continuing engagement with local community groups and sports clubs, including the Older People’s Council, West Hove Seafront Action Group, and others.

5.6 The key messages emerging from the online survey and exhibition days were as follows:

- **Positive overall approval:** The proposals received an overall approval rating of 3.6 out of 5 across key questions (where 3.0 indicates a neutral response and anything above indicates a net positive result).
- **Strong support for interior proposals:** Responses to the interior design proposals were especially positive. Respondents commented on layout, light, and accessibility of the proposed spaces, with 80% of responses being neutral or positive.
- **Design sentiment:** A clear majority (62%) of respondents rated the exterior design as ‘neutral to very good’, with many appreciating the modern aesthetic.
- **High Intent to use:** There is significant anticipation for the new facilities, particularly the fitness spaces, pools, and family play zones, suggesting the new centre will be well-utilised. This was reflected in the responses with over 91% expressing interest in the fitness options presented in the survey, 93% interest in the pools and swimming facilities and 92% in the family and play zones.

5.7 The results of the engagement were key in shaping the proposals that were submitted in the planning application last month. All of that engagement took place in addition to, and ahead of, the statutory consultation underway now that the planning application has been submitted.

5.8 As part of the design development process, an second all-day review session was convened on 30 October with Design South East’s [Brighton & Hove review panel](#), following up the earlier session held on 20 June 2025. The panel provided feedback and challenge on the design, offering suggestions for the design team to consider.

5.9 In addition to the community engagement summarised above, the project team has undertaken early market engagement with leisure operators and continued discussions with Freedom Leisure as the current leisure operator. The procurement of the new leisure contract is currently underway, with the operator expected to be appointed in December. Engagement with Freedom Leisure and the new leisure management operator (if different from Freedom) will continue throughout the project, recognising that their input will be key in informing the design and fit-out of the facility to ensure it is aligned with market demand to help maximise future use and revenue.

6. Financial implications

6.1 Cabinet, at its meeting on 25 September 2025 approved an indicative capital budget of £65 million for the project and approved the allocation of a total of £5 million to develop the scheme to RIBA stage 4 including some enabling works and the submission of the planning application.

6.2 This decision was supported by the business case presented to Cabinet on 18 July 2024: [King Alfred Leisure Centre Regeneration Project.pdf](#) alongside an updated land valuation produced by commercial agents SHW, new project costs prepared by the main contractor Willmott Dixon Construction, and updated revenue projections prepared by Continuum Sport and Leisure and The Sports Consultancy presented to Cabinet at its meeting on 25 September 2025: [\(Public Pack\)Agenda Document for Cabinet, 25/09/2025 14:00](#). Prior to that meeting, the Cabinet paper was also examined by the Place Overview and Scrutiny Committee at its meeting on [22nd September 2025](#).

6.3 This report requests the release of a further £3.5 million in advance of the final decision to proceed with the main contract. This additional £3.5m million is contained within the overall £65 million indicative budget and means a total of £8.5 million will be committed and spent prior to any final decision.

6.4 At the time the September 2025 cabinet paper was presented, the project spend profile assumed the £5 million allocation would fund the project activities up to the completion of RIBA 4 in August 2026. However, the need to bring forward some of the enabling works and undertake additional design work means that the £5m is now profiled to be consumed by the end of April 2026.

6.5 This most significant elements of the additional works undertaken include:

- the soft strip and removal of asbestos contamination in the bowling alley area, as described in section 3 (£0.575m)
- the UK Power Network (UKPN) diversions, which, as set out in section 3, required advance payment (£0.680m)
- UKPN point of connection fee (£0.016m)
- BT Diversions (£0.090m).

6.6 Bringing these works forward has meant the demolition of the bowling alley area and subsequent construction of the new facility can proceed without further delay but means resources need to be released earlier for the project to proceed at pace.

- 6.7 There have also been a number of design and other fees which have exceeded the budget allocations of the original fee proposals, these include:
- £0.194 million required for design revisions arising from insurance requirements, resulting in the original timber frame being replaced with a hybrid steel & timber aa fire suppression system (sprinklers) being added.
 - £0.094m required for the temporary car park design, including biodiversity net gain and habitat replacement for local species
 - Other fees for activities which required increased scope for the planning submission, including air quality assessments, sound and vibration assessments, and security needs assessments.
- 6.8 The September 2025 Cabinet report highlighted the inclusion of £6.9 million contingency and £2.9 million tender price inflation which together total £9.8 million contingency within the overall project estimate of £65 million. At this stage it is envisaged these additional costs will be absorbed within those contingencies.
- 6.9 The estimated financial impact of the development on the councils finances was included in the September 2025 Cabinet report. In summary the key assumption is that the scheme is funded from a combination of the Capital Receipt from the sale of part of the site, Infrastructure grant and council borrowing, with the council borrowing to be funded from the increased revenue from the facility within a new long-term contract and an ongoing revenue funding gap.
- 6.10 The September 2025 Cabinet report included an estimated net revenue funding gap of between £0.550m and £1.340 million with the base assumption of £0.890 million pa. The report included a range of options to mitigate this gap, estimated to deliver between £0.800m and £1.25 million, however some of the proposals will not crystallise until closer to the final decision to proceed is considered such as the outcome of the procurement exercise for the new long term Leisure Services partner, and discussions with Homes England.
- 6.11 The overall debt financing of the borrowing for the project has been included in the Medium-Term Financial Plan over the development period and the ongoing financing costs and debt repayment once the facility is operational is assumed to be met from net increased revenue from the facility, existing leisure budgets and the revue budget mitigations in paragraph 6.4.
- 6.12 The financing costs of the additional £3.5 million is included in the 2026/27 budget onwards. The additional £3.5 million equates to a revenue commitment of £0.170million per annum over the life of the asset.
- 6.13 The carpark income that will be lost when the new facility is developed is assumed to be replaced by the temporary car park until the replacement underground carpark within the new facility is operational. The cost of providing a temporary carpark was not included in the original cost plan estimate. However, temporary parking provision is required to (a) protect the parking revenue from that site (currently around £0.4m per year) and (b) to ensure that there is continuity of parking provision so that Freedom Leisure are not unfairly impacted by reduced revenue arising from a reduction in parking provision.

6.14 The project presents a number of significant financial risks and mitigations will need to be identified prior to any final decision to proceed. The current ongoing revenue budget gap assumption is £0.890m per annum before any cost/income mitigations. The risks include:

- Volatility of debt financing costs -current interest rates are between 1% and 1.25% higher than assumed which adds between £0.300m and £0.500m
- Overall contract project cost is in line with projections – a 3% inflation increase above existing inflation provisions will increase revenue debt costs by £0.100m pa.
- Confirmation and level of infrastructure grant from Homes England – the absence of grant funding would increase debt costs by a minimum of £0.250m pa.
- Outcome of the leisure contract tender and income improvement from the new facility – the expected net increased income is between £1.06m and £1.450m pa.
- Timing and level of the capital receipt from the housing element – additional financing costs of £0.100m per month delay.

Name of finance officer consulted: James Hengeveld

Date consulted: 31/03/26

7. Legal implications

7.1 The Council has a power under s.19 Local Government (Miscellaneous Provisions) Act 1976 to provide recreational facilities within its area and a duty under NHS Act 2006 to take such steps as it considers appropriate to improve the health of the people in its area. In addition, the Council has the general power of competence contained in section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by these decisions. The recommendations in this report are in keeping with these powers.

7.2 The Council entered into an Access Agreement with Alliance Leisure under the UK Leisure Framework Agreement ("Framework") for the design and preconstruction services in January 2025. The Framework scope covers the demolition and enabling works proposed by this report, and the work can be completed by one of the admitted suppliers on the Framework under a Development Management Agreements which will permit Alliance Leisure to enter into the building contracts with the admitted supplier for these works. Wilmott Dixon will then sub-contract the works to their subcontractors. The Legal team with external support will assist the City Operations Service in reviewing and agreeing the form of both contracts.

Name of lawyer consulted: Siobhan Fry *Date consulted (19/03/26):*

8. Risk implications

8.1 A comprehensive approach to identifying, managing, and mitigating risks has been implemented as part of the project management process. This

includes regular risk reporting to the project board. The current headline risks for the project are summarised below:

- **Programme delays / inflationary pressures.** A detailed cost plan and a credible programme for delivery has been developed with the design team and main contractor. However, the complexities of the site and its proximity to the coast exposes the project to risk of delays from adverse weather. Cost inflation in the construction sector remains high, so delays to delivery could give rise to further cost increases. This risk is being mitigated by factoring in appropriate contingency to both the programme and budget.
- **Delays at the planning application stage.** Whilst the planning application will relate only to the sport and leisure centre, not the separate residential development, the complexity of the site and the project could result in delays to the planning determination. This risk is being mitigated by the design team and planning consultants beginning early engagement with the planning authority. This has included establishing a Planning Performance Agreement with the planning authority, and a pre-app meeting in November prior to the submission of the planning application at the end of February. The project team has also met with the DesignPLACE review panel twice (on 20 June and 30 October). Feedback from those sessions has informed the subsequent iterations of the design. Ahead of the planning application, a further round of public engagement on the proposed designs took place as described in section 5.
- **Financial risk.** The project is reliant on a mix of funding sources including capital receipts, Homes England Grant Funding, debt financing and potential future revenue. Whilst the financial viability of the project has been examined in detail in the two previous cabinet papers (July 2024 and September 2025) there are risks associated with each of the funding sources. Risks associated with the capital receipt and future revenue are being mitigated through updated land valuations and revenue projections. The project team remain in regular dialogue with Homes England, and have worked with the design team and contractors to identify a comprehensive grant proposal for all of the enabling works which can potentially be funded. The financing costs of the borrowing is affected by macroeconomic factors and world events. The cost of debt has a significant bearing on the net revenue impact on the council. The council retains treasury advisors to support the financing strategy for this project. Inflation assumptions are particularly impacted by world events and therefore an acute financial risk at present. The overall project sum includes £9.8 million for contingency and contract inflation.
- **Practical delivery issues on site.** The complexity and uncertainties associated with the site mean that delays and cost increased could result from issues associated with demolition / enabling works, rerouting of services, maintaining access to the electricity substation and related matters. These risks are being mitigated through site survey work and other relevant investigations commissioned through the design team.

- **Site management.** The constrained site, and proximity of the adjacent the A259 cycleways and groyne replacement projects pose a logistics risk. This risk is being mitigated through liaison with both projects to agree practical solutions. In particular, the project team is working with groyne replacement project team to agree use of the adjacent event space to provide temporary parking capacity, and liaising with the A259 project team to agree the most workable plan for routing vehicles into and out of the car park.
- **Homes England grant funding.** Realising the maximum value for the sale of part of the site for residential development will be dependent on securing grant funding for Homes England to support demolition and remediation works. Grant funding is also being sought to support enabling works for the new leisure centre part of the site. This risk is being mitigated through regular close liaison with Homes England, including site visits, with a view to securing grant funding to support both the remediation of the residential part of the site, as well as any eligible enable works and infrastructure costs for the leisure centre development.

9. Equalities implications

- 9.1 Ensuring that the new facility is as inclusive and accessible as practicably possible has been a central theme that has informed the project since its inception. The Council plan for 2023-2027 sets out under its 'outcome 3' the commitment to deliver 'a healthy city where people thrive'.
- 9.2 The successful delivery of the new King Alfred facility will be a key step in ensuring the council makes good on that commitment. With that in mind, the project team has prioritised engaging with communities representing the diversity of the city and has considered how the delivery of a new facility can help in addressing health inequalities across the city.
- 9.3 In particular, the project team has prioritised accessibility for disabled users. Throughout the life of the project we have engaged closely with groups and organisations representing disabled people, including Possability People, The Sussex Sight Loss Council, and the Dolphins Disabled Swimming Club. The team has also engaged closely with the council's equalities and inclusion and drawn on their knowledge and experience in meeting the needs of disabled people. Specific activities have included:
- focus groups held with representatives of disabled organisations, disabled people's sports clubs, and community groups
 - meetings on site with disabled sports clubs to understand their needs
 - a 'simulation walk' for members of the design team, arranged with the Sussex Sight Loss Council, to help the team understand the needs of visually impaired people.
- 9.4 The design team also have extensive experience in designing and delivering accessible facilities. That experience will inform the design of the new King Alfred to ensure the facility can be easily navigated. Some specific features will include:

- a Changing Places facility which is well located for potential users of the centre and also members of the public who may need that level of facility when out and about in the area.
 - both pools will have gradual walk-in steps and a PoolPod to ensure those with mobility needs and disabilities will be able to have independent entry into both pools. The pool pods provide a much better option than traditional ‘oxford hoists’ for providing disabled swimmers (and others, such as parents with young babies) with independent, safe, and dignified access in and out of the pool.
- 9.5 The design proposals have been reviewed by the council’s own accessibility adviser, and by an independent accessibility consultant. Their input has helped inform some of the very detailed elements of the design, such as the exact location of doorways within the building, location and design of opening mechanisms for doorways, and the widths of walkways in the car park area.
- 9.6 That work is set out in more detail in the [September 2025 Cabinet Paper](#). That paper explains more about the development of the project’s equalities impact assessment (EIA) and explains how that has informed the project as it has developed.

10. Sustainability implications

- 10.1 From the project’s inception, the project team have prioritised ensuring that the new facility reflects best practice in sustainability and energy efficiency. The new facility has been designed to meet the BREEAM ‘excellent’ standard (a planning requirement) and to reflect the principles of the UK Net Zero Carbon Buildings Standard.
- 10.2 The core design team (GT3 Architects, Engenuiti structural engineers, and Van Zyl & deVilliers mechanical and electrical engineers) have an excellent track record in designing and delivering energy efficient facilities including the [Eclipse Leisure Centre](#) for Spelthorne District Council – the first Pasivhaus accredited wet and dry sport and leisure facility in the country. Learning from those projects has informed the design of the new King Alfred.
- 10.3 Further details on the project team’s approach to maximising sustainability, including specific requirements set out in the project’s sustainability brief, are provided in the [September 2025 Cabinet Paper](#)

11. Health and Wellbeing Implications:

- 11.1 The new King Alfred Leisure Centre is a key element of the council’s [Sports Facilities Investment Plan 2021-2031](#), and as such will play a key role in improving health and wellbeing of the local community.
- 11.2 The business case completed last year examined the health and wellbeing benefits that the new facility could help deliver. This included examining the direct benefits of having more residents participate in active leisure. More

information about the health benefits expected from the new facility are set out in both the [September 2025 Cabinet Paper](#) and the earlier [Cabinet paper, July 2024](#).

Other Implications

12. Procurement implications

- 12.1 Following Cabinet's decision in July 2024 to proceed with the project the officer team undertook programme of soft market engagement throughout July, August and September to investigate and evaluate the procurement approaches available for the professional team. That process is described in more detail in the [September 2025 Cabinet Paper](#).
- 12.2 However, in brief, that process entailed examining the available procurement frameworks (e.g. Pagabo, Scape, Crown Commercial Service, and others), considering a restricted tender process, engaging with clients who had recently procured architects and professional teams for similar projects, and visiting a number of sports and leisure centres either recently completed or currently in construction including: Spelthorne Leisure Centre (Passivhaus accredited), Cranleigh Leisure Centre, Winchester Sport and Leisure Park, Ravelin Sports Centre and Kingston Leisure Centre and discussing the key learnings with the clients, architects, and contractors.
- 12.3 The outcome of the engagement was that officers recommended that the architect and professional team for the King Alfred Regeneration Project be procured through the UK Leisure Framework which is accessed through development partner Alliance Leisure. A decision was taken under delegated authority by the Corporate Director City Services to use the framework on 29 October 2024 in accordance with the delegated authority agreed at the July Cabinet meeting.
- 12.4 The UK Leisure Framework provided access to the leading professional consultants and contractors in the leisure sector, and also offered a more rapid means of appointing the team, compared to a tendering approach. Currently, across the construction sector many consultant teams and tier 1 contractors are reluctant to participate in tendering exercises, given the high cost of preparing a bid and the uncertainty in whether the bid will be successful. With that in mind, procurement through a framework frequently provides a more reliable and rapid means of securing the best team. All of the consultants and contractors on the framework will have passed through a qualifying process, which includes examining value for money.
- 12.5 As set out in the September 2025 paper, once the UK Leisure Framework was selected as the preferred procurement route, officers worked with Alliance Leisure to identify the architect and lead consultants on the framework best suited to taking forward the next stages of the design of the new King Alfred facility. A lead professional team was identified which was then considered and agreed by the council's procurement team and the Director acting under delegated authority and appointed by Alliance in January 2025.

- 12.6 In line with the council's procurement requirements, the selection process for identifying the preferred contractor for the construction entailed running a mini-competition with contractors on the UK Leisure Framework. The shortlist of contractors was chosen with Alliance Leisure and the design team and reflected the contractors' experience in delivering similar facilities on challenging coastal sites, and the contractors' capacity and availability to deliver the project to the council's planned schedule.
- 12.7 Through the mini competition process, Willmott Dixon Construction (WDC) emerged as offering the most compelling proposal and best value for money. WDC were appointed on a pre-construction services agreement (PCSA) agreement on 31 May 2025 by the Corporate Director using the delegated authority agreed by Cabinet at its meeting on 18 July 2024. The proposal submitted by WDC included their plans for demolition and enabling works in addition to the main construction of the new facility. Separate contracts are being agreed for the enabling and demolition works.
- 12.8 A decision on the appointment of the main contractor will be taken by Cabinet this Autumn. Currently, it is expected that Willmott Dixon will be recommended for that appointment. However, the Alliance Framework enables the council to leave the agreement, and for example, appoint a different main contractor to deliver the new facility, retaining ownership of all the design work created to that point. Opting for an alternative contractor would however have significant implications for the delivery schedule of the project.

13. Crime & disorder implications

- 13.1 A new facility will provide an opportunity to positively influence crime rates. Research shows that good quality sports and leisure facilities help to build community cohesion and can assist in reducing levels of anti-social behaviour and other low-level nuisance and criminality.

14. Conclusion

- 14.1 Cabinet is asked to consider the information set out in this paper and supporting documents and agree that the project proceeds, along with the other recommendations as set out in section 2. With that agreement, the Council will enter into contract with Alliance Leisure as delivery partner and Willmott Dixon Construction as main contractor to undertake the demolition of the disused bowling alley area. That work is scheduled to complete in autumn of this year, with the construction of the main facility to begin thereafter in November 2026.
- 14.2 Ahead of the commencement of the main construction work, a further paper will be brought to Cabinet in September to set out the agreed final budget for the new facility and to seek approval to enter into the main delivery agreement for the new facility.

Supporting documentation

1. Appendices

None.

2. Background documents

1. Brighton and Hove City Council [Sports Facilities Investment Plan 2021 to 2031.](#)

Brighton & Hove City Council

Cabinet

Agenda Item 169

Subject: Temporary Accommodation Transformation for Financial Sustainability

Date of meeting: Thursday, 23 April 2026

Report of: Cabinet Member for Housing

Lead Officer: Name: Corporate Director for Homes & Adult Social Care

Contact Officer: Name: Harry Williams

Email: harry.williams@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: Yes

Reason(s) Key: Is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards).

For general release

1. Purpose of the report and policy context

- 1.1 This report sets out the scale and nature of homelessness in Brighton & Hove, the council's current use of temporary accommodation, and the associated social and unsustainable financial impact.
- 1.2 It explains how the council will transform its temporary accommodation portfolio in response, shifting away from costly and unplanned nightly paid provision towards a more sustainable mix of better quality council-owned, leased, block-booked and supported accommodation over the Medium Term Financial Plan.
- 1.3 It includes a series of interconnected recommendations which taken together will achieve this change, in line with the Council Plan outcome of a fair and inclusive city and the council's recent Homelessness & Rough Sleeping Strategy.

2. Recommendations

That Cabinet;

- 2.1 Agrees to continue the use of using Housing Revenue Account voids as Temporary Accommodation from 19 January 2026 up to 1 May 2027,

subject to the exemptions described at paragraph 4.4 and 4.5, with a maximum of 180 properties in scope over that time period.

- 2.2 Agrees the amended policy on the use of Housing Revenue Account voids as Temporary Accommodation as set out at Appendix 1 of the report.
- 2.3 Notes the Equality Impact Assessment in relation to the use of voids as detailed at Appendix 2 to the report.
- 2.4 Agree the new rent review policy as set out in paragraph 5.1 to 5.8 which will set council-owned and long-term leased Temporary Accommodation rents at the appropriate Local Housing Allowance (LHA) Rate for the type of accommodation.
- 2.5 Note the findings of the Equality Impact Assessment as detailed at Appendix 3 to the report.
- 2.6 Agree to the establishment of a new hardship fund for households who are in the relevant council-owned, and long-term leased properties who may otherwise be adversely financially impacted as a result of the rent review not in receipt of benefits. The scope, purpose and operation of the hardship fund are detailed in Appendix 4, with the intention of providing support during the transition to the new rent arrangements.
- 2.7 Agree to delegate authority to the Corporate Director of Homes and Adult Social Care, in consultation with Cabinet Member for Housing, to align rents for council owned properties owned or on long leases by the Council and used as TA with any future increases in Local Housing Allowance rates.
- 2.8 Agree to delegate authority to the Corporate Director of Homes and Adult Social Care, in consultation with Cabinet Member for Housing to finalise the supporting documents and operational guidance for the hardship fund in accordance with the scope set out in Appendix 4.
- 2.9 Agree the principle of working with Registered Providers to develop an Exempt Supported Temporary Accommodation model that reduces reliance on high- cost spot- purchased placements and provides vulnerable residents with stable accommodation and embedded support.
- 2.10 Agree the creation of a nomination process and Service Level Agreement with Registered Providers to govern delivery of the model, clarify roles and responsibilities and establish an appropriate approach to risk- sharing.

3. Context and background information

- 3.1 Brighton & Hove is experiencing sustained and acute pressure in demand for homelessness services. High housing costs, limited availability of genuinely affordable homes and increasing complexity of need have driven a prolonged increase in demand for temporary accommodation. More than 2,100 households are currently living in emergency or temporary accommodation, around 40% of whom include children.

- 3.2 Prolonged stays in temporary accommodation, particularly nightly-paid provision, are associated with poorer outcomes for households, including disrupted education for children, and negative impacts on physical and mental health.
- 3.3 Related to these pressures in demand is the sharp increase in financial cost of meeting the council's statutory homelessness duties. Nightly-paid accommodation remains the most expensive form of provision and continues to be relied upon as supply fails to keep pace with demand.
- 3.4 In 2025/26 the council is forecasting an overspend of around £6m on temporary accommodation. In 2026/27 the council has committed an additional £11m to manage homelessness pressures alongside £5m of agreed savings and a further £5.4m of savings is required across the Medium Term Financial Plan (MTFP) to 2029/30 to place temporary accommodation spending on a more sustainable footing.
- 3.5 Without structural change, reliance on high-cost emergency and nightly-paid accommodation would continue to increase, driving higher spend, greater use of out-of-area placements and poorer outcomes for households, while increasing financial risk to the council.
- 3.6 In response, the council has taken immediate action to stabilise the system while longer-term solutions are developed. This has included converting some nightly-paid arrangements into contracted provision through a Direct Award and introducing a time-limited policy from 19 January 2026 to use selected council-owned homes as temporary accommodation.
- 3.7 While these measures have helped reduce immediate financial pressure, demand remains high and alternative supply takes time to deliver. Demand is currently growing by around 166 households per year. On a "do nothing" basis, modelling indicates growth of approximately 664 additional households by the end of the MTFP, increasing overall numbers to around 2,860 households by 2029/30.
- 3.8 The recommendations in this report form part of a wider transformation programme to improve the financial sustainability of temporary accommodation and set a different path for the city. They are designed to fundamentally change the shape, cost and quality of provision. Under this approach, temporary accommodation is expected to grow by around 220 households over the Medium Term Financial Plan, resulting in total numbers of approximately 2,440 households by 2029/30 and reflecting a whole-system shift away from nightly-paid accommodation.
- 3.9 Achieving this change depends on coordinated action across three inter-connected areas: reducing inflow through stronger prevention; accelerating move-on for households already in the system; and increasing the supply of planned, lower-cost and stable provision.

4. Using council-owned homes as Temporary Accommodation

- 4.1 As set out in the report to the Leader of the Council on 14 January 2026, the council introduced a time-limited policy from 19 January 2026 to allow the use of selected Housing Revenue Account (HRA) void properties as temporary accommodation.
- 4.2 During the interim period, the policy has been used to move households from some of the least suitable and most disruptive forms of accommodation into self-contained, council-managed homes. The majority of nominations (86%) have been for households previously placed in high-cost nightly-paid or spot-purchased accommodation, often assessed as unsuitable, unstable and, in many cases, located outside the city.
- 4.3 At the time of writing this report, 42 council homes have been repurposed as temporary accommodation, with a further 19 expected to become available by 1 May, bringing the total to 61 homes. A pipeline of a further 43 properties is being progressed by the council's Empty Homes team.
- 4.4 The interim policy was introduced in response to acute and exceptional pressures, and while early outcomes have been positive for households in nightly-paid accommodation, the underlying drivers of demand have not materially reduced. Supply constraints, the time required to bring forward alternative accommodation mean that, without further action, the council would remain exposed to renewed growth in nightly-paid placements and associated financial risk.
- 4.5 An extension of the policy from 19 January 2026 to 1 May 2027, subject to the existing exemptions and safeguards and with a maximum of 180 properties in scope, is therefore considered necessary to sustain progress while wider prevention, supply and move-on measures continue to take effect. Without extending the policy, the council would be unable to sustain current reductions in nightly-paid and out-of-area placements, exposing the General Fund to renewed cost growth and undermining the delivery of the temporary accommodation savings assumed within the Medium Term Financial Plan.
- 4.6 Following the council's consultation on the use of council homes as temporary accommodation, discussed later in this report, the proposed extension includes two changes to the policy. These are the exclusion of 4-bedroom homes and the introduction of a more flexible approach to allocation, with a cap of no more than 180 properties over the period, to enable the council to increase or decrease the number of homes used as temporary accommodation on a month-by-month basis as supply becomes available.
- 4.7 These changes are intended to mitigate the impact on households on the council's housing register, as set out in the report to the Leader of the Council on 14 January 2026 and discussed further in Section 11 of this report.

5. Reviewing Local Housing Allowance rates (LHA) in council-owned and long-term leased Temporary Accommodation

- 5.1 A combination of national factors is driving the rising cost and financial unsustainability of temporary accommodation, including the widening Housing Benefit subsidy gap and the continued use of Local Housing Allowance (LHA) rates frozen at January 2011 levels, which no longer reflect current rental markets. The Local Government Association reports that in 2024/25 local authorities spent £1.27bn on temporary accommodation but were reimbursed £911m, creating an annual shortfall of nearly £360m. The government's National Plan to End Homelessness (December 2025) similarly acknowledges record levels of pressure and the need for more sustainable funding arrangements.
- 5.2 As part of the council's wider temporary accommodation financial sustainability programme, an opportunity has been identified to improve Housing Benefit subsidy recovery by reclassifying eligible council-owned and long-leased temporary accommodation within the Housing Revenue Account (HRA) and aligning rents with the relevant 2025/26 LHA rates. This is particularly timely given the council's emerging supply strategy, which will increase the number of council-owned homes used as temporary accommodation over the medium term.
- 5.3 The council has identified council-owned and long-leased properties that will be reclassified to ensure they are correctly categorised for Housing Benefit subsidy purposes, maximising recovery from the Department for Work and Pensions within the existing framework. Rents on these properties will be aligned with current 2025/26 LHA rates, ensuring income more accurately reflects the cost of provision and that subsidy recovery is calculated on the correct basis.
- 5.4 Aligning rents with LHA rates is consistent with existing arrangements when households move from temporary accommodation into settled homes in the private rented sector. It also helps ensure that the Housing Revenue Account, which is statutorily ring-fenced and required to be financially self-sustaining, is not placed under ongoing pressure from rents set materially below recoverable subsidy levels.
- 5.5 Based on the current 282 council-owned temporary accommodation properties, financial modelling indicates that these proposals could generate a net increase in rental income of approximately £1.3m per annum by 2027/28, after allowing for void losses, arrears and the operation of a hardship fund. Full modelling assumptions and financial tables are set out in Appendix 8.
- 5.6 Affordability remains a central consideration. For the majority of households living in council-owned temporary accommodation, there is expected to be no change in affordability, as Housing Benefit entitlement will increase in line with revised rent levels. A small number of households may experience higher charges.

- 5.7 For households who may be adversely affected, a dedicated hardship support fund will be established, alongside personalised advice and welfare entitlement checks, to minimise the risk of financial hardship as a result of the transition. Support will be time-limited and targeted while sustainable longer-term solutions are secured. Full details are set out in Appendix 4.
- 5.8 Subject to Cabinet approval, the revised rent-setting policy will apply consistently to all existing and future council-owned and long-leased temporary accommodation, including homes brought into use through the extension of the council housing voids policy and new acquisitions.

6. Developing an Exempt Supported Temporary Accommodation Model

- 6.1 Alongside rising demand, the council's Homelessness and Rough Sleeping Strategy identifies increasing vulnerability and complexity of need among households living in temporary accommodation. For some households, the current system does not consistently provide the level of support required, contributing to longer stays and limiting effective move-on.
- 6.2 Supported Exempt Accommodation (SEA) offers a way to address this challenge. Delivered by not-for-profit providers such as registered providers, charities or voluntary organisations, SEA enables accommodation to be provided alongside more than minimal care, support or supervision. Nationally, this model is recognised as an effective means of providing greater stability, improving outcomes and supporting households to move towards independent living.
- 6.3 SEA also operates under a different Housing Benefit framework to general temporary accommodation. Where eligibility criteria are met, Housing Benefit can cover up to 100% of reasonable eligible rent and associated housing-related management costs. In contrast, the council can recover only a capped level, resulting in significant subsidy loss in high-cost areas such as Brighton & Hove.
- 6.4 Partnering with registered providers maximises subsidy recovery and ensures accommodation is delivered and managed by organisations with the capacity and experience to provide appropriate housing and embedded support. This approach allows the council to retain control over nominations, oversight and quality standards through formal service-level agreements, while reducing reliance on the most expensive and least stable forms of temporary accommodation.
- 6.5 To assess the viability of this approach locally, the council commissioned 31ten to develop an initial feasibility assessment and indicative financial modelling for a Supported Exempt Accommodation model. This work demonstrated the potential to reduce reliance on nightly-paid accommodation, strengthen Housing Benefit recovery and provide more intensive housing management and support for specific households entering temporary accommodation.

6.6 This feasibility work has since been developed into a more detailed business case, setting out the proposed model, governance arrangements and indicative financial benefits. The full business case is included at Appendix 7.

7.0 Analysis and consideration of alternative options

7.1 In developing the proposals set out in this report, the council has considered alternative options in relation to each set of recommendations.

7.2 In relation to the use of council-owned homes, one alternative option considered was making greater use of direct offers of settled housing, within HRA stock to households living in temporary accommodation. This approach was suggested by the People Overview & Scrutiny Committee as part of its consideration of the interim policy. While direct offers remain an important tool and can be used in exceptional circumstances, this option is not viable at scale. The council's allocations framework is based on Choice Based Lettings, with direct offers reserved for limited circumstances. Expanding their use would risk undermining fairness and transparency, reduce flexibility to respond to fluctuating demand, and constrain the council's ability to prioritise urgent rehousing activity, including Large Panel System (LPS) blocks. Limited availability of settled homes also means that many households would still require interim accommodation, maintaining pressure on high-cost provision.

7.3 The recommended option is therefore a time-limited and flexible approach to the use of council-owned homes, with a clear cap on the total number of properties in scope. This approach was refined in response to consultation feedback and is considered the most balanced option available at this stage.

7.4 Three options were considered in relation to rent setting for council-owned and long-leased temporary accommodation. The first was a 'do nothing' option, retaining rents at 90% of the January 2011 Local Housing Allowance rates. This option was discounted as it would perpetuate Housing Benefit subsidy losses.

7.5 A second option was a partial uplift towards current Local Housing Allowance rates. This was also discounted, as there is no clear rationale for setting rents below applicable LHA rates where Housing Benefit will meet the rent in full for the majority of households. This approach would only partially address the subsidy gap, introduce additional complexity, and fail to deliver proportionate financial benefit.

7.6 The recommended option is to align rents with the relevant 2025/26 Local Housing Allowance rates. This maximises Housing Benefit recovery, improves financial sustainability and remains affordable for the majority of households. For households not in receipt of full Housing Benefit, a hardship support fund is proposed to ensure affordability is managed.

7.7 Two broad options were considered in relation to meeting the needs of households with higher or more complex support requirements. The first was

to continue with existing temporary accommodation arrangements, while seeking efficiencies within the existing system, it would not address the underlying cost pressures associated with high-cost private sector placements, or strengthen support pathways for households with complex needs. This option does not provide a sustainable long-term approach.

- 7.8 The second option, and the recommended approach, enables delivery of more stable, supported accommodation, improves Housing Benefit recovery, and strengthens financial sustainability, while providing clearer governance, defined standards and integrated support. Independent technical and financial analysis commissioned by the council indicates that this option offers a more sustainable alternative to continued reliance on high-cost nightly-paid accommodation.

8. Community engagement and consultation

- 8.1 Given the urgency of the financial pressures facing the council, it was not feasible to undertake public consultation prior to the introduction of the interim policy in January 2026. However, a full six-week public consultation on the interim use of council-owned homes as temporary accommodation was subsequently undertaken, running from mid-February to 1 April 2026.
- 8.2 The consultation generated a high level of engagement, with 378 responses received. A full report summarising the consultation findings is provided at Appendix 5. Of respondents, 39.7% identified as being on the council's housing register, 32% were living in temporary or emergency accommodation, and 12.4% were council tenants or leaseholders. Around half of respondents supported the proposal to use a limited number of empty council homes as temporary accommodation or were neutral or unsure.
- 8.3 A range of engagement methods were used to support participation, including the council's online consultation hub, an article in *Homing In*, targeted bulletins, and direct communications to households on the housing register and those living in temporary accommodation. In parallel, the proposals were considered by the People Overview & Scrutiny Committee on 17 March 2026, enabling structured scrutiny and Member feedback to inform the council's response.
- 8.4 Responses showed broad support for the principle of using empty council homes as temporary accommodation, particularly where this results in improved quality, safety and stability compared with nightly-paid or out-of-area placements. Many respondents, including families with children and households with additional needs, highlighted poor conditions, instability and adverse impacts on health, wellbeing and education associated with existing temporary accommodation. Respondents also highlighted the high public cost and poor outcomes associated with prolonged use of nightly-paid accommodation, reinforcing the need for the council to prioritise more stable, lower-cost forms of provision while longer-term supply is delivered

- 8.5 At the same time, the consultation identified consistent concerns from people on the housing register about reduced availability of homes for bidding, longer waiting times, and issues of fairness and transparency. These concerns were particularly strongly expressed by households who had been bidding for extended periods or were living in overcrowded or accommodation inappropriate for their households' needs.
- 8.6 The consultation findings have directly informed the recommended approach set out in this report. In response to feedback, the council has amended the policy to introduce a clear overall cap, apply a more flexible month-by-month approach, exclude four-bedroom homes. These changes are intended to mitigate impacts on households waiting for settled housing while retaining the council's ability to reduce reliance on the most unsuitable and costly forms of temporary accommodation.
- 8.7 The council has carefully considered the views expressed through the consultation, including the strength of feeling among around half of respondents who opposed an extension of the policy. These views have been balanced against those of respondents who supported the proposal or were neutral or unsure, and against the outcomes achieved to date. These outcomes include improved quality and stability of accommodation for households, increased provision of in-city accommodation, and reduced reliance on high-cost nightly-paid provision, helping to release resources to support households experiencing homelessness more effectively. On balance, the recommendations set out in this report are considered the most appropriate way of proceeding.
- 8.8 Formal public consultation is not required in relation to changes in rent setting for temporary accommodation, as these are implemented within the statutory framework governing council housing rents and homelessness duties. However, the council has undertaken a full Equality Impact Assessment to understand how the proposed changes may affect households with protected characteristics and to inform the development of appropriate mitigation measures, as outlined further on in this report.
- 8.9 Formal public consultation has not been undertaken at this stage in relation to the development of a Supported Exempt Temporary Accommodation model, reflecting that the work to date has focused on developing a delivery model and partnership framework rather than proposing changes to service entitlements, allocation policies or residents' rights. Instead, the council has engaged specialist external advisers, 31ten, to undertake independent technical and financial analysis, which has informed the proposed model, including governance arrangements, risk management and indicative financial benefits. Engagement with Registered Providers and wider market participants will form part of the next phase of work, alongside further consideration of equalities implications should the model be expanded or materially altered in future.

9. Financial implications

- 9.1 As outlined in the main body of the report, there are significant financial challenges to meeting the current levels of demand for Temporary Accommodation in the city. The proposals in the report aim to reduce reliance on the most expensive forms of temporary accommodation to ensure the council has a more sustainable financial position across the Medium Term Financial Plan (MTFP).
- 9.2 The proposed transformation plan for Temporary accommodation sustainability include time-limited use of selected HRA void properties as temporary accommodation, changes to rent setting for council-owned temporary accommodation to improve cost recovery and the development of an exempt supported accommodation model.
- 9.3 The projected savings to the General Fund from making full use of all HRA void properties available between 19 January 2026 and 1 May 2027 amount to £0.092m for 2025/26, £1.336m 2026/27 and £0.476m in 2027/28, £1.704m in total. These savings are based on reducing reliance on emergency and out-of-area placements for temporary accommodation. The savings assume the number of council-owned temporary accommodation units increase by 180 in total which is expected to have an annual cost of £1.053m on the Housing Revenue Account (HRA) allowing for necessary repairs and maintenance, of which approximately £0.270m will be a pressure above the level anticipated through voids materialising as part of the council's regular Housing Allocations Policy.
- 9.4 The proposed rent increase of Temporary Accommodation properties within the HRA to full 2025/26 Local Housing Allowance levels is projected to result in additional income to the HRA of £0.425m in 2026/27 and a further £0.852m in 2027/28 above the current rent levels, based on the existing stock of 282 units.
- 9.5 The figures above do assume the creation of a hardship fund totaling £0.203m per annum, as outlined in the main body of the report.
- 9.6 Currently the council's MTFP includes a recurrent general fund saving of £0.820m for this proposal and it is expected that this will be delivered through full cost recovery of the management for council-owned temporary accommodation units.
- 9.7 The report details the financial benefits of an exempted supported accommodation model including reducing reliance on spot-purchased placements and lower net unit costs per household. Detailed financial implications will need to be modelled as part of future plans and the council's MTFP includes a recurrent general fund saving of £0.681m from 2026/27 linked to this proposal.

Name of finance officer consulted: Sophie Warburton Date consulted: 26/03/2026

10. Legal implications

- 10.1 The council is under a duty to provide temporary accommodation for homeless individuals and households under Part 7 of the Housing Act 1996. Under S206 local authorities must secure suitable accommodation for homeless applicants. Suitability is not strictly defined by law but depends on individual circumstances, including affordability, space, health needs, and proximity to services. Section 208(1) imposes a duty to 'so far as reasonably practicable [...] secure that accommodation is available for the occupation of the applicant in their district'.
- 10.2 The report sets out the exceptional pressures being experienced by the council to find sufficient suitable Temporary Accommodation at reasonable cost, and the impact on the council's overall budget and ability to meet a range of statutory duties including the duty to prevent homelessness.
- 10.3 In considering options for the use of the void homes, the council is entitled to consider where assets can have the greatest impact, and there is no legal bar to the use of HRA council voids for Temporary Accommodation.
- 10.4 Where the council has a statutory obligation to provide accommodation pursuant to obligations under Part VII Housing Act 1989, the proposed time limited interim policy for the allocation of a maximum number of HRA voids for use as temporary accommodation legitimately aims to both assist the council to meet statutory duties in relation to homelessness in a manner which is more effective in meeting the needs of those in need of accommodation, and mitigate the excessive spend on Temporary Accommodation.
- 10.5 The voids policy sets out the considerations for the allocation of HRA council voids for TA and specifies exemptions to the use of voids for temporary accommodation.
- 10.6 The social benefits of the use of council voids for temporary accommodation, especially in relation to families with children, are a relevant consideration. It is, however, recognised that the allocation of a limited number of council voids to use as temporary accommodation over the time period specified will impact on those people who are on the waiting list for council accommodation or eligible for transfers. Given the extent of the financial challenges faced by the council commissioning sufficient temporary accommodation to meet statutory obligations, and the complex needs of the homeless population requiring temporary accommodation, the adoption of this temporary measure is considered proportionate to the challenge faced by the council.
- 10.7 HRA voids offered as temporary accommodation will be the subject of non-secure tenancies. This would require possession proceedings should the council require the return of the property and so offers a greater degree of security to eligible households than temporary accommodation by way of licenses.
- 10.8 The Local Government and Housing Act 1989 sets out legal requirements in relation to housing finance, in particular a duty under Section 74 of the Act to

maintain a Housing Revenue Account (HRA). Pursuant to Section 76 of the Act, the council is required to budget to prevent a debit balance on the HRA and to implement and review the budget.

- 10.9 Section 24 of the Housing Act 1985 gives the council power to ‘make such reasonable charges as [it] may determine for the tenancy or occupation of [its] houses’. Section 24 additionally requires the council, from time to time, to review rents and make such changes as circumstances may require. Section 24(5) of the Housing Act 1985 states that in exercising the functions under section 24, the council shall have regard in particular to any relevant standards set for them under section 193 of the Housing and Regeneration Act 2008.
- 10.10 There is established precedent by other councils that where TA is owned by the council and let out to a homeless household in performance of a statutory homelessness duty (1996 Housing Act Part VII) under licence or non-secure agreement the DWP subsidy system can cover 100% of the actual rent charged for households who qualify for benefits. The council is proposing to reclassify those properties that it owns and uses for Temporary Accommodation so that Housing Benefit subsidy can be claimed for 100% of the actual rent charged. In order to fully maximise Housing Benefit Subsidy income, it is proposed that rents for council owned properties be made consistent with current Local Housing Allowance rates.
- 10.11 Local Housing Allowance (LHA) rates are set annually by the DWP and are the maximum amount of Housing Benefit households living in private rented accommodation can receive. LHA rates are based on average rents and vary across both property sizes and different geographic areas. LHA rates are based on private market rent being paid by tenants in a broad rental market area and are intended to reflect the cost of renting modest accommodation.
- 10.12 Section 206 (2) (a) of the Housing Act 1996 allows a local authority discharging its functions under Part VII of the Housing Act 1996 by providing temporary accommodation, to require the person to whom the duty is being discharged to pay such reasonable charges as the council may determine. Section 206 (1) of the 1996 Act also requires the accommodation provided in discharge of homelessness functions to be suitable and that means that it must be affordable. Setting the rent levels at the LHA subsidy rates should ensure that the accommodation is affordable. Those households who do not have access to benefits to cover the increase to LHA rates may be eligible for support under the terms of the hardship fund proposed.
- 10.13 Section 210(1) of the Housing Act 1996 provides the Secretary of State with power to issue orders specifying the circumstances in which accommodation is or is not to be regarded as suitable and matters to be taken into account in determining whether accommodation is suitable for a person. Article 2 (a) of the Homelessness (Suitability of Accommodation) Order 1996 requires the financial resources available to that person to be taken into account, including (but not limited to) “(ii) social security benefits”. Article 2(b) requires the costs in respect of the accommodation to be taken into account,

including but not limited to (among other things) “(i) payments of, or by way of, rent; (ii) payments in respect of a licence or permission to occupy the accommodation”. When considering suitability for a specific individual, the council should also be able to take into account the availability of the hardship fund now proposed.

- 10.14 The Income-related Benefits (Subsidy to Authorities) Order 1998 sets out the rules for what housing benefit subsidies may be claimed by the council from the Department for Work and Pensions. Where the council holds property for the purpose of self-contained temporary accommodation by way of long lease over 10 years or on a freehold basis, (and where none of Articles 14, 16, 17, 17A, 17B and 17C of the 1998 Order applies) precedent suggests that the council should be able to recover 100% of its “qualifying expenditure” as defined at Article 11(2) and (3) of the Subsidy Order, regardless of whether the accommodation is accounted for within a HRA or within the General Fund.

Name of lawyer consulted: Natasha Watson

Date consulted: 27/03/2026

11. Risk implications

- 11.1 The proposals set out in this report respond to acute and sustained pressures within the council's homelessness and temporary accommodation system. An overarching risk, which applies across all recommendations, is that the council does not achieve the required financial sustainability in the provision of temporary accommodation. If the proposed measures are not taken and the council's reliance on high-cost nightly-paid accommodation continues, it would remain exposed to significant and ongoing financial pressures within both the General Fund and the Housing Revenue Account. This would increase the risk of continued overspends and constrain the council's ability to meet its statutory duties.
- 11.2 A specific risk associated with the continued use of council-owned homes as temporary accommodation is the temporary reduction in the availability of settled housing for households on the housing register, potentially increasing waiting times for some applicants, including households living in overcrowded or unsuitable accommodation. This risk is recognised in the report to the Leader of the Council and has been a consistent theme raised through consultation and scrutiny.
- 11.3 This risk is mitigated through the recommended capped and flexible approach, with a maximum of 180 homes in scope over a time-limited period, representing around 20% of annual lettings. The ability to increase or reduce use month-by-month allows the council to respond to peaks and troughs in demand, including specific rehousing requirements linked to Large Panel System blocks, while reducing the risk of unnecessary or prolonged removal of homes from general lettings. Additional mitigations include strengthened exemptions, the exclusion of four-bedroom homes, clear governance through a Lettings Panel, and ongoing monitoring of impacts.

- 11.4 The impact of using a limited proportion of existing stock is also partially offset by new affordable housing supply coming forward in 2026/27. The council's housing delivery programme forecasts the delivery of 159 new council homes over the year through a combination of new build homes and acquisitions. In parallel, contractors have now been appointed for major schemes such as Moulsecoomb, delivering 222 homes, with enabling works underway alongside further pipeline sites progressing. While these homes will not remove short-term pressures, this additional supply increases overall system capacity and helps mitigate the temporary effect of using a proportion of existing stock as temporary accommodation.
- 11.5 The primary risk associated with reviewing rents align with Standard Local Housing Allowance levels is that a small number of households may experience increased housing costs where they are not in receipt of full Housing Benefit or are affected by wider welfare rules, such as the benefit cap. There is also a risk of increased arrears or financial stress for households with existing vulnerabilities if affordability is not carefully managed.
- 11.6 These risks are mitigated through a package of measures including proactive identification of affected households, welfare entitlement checks, personalised support and the establishment of a dedicated hardship support fund to provide time-limited assistance where required. The majority of households are expected to experience no change in affordability, as Housing Benefit entitlement will increase in line with rent levels. For those who may experience short-term affordability pressures, a package of mitigations is in place, including welfare entitlement checks, personalised advice, Discretionary Housing Payments where appropriate, and a dedicated hardship support fund.
- 11.7 The development of a Supported Exempt Temporary Accommodation model introduces delivery and commercial risks, including provider capacity constraints, void risk, ongoing compliance with Housing Benefit regulations, and exposure to future policy or regulatory change within the Supported Exempt Accommodation sector.
- 11.8 These risks are considered manageable and are mitigated through the proposed partnership approach with Registered Providers, clear nomination and service-level agreements, proportionate risk-sharing arrangements, and robust governance, contract management and performance monitoring. The model will be implemented on a phased basis, allowing assumptions to be tested, costs validated and risks managed incrementally, with flexibility to adapt in response to emerging issues

12. Equalities implications

Using council-owned homes as Temporary Accommodation

- 12.1 An Equality Impact Assessment on the use of council-owned homes as temporary accommodation is included at Appendix 2. The assessment

identifies a number of positive equalities impacts arising from improved housing quality, stability and suitability for households experiencing homelessness. Children and families are expected to benefit from reduced disruption to education, health care and support services through placements in self-contained, in-city accommodation. Disabled people, including those with non-visible disabilities and neurodivergent conditions, are likely to benefit from greater stability and improved access to local health and support networks. Women, including lone parents and survivors of domestic abuse, are expected to benefit from safer and more secure accommodation, while Black and Minority Ethnic households, who are over-represented among homeless applicants, are more likely to benefit from reduced out-of-area placements and improved access to community and cultural support.

- 12.2 The assessment also identifies potential adverse impacts for some households on the housing register, including existing tenants seeking transfers, arising from the temporary reduction in the availability of settled council housing. These impacts may disproportionately affect some protected groups who already experience disadvantage. In response, the recommended approach incorporates a clear cap on the number of homes used, time-limited application of the policy, strengthened exemptions, exclusion of four-bedroom homes, and flexible month-by-month operation. Ongoing monitoring and review are built into the approach to ensure impacts remain proportionate and can be addressed if required.

Reviewing Local Housing Allowance rates in council-owned and long-term leased Temporary Accommodation

- 12.3 An Equality Impact Assessment on the proposed changes to rent setting for council-owned and long-leased temporary accommodation is included at Appendix 3. The assessment identifies that Housing Benefit entitlement, rather than protected characteristics, is the primary determinant of financial impact. For the majority of households, there is expected to be no change in affordability, as Housing Benefit entitlement will increase in line with rent.
- 12.4 A smaller number of households who are not in receipt of full Housing Benefit, including those affected by the benefit cap or with fluctuating incomes, may experience short-term affordability pressures. These impacts are financial rather than equalities-based and are mitigated through a package of measures including proactive welfare entitlement checks, personalised support, Discretionary Housing Payments where appropriate, and the establishment of a dedicated hardship support fund. All placements will continue to require affordability to be assessed in line with the council's homelessness duties.

Developing an Exempted Supported Temporary Accommodation Model

- 12.5 A stand-alone Equality Impact Assessment has not been undertaken at this stage, as the proposal relates to the commissioning and delivery of Supported Exempt Temporary Accommodation rather than changes to statutory entitlements, eligibility or access to services. Equalities

considerations have nonetheless been embedded throughout the development of the proposed approach.

- 12.6 Expanding Supported Exempt Temporary Accommodation is expected to deliver positive equalities impacts by improving access to stable, supported accommodation for households with higher or more complex needs, including people with disabilities, mental health needs, survivors of domestic abuse and those with multiple vulnerabilities, who are disproportionately affected by prolonged stays in unsuitable temporary accommodation.
- 12.7 The partnership model provides clearer pathways into accommodation with meaningful, tenancy-sustaining support. Any future expansion or material change affecting residents' access to services or entitlements would be subject to further equality impact assessment as appropriate.

13. Sustainability implications

- 13.1 The refurbishment, management and maintenance of council-owned temporary accommodation are delivered through existing, compliant procurement arrangements. This enables the council to apply its sustainable procurement and social value expectations consistently.
- 13.2 Bringing void properties back into use supports efficient use of existing housing stock and circular economy principles, reducing prolonged vacancy and avoiding unnecessary new build or short-term accommodation solutions.
- 13.3 The proposed rent-setting policy strengthens the financial sustainability of the Housing Revenue Account, supporting continued investment in property standards, maintenance and compliance, and reducing reliance on high-cost, short-term provision.

14. Health and Wellbeing Implications:

- 14.1 The proposals in this report are expected to have a positive impact on the health and wellbeing of households experiencing homelessness. Evidence shows that prolonged stays in poor-quality, unstable or nightly-paid temporary accommodation are associated with negative physical and mental health outcomes, particularly for families with children, disabled people, survivors of domestic abuse and households with complex needs.
- 14.2 Increasing the use of council-owned, self-contained temporary accommodation that meets the council's lettable standard improves housing quality and stability. Providing accommodation under non-secure tenancies rather than nightly licences offers greater certainty, supports routine and reduces crisis-driven moves, enabling better engagement with health, education and support services.
- 14.3 Keeping households within Brighton & Hove, close to schools, health services and established support networks, further supports wellbeing and reduces disruption to care pathways and safeguarding arrangements.

Where households have higher or more complex needs, the development of supported and exempt accommodation pathways provides a more appropriate alignment between housing and support.

- 14.4 The proposed rent-setting policy also supports wellbeing by strengthening the financial sustainability of the temporary accommodation portfolio, enabling continued investment in safe and healthy living environments. For most households, rent changes will be met through Housing Benefit, with a hardship fund in place to prevent unmanaged financial stress where full benefit entitlement is not available.

15. Procurement implications

- 15.1 The leasing and rental of properties under this programme are not covered by the Procurement Act 2023 (PA23). Under PA23, contracts for the acquisition of land and buildings are classified as "subject-matter exempted" and therefore fall outside the scope of the procurement team. Where refurbishment works are necessary for properties within this programmes scope, these will be carried out through compliant procurement processes in accordance with PA23 regulations and BHCC Contract Standing Orders (CSOs).

16 Crime & disorder implications:

- 16.1 The proposals in this report are not expected to give rise to adverse crime or disorder impacts. They focus on improving the quality, stability and management of temporary accommodation, reducing reliance on nightly-paid and out-of-area placements, and increasing the use of self-contained, council-managed homes.
- 16.2 Greater housing stability, clearer tenancy arrangements and consistent housing management are expected to support safeguarding and reduce the risks associated with frequent moves and insecure accommodation. Where households have higher or more complex needs, the development of supported and exempt accommodation pathways provides a more appropriate setting with embedded oversight and support.

17 Conclusion

- 17.1 This report sets out a clear and proportionate response to sustained and acute pressures within the council's temporary accommodation system. Demand continues to rise, costs have increased sharply, and without intervention the council would remain exposed to escalating financial risk, continued reliance on high-cost provision and poorer outcomes for households.
- 17.2 The proposals represent a shift from short-term, reactive measures towards a more planned, stable and financially sustainable approach. They combine immediate actions to reduce reliance on nightly-paid accommodation with longer-term structural change, including a revised temporary accommodation trajectory, improved cost recovery through changes to rent

setting, targeted and time-limited use of council-owned homes, and the development of supported exempt accommodation pathways for households with higher or more complex needs.

- 17.3 Taken together, these measures are designed to improve the quality, stability and suitability of temporary accommodation, reduce avoidable cost, and strengthen the council's ability to meet its statutory homelessness duties over the Medium Term Financial Plan. The approach has been shaped by consultation and scrutiny and is supported by clear mitigations for identified risks and equalities impacts.
- 17.4 Cabinet is therefore asked to approve the recommendations set out in this report, enabling the council to stabilise the temporary accommodation system in the short term and to deliver a more sustainable and effective model over the medium term, aligned to the Homelessness and Rough Sleeping Strategy and the council's wider financial sustainability objectives.

Supporting Documentation

Appendices

- 1 **Appendix 1:** Updated Policy on use of Housing Revenue Account Void Properties as Temporary Accommodation
- 2 **Appendix 2:** Equality Impact Assessment on using council-owned homes as Temporary Accommodation
- 3 **Appendix 3:** Equality Impact Assessment on Reviewing Local Housing Allowance rates in council-owned and long-term leased Temporary Accommodation
- 4 **Appendix 4:** Policy outline on Hardship Fund
- 5 **Appendix 5:** Consultation Report on use of council-owned homes as Temporary Accommodation
- 6 **Appendix 6:** Draft minutes from People Overview & Scrutiny Committee meeting on 17 March
- 7 **Appendix 7:** Financial Modelling for Exempted Supported Accommodation Temporary Accommodation
- 8 **Appendix 8:** Financial Modelling for TA uplift, Voids and newly purchased TA

Background documents

1. [Use of Housing Revenue Account voids as Temporary Accommodation.pdf](#)
2. [Report on Consultation on use of empty council homes as Temporary Accommodation.pdf](#)

Updated Policy on Use of Housing Revenue Account Void Properties as Temporary Accommodation

March 2026

Introduction and Purpose

Brighton & Hove City Council continues to face sustained and acute pressure in meeting its statutory homelessness duties, driven by high housing costs, limited supply of affordable homes and increasing complexity of need

The council has a statutory responsibility under Part VII of the Housing Act 1996 to secure suitable temporary accommodation for households who are homeless or threatened with homelessness. Prolonged reliance on nightly paid and out of area accommodation is costly, disruptive for households and associated with poorer outcomes, particularly for families with children.

In January 2026, the council introduced a time limited policy to use selected council owned Housing Revenue Account (HRA) void properties as temporary accommodation. This enabled households to move from some of the least appropriate and most expensive forms of provision into self-contained, council managed homes within the city

Early outcomes from the interim period demonstrate improved stability and quality for households, alongside reduced reliance on nightly paid accommodation. However, underlying demand pressures remain high and alternative supply takes time to deliver

This updated policy therefore sets out a **time limited, capped and flexible approach** to the continued use of selected HRA void properties as temporary accommodation, while wider prevention, supply and move on measures take effect

Policy Duration

This policy applies from 19 January 2026 to 1 May 2027

The policy is explicitly time limited and will be kept under review. At the end of the period, the use of HRA voids for temporary accommodation will revert to standard allocation processes unless further approval is agreed by Cabinet

Scope

This extended policy applies to council-owned Housing Revenue Account (HRA) properties that become void within the window.

The focus is on general needs family-sized homes and other suitable units where compliance and lettable standards can be achieved

The policy **excludes** the following property types, except in exceptional circumstances:

- Sheltered and seniors housing
- Extra care housing
- Mobility adapted or wheelchair accessible homes
- Properties already committed to regeneration or disposal
- Properties requiring capital works that cannot be completed within a reasonable timeframe
- Four bedroom properties

These exemptions ensure the extended interim action targets stock that can be quickly and safely brought into use for TA, without impacting vulnerable groups or long-term strategic plans.

Housing Association / Registered Provider homes allocated through the council's housing register are not within scope.

Cap and Flexibility

A **maximum of 180 HRA properties** may be used as temporary accommodation over the full policy period.

The policy operates on a flexible, month by month basis, enabling the council to increase or decrease the number of properties in use in response to:

- Levels of homelessness demand
- Availability of alternative temporary accommodation supply
- Rehousing pressures linked to Large Panel System (LPS) blocks
- Impacts on the housing register and waiting times

This approach is intended to ensure that use of council homes remains proportionate, targeted and responsive, rather than fixed or automatic

Policy Statement

During the extended interim position, all eligible HRA void properties (excluding seniors and mobility/adapted homes, other than in exceptional circumstances) will normally be prioritised for use as Temporary Accommodation for homeless households owed duties under Part VII of the Housing Act 1996.

Priority will be given to families, households currently placed outside the city, and those in spot purchased placements. Exceptions will be considered on a case-by-case basis, as outlined below and approved by the Head of Tenancy Services.

TA placements in HRA stock are made under Part VII functions on a non-secure tenancy; they do not create secure tenancies and do not attract Right to Buy.

At the end of the period, the letting of HRA void properties will revert to standard allocation processes unless further approval is sought. This policy is designed to be transparent, fair, and responsive to the city's most urgent housing needs.

The period is not intended to be long term, as the council recognises the impact that this will have on households on the council's Housing Register and is an interim position whilst it carries out other action to address the pressures of Temporary Accommodation.

Legal and Policy Framework

The legal basis for using HRA voids as TA is included within the Local Government and Housing Act 1989. Provision that they are not secure tenancies is found within the first schedule to the Housing Act 1985.

This temporary position is grounded in statutory homelessness duties under the Housing Act 1996 (Part VII) and the Homelessness Code of Guidance (Chapter 17), which require all TA placements to be suitable in terms of space, location, health needs, accessibility, and affordability.

As stated, using council stock for TA does not confer secure tenancy; placements are made under homelessness duties, not the Part VI allocation scheme.

The Equality Act 2010 requires that all decisions consider impacts on protected characteristics, with an initial Equality Impact Assessment (EIA) available prior to the decision to adopt this temporary policy.

Definitions

- **Void:** A council property with no active tenancy, after the tenancy has lawfully ended and the rent account is closed.

- **Temporary Accommodation (TA):** Accommodation secured to meet statutory homelessness duties until settled housing is offered.
- **Lettable Standard:** The minimum safety, compliance, cleanliness, and functionality standard a void must meet prior to occupation. These definitions ensure clarity for staff, residents, and stakeholders, and align with sector best practice.

Principles

The use of council homes as Temporary Accommodation is underpinned by key principles:

- **Suitability first:** Every placement is assessed for suitability, for the purpose of Temporary Accommodation, against household needs, ensuring families and vulnerable households are prioritised.
- **Safety and compliance:** All properties must (change to will) meet required lettable standard
- **Review rights:** Households can request review of the suitability of the accommodation provided.
- **Sustaining communities:** being aware of the sensitivity of lets and supporting community cohesion where possible.

Eligibility and Prioritisation

Eligibility follows statutory homelessness duties under Part VII. During the period, prioritisation will focus on households as set out below; it will be for council officers to assess and evidence which of the criteria are met to sufficient level:

- Households located outside Brighton & Hove and assigned 'Band A' under the Temporary Accommodation Allocation Policy to return to the city, namely households who include:
 - a child in secondary school within the city in their final year of key stage 4 (generally year 11)
 - a child who has a Statement of Special Educational Needs and or an Educational Health Care Plan and is at school in the city
 - a child who is the subject of Child Protection Order Plan from BHCC
 - someone who is officially caring for another person in the city as part of a care plan agreed with the relevant social care department
 - someone in permanent or settled employment who works anti-social hours within the city and would risk losing their employment (unless they can be transferred by their employer)

- o someone who is receiving medical treatment that can only be provided by a specific medical facility within the city and that treatment requires a high volume of attendance at that medical facility (a minimum of 2 to 3 times per week)
- Households with dependent children in spot purchase or blocked booked accommodation:
 - o Assessed as unsuitable for longer-term stay and prioritised for transfer
 - o Made homeless due to domestic violence or abuse
 - o Including a neurodiverse child (diagnosed by a qualified practitioner) or a child with Special Educational Needs (SEN) or other significant educational pressure.
 - o Living in spot-purchase and/or block booked TA for more than 6 months
- Other households in out-of-city, spot purchase or block booked Accommodation

Policy Exemptions

While the policy aims to maximise the use of HRA void properties as TA for homeless households, it recognises that certain circumstances require individual consideration. Exemptions are therefore built into the policy to ensure that the council can respond appropriately to complex issues.

Unless needed in exceptional circumstances the following property types are exempt from the extended interim policy:

- **Sheltered Housing:** Properties designated for seniors are excluded due to their specialist nature and high demand.
- **Mobility-Adapted Properties:** Homes adapted for accessibility are excluded to preserve availability for those with specific needs.
- **Larger properties:** properties that have, or could be reasonably adapted to have, four or more bedrooms.
- **Housing Association / Registered Social Landlord Properties:** Properties managed by partners within the council's allocation scheme are not included. On average, approximately one-quarter of homes allocated to households on the housing register are Housing Association properties.

In addition, the council retains a discretion to allocate voids to households from the housing register, and existing secure council tenants where exceptional circumstances and needs can be demonstrated in the following categories:

- Where an allocation would enable another council property to become available to use as Temporary Accommodation. For example, a Priority Transfer or Large Panel System (LPS) block property.
- Where there is a serious safeguarding risk or urgent medical need and allocating an existing council tenant, a new property is deemed the only way to safeguard.

- Where there is a household with assessed care and support need in residential or alternative care whose needs could be met within general needs accommodation.
- Any other situation where a compelling case can be demonstrated by a household on the housing register will be considered individually by the Lettings Panel.

Exceptions will be considered on a case-by-case basis by a dedicated panel.

Panel for Lettings Decisions

A dedicated panel will oversee decisions to use HRA voids as TA. The panel will include:

- Head of Tenancy Services
- Temporary Accommodation Manager
- Housing Allocations Manager
- Rehousing Manager
- Housing Operations Manager
- Empty Homes Manager

This panel will meet regularly to apply the prioritisation and decide on exceptions, and oversee offers of accommodation, ensuring decisions are consistent, fair, and well-documented.

Process Overview

The below process will be followed during the extended interim period:

- **Identification:** Empty Homes team flags eligible voids weekly during the extended interim period window.
- **Pre-void inspection:** Condition of void recorded.
- **Void works:** Minor or major works scheduled to achieve lettable standard for TA.
- **Panel decision:** Lettings panel applies prioritisation matrix and agrees placements
- **Offer and sign-up:** Non-secure tenancy terms issued; rights and responsibilities explained; move-in supported.

Standards for TA in Council Voids

All council-owned voids used as TA will meet the council's lettable standard for TA, ensuring properties are safe, secure, clean, and ready for occupation. The following requirements apply:

- **Safety & Compliance:**
 - Valid gas and electrical safety certificates (CP12 where applicable and EICR) must be in place.
 - Hardwired smoke detectors and carbon monoxide alarms installed and tested.

- No Category 1 hazards present (HHSRS compliance).
 - EPC completed and available.
- **Security:**
 - Front door lock changed; two sets of keys provided.
 - All windows and external doors checked for security and function.
- **Flooring:**
 - Minimum floor covering provided in all TA voids, unless suitable flooring already exists.
 - Kitchens and bathrooms must have suitable/non porous vinyl flooring.
- **Cleanliness:**
 - All previous tenants' effects, rubbish, and graffiti removed.
 - Property thoroughly cleaned, including sanitary ware, kitchen, and all floor surfaces.
- **Functionality:**
 - Heating, hot water, electrics, and plumbing in full working order.
 - Kitchens and bathrooms must be ventilated and have essential fixtures in good condition.
- **Decoration:**
 - Internal decoration is the incoming tenant's responsibility, unless the property is either below an acceptable standard or excessive damage requires partial redecoration at the council's discretion.
- **Adaptations & Accessibility:**
 - Existing adaptations retained unless instructed otherwise; reasonable adjustments made for accessibility where required.
- **External Areas:**
 - Gardens, sheds, and boundaries cleared of hazards and bulk waste; fencing and gates made safe.
- **Handover:**
 - Welcome pack left for the incoming tenant.

Interim period and extension

This action runs from 19 January to 1 May 2027. A review of the impact will be carried out, including analysis of outcomes, challenges, and recommendations.

From 2 May 2027, the letting of HRA void properties will revert to standard allocation processes unless an extension is granted by the council's Cabinet. The decision to extend will be informed by formal consultation and an updated Equality Impact Assessment, reflecting insights and data gathered during the new period. A detailed record of all HRA properties used as TA throughout the interim scheme will be maintained.

Notifying Residents and Housing Register applicants

Advertising of some council homes via Homemove (the council's Choice Based Lettings platform) will be paused from 19 January 2026. Residents and tenants will be notified of this change, as well as any subsequent decision to extend or amend the process.

During the interim period, residents and tenants will continue to be able to bid on:

- Housing Association properties
- Council-owned Seniors Housing
- Council-owned mobility-adapted properties

Monitoring and KPIs

The extended interim period will monitor and report:

- Number of HRA voids allocated to TA
- That figure as a percentage of overall allocations in the period
- Number of voids where exceptions were applied
- Number of households in spot purchase and block booked accommodation
- Suitability reviews (s202) and outcomes
- Enquiries, complaints and Ombudsman enquiries

General Equality Impact Assessment (EIA) Form

Support:

An [EIA toolkit](#), [workshop content](#), and guidance for completing an [Equality Impact Assessment \(EIA\) form](#) are available on the [EIA page](#) of the [EDI Internal Hub](#). Please read these before completing this form.

For enquiries and further support if the toolkit and guidance do not answer your questions, contact the Equality, Diversity, and Inclusion (EDI) team by emailing Equalities@Brighton-Hove.gov.uk. If your request is urgent, please mention this in the subject line of your email so we can support as required.

Processing Time:

- EIAs can take up to 10 business days to approve after a completed EIA of a good standard is submitted to the EDI Team. This is not considering unknown and unplanned impacts of capacity, resource constraints, and work pressures on the EDI team at the time your EIA is submitted.
- If your request is urgent, we can explore support exceptionally on request.
- We encourage improved planning and thinking around EIAs to avoid urgent turnarounds as these make EIAs riskier, limiting, and blind spots may remain unaddressed for the 'activity' you are assessing.

Process:

- Once fully completed, submit your EIA to the Equalities team by emailing the Equalities inbox and copying in your Head of Service, Business Improvement Manager (if one exists in your directorate), any other relevant service colleagues to enable EIA communication, tracking and saving.
- Your EIA will be reviewed, discussed, and then approved by the assigned EDI Officer and after seeking additional approval as appropriate for your EIA.
- Only approved EIAs are to be attached to Committee reports. Unapproved EIAs are invalid.

1. Assessment details

Throughout this form, 'activity' is used to refer to many different types of proposals being assessed.

Read the [EIA toolkit](#) for more information.

Name of activity or proposal being assessed:	Use of Housing Revenue Account (HRA) voids as Temporary Accommodation Until May 2027
Directorate:	Homes & Adult Social Care
Service:	Temporary & Supported Accommodation
Team:	Temporary Accommodation
Is this a new or existing activity?	Existing (extension to current short term arrangements)
Are there related EIAs that could help inform this EIA? Yes or No (If Yes, please use this to inform this assessment)	Yes

2. Contributors to the assessment (Name and Job title)

Responsible Lead Officer:	Justine Harris, Head of Tenancy Services / Alice Morel, Head of Homelessness & Housing Options
Accountable Manager:	Harry Williams, Director of Housing People Services
Additional stakeholders collaborating or contributing to this assessment:	

3. About the activity

Briefly describe the purpose of the activity being assessed:

The purpose is to use Housing Revenue Account voids as Temporary Accommodation for a fixed term period to 1 May 2027, this is a continuation of the interim position between 19 January 2026 to 1 May 2026.

During the interim period as of the 31st March 2026, 35 council homes have been repurposed as temporary accommodation, with a further 21 expected to become available by 1 May, bringing the total to 56 homes. A pipeline of a further 59 properties is being progressed by the council's Empty Homes team.

What are the desired outcomes of the activity?

The interim use is expected to achieve £0.757m (with a full year effect) of savings to help address an anticipated in-year overspend of £4.8 million on nightly paid Temporary Accommodation, with the benefit of producing more stable and better-quality housing for newly homeless households, promoting better health and educational outcomes for homeless households.

In the interim period the projected savings to the General Fund from making full use of all HRA void properties available between 19th January 2026 and 1st May 2026 amount to £0.092m for 2025/26 and £0.665m 2026/27, £0.757m per annum in total.

Which key groups of people do you think are likely to be affected by the activity?

Council tenants, households on the housing register and people experiencing homelessness will most likely be affected by this activity.

4. Consultation and engagement

What consultations or engagement activities have already happened that you can use to inform this assessment?

- For example, relevant stakeholders, groups, people from within the council and externally consulted and engaged on this assessment. **If no consultation** has been done or it is not enough or in process – state this and describe your plans to address any gaps.

Relevant internal stakeholders, including the Cabinet Member for Housing, have been kept informed of the increasing cost of Temporary Accommodation, the anticipated in-year overspend, and the intended interim approach to the use of HRA voids.

A full six-week public consultation on the interim use of council-owned homes as temporary accommodation was carried out from 17 February 2026 to 1 April 2026 via the YourVoice Platform. This received around 370 responses. The consultation sought feedback from households on the housing register, people living in temporary accommodation and council tenants on the impacts of the policy on individuals, families and communities. A range of engagement methods were used to support participation, including the council's online consultation hub, articles in Homing In, targeted bulletins and direct communications to households most directly affected. In parallel, the proposals were considered by the People Overview & Scrutiny Committee on 17 March 2026, providing structured challenge and feedback from Members as part of the consultation process.

5. Current data and impact monitoring

Do you currently collect and analyse the following data to enable monitoring of the impact of this activity? Consider all possible intersections.

(State Yes, No, Not Applicable as appropriate)

Age	Yes
Disability and inclusive adjustments, coverage under equality act and not	Yes
Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers)	Yes
Religion, Belief, Spirituality, Faith, or Atheism	Yes
Gender Identity and Sex (including non-binary and Intersex people)	Yes
Gender Reassignment	Yes
Sexual Orientation	Yes
Marriage and Civil Partnership	No
Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)	Yes
Armed Forces Personnel, their families, and Veterans	Yes
Expatriates, Migrants, Asylum Seekers, and Refugees	Yes
Carers	Yes
Looked after children, Care Leavers, Care and fostering experienced people	Yes
Domestic and/or Sexual Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)	Yes
Socio-economic Disadvantage	Yes
Homelessness and associated risk and vulnerability	Yes
Human Rights	Yes
Another relevant group (please specify here and add additional rows as needed)	Yes, including:

	<ul style="list-style-type: none"> • Ex-offenders and people with unrelated convictions • Lone parents • People experiencing homelessness
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Additional relevant groups that may be widely disadvantaged and have intersecting experiences that create exclusion and systemic barriers may include:

- Ex-offenders and people with unrelated convictions
- Lone parents
- People experiencing homelessness
- People facing literacy, numeracy and /or digital barriers
- People on a low income and people living in the most deprived areas
- People with experience of or living with addiction and/ or a substance use disorder (SUD)

If you answered “NO” to any of the above, how will you gather this data to enable improved monitoring of impact for this activity?

We have no evidence to suggest that people who have experienced FGM or modern day slavery or are sex workers would be impacted.

What are the arrangements you and your service have for monitoring, and reviewing the impact of this activity?

Data is collected as part of a household’s application for help with homelessness or to join the housing register. Customer feedback will be monitored for any issues arising.

The implementation of the fixed term measure will be overseen by a panel of relevant service managers - a process established through the introduction of the interim project in early 2026 - who will oversee letting decisions to ensure consistency, fairness and transparency. The panel will consider exceptions to the policy for letting HRA voids as Temporary Accommodation on a case-by-case basis, with clear criteria and records maintained for audit purposes.

6. Impacts

Advisory Note:

- **Impact:**
 - Assessing disproportionate impact means understanding potential negative impact (that may cause direct or indirect discrimination), and then assessing the relevance (that is: the potential effect of your activity on people with protected characteristics) and proportionality (that is: how strong the effect is).
 - These impacts should be identified in the EIA and then re-visited regularly as you review the EIA every 12 to 18 months as applicable to the duration of your activity.
- **SMART Actions mean:** Actions that are (SMART = Specific, Measurable, Achievable, Realistic, T = Time-bound)
- **Cumulative Assessment:** If there is impact on all groups equally, complete **only** the cumulative assessment section.
- **Data analysis and Insights:**

- In each protected characteristic or group, in answer to the question ‘If “YES”, what are the positive and negative disproportionate impacts?’, describe what you have learnt from your data analysis about disproportionate impacts, stating relevant insights and data sources.
- Find and use contextual and wide ranges of data analysis (including community feedback) to describe what the disproportionate positive and negative impacts are on different, and intersecting populations impacted by your activity, especially considering for [Health inequalities](#), review guidance and inter-related impacts, and the impact of various identities.
- For example: If you are doing road works or closures in a particular street or ward – look at a variety of data and do so from various protected characteristic lenses. Understand and analyse what that means for your project and its impact on different types of people, residents, family types and so on. State your understanding of impact in both effect of impact and strength of that effect on those impacted.
- **Data Sources:**
 - **Consider a wide range (including but not limited to):**
 - [Population and population groups](#)
 - [Census 2021 population groups Infogram: Brighton & Hove by Brighton and Hove City Council](#)
 - [Census](#) and [local intelligence data](#)
 - Service specific data
 - Community consultations
 - Insights from customer feedback including complaints and survey results
 - Lived experiences and qualitative data
 - [Joint Strategic Needs Assessment \(JSNA\) data](#)
 - [Health Inequalities data](#)
 - Good practice research
 - National data and reports relevant to the service
 - Workforce, leaver, and recruitment data, surveys, insights
 - Feedback from internal ‘staff as residents’ consultations
 - Insights, gaps, and data analyses on intersectionality, accessibility, sustainability requirements, and impacts.
 - Insights, gaps, and data analyses on ‘who’ the most intersectionally marginalised and excluded under-represented people and communities are in the context of this EIA.
 - Learn more about the [Equality Act 2010](#) and about our [Public Sector Equality Duty](#).

6.1 Age

<p>Does your analysis indicate a disproportionate impact relating to any particular Age group? For example: older people, people who may be housebound, those under 16, young adults, with other intersections.</p>	<p>Yes, Older people will not be as greatly impacted as older people accomodation is not included. Families with younger children may be subject to short term over crowding. This to be balanced against the nationally recognised impact on children experiencing insecure accommodation (such as hotels and other block booked).</p>
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

The majority of main applicants on the housing register are aged 20–49. Children are significantly over-represented among homeless households:

Age Group	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
<0 or (blank)		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
15-19	4	3.67%	5	0.33%	1	0.05%		0.00%	10	0.21%
20-24	35	32.11%	97	6.32%	57	2.77%	11	0.97%	200	4.13%
25-29	12	11.01%	174	11.33%	230	11.17%	52	4.57%	468	9.66%
30-34	5	4.59%	259	16.86%	317	15.39%	114	10.02%	695	14.35%
35-39	12	11.01%	242	15.76%	323	15.68%	187	16.43%	764	15.78%
40-44	7	6.42%	225	14.65%	287	13.93%	170	14.94%	689	14.23%
45-49	3	2.75%	167	10.87%	219	10.63%	112	9.84%	501	10.34%
50-54	10	9.17%	135	8.79%	147	7.14%	99	8.70%	391	8.07%
55-59	5	4.59%	88	5.73%	136	6.60%	119	10.46%	348	7.19%
60-64	4	3.67%	73	4.75%	115	5.58%	76	6.68%	268	5.53%
65-69	4	3.67%	21	1.37%	79	3.83%	67	5.89%	171	3.53%
70-74	4	3.67%	24	1.56%	65	3.16%	52	4.57%	145	2.99%
75-79	1	0.92%	12	0.78%	37	1.80%	30	2.64%	80	1.65%
80-84	1	0.92%	10	0.65%	22	1.07%	31	2.72%	64	1.32%
85-89	1	0.92%	4	0.26%	11	0.53%	10	0.88%	26	0.54%
90-94		0.00%		0.00%	7	0.34%	4	0.35%	11	0.23%
95-99	1	0.92%		0.00%	4	0.19%	4	0.35%	9	0.19%
100-104		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
105-109		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
Total	109	100.00%	1,536	100.00%	2,060	100.00%	1,138	100.00%	4,843	100.00%

In 2024, 39% of the city's homeless population were children, compared to 17% of the general population:

Age Group	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)	Brighton & Hove Census 2021
16 to 24	9%	17%	18%	18%
25 to 34	25%	30%	28%	18%
35 to 44	26%	26%	25%	16%
45 to 54	20%	16%	15%	18%
55 to 64	11%	8%	9%	14%
65 plus	7%	3%	5%	17%
Total	100%	100%	100%	100%

Households with children are more likely to be owed a homelessness duty and to be placed in TA. 47% of households in TA at the end of 2024 had children, with a local rate (5.73 per 1,000 households) higher than the national average (3.5 per 1,000).

The scheme prioritises families, particularly those with children in education or with special needs, for in-city placements. This approach is designed to minimise disruption to schooling and maintain access to essential health and support services. It is well established that homelessness places children at a significant disadvantage, which is why statutory guidance restricts hotel placements for families to a maximum of six weeks. The fixed term action is expected to mitigate these negative impacts by enabling families to transition directly into stable, affordable accommodation, rather than experiencing multiple emergency placements.

The Council recognises the importance of this policy and has explicitly committed to moving households with children back into the city wherever possible. While it is not feasible to sustain this approach indefinitely, particularly during periods of exceptionally high demand, which may result in delays for some families, the welfare benefits for children are clear and substantial.

Moving families more quickly from unsuitable TA (e.g., B&Bs, out-of-area placements) is expected to improve health and educational attainment for children.

A temporary reduction in general needs housing is likely to increase waiting times for other families on the housing register. These families have stable accommodation all be it not secure tenancies. The practical impact will need to be assessed on a case-by-case basis; however, in general, delays will

correspond to a proportion of the housing which is used during the fixed term period, anticipated to be in the region of up to 20% of available housing over the term. The cap on the properties is 100 and it is anticipated that annually some 500 properties will be available. Certain properties such as sheltered are exempt.

Older people are less likely to be directly affected by the fixed term measure, as seniors housing is excluded from the scheme. However, there may be indirect impacts for older individuals who are carers for children. For those who do not wish to access seniors housing, their circumstances will be considered in relation to other vulnerabilities that may be exacerbated by age, ensuring that any additional needs are appropriately addressed.

6.2 Disability:

Does your analysis indicate a disproportionate impact relating to Disability, considering our anticipatory duty?	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

44% of people identified as homeless in the 2021 Census had a limiting long-term condition, compared to 19% citywide.

Disability-related support needs (overlapping categories) recorded at time of assessment for homeless application	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)
History of mental health problems	27%	35%	37%
Learning disability	4%	5%	5%
Physical ill health and disability	23%	22%	30%
At least one of the above	42%	46%	54%

8.8% of applicants on the housing register have a mobility code, but this likely underestimates the true prevalence of disability, especially for non-physical or neurodivergent conditions:

Mobility Category	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
1	5	4.59%	7	0.46%	8	0.39%	36	3.16%	56	1.16%
2	4	3.67%	21	1.37%	18	0.87%	73	6.41%	116	2.40%
3	8	7.34%	41	2.67%	67	3.25%	140	12.30%	256	5.29%
None	92	84.40%	1465	95.38%	1956	94.95%	883	77.59%	4396	90.77%
(blank)		0.00%	2	0.13%	11	0.53%	6	0.53%	19	0.39%
Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

54% of main duty homeless applicants had at least one disability-related support need (mental health, learning disability, or physical ill health):

All support needs (overlapping categories) recorded at time of assessment for homeless application	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)
Access to education, employment or training	3%	2%	1%
Alcohol dependency needs	4%	10%	7%
At risk of/has experienced abuse (non-domestic abuse)	2%	4%	4%
At risk of/has experienced domestic abuse	6%	12%	16%
At risk of/has experienced sexual abuse/exploitation	2%	3%	4%
Care leaver aged 18-20 years	0.3%	1%	1%
Care leaver aged 21+ years (retired category)	0.3%	1%	1%
Difficulties budgeting	7%	2%	2%
Drug dependency needs	4%	12%	7%
Former asylum seeker	2%	3%	3%
History of mental health problems	27%	35%	37%
History of repeat homelessness	3%	9%	5%
History of rough sleeping	2%	9%	3%
Learning disability	4%	5%	5%
Offending history	3%	11%	5%
Old age	3%	1%	2%
Physical ill health and disability	23%	22%	30%
Served in HM Forces	0.1%	0.3%	0.1%
Victim of modern slavery	0.3%	0.4%	0.3%
Young parent requiring support to manage independently	1%	1%	2%
Young person aged 16-17 years	0.3%	0.2%	0.2%
Young person aged 18-25 years requiring support	3%	5%	5%
At least one of the above	58%	68%	71%

All Temporary Accommodation must meet the council's lettable standard and be suitable for the specific needs of each household. In addition, the prioritisation matrix within the policy includes households who are vulnerable or have medical needs requiring frequent local treatment. A key objective of the scheme is to provide local accommodation for those who need to remain in the city for the reasons set out in the policy

In terms of physical disability mobility adapted properties are generally excluded from the scheme, unless in exceptional circumstances. The impact on these households is likely to be minimal, if at all. Disabled households who require mobility adapted properties, or Extra Care, will still be able to access these homes during the fixed term period. Adaptation to temporary accommodation units can be made if the circumstances warrant it or a move effected. Those newly homeless are known to have poor health outcomes due to the instability of accommodation which can be outside the area (for example). Health and education are identified as important factors in this policy and as such will benefit from not being in unstable or for instance short term hotel accommodation.

What [inclusive adjustments](#) are you making for diverse disabled people impacted? For example: those who are housebound due to disability or disabling circumstances, D/deaf, deafened, hard of hearing, blind, neurodivergent people, those with non-visible disabilities, and with access requirements that may not identify as disabled or meet the legal definition of disability, and have various intersections (Black and disabled, LGBTQIA+ and disabled).

The policy allows for a series of exemptions that on a case-by-case basis allow for properties to be excluded from the proposal and let to households on the housing register. The exemptions include:

- Where there is a serious safeguarding risk or urgent medical need and allocating an existing council tenant, a new property is deemed the only way to safeguard.
- Where there is a household with an assessed care and support need in residential or alternative care whose needs could be met within general needs accommodation
- Other exceptional circumstances to be assessed on a case-by-case basis.

- There will be benefit for those with non-mobility related disability as they will be given stable accommodation and will be within the city making access to medical services more accessible.

6.3 Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers):

Does your analysis indicate a disproportionate impact relating to ethnicity?	Yes
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Black and Racially Minoritised (BRM) groups are over-represented among homeless applicants: 36–39% of main duty applicants, compared to 26% of citywide residents

Ethnic Group	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)	Brighton & Hove Census 2021
White UK/British	61%	67%	64%	74%
White Other	17%	11%	10%	12%
Black or Black British	5%	7%	8%	2%
Asian or Asian British	6%	5%	6%	5%
Mixed	3%	3%	3%	5%
Another ethnic group	8%	7%	9%	3%

BRM households are more likely to be in priority need due to dependent children and less likely due to mental health problems:

Priority need for Black or Racially Minoritised (BRM) households and White UK/British households accepted for a main housing duty	BRM households owed main duty 2020 to 2024	White UK/British households owed main duty 2020 to 2024
Priority need: household includes dependent children	39%	29%
Priority need: vulnerable as result of physical disability / ill health	16%	19%
Priority need: vulnerable as result of mental health problems	9%	19%
Priority need: homeless due to having fled domestic abuse	4%	4%
Priority need: former asylum seeker	3%	0%

National data shows higher rates of homelessness and overcrowding among Black, Asian, and Minority Ethnic households.

The use of HRA voids as Temporary Accommodation will reduce the risk of BRM families being placed far from cultural, faith, and community support networks

The policy may expedite more suitable housing for larger families living in Temporary Accommodation, which are more common in some ethnic groups.

However, if waiting times for general needs housing increase, BRM households on the register may be disproportionately affected: It is again a balancing exercise. Those with an accepted duty will have stability of housing with for instance a Court order required to evict them. Newly homeless households often face several moves to attain the same level of stable accommodation. This is made more difficult by any language barriers which might exist. It is believed that the tenant's journey for this group will be simpler if they are placed straight into HRA voids.

Age Group	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
<0 or (blank)		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
15-19	4	3.67%	5	0.33%	1	0.05%		0.00%	10	0.21%
20-24	35	32.11%	97	6.32%	57	2.77%	11	0.97%	200	4.13%
25-29	12	11.01%	174	11.33%	230	11.17%	52	4.57%	468	9.66%
30-34	5	4.59%	259	16.86%	317	15.39%	114	10.02%	695	14.35%
35-39	12	11.01%	242	15.76%	323	15.68%	187	16.43%	764	15.78%
40-44	7	6.42%	225	14.65%	287	13.93%	170	14.94%	689	14.23%
45-49	3	2.75%	167	10.87%	219	10.63%	112	9.84%	501	10.34%
50-54	10	9.17%	135	8.79%	147	7.14%	99	8.70%	391	8.07%
55-59	5	4.59%	88	5.73%	136	6.60%	119	10.46%	348	7.19%
60-64	4	3.67%	73	4.75%	115	5.58%	76	6.68%	268	5.53%
65-69	4	3.67%	21	1.37%	79	3.83%	67	5.89%	171	3.53%
70-74	4	3.67%	24	1.56%	65	3.16%	52	4.57%	145	2.99%
75-79	1	0.92%	12	0.78%	37	1.80%	30	2.64%	80	1.65%
80-84	1	0.92%	10	0.65%	22	1.07%	31	2.72%	64	1.32%
85-89	1	0.92%	4	0.26%	11	0.53%	10	0.88%	26	0.54%
90-94		0.00%		0.00%	7	0.34%	4	0.35%	11	0.23%
95-99	1	0.92%		0.00%	4	0.19%	4	0.35%	9	0.19%
100-104		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
105-109		0.00%		0.00%	1	0.05%		0.00%	1	0.02%
Total	109	100.00%	1,536	100.00%	2,060	100.00%	1,138	100.00%	4,843	100.00%

6.4 Religion, Belief, Spirituality, Faith, or Atheism:

Does your analysis indicate a disproportionate impact relating to Religion, Belief, Spirituality, Faith, or Atheism?	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Muslims are over-represented among homeless households (12% of main duty applicants vs. 3% of citywide residents). It is also noted that half of the applicants have no religious beliefs and so they will benefit. Please also see the comments above in terms of race as they also apply in part here.

Religion or belief	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)	Brighton & Hove Census 2021
Buddhist	1%	1%	2%	1%
Christian	27%	22%	21%	31%
Hindu	0%	0%	0%	1%
Jewish	0%	0%	0%	1%
Muslim	8%	12%	12%	3%
No religion	50%	52%	50%	55%
Other	4%	4%	4%	1%
Prefer Not To Say	10%	9%	11%	7%
Sikh	0.3%	0.1%	0.1%	0.1%
Total	100%	100%	100%	100%

Decisions to place someone into Temporary Accommodation can affect proximity to places of worship. Further, faith-based needs (e.g., dietary requirements, single-sex accommodation) may not always be met in TA, particularly nightly paid TA where facilities are often shared or limited.

In-city placements allow households to remain close to distinct places of worship and faith communities.

Reduced use of nightly paid TA will improve access to cooking and washing facilities for households. This may be of particular importance to certain faiths with strict dietary and or other requirements.

Consultation during the interim period has not attracted comments specifically around faith-based needs being overlooked in the allocation or adaptation of voids.

6.5 Gender Identity and Sex:

Does your analysis indicate a disproportionate impact relating to Gender Identity and Sex (including non-binary and intersex people)?	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Women are more likely to be main applicants for homelessness prevention or main duty (55–60%), while men are more likely to present at the relief stage or as rough sleepers. Women will often be head of household and have families with dependent children or where women have a caring role. Therefore, there will be multiple protected characteristics in one household.

Sex	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)	Brighton & Hove Census 2021
Female	60%	37%	55%	51%
Male	39%	62%	44%	49%
Other	1%	1%	1%	-

Trans and non-binary people are over-represented among homeless applicants compared to the general population (1.8% vs. 0.2%):

Gender identity	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)	Brighton & Hove Census 2021
No (gender identity different from sex registered at birth)	1.1%	1.5%	1.8%	0.2%
Yes (gender identity same as sex registered at birth or not recorded)	98.9%	98.5%	98.2%	99.8%

Our computerised record system was not able to produce a report on the sex/gender of the applicants on the Housing Register. Data on the title of main applicants in each priority queue on the Housing Register has been used as a proxy for sex/gender and is set out below. Based on this data, women are also more likely to be main applicants on the housing register:

Title	Council Interest		Homeless		Homeseecker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
Miss	30	27.52%	298	19.40%	650	31.55%	413	36.29%	1391	28.72%
Mr	49	44.95%	286	18.62%	783	38.01%	302	26.54%	1420	29.32%
Mrs	6	5.50%	66	4.30%	187	9.08%	226	19.86%	485	10.01%
Ms	12	11.01%	191	12.43%	168	8.16%	150	13.18%	521	10.76%
Mx		0.00%	5	0.33%		0.00%		0.00%	5	0.10%
Other	1	0.92%	9	0.59%	9	0.44%	2	0.18%	21	0.43%
(blank)	11	10.09%	681	44.34%	263	12.77%	45	3.95%	1000	20.65%
Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

The policy prioritises families, many of which include a woman as main/lead applicant, and includes criteria for those fleeing domestic abuse, which women are more typically survivors of compared to men.

Women on the housing register will also be affected by this policy, as the temporary reduction in available properties during the fixed term will limit opportunities for secure tenancies. However, those impacted will continue to have access to stable accommodation through Temporary Accommodation placements. The primary disadvantage is the absence of a secure tenancy, which is mainly a matter of financial security. It is noted that one of the primary objectives is to support households around better health and educational attainment. It is therefore believed that women in newly homeless households will be better positioned by having faster access to stable accommodation.

6.6 Gender Reassignment:

Does your analysis indicate a disproportionate impact relating to Gender Reassignment ?	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p>Trans people have a higher risk of homelessness and report poor experiences in some homeless services, including safety concerns whilst living in Temporary Accommodation. This was identified in the Trans Needs Assessment undertaken by the council in 2015.</p> <p>Consultation on the Homelessness & Rough Sleeping Strategy identified the following issue for this group:</p> <ul style="list-style-type: none"> • Hate crime against trans people and the need for a zero-tolerance policy in social and supported housing. • Safety issues, particularly in emergency / interim and other temporary accommodation. • Fear of discrimination when approaching services for support. • A clearer pathway for trans survivors of domestic abuse and sexual violence. • The need for trans friendly accommodation and service provision in the city. <p>There is limited data on Trans people on the housing register. It is not possible to fully determine the disproportionate impact on this group in this initial EIA. Formal consultation carried out during the interim period, has not raised particular impacts on Trans people on the housing register. However, during the fixed term period the panel can consider individual needs and safety for trans applicants. It is probable that they will feel safer in a council accommodation.</p>
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6.7 Sexual Orientation:

Does your analysis indicate a disproportionate impact relating to Sexual Orientation ?	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p>Brighton & Hove has the highest rate of LGBTQ+ residents in England (10.7%), according to the Census 2021, which nationally 3.7% of respondents identified as lesbian, gay, bisexual or other sexual orientation across England and Wales.</p> <p>LGBTQ+ people are at greater risk of homelessness, often reported as due to family rejection or discrimination:</p> <table border="1"> <thead> <tr> <th>Sexual Orientation (excluding prefer not to say)</th> <th>Prevention duty owed (2020 to 2024)</th> <th>Relief duty owed (2020 to 2024)</th> <th>Main duty accepted (2020 to 2024)</th> <th>Brighton & Hove Census 2021</th> </tr> </thead> <tbody> <tr> <td>Bisexual</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>4%</td> </tr> <tr> <td>Gay / Lesbian</td> <td>4%</td> <td>6%</td> <td>5%</td> <td>6%</td> </tr> <tr> <td>Heterosexual / Straight</td> <td>91%</td> <td>88%</td> <td>89%</td> <td>89%</td> </tr> <tr> <td>Other sexual orientation</td> <td>4%</td> <td>5%</td> <td>5%</td> <td>1%</td> </tr> <tr> <td>Total</td> <td>100%</td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table> <p>The prioritisation of households placed out of city may help of LGBTQ+ people maintain support networks within the city.</p>	Sexual Orientation (excluding prefer not to say)	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)	Brighton & Hove Census 2021	Bisexual	1%	1%	1%	4%	Gay / Lesbian	4%	6%	5%	6%	Heterosexual / Straight	91%	88%	89%	89%	Other sexual orientation	4%	5%	5%	1%	Total	100%	100%	100%	100%
Sexual Orientation (excluding prefer not to say)	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)	Brighton & Hove Census 2021																										
Bisexual	1%	1%	1%	4%																										
Gay / Lesbian	4%	6%	5%	6%																										
Heterosexual / Straight	91%	88%	89%	89%																										
Other sexual orientation	4%	5%	5%	1%																										
Total	100%	100%	100%	100%																										

LGBTQ+ people are underrepresented on the council's housing register, with only 6.5% of households identifying as lesbian, gay, bisexual or other sexual orientation:

Sexual Orientation	Council Interest		Homeless		Homeseeker		Transfer		All four queues	
	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants	No. of live applicants	% of live applicants
Bisexual	4	3.67%	56	3.65%	80	3.88%	30	2.64%	170	3.51%
Gay	1	0.92%	10	0.65%	73	3.54%	23	2.02%	107	2.21%
Heterosexual	71	65.14%	509	33.14%	1162	56.41%	511	44.90%	2253	46.52%
Lesbian		0.00%	6	0.39%	29	1.41%	5	0.44%	40	0.83%
Not Declared	18	16.51%	665	43.29%	300	14.56%	286	25.13%	1269	26.20%
Other		0.00%	4	0.26%	2	0.10%	3	0.26%	9	0.19%
Prefer not to say	10	9.17%	72	4.69%	194	9.42%	112	9.84%	388	8.01%
(blank)	5	4.59%	214	13.93%	220	10.68%	168	14.76%	607	12.53%
Total	109	100.00%	1536	100.00%	2060	100.00%	1138	100.00%	4843	100.00%

The impact of this policy on this group may not be fully known, especially through under-reporting. Consultation on the interim policy with households on the housing register has not raised issues specifically relating to the intersection of LGBTQ+ and housing precarity.

6.8 Marriage and Civil Partnership:

Does your analysis indicate a disproportionate impact relating to Marriage and Civil Partnership?	No
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Being married or in a civil partnership is a protective factor against homelessness; single people are over-represented among homeless populations.

The policy does not directly discriminate based on marital status.

Whilst still considered a priority, single people are less likely to benefit from the fixed term policy, as families with children or care needs have a higher priority weighting.

6.9 Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum):

Does your analysis indicate a disproportionate impact relating to Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)?	Yes
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Of the 2,205 households who were accepted for the main duty between the 2020 and 2024 calendar years combined, 1.5% were recorded as in priority need because the applicant was or the household included a pregnant woman.

Pregnant people and parents with young children are prioritized for in-city placements, reducing health risks and supporting family stability.

Our computerised record system does not record whether applicants on the Housing Register are pregnant.

The impact of this policy on this group may not be fully known. Consultation on the interim policy with households on the housing register included respondents with growing families sharing concerns of any consequential delays to suitable housing allocation.

6.10 Armed Forces Personnel, their families, and Veterans:

Does your analysis indicate a disproportionate impact relating to Armed Forces Members and Veterans?	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

The 2021 Census estimates that there are 5,618 people in Brighton and Hove who have previously served in the armed forces. This is around 2.4% of the population.

Housing service data on support needs for applicants between the 2020 and 2024 calendar years combined indicates that those recorded as having served in the armed forces were 0.1% of those owed a prevention duty, 0.3% of those owed a relief duty and 0.1% of those accepted for the main housing duty if homelessness was not prevented or relieved. The total number of applicants was 21, of which 3 initially owed a prevention duty and 18 a relief duty (with 3 of those who were owed a relief duty going on to be accepted for the main housing duty).

Our computerised record system does not record whether applicants on the Housing Register are Armed Forces Personnel, their families, or Veterans, however there are only 3 households on the Council's Housing Register with an armed forces band reason – these households may be on the register but under a different band reason.

The policy does not exclude veterans and may benefit veterans who are part of a wider household with dependent children.

It may also benefit veterans who have complex mental health needs such as PTSD as the health outcome is a relevant factor in allocating properties.

The impact of this policy on this group may not be fully known. Consultation on the interim policy with households on the housing register has not raised additional expected effects for this group.

6.11 Expatriates, Migrants, Asylum Seekers, and Refugees:

Does your analysis indicate a disproportionate impact relating to Expatriates, Migrants, Asylum seekers, Refugees, those New to the UK, and UK visa or assigned legal status? (Especially considering for age, ethnicity, language, and various intersections)	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Analysis of housing service data on the nationality of homeless main applicants between the 2020 and 2024 calendar years combined indicates that a sizeable minority were recorded as nationals of a country

other than the UK, who were 19% (529 of 2,754) of those owed a prevention duty, 16% (945 of 5,741) of those owed a relief duty and 17% (383 of 2,205) of those accepted for the main housing.

Migrant and refugee families face additional barriers (language, discrimination).

There are considerable support networks for migrants and refugees and frequently in-city placements supports integration and access to services.

Our computerised record system does not record whether applicants on the Housing Register are expatriates, migrants, asylum seekers and refugees.

The impact of this policy on this group may not be fully known. However, the belief is that it will benefit, in particular, migrant and other households with children. It should be noted that Asylum seekers must have recourse to public funds to be given housing through the homeless route. They may be owed duty by Children's service or adult social care depending on need. There is a service level agreement in place to address this, which may or may not include the voids.

6.12 [Carers](#):

Does your analysis indicate a disproportionate impact relating to [Carers](#) (Especially considering for age, ethnicity, language, and various intersections).

Yes

If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Data from the Census 2021 indicates that 20,804 people in the city provide unpaid care for someone who has long-term physical or mental ill-health conditions, illness or problems related to old age

Carers can include people who have care needs themselves or be young carers looking after a parent or other family member. Financial vulnerability increases risk of homelessness in this group. Around 28% of carers in the UK live in relative poverty after housing costs, with 1.2 million unpaid carers living in poverty. Only 51% of informal carers aged 16+ are in employment compared with 60% of the general population aged 16+.

Data on this protected characteristic is not recorded in the data held on homelessness applications and assessments in a structured way that can readily be analysed. Further, our computerised record system does not record whether applicants on the Housing Register are carers.

The impact of this policy on this group may not be fully known. Many respondents to the consultation on the interim policy with households on the housing register illustrated the effects of care provision in an uncertain housing situation. There were also concerns about the potential for the policy to extend waiting times. As is repeated in this EIA, there is a balance: some households may suffer extended wait times in homes which are not ideal, however other new entrants into the system will have access to more stable accommodation. As part of the desired outcome is health related this is likely to be of benefit to carers who will support the people they care for with access to healthier choices.

6.13 **Looked after children, Care Leavers, Care and fostering experienced people:**

Does your analysis indicate a disproportionate impact relating to **Looked after children, Care Leavers, Care and fostering experienced children and adults (Especially considering for age, ethnicity, language, and various intersections).**

Yes

Also consider our [Corporate Parenting Responsibility](#) in connection to your activity.

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

In 2023 a total of 345 children were in care in Brighton & Hove. The number of children in care varies from year to year but has fallen over time in the city. In the same year, 163 children ceased to be looked after by the local authority.

Analysis of housing service data on support needs for homelessness applicants between the 2020 and 2024 calendar years combined indicates that those recorded as care leavers at the time of their initial assessment were 0.6% (16 of 2,754) of those owed a prevention duty, 2.5% (146 of 5,741) of those owed a relief duty and 2.4% (53 of 2,205) of those accepted for the main housing duty.

Brighton & Hove City Council's as corporate parent has collective responsibility to act as a good parent for the children and young people in its care, including care leavers. This legal duty involves all council employees, elected members, and commissioned services supporting these young people's education, health, welfare, and overall well-being

The interim policy prioritised Care Leavers for letting to HRA voids as Temporary Accommodation, allowing for Care Leavers to access better quality and more affordable accommodation.

Our computerised record system does not record whether applicants on the Housing Register are Care Leavers, however there are 44 households on the register with the care leaver priority band reason.

The impact of this policy on this group may not be fully known initially – more research would be needed around health outcomes. Some may well also be in education as often the education of those who have been through the care system will be disrupted or less than optimal. Many care leaves return to education post 18.

6.14 Homelessness:

Does your analysis indicate a disproportionate impact relating to people experiencing homelessness, and associated risk and vulnerability? (Especially considering for age, veteran, ethnicity, language, and various intersections)

Yes

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

A detailed review of homelessness in the city has informed the development of the interim policy and supported the drafting of this Equality Impact Assessment. Data on homelessness and rough sleeping [can be found in the review document](#).

Intersections between homelessness and protected characteristics are identified in other sections of this equality impact assessment. Two categories of risk in relation to protected characteristics and their intersections need to be highlighted here: the risk of becoming homeless and increased risk when homeless. Other factors, not related to characteristics protected under the Equality Act 2010, are also likely to compound risk, for example, substance misuse, employment status, educational achievement, and personal circumstances.

The interim pilot directly targeted those at highest risk, aiming to improve outcomes and reduce the negative impacts of homelessness; however, some groups may remain in less suitable TA as supply of HRA voids is limited.

6.15 Domestic and/or Sexual Abuse and Violence Survivors, people in vulnerable situations:

Does your analysis indicate a disproportionate impact relating to Domestic Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)?	Yes
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Housing service data on homelessness applications between the 2020 and 2024 calendar years combined includes the main reason for the applicant’s loss of their settled home, with a category for cases where they are a victim of domestic abuse. This applied to 4% (104 of 2,754) of households owed a prevention duty and 9% (543 of 5,741) of those owed a relief duty. Of the 2,205 households whose homelessness was not prevented or relieved and who were accepted for the main duty during the same period, 4% were recorded as in priority need specifically because the applicant fled domestic abuse.

The proportion of people who are at risk of and/or have experienced domestic abuse is higher (16%) based on the data on additional support needs for homelessness applicants. The data on additional support needs includes three categories relating to different types of abuse, as shown in the table below. This shows that significant proportions of homeless applicants are likely to be survivors of domestic, sexual and/or other forms of abuse, ranging from 8% of those owed a prevention duty, 17% of those owed a relief duty, and 20% of those accepted for the main housing duty.

All support needs (overlapping categories) recorded at time of assessment for homeless application	Prevention duty owed (2020 to 2024)	Relief duty owed (2020 to 2024)	Main duty accepted (2020 to 2024)
At risk of/has experienced abuse (non-domestic abuse)	2%	4%	4%
At risk of/has experienced domestic abuse	6%	12%	16%
At risk of/has experienced sexual abuse/exploitation	2%	3%	4%
At least one of the above	8%	17%	20%

Analysis of housing service data over time points to a significant increase in the numbers of victims of domestic abuse approaching the council at the relief stage (where they are already homeless). The table below shows the number of people assessed as owed a relief duty by main reason.

Calendar Year of assessment: Relief duty owed	Family or friends no longer willing or able to accommodate	End of private rented tenancy	Victim of domestic abuse	Eviction from supported housing
2020	323	117	41	45
2021	308	134	96	87
2022	224	186	106	84
2023	239	204	144	117
2024	290	206	156	116
Total	1,384	847	543	449

Source: Home Connections (data extracted on 13/01/25 using the 'Hope Extract' report)

The interim policy prioritised households made homeless due to domestic violence or abuse; however may require specialist support and safe, confidential placements that are better achieved during this fixed term scheme

The council has developed a series of Women's only Temporary Accommodation schemes, one of which includes on site support, which will help address this issue.

Our computerised record system does not record whether applicants on the Housing Register are DVA survivors. However, as stated previously, women are overrepresented as the lead applicant for help with homelessness or to join the housing register. Typically, women are more likely to experience DVA. Whilst on one hand survivors of DVA in Temporary Accommodation will benefit from this policy, survivors on the register will be impacted.

6.16 Socio-economic Disadvantage:

Does your analysis indicate a disproportionate impact relating to Socio-economic Disadvantage? (Especially considering for age, disability, D/deaf/ blind, ethnicity, expatriate background, and various intersections)	Yes
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

All applicants on the housing register are likely to be subject to socio-economic disadvantage; average incomes are well below the threshold for market rents

The fixed term period policy aims to reduce the use of expensive, poor-quality TA and support financial stability for affected households who have to pay a contribution towards their rent, as they are not entitled to full Housing Benefit, due to factors such as employment.

Households on the waiting list but not prioritised for TA may experience increased hardship due to longer waits.

6.17 Human Rights:

Will your activity have a disproportionate impact relating to Human Rights?	Yes
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Brighton & Hove City Council recognises the right to adequate housing and signed the Homeless Bill of Rights in 2021. In practice, this means placements should enable people to live with security, peace, and dignity.

In city placements in council TA reduce disruption to family life, support continuity of healthcare and schooling. Suitability assessments and review rights further protect household autonomy.

6.18 Cumulative, multiple intersectional, and complex impacts (including on additional relevant groups):

What cumulative or complex impacts might the activity have on people who are members of multiple Minoritised groups?

- For example: people belonging to the Gypsy, Roma, and/or Traveller community who are also disabled, LGBTQIA+, older disabled trans and non-binary people, older Black and Racially Minoritised disabled people of faith, young autistic people.
- Also consider wider disadvantaged and intersecting experiences that create exclusion and systemic barriers:
 - People being housebound due to disabilities or disabling circumstances
 - Environmental barriers or mobility barriers impacting those with sight loss, D/deafness, sensory requirements, neurodivergence, various complex disabilities
 - People experiencing homelessness
 - People on a low income and people living in the most deprived areas
 - People facing literacy, numeracy and/or digital barriers
 - Lone parents
 - People with experience of or living with addiction and/ or a substance use disorder (SUD)
 - Sex workers
 - Ex-offenders and people with unrelated convictions
 - People who have experienced female genital mutilation (FGM)
 - People who have experienced human trafficking or modern slavery

Many households affected by homelessness and temporary accommodation in Brighton & Hove experience not just a single disadvantage, but a combination of factors that interact and compound risk.

The intersection of these characteristics increases both the complexity of need and the risk of exclusion or poor outcomes. For example, a lone parent from a racially minoritised background with a disabled child may face barriers related to language, discrimination, caring responsibilities, and access to suitable housing

The use of a multi-disciplinary panel to oversee allocations and exceptions is designed to identify and respond to intersectional needs. By reviewing cases holistically, the panel can consider the full context of each household rather than applying a one-size-fits-all approach.

The prioritisation criteria explicitly include factors that often intersect, such as children with special educational needs, households experiencing domestic abuse, and those with complex medical or care needs.

The fixed term measure's focus on in-city placements and suitability assessments creates opportunities to reduce the cumulative impact of multiple disadvantages (e.g., keeping children in their schools, maintaining access to health and support services, and reducing isolation for minoritised groups).

Despite improvements, there are still significant gaps in the collection and analysis of data on intersectional identities and needs. For example, not all disabilities are recorded (especially neurodivergence or mental health), and data on sexual orientation, gender identity, and caring

status is often incomplete or missing. This can lead to some needs being overlooked in both policy design and individual case decisions

If the fixed term action reduces the availability of general needs housing, those with less visible or less “prioritised” intersectional needs (e.g., single adults with mental health issues and a history of care) may experience longer waits and greater instability, further compounding their disadvantage.

It is recommended that the lettings panel regularly review the impact of the pilot on households with multiple disadvantages, using both quantitative data and qualitative feedback, and adapt processes as needed to address gaps.

7. Action planning

What SMART actions will be taken to address the disproportionate and cumulative impacts you have identified?

- Summarise relevant SMART actions from your data insights and disproportionate impacts below for this assessment, listing appropriate activities per action as bullets. (This will help your Business Manager or Fair and Inclusive Action Plan (FIAP) Service representative to add these to the Directorate FIAP, discuss success measures and timelines with you, and monitor this EIA’s progress as part of quarterly and regular internal and external auditing and monitoring)

1. Monitor the lettings decisions made by the panel to capture information on groups benefiting or impacted by the interim measure to support any changes or amendment to the interim policy and better inform a decision at the end of the interim period.

2.

Which action plans will the identified actions be transferred to?

- For example: Team or Service Plan, Local Implementation Plan, a project plan related to this EIA, FIAP (Fair and Inclusive Action Plan) – mandatory noting of the EIA on the Directorate EIA Tracker to enable monitoring of all equalities related actions identified in this EIA. This is done as part of FIAP performance reporting and auditing. Speak to your Directorate’s Business Improvement Manager (if one exists for your Directorate) or to the Head of Service/ lead who enters actions and performance updates on FIAP and seek support from your Directorate’s EDI Business Partner.

The actions will be transferred into a wider project plan for the interim measure, and overseen by a programme board focusing on the longer-term financial sustainability of the council, related to the costs of homelessness and temporary accommodation.

8. Outcome of your assessment

What decision have you reached upon completing this Equality Impact Assessment? (Mark ‘X’ for any ONE option below)

Stop or pause the activity due to unmitigable disproportionate impacts because the evidence shows bias towards one or more groups.	
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Adapt or change the activity to eliminate or mitigate disproportionate impacts and/or bias.	
Proceed with the activity as currently planned – no disproportionate impacts have been identified, or impacts will be mitigated by specified SMART actions.	
Proceed with caution – disproportionate impacts have been identified but having considered all available options there are no other or proportionate ways to achieve the aim of the activity (for example, in extreme cases or where positive action is taken). Therefore, you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.	X

If your decision is to “Proceed with caution”, please provide a reasoning for this:

Social housing and accessible TA are scarce. The fixed term measure temporarily reduces the number of general needs lets available via bidding. The evidence indicates disproportionate impact may arise for some groups on the housing register, while strong positive impacts are expected for those who are newly homeless or in interim placements outside the city and in particular those households which are families have children, disabled households, and survivors of domestic abuse through improved quality of accommodation, better security of tenure and the benefits of in city housing.

Proceeding with caution is justified because the fixed term position is time limited, tightly governed by a multidisciplinary panel, subject to weekly monitoring, and includes clear exemptions and remediation routes. The SMART Actions set out above will mitigate and monitor impacts. It is of note that there have been no significant challenges to the policy during the interim period.

In the event that there are no suitable households to meet the criteria for a placement under this process, then the property will either be held over for others or go back onto the housing register for bidding on.

Summarise your overall equality impact assessment recommendations to include in any committee papers to help guide and support councillor decision-making:

An initial Equality Impact Assessment (EIA) has been undertaken to assess the time-limited fixed term measure for the use of HRA voids as Temporary Accommodation. The analysis demonstrates that the fixed term measure will have material, and in many cases positive, differential impacts for a range of protected groups and intersecting cohorts. These include:

- Children and young people, and families
- Disabled people, including neurodivergent people and those with non-visible disabilities
- Ethnicity, race and ethnic heritage, including Black and Racially Minoritised (BRM) households
- Religion or belief
- Sex and gender identity, including women and TNBI people
- Pregnancy, maternity and early parenthood
- Migrants, asylum seekers and refugees
- Carers and care-experienced people
- Survivors of domestic and sexual abuse
- Human rights considerations

Many households experience multiple, overlapping disadvantages. To address this, the Lettings Panel will record an intersectional rationale for each decision, ensuring that overlapping needs are considered in prioritisation and that any adjustments are clearly documented. Monthly dashboards will monitor for disparities across characteristics and intersections, enabling targeted action where required.

To mitigate risks and ensure the fixed term measure remains responsive to equalities considerations, the EIA proposes the following key action(s):

1. Monitor lettings decisions made by the panel to capture information on groups benefiting from or impacted by the measure, supporting any necessary changes to the policy and informing decisions at the end of the fixed term period.

The EIA recommends proceeding with caution. The recommended approach incorporates a clear cap on the number of homes used, time-limited application of the policy, strengthened exemptions, exclusion of four-bedroom homes, and flexible month-by-month operation. Ongoing monitoring and review are built into the approach to ensure impacts remain proportionate and can be addressed if required.

Evidence indicates strong positive impacts for families with children, disabled households, survivors of domestic abuse, and households currently placed out of area, through improved quality and stability of accommodation.

However, there are also risks of longer waits for some groups on the housing register during the fixed term period, and gaps in structured equality data that require active management.

Proceeding with caution is justified given the urgent need to reduce expenditure on nightly-paid accommodation and to improve in-city stability for households. The proposed actions provide a proportionate and practical mitigation framework for the fixed term period.

9. Publication

All Equality Impact Assessments will be published. If you are recommending, and choosing not to publish your EIA, please provide a reason:

10. Directorate and Service Approval

Signatory:	Name and Job Title:	Date: DD-MMM-YY
Responsible Lead Officer:	Justine Harris, Head of Tenancy Services / Alice Morel, Head of Homelessness & Housing Options	
Accountable Manager:	Harry Williams, Director of Housing People Services	09/01/2026

Notes, relevant information, and requests (if any) from Responsible Lead Officer and Accountable Manager submitting this assessment:

EDI Review, Actions, and Approval:

Equality Impact Assessment sign-off

EDI Business Partner to cross-check against aims of the equality duty, public sector duty and our civic responsibilities the activity considers and refer to relevant internal checklists and guidance prior to recommending sign-off.

Once the EDI Officer has considered the equalities impact to provide approval for by those submitting the EIA, they will get the EIA signed off and sent to the requester copying the Head of Service, Business Improvement Manager, [Equalities inbox](#), any other service colleagues as appropriate to enable EIA tracking, accountability, and saving for publishing. Budget and Staffing EIAs secure approval via different templates.

Signatory:	Name:	Date: DD-MMM-YY
EDI Business Partner:	Eric Page	9 th April 2026
EDI Manager:		

Notes and recommendations from EDI Business Partner reviewing this assessment:

See comments added to document

Notes and recommendations (if any) from EDI Manager reviewing this assessment:

General Equality Impact Assessment (EIA) Form

Support:

An [EIA toolkit](#), [workshop content](#), and guidance for completing an [Equality Impact Assessment \(EIA\) form](#) are available on the [EIA page](#) of the [EDI Internal Hub](#). Please read these before completing this form.

For enquiries and further support if the toolkit and guidance do not answer your questions, contact the Equality, Diversity, and Inclusion (EDI) team by emailing Equalities@Brighton-Hove.gov.uk. If your request is urgent, please mention this in the subject line of your email so we can support as required.

Processing Time:

- EIAs can take up to 10 business days to approve after a completed EIA of a good standard is submitted to the EDI Team. This is not considering unknown and unplanned impacts of capacity, resource constraints, and work pressures on the EDI team at the time your EIA is submitted.
- If your request is urgent, we can explore support exceptionally on request.
- We encourage improved planning and thinking around EIAs to avoid urgent turnarounds as these make EIAs riskier, limiting, and blind spots may remain unaddressed for the 'activity' you are assessing.

Process:

- Once fully completed, submit your EIA to the Equalities team by emailing the Equalities inbox and copying in your Head of Service, Business Improvement Manager (if one exists in your directorate), any other relevant service colleagues to enable EIA communication, tracking and saving.
- Your EIA will be reviewed, discussed, and then approved by the assigned EDI Officer and after seeking additional approval as appropriate for your EIA.
- Only approved EIAs are to be attached to Committee reports. Unapproved EIAs are invalid.

1. Assessment details

Throughout this form, 'activity' is used to refer to many different types of proposals being assessed.

Read the [EIA toolkit](#) for more information.

Name of activity or proposal being assessed:	Reviewing Local Housing Allowance rates in council-owned and long-term leased Temporary Accommodation
Directorate:	Homes and Adult Social Care
Service:	
Team:	
Is this a new or existing activity?	New
Are there related EIAs that could help inform this EIA? Yes or No (If Yes, please use this to inform this assessment)	No

2. Contributors to the assessment (Name and Job title)

Responsible Lead Officer:	Harry Williams - Director of Housing People Services
Accountable Manager:	Aaron Burns- Head of Temporary & Supported Accommodation
Additional stakeholders collaborating or contributing to this assessment:	

3. About the activity

Briefly describe the purpose of the activity being assessed:

The council is proposing to review rents across identified temporary accommodation (TA) properties, which are council owned and on a long lease (more than 10 years and 1 day) to ensure financial sustainability, better alignment with current market and subsidy levels, and to maximise Housing Benefit (HB) recovery and rent alignment. This supports the council's ability to continue meeting statutory homelessness duties and maintain the TA portfolio at a viable level.

We have identified 282 properties that current fit the above brief and have estimated 80% of these properties receive Housing Benefit.

What are the desired outcomes of the activity?

To increase income recoverable through Housing Benefit where eligible.
 To ensure rent levels are applied consistently and transparently across TA.
 To limit financial impact on residents through proportionate mitigation.
 To safeguard services for vulnerable households by reducing budget pressures.

Which key groups of people do you think are likely to be affected by the activity?

The **primary determinant of impact is whether a household receives Housing Benefit (HB).**

- **Households on full or partial HB:**
Will not experience an increase in their net rent liability because HB will be in line with the reviewed rent.
- **Households not receiving HB:**
May experience an increase in their weekly rent and therefore represent the group most likely to require support.

4. Consultation and engagement

What consultations or engagement activities have already happened that you can use to inform this assessment?

- For example, relevant stakeholders, groups, people from within the council and externally consulted and engaged on this assessment. **If no consultation** has been done or it is not enough or in process – state this and describe your plans to address any gaps.

Current engagement has focused on:

- Internal consultation with Housing, Finance, Welfare and Legal teams.
- Review of equalities issues raised in other boroughs' EIAs, all of which highlight HB vs non-HB as the key impact split.
- Discussions with front-line staff and case managers.
- Assessment of potential mitigations for those not currently receiving HB.

Future engagement:

- Residents will receive formal notice of rent changes in clear, accessible language, with signposting to support services including income maximisation, benefit take-up and hardship assistance.
- Households not currently in receipt of HB will be encouraged to undergo benefits checks to establish eligibility for full or partial support.
- Any household concerned about affordability will be able to contact the council for advice and assessment.

5. Current data and impact monitoring

Do you currently collect and analyse the following data to enable monitoring of the impact of this activity?
Consider all possible intersections.

(State Yes, No, Not Applicable as appropriate)

Age	YES
Disability and inclusive adjustments, coverage under equality act and not	YES
Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers)	YES
Religion, Belief, Spirituality, Faith, or Atheism	NO
Sex	YES
Gender (including non-binary and Intersex people)	YES
Gender Reassignment	YES
Sexual Orientation	YES
Marriage and Civil Partnership	YES
Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)	YES
Armed Forces Personnel, their families, and Veterans	YES
Expatriates, Migrants, Asylum Seekers, and Refugees	YES
Carers	YES
Looked after children, Care Leavers, Care and fostering experienced people	YES

Domestic and/or Sexual Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)	YES
Socio-economic Disadvantage	YES
Homelessness and associated risk and vulnerability	YES
Human Rights	YES
Another relevant group (please specify here and add additional rows as needed)	<p>Yes, including:</p> <ul style="list-style-type: none"> • Ex-offenders and people with unrelated convictions • Lone parents • People experiencing homelessness

Additional relevant groups that may be widely disadvantaged and have intersecting experiences that create exclusion and systemic barriers may include:

- Ex-offenders and people with unrelated convictions
- Lone parents
- People experiencing homelessness
- People facing literacy, numeracy and /or digital barriers
- People on a low income and people living in the most deprived areas
- People who have experienced female genital mutilation (FGM)
- People who have experienced human trafficking or modern slavery
- People with experience of or living with addiction and/ or a substance use disorder (SUD)
- Sex workers

If you answered “NO” to any of the above, how will you gather this data to enable improved monitoring of impact for this activity?

What are the arrangements you and your service have for monitoring, and reviewing the impact of this activity?

Data is collected as part of a household’s application for help with homelessness or to join the housing register.

The implementation of the interim measure will be overseen by a panel of relevant service managers, who will oversee letting decisions to ensure consistency, fairness and transparency. The panel will consider and review the application of the rent policy on a case-by-case basis, with clear criteria and records maintained for audit purposes.

6. Impacts

Advisory Note:

- **Impact:**

- Assessing disproportionate impact means understanding potential negative impact (that may cause direct or indirect discrimination), and then assessing the relevance (that is: the potential effect of your activity on people with protected characteristics) and proportionality (that is: how strong the effect is).
- These impacts should be identified in the EIA and then re-visited regularly as you review the EIA every 12 to 18 months as applicable to the duration of your activity.
- **SMART Actions mean:** Actions that are (SMART = Specific, Measurable, Achievable, Realistic, T = Time-bound)
- **Cumulative Assessment:** If there is impact on all groups equally, complete **only** the cumulative assessment section.
- **Data analysis and Insights:**
 - In each protected characteristic or group, in answer to the question ‘If “YES”, what are the positive and negative disproportionate impacts?’, describe what you have learnt from your data analysis about disproportionate impacts, stating relevant insights and data sources.
 - Find and use contextual and wide ranges of data analysis (including community feedback) to describe what the disproportionate positive and negative impacts are on different, and intersecting populations impacted by your activity, especially considering for [Health inequalities](#), review guidance and inter-related impacts, and the impact of various identities.
 - For example: If you are doing road works or closures in a particular street or ward – look at a variety of data and do so from various protected characteristic lenses. Understand and analyse what that means for your project and its impact on different types of people, residents, family types and so on. State your understanding of impact in both effect of impact and strength of that effect on those impacted.
- **Data Sources:**
 - **Consider a wide range (including but not limited to):**
 - [Population and population groups](#)
 - [Census 2021 population groups Infogram: Brighton & Hove by Brighton and Hove City Council](#)
 - [Census](#) and [local intelligence data](#)
 - Service specific data
 - Community consultations
 - Insights from customer feedback including complaints and survey results
 - Lived experiences and qualitative data
 - [Joint Strategic Needs Assessment \(JSNA\) data](#)
 - [Health Inequalities data](#)
 - Good practice research
 - National data and reports relevant to the service
 - Workforce, leaver, and recruitment data, surveys, insights
 - Feedback from internal ‘staff as residents’ consultations
 - Insights, gaps, and data analyses on intersectionality, accessibility, sustainability requirements, and impacts.
 - Insights, gaps, and data analyses on ‘who’ the most intersectionally marginalised and excluded under-represented people and communities are in the context of this EIA.
 - Learn more about the [Equality Act 2010](#) and about our [Public Sector Equality Duty](#).

6.1 Age

<p>Does your analysis indicate a disproportionate impact relating to any particular Age group? For example: older people, people who may be housebound, those under 16, young adults, with other intersections.</p>	<p>YES</p>
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Citywide data shows Brighton & Hove has a relatively young age profile (72% working age; 14% children; 14% older people)

Working-age adults under 35 are subject to the Shared Accommodation Rate (SAR), which restricts their HB to the single room rate regardless of the size of property they are in. A rent review to LHA standard rates could leave under 35s with a larger gap between rent charged and HB received than older households. Within this, there are exemptions (former rough sleepers, those have spent 3 months in a resettlement hostel) that may partially mitigate impact for younger people in TA.

Care leavers aged 18-24 are particularly exposed to this risk: unlike other young adults who may be able to draw on family financial support to bridge any shortfall, care leavers leave local authority care without that safety net. The resettlement hostel exemption is unlikely to apply to most care leaver, who typically transition directly into independent or supported accommodation rather than via a qualifying hostel, meaning they have no route to exemption from the SAR and no cushion against the gap between their capped HB and reviewed rent.

Older adults face different pressures, those approaching pension age may be on fixed incomes with limited capacity to absorb any shortfall.

Mitigations:

- Ensure that leaving care team and housing officers review and create a shared protocol to identify care leavers in TA and have their SAR position flagged and ensure support is offered.
- Review all under 35 identified individuals in TA placements and identify those subject to SAR
- Ensure SAR exemptions are actively identified and applied at the point of placement
- Review alternative benefits such as pension credits for older adults
- Review alternative awards and benefits for those under 35, eg: Discretionary Payment

6.2 Disability:

<p>Does your analysis indicate a disproportionate impact relating to Disability, considering our anticipatory duty?</p>	<p>YES</p>
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Brighton & Hove has a high proportion of disabled residents (19%)

Disabled people are overrepresented in TA, as reported nationally and locally, but protected characteristic status is not the determinant of impact. Rent increases are covered by HB for eligible households, so disabled residents receiving HB experience no disproportionate impact. However, disabled people are disproportionately likely to be on low income, out of work, or reliant on benefit income and are therefore overrepresented in TA population relative to the general population.

What [inclusive adjustments](#) are you making for diverse disabled people impacted? For example: those who are housebound due to disability or disabling circumstances, D/deaf, deafened, hard of hearing, blind, neurodivergent people, those with non-visible disabilities, and with access requirements that may not identify as disabled or meet the legal definition of disability, and have various intersections (Black and disabled, LGBTQIA+ and disabled).

- Proactive benefit take-up support for disabled residents not currently receiving HB.
- Accessible communications (plain English, formats available on request).
- Signposting to additional welfare support and discretionary funds.
- Welfare rights assessment at the point of TA placement should check for unclaimed disability related entitlements (PIP, carers allowance, etc), that would increase overall household income.

6.3 Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers):

Does your analysis indicate a disproportionate impact relating to ethnicity?	NO
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If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

26% of Brighton & Hove residents are Black or Racially Minoritised.

HB entitlement does not vary by race or ethnicity. For those not in receipt of HB their personal circumstances will be reviewed as in all cases. However, Black and Racially minoritised individuals may face compounding barriers that indirectly affect their ability to respond to and manage a rent increase. These include higher rates of digital exclusion, which may limit access to online benefit claim portals; language barriers that reduce the ability to understand correspondence about rent changes, entitlements and support routes; and a historic low rates of benefit take up within some communities, which may reflect distrust or unfamiliarity with statutory support systems.

Mitigation:

- Review local TA demographic data post review
- Ensure communication regarding rent change and benefit entitlement and support routes are available to relevant and accessible language
- Housing officers should take a proactive outreach approach for residents identified as having a language barrier or limited digital access
- Council should work with community and voluntary sector organisations with established relationships with Black and Racially Minoritised communities to ensure information about the rent charge and support routes reaches residents through trusted channels.

6.4 Religion, Belief, Spirituality, Faith, or Atheism:

Does your analysis indicate a disproportionate impact relating to Religion, Belief, Spirituality, Faith, or Atheism?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p>Religion/belief is not collected for TA households, though baseline city data shows 55% of residents have no religion, with Christians the next largest group (31%)</p> <p>There is no mechanism through which religion or belief affects rent liability, HB eligibility, or exposure to risk.</p>

6.5 Sex:

Does your analysis indicate a disproportionate impact relating to Sex	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p>The city has an even sex split (51% women / 49% men)</p> <p>HB entitlement does not directly differentiate by Sex. However, a woman constitutes a significant greater share of the HB caseload and of TA households, particularly as lone parents and domestic abuse survivors. Lone parents are entitled to HB based on household (family) size, not single adult rates.</p> <p>Mitigation:</p> <ul style="list-style-type: none"> • Monitor the proportion for women, and specifically lone parents, accruing rent arrears post review
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6.6 Gender and Gender Reassignment:

Does your analysis indicate a disproportionate impact relating to Gender Identity (including non-binary and intersex people)?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Does your analysis indicate a disproportionate impact relating to Gender Reassignment ?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p>Local data shows 5% of adults identify as trans, non-binary or intersex.</p> <p>HB entitlement does not directly differentiate by gender identity. Some trans residents may face</p>

additional barriers to accessing support services or may not disclose their circumstances limiting access to welfare assistance. Trans and non-binary residents may have lower trust in statutory services due to experiences of discrimination, which can affect their willingness to engage early with financial support processes.

Mitigation:

- Ensure housing and support staff can identify and support Trans, non-binary and Intersex residents without requiring disclosure as a condition of assistance.

6.7 Sexual Orientation:

Does your analysis indicate a disproportionate impact relating to Sexual Orientation ?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Brighton & Hove has a high LGBTQ+ population (28%)

Sexual orientation does not influence HB eligibility or rent liability, and therefore no disproportionate impact is expected. LGBTQ+ young residents are overrepresented in youth homelessness and TA populations, meaning the under 35/SAR risk is relevant.

6.8 Marriage and Civil Partnership:

Does your analysis indicate a disproportionate impact relating to Marriage and Civil Partnership?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Marital status does not influence rent calculation or HB entitlement. No pathway for differential impact.

6.9 Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum):

Does your analysis indicate a disproportionate impact relating to Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Pregnant people and new parents are frequently in priority need groups for homelessness, but the rent review affects them no differently than other groups. HB fully protects eligible households; non-HB households may access affordability assessments.

6.10 Armed Forces Personnel, their families, and Veterans:

Does your analysis indicate a disproportionate impact relating to Armed Forces Members and Veterans?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

There is no mechanism through which military status affects rent review exposure.

6.11 Expatriates, Migrants, Asylum Seekers, and Refugees:

Does your analysis indicate a disproportionate impact relating to Expatriates, Migrants, Asylum seekers, Refugees, those New to the UK, and UK visa or assigned legal status? (Especially considering for age, ethnicity, language, and various intersections)	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

20% of residents were born outside the UK.
Some migrants are excluded from public funds; this can affect HB eligibility.
Where this results in cost exposure, the cause is immigration eligibility, not discrimination within the rent review policy.

Mitigation:

- Where this does occur, we would have to look at the individual circumstances of the household. There is a balance between Government restrictions and supporting the household. In cases where the household is placed by social services under an SLA we will want to speak to those departments as part of the one council approach.
- Communication strategies must include translated materials and culturally accessible outreach for migrants with limited English.

6.12 [Carers](#):

Does your analysis indicate a disproportionate impact relating to Carers (Especially considering for age, ethnicity, language, and various intersections).	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Unpaid carers are disproportionately likely to be on low incomes or out of paid employment due to caring responsibilities, making them likely to be represented in the TA population and more likely financial exposed to a rent review. Younger carers aged 18-25, face additional effects of the SAR restriction, as their caring role does not constitute a qualifying exemption. Where a carer first language is not English, the barriers identified under race and ethnicity such as; digital exclusion, language barriers, lower benefit take up, apply with equal force and may be compounded by time and capacity constraints.

Mitigations:

- Housing officers should try and identify unpaid carer at the point of TA placement and flag them for welfare rights support
- Young carers subject to the SAR should be identified and considered for extra support
- Communication to carers should be done in formats that are accessible

6.13 Looked after children, Care Leavers, Care and fostering experienced people:

Does your analysis indicate a disproportionate impact relating to Looked after children, Care Leavers, Care and fostering experienced children and adults (Especially considering for age, ethnicity, language, and various intersections). Also consider our [Corporate Parenting Responsibility](#) in connection to your activity.

NO

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Care leavers may be overrepresented in TA, but HB protection applies equally. No rent review specific disadvantage identified.

Care leavers aged 18-24 are particularly exposed to this risk: unlike other young adults who may be able to draw on family financial support to bridge any shortfall, care leavers leave local authority care without that safety net. The resettlement hostel exemption is unlikely to apply to most care leaver, who typically transition directly into independent or supported accommodation rather than via a qualifying hostel, meaning they have no route to exemption from the SAR and no cushion against the gap between their capped HB and reviewed rent.

Mitigation

- Ensure that leaving care team and housing officers review and create a shared protocol to identify care leavers in TA and have their SAR position flagged and ensure support is offered.

6.14 Homelessness:

Does your analysis indicate a disproportionate impact relating to people experiencing homelessness, and associated risk and vulnerability? (Especially considering for age, veteran, ethnicity, language, and various intersections)	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

All TA households are by definition experiencing or at risk of homelessness. The distinction remains HB vs non HB; homelessness status does not independently alter impact.

6.15 Domestic and/or Sexual Abuse and Violence Survivors, people in vulnerable situations:

Does your analysis indicate a disproportionate impact relating to Domestic Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)?	NO
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If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p>Domestic abuse survivors placed in TA, directly from a refuge may have disrupted benefit claims and delayed HB entitlement created a period of vulnerability.</p> <p>Mitigation:</p> <ul style="list-style-type: none"> • Support domestic abuse survivors place in TA receive referral to specialist welfare rights • Housing to work with officers who work with survivors and support them to work with benefit officers to complete processes. • Housing officers to be flagged trauma informed courses and knowledge by officers who undertake survivor support work.
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6.16 Socio-economic Disadvantage:

Does your analysis indicate a disproportionate impact relating to Socio-economic Disadvantage? (Especially considering for age, disability, D/deaf/ blind, ethnicity, expatriate background, and various intersections)	YES
--	-----

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Households not in receipt of HB, often due to income thresholds, savings, immigration status, or administrative delays, may face higher weekly rent.
--

Mitigations:

- HB take up checks
- Income maximisation advice
- Discretionary Housing Payments / hardship funds
- Case by case affordability assessments
- Support to resolve HB processing issues or identify entitlements

6.17 Human Rights:

Will your activity have a disproportionate impact relating to Human Rights?

NO

If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Rent review does not interfere with Article 8 rights (home/family life) because households will not be required to move and support is available to prevent affordability related breaches.

6.18 Cumulative, multiple intersectional, and complex impacts (including on additional relevant groups):

What cumulative or complex impacts might the activity have on people who are members of multiple Minoritised groups?

- For example: people belonging to the Gypsy, Roma, and/or Traveller community who are also disabled, LGBTQIA+, older disabled trans and non-binary people, older Black and Racially Minoritised disabled people of faith, young autistic people.
- Also consider wider disadvantaged and intersecting experiences that create exclusion and systemic barriers:
 - People being housebound due to disabilities or disabling circumstances
 - Environmental barriers or mobility barriers impacting those with sight loss, D/deafness, sensory requirements, neurodivergence, various complex disabilities
 - People experiencing homelessness
 - People on a low income and people living in the most deprived areas
 - People facing literacy, numeracy and/or digital barriers
 - Lone parents
 - People with experience of or living with addiction and/ or a substance use disorder (SUD)
 - Sex workers
 - Ex-offenders and people with unrelated convictions
 - People who have experienced female genital mutilation (FGM)
 - People who have experienced human trafficking or modern slavery

Although the rent review does not create disproportionate impacts for any protected group, some residents may experience wider cumulative or intersectional vulnerabilities that exist independently of this

policy. These vulnerabilities do not arise from the rent review itself but may shape how easily households can navigate financial or administrative processes associated with it.

Individuals who belong to more than one minoritised or disadvantaged group, for example disabled residents, racially minoritised residents, LGBTQ+ people, lone parents, migrants with language barriers, or people with experiences of trauma, may already face systemic inequalities or barriers accessing support. Where such households are not currently in receipt of Housing Benefit, these broader factors may impact how they engage with benefit maximisation, advice services or affordability assessments.

To ensure this does not create indirect disadvantage, the council will continue to offer:

- proactive HB take up checks
- accessible formats and translations
- support for residents with digital, literacy or cognitive barriers
- Case by case hardship assessments
- referrals to welfare, health and community support services

In addition, the council recognises that intersectional disadvantage may mean some households require longer or repeated support windows, not only initial outreach. Residents facing multiple barriers may take more time to respond, provide documentation, or engage consistently with support services. The council will therefore ensure that follow- up contact, benefit checks and hardship support remain available beyond the initial communication period, with flexible timelines and ongoing engagement where needed.

7. Action planning

What SMART actions will be taken to address the disproportionate and cumulative impacts you have identified?

- Summarise relevant SMART actions from your data insights and disproportionate impacts below for this assessment, listing appropriate activities per action as bullets. (This will help your Business Manager or Fair and Inclusive Action Plan (FIAP) Service representative to add these to the Directorate FIAP, discuss success measures and timelines with you, and monitor this EIA's progress as part of quarterly and regular internal and external auditing and monitoring)

Action 1 – Ensure all non-HB households receive targeted, proactive support

Specific: Provide tailored intervention to the 20% of households not receiving full HB (cash payers, partial HB, HB pending).

Measurable: Make direct contact with 100% of these households; complete a benefit/affordability review with at least 90%.

Achievable: Using existing Housing Income, Welfare Support, and TA resources.

Relevant: Addresses the only households at financial risk.

Timebound: Within 12 weeks of rent review notification.

Activities:

- Write to all affected households explaining the change and available support.
- Send direct text messages inviting residents to a personal advice session.
- Offer 1:1 appointments (phone or in person) to review income, HB eligibility, and affordability.
- Prioritise residents waiting for HB decisions to prevent interim hardship.

- Record outcomes and follow up all unresolved cases.
- Extending support windows for households facing intersectional barriers, recognising that some may require repeated contact or longer engagement periods before completing assessments

Action 2 – Maximise HB and welfare entitlement for households currently paying rent themselves

Specific: Ensure all 7% non-HB cash payers and 4% partial HB households receive a full benefits check.

Measurable: Attempt HB claims for every resident identified as potentially eligible; track claim submissions and outcomes.

Achievable: Delivered by Welfare Support, supported by TA teams.

Relevant: Directly reduces financial exposure from the rent review.

Timebound: Claims initiated within 4 weeks of contact; follow up until resolved.

Activities:

- Assist with HB cost applications.
- Provide specialist support for residents with language, literacy or digital barriers.
- Use data matching and DWP liaison to unblock delayed claims.
- Offer signposting for income maximisation (e.g., disability benefits, childcare support, Council Tax Reduction).

Action 3 – Provide hardship support for households unable to mitigate costs immediately

Specific: Ensure no household in the 20% group experiences financial detriment during the transition.

Measurable: Assess every case requesting assistance; provide temporary support where affordability is demonstrated.

Achievable: Uses existing hardship, DHP, and discretionary assistance mechanisms.

Relevant: Prevents disproportionate impact for vulnerable households.

Timebound: Available from Day 1 of rent review; reviewed after 6 months.

Activities:

- Provide short term hardship support during HB assessment delays.
- Conduct affordability reviews for those unable to increase income (e.g., disability, caring roles).
- Refer residents to external financial and debt advice providers.

Action 4 – Strengthen equalities data to improve monitoring and PSED compliance

• **Specific:** Improve completeness and quality of equalities data for TA and income- related cohorts.

• **Measurable:** Increase disclosure rates across core protected characteristics; reduce “unknown” fields year- on- year.

• **Achievable:** Through updated data collection processes, improved consent- based explanations, and staff training.

• **Relevant:** Ensures ongoing compliance with the Public Sector Equality Duty and allows for more precise monitoring of impacts.

• **Timebound:** New processes implemented within six months, with annual review.

Activities include:

- Updating data collection for TA, Income and Welfare teams
- Embedding equalities prompts within routine contact and review processes

- Strengthening processes for recording intersecting vulnerabilities (e.g. disability + language barrier + caring role)
- Quarterly review of data gaps and targeted follow- up with under- represented groups

Which action plans will the identified actions be transferred to?

- For example: Team or Service Plan, Local Implementation Plan, a project plan related to this EIA, FIAP (Fair and Inclusive Action Plan) – mandatory noting of the EIA on the Directorate EIA Tracker to enable monitoring of all equalities related actions identified in this EIA. This is done as part of FIAP performance reporting and auditing. Speak to your Directorate’s Business Improvement Manager (if one exists for your Directorate) or to the Head of Service/ lead who enters actions and performance updates on FIAP and seek support from your Directorate’s EDI Business Partner.

- Housing Service Plan
- Temporary Accommodation Operations Plan
- Rent Review Project Implementation Plan
- Welfare & Income Maximisation Work Programme
- Directorate FIAP (mandatory)
- Directorate EIA Tracker

The Directorate EDI Business Partner and Business Improvement Manager will support integration and monitoring.

8. Outcome of your assessment

What decision have you reached upon completing this Equality Impact Assessment? (Mark ‘X’ for any ONE option below)

Stop or pause the activity due to unmitigable disproportionate impacts because the evidence shows bias towards one or more groups.	
Adapt or change the activity to eliminate or mitigate disproportionate impacts and/or bias.	
Proceed with the activity as currently planned – no disproportionate impacts have been identified, or impacts will be mitigated by specified SMART actions.	
Proceed with caution – disproportionate impacts have been identified but having considered all available options there are no other or proportionate ways to achieve the aim of the activity (for example, in extreme cases or where positive action is taken). Therefore, you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.	X

If your decision is to “Proceed with caution”, please provide a reasoning for this:

The assessment identifies some risks from the proposed review of TA rents to LHA rates, primarily households sharing the protected characteristics of age and social economic disadvantage. The proposal is assessed as proceed with caution.

Summarise your overall equality impact assessment recommendations to include in any committee papers to help guide and support councillor decision-making:

The Equality Impact Assessment concludes that the proposed rent review for council owned temporary accommodation has no unavoidable disproportionate impact when mitigations are applied. . The analysis shows that eligibility for Housing Benefit (HB) is the primary determinant of financial impact rather than any characteristic such as age, disability, sex, race, or family status.

Approximately 80% of households receive full HB and will therefore experience no increase in their net rent. The remaining 20% of households (7% paying full rent, 4% receiving partial HB, and 9% waiting for HB assessment) may experience temporary or partial financial pressure. These impacts are financial rather than equalities based, and do not arise from the policy itself.

To ensure no household is adversely affected, the Council will implement targeted mitigation, including:

- A proactive outreach campaign to all households not receiving full HB, offering individual benefits checks and tailored advice.
- Support for HB applications and income maximisation to reduce exposure for cash paying or partially eligible households.
- Availability of hardship assistance, Discretionary Housing Payments and case by case affordability assessments where required.
- Accessible communication methods, including translated materials and support for residents with digital, literacy or disability related barriers.
- Ongoing quarterly monitoring of arrears, HB outcomes and equalities data to ensure early intervention if emerging issues arise.

With these mitigations in place, the rent review does not create disproportionate or discriminatory impacts.

9. Publication

All Equality Impact Assessments will be published. If you are recommending, and choosing not to publish your EIA, please provide a reason:

10. Directorate and Service Approval

Signatory:	Name and Job Title:	Date: DD-MMM-YY
Responsible Lead Officer:	Harry Williams - Director of Housing People Services	13/04/2026
Accountable Manager:	Aaron Burns - Head of Temporary & Supported Accommodation	13/04/2026

Notes, relevant information, and requests (if any) from Responsible Lead Officer and Accountable Manager submitting this assessment:

EDI Review, Actions, and Approval:

Equality Impact Assessment sign-off

EDI Officer to cross-check against aims of the equality duty, public sector duty and our civic responsibilities the activity considers and refer to relevant internal checklists and guidance prior to recommending sign-off.

Once the EDI Officer has considered the equalities impact to provide approval for by those submitting the EIA, they will get the EIA signed off and sent to the requester copying the Head of Service, Business Improvement Manager, [Equalities inbox](#), any other service colleagues as appropriate to enable EIA tracking, accountability, and saving for publishing. Budget and Staffing EIAs secure approval via different templates.

Signatory:	Name:	Date: DD-MMM-YY
EDI Business Partner:	Chris Brown	01-04-26
EDI Manager:		

Notes and recommendations from EDI Business Partner reviewing this assessment:

Notes and recommendations (if any) from EDI Manager reviewing this assessment:

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1. Policy Statement

Brighton & Hove City Council will establish a Temporary Accommodation (TA) Hardship fund to provide discretionary time-limited financial support to relevant residents living in council-owned or long-leased temporary accommodation in Brighton & Hove who are unable to meet the full cost of their rent following the Council's decision to align temporary accommodation rents to Local Housing Allowance (LHA) rates.

The fund operates as a standalone discretionary provision. It is not a statutory entitlement. Awards are made at officer discretion, on a case-by-case basis. Subject to the eligibility criteria and award parameters set out in this policy.

The fund is financed from the additional rental income generated by the LHA alignment. It is cash limited and reviewed annually alongside the TA rent setting decision.

2. Scope

2.1 Properties in Scope

The fund applies to TA properties living in council-owned or long-leased temporary accommodation, meeting the definition as stated in the TA sustainability cabinet paper (2026), which are subject to the LHA rent alignment decision:

- HRA-owned properties used for temporary accommodation purposes
- Properties held under long-leases by the Council from private landlords and sublet as temporary accommodation

2.2 Properties not in scope

The following are outside of scope:

- Nightly paid TA
- Bed and breakfast
- Hotel placements
- TA sourced through private sector leasing from third party landlords
- Supported or exempt accommodation

2.3 Households in Scope

The fund is available to households residing in-scope properties who are not in receipt of full Housing Benefit and who face a financial shortfall attributable to the rent uplift. Analysis of the in-scope portfolio has identified that approximately 10 - 20% of households fall into this group. The fund allocation has been sized accordingly.

Certain groups and claims will not be considered other than in exceptional circumstances.

3. Eligibility

3.1 Eligible cohorts

The 20% of in-scope households not in receipt of full housing benefit fall into three groups. The fund allocation has been sized to cover this combined cohort. The nature of the shortfall and the role of the fund differ by group.

Cohort	Nature of shortfall	Fund role and duration
Partial Housing Benefit (HB)	HB award does not cover full LHA aligned rent. Arises from earned income taper or non-dependent deductions. Approx 9% in scope of TA households fit into this.	Bridge support while circumstances are reviewed. Accompany with income maximisation and benefit check. Award up to X weeks; renewable on reassessment.
Awaiting HB assessment	HB claim pending or existing award not yet updated to reflect new rent level. Shortfall is expected to be temporary and self-resolving.	Short term bridge only. Award on end date aligned to expected HB assessment data. Typically, 4-8 weeks. Not renewable; shortfall ends when HB is in payment.
Cash payer/No HB	Household may be meeting TA costs from earned income. Not currently in receipt of HB. Expected to self-fund the uplift; fund available only where genuine financial hardship is demonstrated.	Exceptional support only, where genuine financial hardship is demonstrated by full income and expenditure assessment. Award up to X weeks; renewable on reassessment. Consider financial inclusion referral for unclaimed benefit entitlement.

3.2 Eligibility criteria

To be eligible for an award, a household must meet all of the following:

Criterion 1: Resident in scope of Temporary Accommodation

The household must be currently residing in HRA owned or long-leased council TA property in Brighton & Hove to which the LHA rent alignment applies at the time of application.

Criterion 2: Membership of an eligible cohort

The household must fall within one of the three eligible cohorts, defined in section 3:1 - partial HB; awaiting HB assessment; or cash payer with no HB. Households in receipt of full housing benefits are not eligible.

Criterion 3: Demonstratable Financial Hardship

The shortfall must be causing, or be at demonstrable risk of causing, financial hardship. This may be evidenced by one or more of the following:

- Rent arrears accrued on or after the date the LHA-aligned rent took effect
- A current income and expenditure assessment showing the shortfall cannot be met by household income or savings
- Referral from an income collection, housing options or financial inclusion officer with support case notes] or other relevant service or agency for example: debt agency, social services, etc

Hardship is assessed on a case-by-case basis. A household need not be in arrears at the point of application. Applications are welcomed proactively when hardship is anticipated.

For cash payers, a full income and expenditure assessment will be mandatory. Award to this cohort is exceptional and will require clearly documented evidence.

Criterion 4: Engagement with the council

The household must be engaging with the council in relation to their housing situation. This means they are contactable and cooperating with income collection or housing options officers. Awards will not normally be made to households who are refusing engagement or who have abandoned their TA placement.

3.3 Ineligibility

A household will not normally be eligible if:

- They are in receipt of full Housing Benefit – their award will recalculate to cover the new rent
- Their rent shortfall is wholly caused by benefit sanctions or overpayment recovery deduction or decisions unrelated to the rent uplift
- They have accrued arrears solely due to not paying over benefit amounts already received in full
- The property they occupy is outside the scope of the LHA alignment decision
- They have significant savings or resources reasonably available to meet the shortfall without hardship
- They are not engaging with the council, despite reasonable attempts to make contact

3.4 Relationship with discretionary housing payments

The Hardship fund is a standalone discretionary resource and is not dependent on Discretionary Housing Payments (DHP). Households do not need to have applied for or been refused a DHP before accessing the fund. Where a household is in receipt of HB, officers should consider whether a concurrent DHP application is appropriate. The fund and a DHP must not pay for the same shortfall in the same period. Cash

payers with no HB entitlement are ineligible for DHP and for this reason the standalone design of the fund is essential for this cohort.

Discretionary Housing Payments (DHP):

DHP is administered by the benefit service and is available to households in receipt of HB or UC. Working households or self-funders who are not in receipt of HB/UC are not eligible for DHP. The DHP fund is also a standalone fund.

Read more about DHP eligibility in Brighton & Hove here: [Apply for a discretionary payment](#)

4. Awards

4.1 What the fund covers

The fund may be used for:

- Rent credits to clear arrears directly attributable to the rent uplift, accrued on, or after, the uplift effective date
- Short term reoccurring rent credits to bridge the ongoing shortfall while a longer-term solution is identified
- Partial awards where the household can contribute to the shortfall from their own resources.

The fund cannot be used for:

- Rent arrears that accrued wholly before LHA alignment decision took effect
- Non-rent housing costs, including utility bill or service charges not met by HB
- Indefinite ongoing subsidy with no expectation of resolution or change in circumstances
- Households who are not engaging with council

An award from the fund should accompany an active support plan that sets out a pathway to a sustainable housing outcome. Officers should not make awards in isolation from casework.

4.2 Form of payment

All awards are made as rent credits applied directly to the households' rent account. No cash payments are made to residents. Finance must confirm the accounting treatment for rent credits in HRA and General Fund property accounts before fund goes live.

5. Award Value and Duration

5.1 Maximum Award Value

Awards are discretionary and cash limited. Renewal is permitted on reassessment when the household remains eligible, and no resolution has been achieved; renewal is not automatic and is treated as a fresh assessment. Awards for the awaiting HB

assessment cohort are not renewable; this cohort shortfall is expected to be temporary.

Awards may be terminated before the end of the award period where the households' circumstances change materially, for example, no rehousing, HB assessment completion or significant income change.

6. Application and Assessment Process

Officers should not entirely rely on self-referral as the primary identification mechanism. Wherever possible, officers should look for households who may be impacted. A monthly data pulls of rent accounts across scope HRA, and long-leased properties should be run to identify accounts moving into arrears on or after the rent uplift effective date. Cases identified through this process should be cross-referenced with the in-scope property list and contacted proactively. This is particularly important for the partial HB cohort, who may not recognise they are eligible or come forward without prompting.

Applications may be made through the following routes:

- Self-referral: The household contacts the income collection or housing options team directly to request an assessment
- Officer referral: An income collection, housing options, or financial inclusion officer identifies a household as potential eligible, for example through monitoring of rent accounts following the uplift date.
- Benefit service referral: the benefit service identifies at the point of HB assessment that the new rent level is not fully covered and refers to the case to housing options.
- Relevant service or agency referral: Voluntary community services, charities, debt agencies and other organisations may share a referral to the income collection or housing options team

6.2 Assessment

Each application is assessed by the case management officer against the eligibility criteria. The assessment must cover:

- Confirmation that the property is in scope (HRA-owned or long-leased TA subject to LHA alignment)
- The household's cohort and the basis for shortfall
- For partial HB; the current HB award and new rent change, the shortfall is the difference
- For awaiting assessment: confirmation of a pending HB claim and expected assessment timeline from the benefits service
- For cash payers: A full income and expenditure assessment, award only when hardship is clearly evidenced
- Whether any savings or other resources are available to households

- A support plan setting out the households housing pathway, awards must not be made in isolation from active casework

6.3 Decision making

Awards up to an agreed threshold may be approved at an appropriate officer level. Awards exceeding this threshold must be approved by the Director of Homes and Adult Social Care. All decisions must be recorded in the case management system, including the rationale, whether the award is approved or refused.

6.4 Review and Appeals

When a household disagrees with a decision, they may request a review within 21 days of receiving a written notice of the decision. There is no statutory right of appeal beyond this internal review. The council's standard complaints process remains available where a household considers the review was conducted improperly.

Please see complaints procedure: [Make a complaint using our corporate complaints procedure](#)

7. Budget

7.1 Allocation

The fund is allocated £203,000 per full annum. This figure has been determined on the basis that approximately 20% of households across the in-scope HRA owned and long-leased TA portfolios are not in receipt of full HB and are there the cohort for whom the rent uplift creates a residual shortfall. The allocation is presented in the cabinet paper as proportion of the total additional rental income generated by the LHA alignment.

7.2 Funding Source

The fund is financed from the additional rental income generated by the LHA alignment, presented in the cabinet paper as a proportion of total annual uplift income. It is not drawn from reserves.

7.3 Cash limit and in-year monitoring

The fund is cash limited. Expenditure is monitored on a monthly basis against the annual allocation. When spending reaches 75% of the allocation. Finance is notified so that early closure or supplementary provision can be considered if required. Unused budget at year end is proposed for carry-forward to the following year rather than return to general reserves, ensuring provision remains available for the same purpose.

7.4 Annual Review

The budget allocation is reviewed annually alongside the TA rent setting decision. Take-up data and household outcomes from the quarterly monitoring reports inform whether the allocation requires adjustment for the following year.

8. Governance and Review

- The fund is operated by finance under delegated authority from the Corporate Director of Homes and Adult Social Care
- A annual monitoring report is submitted to the Homes and Adult Social Care DLT covering; number of applications received, number of awards made and refused; total spend against budget, average award value and duration; household outcomes (rehoused, income change and ongoing)
- This policy is reviewed annually and brought back alongside the TA rent setting paper for the following year, so that the fund amount and eligibility criteria can be assessed considering take up data
- Any material changes to eligibility criteria require sign-off outside of the annual cycle
- Expenditure will be monitored against approved budget on a monthly basis, finance will be notified at 75% spend so that early closure or supplementary funding can be considered if needed.

9. Equalities Considerations

The rent uplift may impact households who do not receive full HB coverage. An Equality Impact Assessment has been completed, and groups have been reviewed who represent at risk cohorts.

The fund is designed to be accessible across all three cohorts without requiring HB receipt as a precondition. This policy should be read alongside the full Equality Impact Assessment for the TA sustainability cabinet paper.

The council will monitor protected characteristics where data is available and report annually. Where the monitoring data indicates that groups are underrepresented relative to the affected population, outreach and communication will be targeted accordingly.

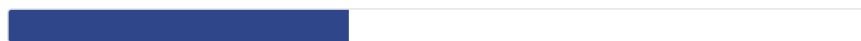
Consultation Report on use of council-owned homes as Temporary Accommodation

2 April 2026

Are you responding to this consultation as:

378/378 - Multiple choice - choose one - required

someone on the housing register waiting for a Brighton & Hove City Council home (including transfers)	39.7% (150 choices)
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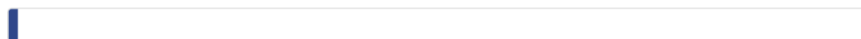
someone currently placed in temporary or emergency accommodation by Brighton & Hove City Council	32% (121 choices)
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a current Brighton & Hove City Council tenant or leaseholder	12.4% (47 choices)
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someone who has been placed in accommodation pending a decision by the council on your eligibility for housing	1.1% (4 choices)
--	------------------



Other - please let us know	14.8% (56 choices)
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Most respondents identified as local residents of Brighton & Hove, with several also mentioning experience of homelessness, being on the housing register, or working with vulnerable or homeless families. There is a strong trend of concern about homelessness and housing insecurity, with many expressing personal or professional insight into the challenges faced by those needing temporary accommodation.

A number of responses highlight direct experience with the inadequacies of current temporary or emergency accommodation, including issues with unsuitable facilities for families and those with disabilities or additional needs. Several respondents also note the long waits for permanent housing, with one person stating they have been bidding for 12 years.

There is broad support for making use of empty council homes as temporary accommodation, with the underlying sentiment that more needs to be done to address homelessness and make better use of available housing stock. Some respondents bring a professional perspective, such as council workers or charity trustees, reinforcing the need for practical solutions and highlighting the impact on vulnerable groups.

Overall, the main themes are concern about homelessness, frustration with the current system, and support for utilising empty council properties to provide immediate relief for those in need.

Please let us know if you are?

150/150 - Multiple choice - choose one - required

currently bidding for council housing 69.3% (104 choices)



a secure Brighton & Hove City Council tenant seeking a transfer 20.7% (31 choices)



currently bidding for seniors housing 10% (15 choices)



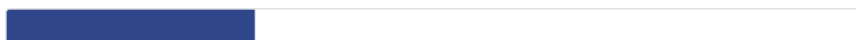
Do you currently live in one of the large panel system buildings (Dudeney Lodge and Nettleton Court in Hollingdean; Falcon Court, Heron Court, Kestrel Court, Kingfisher Court and Swallow Court in north Whitehawk; or St James's House in Kemp Town)

31/31 - Multiple choice - choose one - optional

No 71% (22 choices)



Yes 29% (9 choices)



What is your assessed housing need in terms of property size?

150/150 - Multiple choice - choose one - optional

one bedroom 41.3% (62 choices)



3 or more bedroom 38% (57 choices)

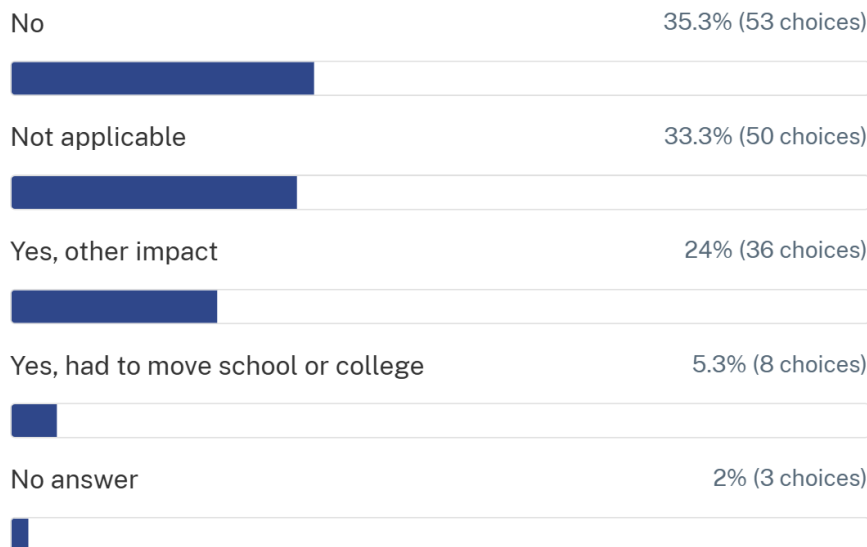


2 bedroom 20.7% (31 choices)



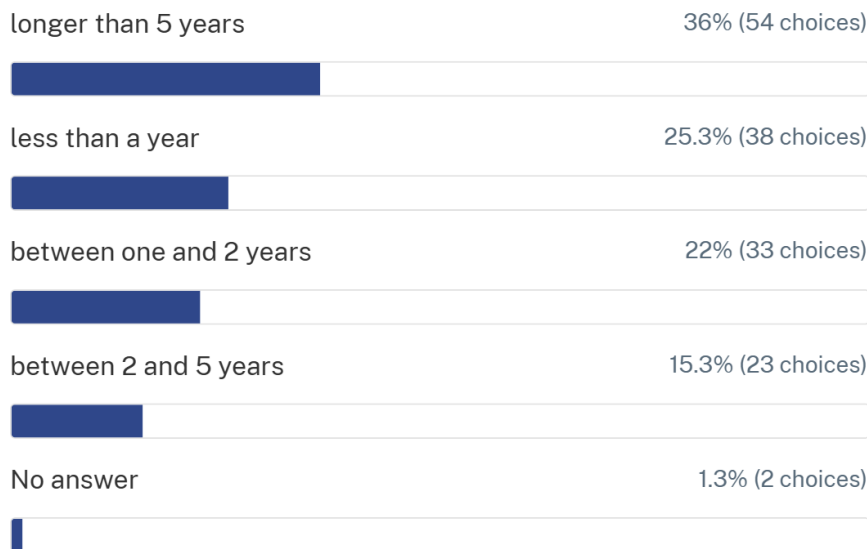
If there are children or young people in education or training in your household, has your current accommodation impacted their access to education?

147/150 - Multiple choice - choose one - optional



Please let us know how long you've been bidding for properties in Brighton & Hove?

148/150 - Multiple choice - choose one - optional



Does anyone in your household have mobility or medical housing requirements?

147/150 - Multiple choice - choose one - optional

Yes 50% (75 choices)



No 48% (72 choices)



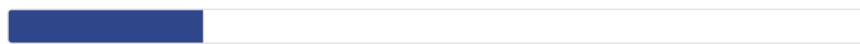
No answer 2% (3 choices)



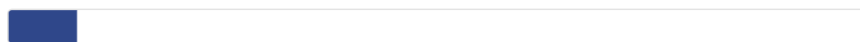
Is there an urgent need for you to move?

138/150 - Multiple choice - choose one - optional

No 22.7% (34 choices)



No answer 8% (12 choices)



Yes, please state a reason 69.3% (104 choices)



Overcrowding and unsuitable accommodation are the most common issues raised, with many families reporting multiple children sharing bedrooms, lack of privacy, and significant impacts on mental health. Many respondents mention children with autism, ADHD, or other additional needs, and the negative impact of overcrowding and unsuitable housing on their wellbeing.

Medical needs and disabilities are frequently cited, including mobility issues, chronic pain, and properties unsuitable for those with health conditions. Several mention the presence of damp, mould, or lack of basic amenities such as water and heating.

Displacement due to demolition, eviction, or landlord selling is a recurring theme, with respondents facing forced moves and uncertainty. Some highlight the impact on children's schooling and stability.

Mental health concerns are widespread, often linked to overcrowding, unsuitable accommodation, and stress from housing insecurity.

Other issues mentioned include risk of homelessness anti-social behaviour domestic abuse and financial difficulties such as spare bedroom tax.

Overall, the responses show a high level of urgent need, with overcrowding, medical and mental health needs, displacement, and unsuitable housing being the most frequently cited reasons. Many families are struggling with the impact of these issues on their children and overall wellbeing.

Is your household?

125/125 - Multiple choice - choose one - optional

more than one person 76.8% (96 choices)



just you 23.2% (29 choices)



Does your household include any children under the age of 16?

95/96 - Multiple choice - choose one - optional

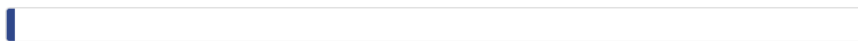
Yes 86.5% (83 choices)



No 12.5% (12 choices)



No answer 1% (1 choice)



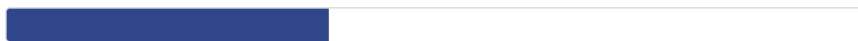
Does your current temporary accommodation meet your essential housing requirements?

119/125 - Multiple choice - choose one - optional

No 57.6% (72 choices)



Yes 37.6% (47 choices)



No answer 4.8% (6 choices)



Has your current temporary accommodation impacted your ability to access health services for you or your household?

120/125 - Multiple choice - choose one - optional

No 72% (90 choices)



No answer 4% (5 choices)



Yes, please tell us how: 24% (30 choices)



Most respondents highlighted significant difficulties accessing health services due to their current temporary accommodation. The most common issues were related to mobility and location: several people reported being placed far from Brighton or in areas with poor transport links, making it hard to attend hospital or GP appointments. Mobility challenges were exacerbated by being housed on upper floors without lifts, which impacted both physical and mental health.

Mental health concerns were frequently mentioned, with respondents describing worsening symptoms due to unsuitable accommodation, lack of support, and traumatic environments. Overcrowding, noise, and unsafe conditions (including intimidation and violence) were also cited as barriers to accessing health services and maintaining wellbeing.

Other issues included lack of cooking facilities, poor internet connectivity (hindering telemedicine and communication with healthcare providers), and minimum living conditions. Some respondents noted that home visits by health professionals were feasible only when accommodation was not overcrowded.

Overall, the responses indicate that temporary accommodation often fails to meet the needs of people with mobility issues, mental health concerns, and those requiring regular access to health services, with location, accessibility, and safety being the most frequently cited barriers.

If there are children or young people in education or training in your household, has your current temporary accommodation impacted their access to education?

121/125 - Multiple choice - choose one - optional

No 44% (55 choices)



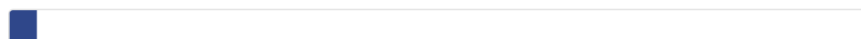
Not applicable 29.6% (37 choices)



Yes, other impact 21.6% (27 choices)



No answer 3.2% (4 choices)



Yes, had to move school or college 1.6% (2 choices)



Do you think the interim scheme will have an impact on your household? If so, please tell us how.

300/378 - Short answer - optional

Most respondents expressed concern that the interim scheme will make it harder and take longer for them to secure permanent council housing, as it reduces the number of properties available for bidding. Many feel they are being pushed further down the queue, especially those who have already waited years or are in overcrowded or unsuitable accommodation.

A significant number highlighted that temporary accommodation is stressful, insecure, and detrimental to mental health and family wellbeing. Some described long periods in temporary accommodation, overcrowding, and lack of stability for children.

Concerns about anti-social behaviour and drug use among temporary tenants were raised, with some reporting negative experiences and feeling unsafe. There is a perception that troubled tenants require more support than the community can provide.

Some respondents feel the scheme is unfair, with comments about queue jumping, prioritisation, and the need for more transparency and fairness in allocations. Some believe permanent housing should be prioritised for those who have waited longest or are already in temporary accommodation.

A minority of responses were positive or neutral, seeing the scheme as beneficial for those in urgent need or as a sensible short-term measure, but most still stressed the need for more permanent social housing.

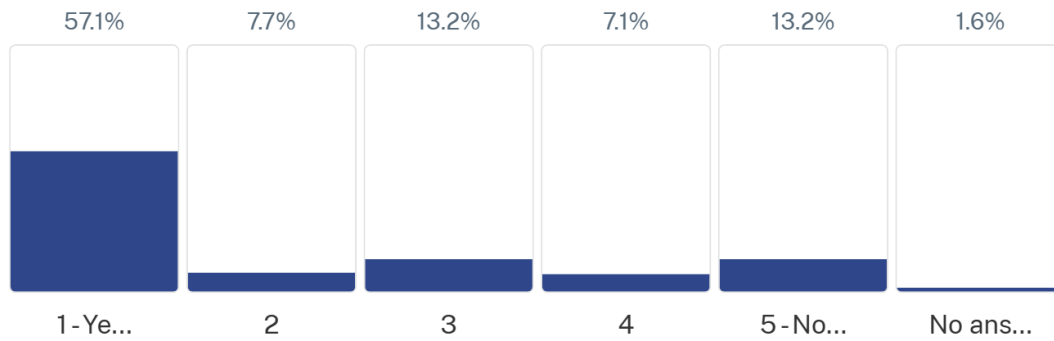
A number of respondents are facing block demolitions and are worried about their ability to find new homes, especially with fewer properties available.

A smaller group said the scheme would have no impact on them or were unsure.

Overall, the dominant themes are frustration at longer waiting times, overcrowding, lack of permanent housing, negative experiences with temporary tenants, and calls for more fairness and transparency in the allocation process. Some also highlighted the need for increased social housing supply as the real solution.

Are you concerned about the scheme's potential to reduce the number homes available for people on the housing register?

372/378 - Linear scale - optional

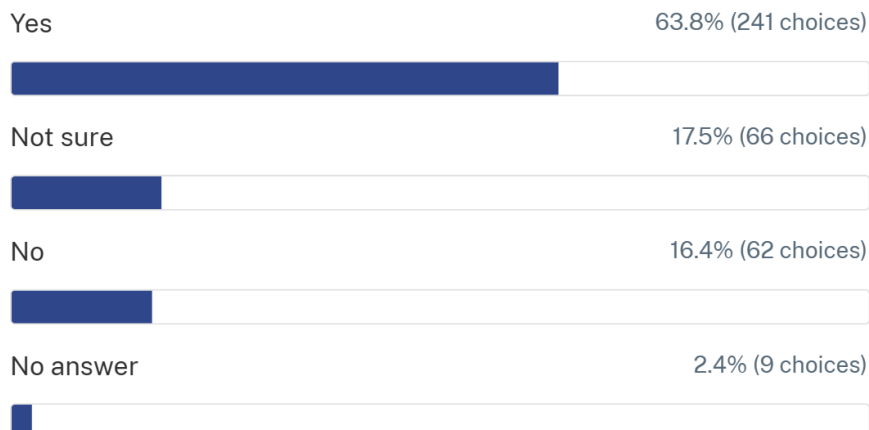


1 - Yes, very concerned

5 - No, not concerned/not sure

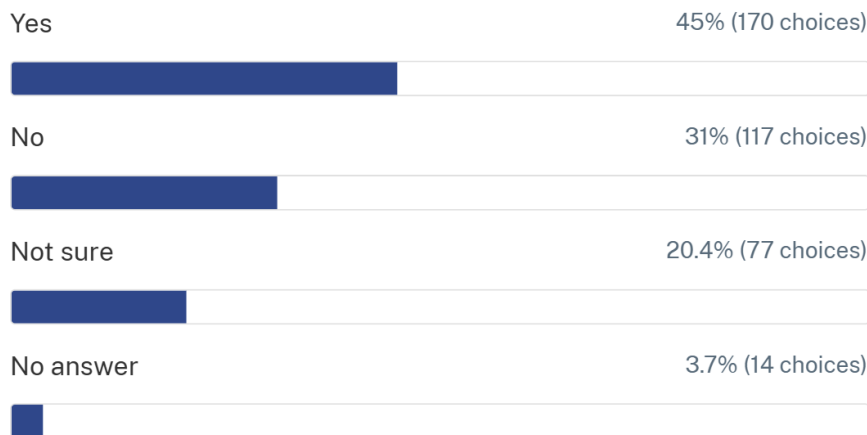
Do you agree with the aim of improving support and housing stability for families with children and people with health needs in temporary accommodation?

369/378 - Multiple choice - choose one - optional



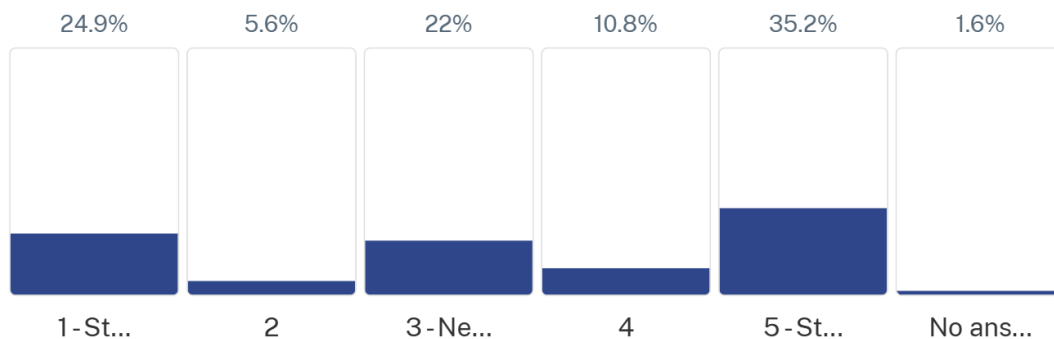
Do you agree with the aim of reducing the number of households in temporary accommodation outside of the city?

364/378 - Multiple choice - choose one - optional



To what extent do you support using a limited number of empty council homes as temporary accommodation to improve support for families and people with health needs and reduce reliance on nightly paid accommodation and out of area placements?

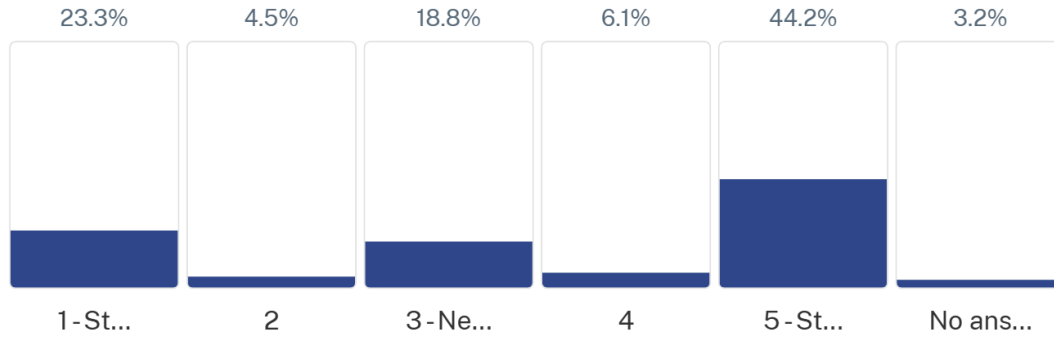
372/378 - Linear scale - optional



- 1-Strongly support
- 3-Neutral/not sure
- 5-Strongly oppose

To what extent would you support a proposal to extend the scheme for up to a maximum of 100 additional properties over a further 12 month period?

366/378 - Linear scale - optional



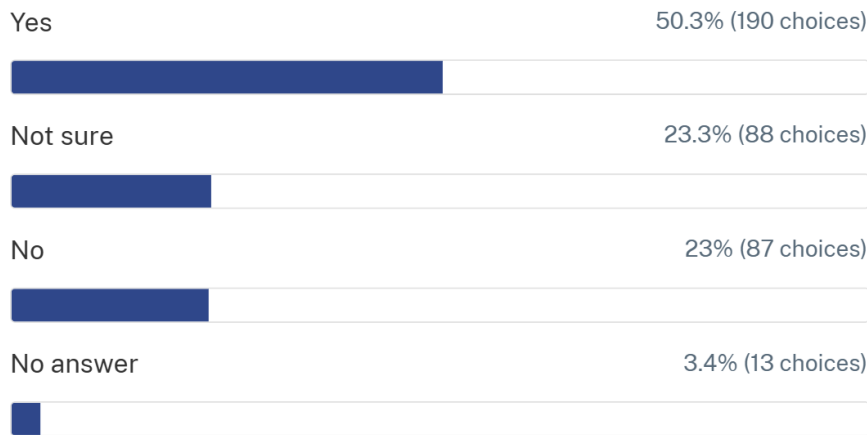
1 - Strongly support

3 - Neutral/not sure

5 - Strongly oppose

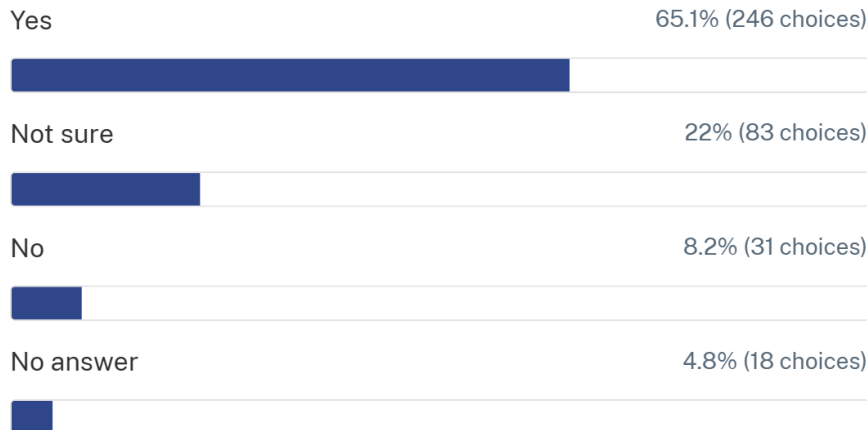
If the scheme is extended, do you agree that empty seniors housing properties, mobility-adapted properties and housing association properties should remain exempt from the scheme?

365/378 - Multiple choice - choose one - optional



If the scheme is extended, do you agree that the council should continue to retain the right to allocate homes to households on the housing register in certain exceptional circumstances?

360/378 - Multiple choice - choose one - optional



Is there anything else you would like the council to consider when reviewing the impact of the interim scheme if it is extended?

208/378 - Short answer - optional

Many respondents expressed frustration and concern that the interim scheme using empty council homes as temporary accommodation is unfair to those who have been waiting on the housing register for years, often bidding repeatedly without success. Many feel that priority should be given to those who have been waiting longest, are overcrowded, or have medical and mobility needs. There is widespread concern that the scheme will prolong waiting times and worsen conditions for existing applicants, especially families and disabled people.

Several respondents questioned why council homes are empty at all when so many are waiting, and called for all vacant properties to be allocated to those on the register rather than used for temporary accommodation. Some suggested that temporary accommodation should be reduced, with families moved into permanent homes instead.

Fairness and transparency in allocation were recurring themes, with calls for equality across the register, clear criteria, and published data on the scheme's impact. Some respondents worried about people abusing the system or loopholes to gain quicker access to housing. There were also concerns about community safety, especially regarding temporary tenants with addictions or criminal backgrounds.

A number of responses highlighted the need to address broader housing issues, such as the prevalence of HMOs and student accommodation, the lack of affordable homes, and the importance of supporting downsizing among older residents to free up larger properties for families. Some also mentioned the impact on schools and local communities.

There were a few comments about the need for suitability assessments and better conditions in temporary accommodation, as well as concerns about high rents and mistreatment by landlords. Some respondents called for a complete overhaul of the allocation system to make it more efficient and responsive.

A minority of responses raised issues around prioritising local, English, or Brighton residents over migrants or asylum seekers.

Overall, the strongest trends are dissatisfaction with the scheme's fairness, concern for those waiting longest or with urgent needs, calls for greater transparency, and a desire for permanent rather than temporary solutions.

Draft

BRIGHTON & HOVE CITY COUNCIL

PEOPLE OVERVIEW & SCRUTINY

4.00pm 17 MARCH 2026

HOVE TOWN HALL COUNCIL CHAMBER

MINUTES

Present: Councillors Parrott, Cattell, Lyons, Mackey, Shanks, Sheard, Winder and Sykes

Other Members present: Sara Fulford (Older People's Council), Joanna Martindale (Community Works Rep), Adam Muirhead (Community Works Rep), Fiona England (PaCC), and Dr Anusree Biswas (Community Works)

PART ONE

46 APPOINTMENT OF CHAIR

46.1 Giles Rossington, Scrutiny Manager, said:

“Good afternoon and welcome to this meeting of the People Overview & Scrutiny Committee. I’d like to inform those present that this meeting is being webcast live and will be capable of repeated viewing.

Neither the Chair nor the Deputy Chair of People O&S Committee are in attendance today. Committee Procedure Rules state that “In the absence of the Chair or Deputy Chair at a meeting of a Committee or Sub-Committee, those voting Members present shall elect a person from amongst their number to preside over the meeting”. (Committee Procedure Rule 3.3)

I therefore need to ask if any member wishes to nominate themselves as Chair for this meeting only.”

Cllr Sam Parrott nominated herself as Chair.

Giles Rossington said:

“Thank you. Does the committee agree that Cllr Parrott be elected as Chair for this meeting?”

This was agreed.

47 PROCEDURAL BUSINESS

- a) Cllr Sykes for Cllr Mcleay
- b) There were no declarations of interests

48 MINUTES**48.1 RESOLVED**

The draft minutes of the 19th January 2026 Special People Overview & Scrutiny Committee meeting were approved as a correct record of the meeting.

The draft minutes of the 28th January 2026 People Overview & Scrutiny Committee meeting were approved as a correct record of the meeting.

The draft minutes of the 19th February 2026 Special People Overview & Scrutiny Committee meeting were approved as a correct record of the meeting.

49 PUBLIC INVOLVEMENT

49.1 Daniel Harris asked a public question. The Chair responded as follows:

Thank you for your question. Cabinet will be considering the future of the Large Panel System (LPS) blocks, including St James House, Nettleton Court and Dudney Lodge and the North Whitehawk Bird Blocks, at a Cabinet meeting on Thursday this week.

If Cabinet agree to proceed with the demolition of the LPS blocks a rehousing process of all residents living within the blocks will begin and be carried out in a phased way over a number of years – homes will certainly not disappear overnight.

The intended trajectory accounts for the possibility of needing to move Temporary Accommodation tenants from these blocks over the council's Medium Term Financial Plan, and the potential reduction in these homes is partly offset by the intended increase in acquisitions of new council homes and an expansion in block-booked arrangements.

50 MEMBER INVOLVEMENT

50.1 There was no member involvement.

51 CHAIR'S COMMUNICATION

51.1 The Chair gave the following communication:

As the Labour Group's nominee to take the vacant position as Chair of the People Overview & Scrutiny Committee, I'd like to thank my predecessor, Cllr Jackie O'Quinn for her work over the last couple of years as the first Chair of the People Overview & Scrutiny Committee.

Today we have a report on changes to temporary accommodation, giving us the opportunity to feed into the consultation on these changes. It is very important that scrutiny takes part in this as, if approved by Cabinet, these changes will have a big impact on temporary accommodation and council housing in the city.

I understand that Cllr Gill Williams is due to join us for this item straight from work and so I'm going to change the order of the items listed on the agenda so that this will be our final item this evening.

The committee's current Task & Finish Group on antisocial behaviour in social housing will shortly be coming to an end. It was due to report to this committee but following Cllr O'Quinn's resignation from the Labour group, and therefore from the Task & Finish Group, members of the group felt it necessary to have an extension to enable them to come up with an excellent set of recommendations rather than rush to put something together. I agree that this is the best way forward. They will now report to the next scheduled meeting of the committee in July. In the meantime, we can be thinking about the subject of the next Task and Finish Group and therefore we will now have a discussion on potential ideas that members may have.

We are joined today by new members of the Youth Council one of whom will be joining this committee. They are Ilona, who is here in person, and Clemmie and George who are joining us online. Welcome to all three of you, I look forward to working with you.

52 CONSULTATION ON USE OF EMPTY COUNCIL HOMES AS TEMPORARY ACCOMMODATION

52.1 Cllr Gill Williams, Cabinet Member for Housing, and Harry Williams, Director for People Housing Services, presented to the committee. The main points were:

- the exceptionally high levels of demand
- the social and financial impact of this demand
- the changes that the council wants to make including reducing the number of nightly paid units and increasing the number of council owned TA units
- improving outcomes for residents
- reducing the financial pressure on the council
- the ongoing consultation on the use of empty homes as TA
- the use of the committee's feedback to shape the next phase and its inclusion in the report to cabinet in April

52.2 Cllr Lyons asked how the current numbers in TA compare with previous figures, asked how many of them were from Brighton & Hove, requested the number of voids and a list of them, and asked about the length of time for properties being voids. Cllr Williams said that the numbers in TA had gone up significantly, with very few from outside Brighton & Hove. She said that where people were from outside the city it was because the council had a statutory duty to help them, such as those from the armed forces or those experiencing domestic violence. She said providing a list of voids would cause problems. Harry Williams said that they had a statutory duty to help those who are homeless and would consider people's local connections and if necessary, would send them to their own council. He said that the growth in those in TA was largely from single men with mental health problems. He said that he did not have the numbers on void turnarounds but could provide these.

52.3 Cllr Cattell asked for information about the process of spot purchasing. Harry Williams said that because of the demand they had to use any property and that spot purchasing providers would let them know when properties became available.

52.4 Cllr Sheard asked about the use of HMOs as temporary accommodation rather than turning them back into large homes as many single people would live in HMOs in the private sector. Cllr Williams said that they had looked at acquisitions and that many HMOs were no longer being used for student accommodation and could be turned into much needed four-bedroom council homes.

52.5 Jo Martindale asked about support for people living in TA. Harry Williams said that moving into a better home was support itself. He added that the Homelessness & Rough Sleeping Strategy included increased support for people in TA including wrap around care and help to move into permanent accommodation. He said that they were exploring more support for families in TA.

52.6 Cllr Sykes said that he was in favour of the policy and asked about its interaction with the allocations policy. He asked about the expected savings £665k to general fund with pressure on HRA of £500k, which is like a transfer from the general fund to HRA. Harry Williams said that the allocations policy applies to Homemove whereas this policy was using some of the properties that would have gone on them for TA. He said that there were already 260 TA properties in HRA account and it is normal to use HRA homes as temp accommodation and the rent would go back into HRA. Harry said the pressure on HRA was how quickly they could turn homes around.

52.7 Adam Muirhead asked how the council planned to mitigate the loss of HRA to ensure that this short-term solution for TA does not undermine the long-term goal of increasing supply and quality of social housing and support for young council tenants. Harry Williams said that the rental income coming from the properties will still sit in the HRA account. They have expert officers helping people to pay their rent. He said that they needed to be clear with cabinet that there would be a greater turnover of people because of the transient nature of TA. Harry said that it was not stopping them increasing supply and acquiring new homes.

52.8 Cllr Mackey asked if the policy would help families that are moved into TA in places like Eastbourne and those who have been in TA for a long time. Cllr Williams said that those in TA can bid on permanent homes and that they were increasing supply. Harry Williams said that they had successful housing solutions team. He said that they had demand that was greater than supply but that they wanted to increase the supply particularly for children.

52.9 Sara Fulford asked if the council was doing enough to prevent homelessness and about the impact on older people's housing. Cllr Williams said that they had an excellent homelessness prevention team. Harry Williams said that prevention was the top priority and they recognised that TA was not the solution. He said that seniors housing was exempt and would not be used for TA.

52.10 Cllr Shanks said that it would have been good to have seen the responses to the consultation. She also mentioned that TA isn't quick and that people would be in there for a long time. She said that we needed action from the national government such as rent controls. She also asked if people would then be asked to bid on the TA homes that they were living in. Cllr Williams said that it was a problem that people were in TA for too long, but she said that at least they were in better quality TA. Harry Williams said that TA was not the solution but part of a process. He said that they had around 200 responses and that there was a mix of responses, which he would be happy to share after the consultation. He said that there were 5800 people on the housing register as well as 2200 in TA and that they had to balance them.

52.11 Dr Anusree Biswas asked about safeguarding and complex needs such as domestic violence victims, equity of access such as language or digital barriers, and about the standards that empty homes needed to meet. Harry Williams said that on safeguarding part of the housing assessment was to look at needs and link people with agencies as required. Regarding equity of access, he said that the criteria of access was set out in legislation and that they had a matrix to allocate fairly. He said that there was a list of standards for properties and as they were in control of the properties, they could meet them.

52.12 Fiona England asked about families in these TA properties and if there could be flexibility to allow them to bid on the homes that they would be living in. Harry Williams said that they would not be able to bid on the properties but could bid on other properties. He said that he did hear the committee's views about whether the homes should be used as permanent homes. Fiona said that sometimes flexibility to allow people who have been in the properties for a long time might be helpful to the whole system. Harry said that they do have a direct offer ability under very exceptional circumstances, but it is used rarely to ensure fairness.

52.13 Cllr Shanks asked about the allocations policy and why couldn't the people living in these TA properties for extended periods be given a preference for a permanent tenancy. Cllr Williams said that the point is that they don't have much TA and that turning TA into permanent homes reduced the amount of TA. She said that they were building more homes and that these families could bid on other homes in the area. Harry Williams said that they were trying to transform the TA portfolio and needed to build more homes.

52.14 The Chair asked about the risks of extension, and the criteria for ending, amending, or extending the policy. Harry Williams said that the proposal was for a 12-month extension with a decision due to be made at cabinet. He said that the greatest impact would be on those currently on the register. He said if extended it would be 20% of properties in the year and that they would be trying to smooth it over the year to mitigate the impact.

52.15 The Chair asked how the council were engaging with people in TA now. Harry Williams said that they have had responses from people in TA and that email was the most effective way. He said that they had also engaged with the lived experience group, and the TA Action Group. He said that there was always more to do to engage more.

52.16 No specific recommendations were made by the committee. Feedback on the policy was provided during the discussion, and the draft minutes of the meeting will be shared as a response to the consultation.

53 DISCUSSION OF NEXT TASK & FINISH GROUP

53.1 The chair said that some good idea had already been sent to her, but she felt that some might be better as agenda items brought to the committee rather than Task & Finish Groups, and that the same might be the case with suggestions at the meeting. These would be raised with senior officers as potential committee agenda items.

53.2 The following were suggested by members:

- Drugs policy
- Youth strategy
- Equitable rights to care

- Accessibility of council services
- Young people’s mental health
- Cost of living support
- Improving council consultations
- Mental health across all age ranges
- Ensuring consultations are reaching those who are digitally excluded

53.3 The chair said that young people’s mental health and improving consultations & engagement seemed to be preferred by members of the committee. She said that officers would go away and scope both ideas to bring them back for a vote. The other ideas would be fed into work programming.

The meeting concluded at 6.02pm

Signed

Chair

Dated this

day of

Base Case - 150 units per year for 4 years

		Total	2026
CPI	2.5%		1.00
Units per year	100		
Units cap (i.e. total portfolio)	400		
Unit total		400	100
Cumulative Units			100
Mix			
Shared Accommodation	60%		60
1 Bed	20%		20
2 Bed	20%		20
3 Bed	0%		0
4 Bed	0%		0
	100%		
RP Rent per week			
Shared Accommodation	£373	£226,819,487	£1,169,173
1 Bed	£394	£79,796,543	£411,322
2 Bed	£478	£96,845,351	£499,203
3 Bed	£0	£0	£0
4 Bed	£0	£0	£0
Total RP Rent		£403,461,381	£2,079,698
Inflated Rent		£798,264,502	£2,079,698
Council Voids Charge	10%	£79,826,450	£207,970
Council savings per night			
Shared Accommodation	£24	£102,036,240	£525,960
1 Bed	£29	£41,097,930	£211,845
2 Bed	£46	£65,189,820	£336,030
3 Bed	£52	£0	£0
4 Bed	£0	£0	£0
Total Council Savings		£208,323,990	£1,073,835
Inflated Council Savings		£412,177,358	£1,073,835
Other Council Costs			
Unrecover. Gap £ / unit / day	£8.0	£56,686,800	£292,200
Programme management/ care & support	£300,000	£15,000,000	£300,000
Other costs during Acquisition period	£100,000	£400,000	£100,000
Total Council costs		£72,086,800	£692,200
Inflated Council costs		£141,817,660	£692,200

Council Savings
Council Expenditure
Council Savings

£412,177,358	£1,073,835
-£221,644,111	-£900,170
£190,533,247	£173,665

Council discount rate	6.09%
Council NPV	

£42,094,647

2027	2028	2029	2030	2031
1.025	1.051	1.077	1.104	1.131
100	100	100	0	0
200	300	400	400	400
120	180	240	240	240
40	60	80	80	80
40	60	80	80	80
0	0	0	0	0
0	0	0	0	0
£2,338,345	£3,507,518	£4,676,690	£4,676,690	£4,676,690
£822,645	£1,233,967	£1,645,290	£1,645,290	£1,645,290
£998,406	£1,497,609	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,159,396	£6,239,094	£8,318,791	£8,318,791	£8,318,791
£4,263,381	£6,554,948	£8,958,428	£9,182,389	£9,411,949
£426,338	£655,495	£895,843	£918,239	£941,195
£1,051,920	£1,577,880	£2,103,840	£2,103,840	£2,103,840
£423,690	£635,535	£847,380	£847,380	£847,380
£672,060	£1,008,090	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£2,147,670	£3,221,505	£4,295,340	£4,295,340	£4,295,340
£2,201,362	£3,384,594	£4,625,611	£4,741,252	£4,859,783
£584,400	£876,600	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£100,000	£100,000	£100,000	£0	£0
£984,400	£1,276,600	£1,568,800	£1,468,800	£1,468,800
£1,009,010	£1,341,228	£1,689,426	£1,621,280	£1,661,812

£2,201,362	£3,384,594	£4,625,611	£4,741,252	£4,859,783
-£1,435,348	-£1,996,723	-£2,585,269	-£2,539,519	-£2,603,007
£766,014	£1,387,871	£2,040,343	£2,201,732	£2,256,776

2032	2033	2034	2035	2036
1.160	1.189	1.218	1.249	1.280
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£9,647,248	£9,888,429	£10,135,639	£10,389,030	£10,648,756
£964,725	£988,843	£1,013,564	£1,038,903	£1,064,876
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£4,981,278	£5,105,809	£5,233,455	£5,364,291	£5,498,398
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£1,703,358	£1,745,942	£1,789,590	£1,834,330	£1,880,188

£4,981,278	£5,105,809	£5,233,455	£5,364,291	£5,498,398
-£2,668,082	-£2,734,785	-£2,803,154	-£2,873,233	-£2,945,064
£2,313,195	£2,371,025	£2,430,301	£2,491,058	£2,553,335

2037	2038	2039	2040	2041
1.312	1.345	1.379	1.413	1.448
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£10,914,975	£11,187,850	£11,467,546	£11,754,234	£12,048,090
£1,091,498	£1,118,785	£1,146,755	£1,175,423	£1,204,809
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£5,635,858	£5,776,755	£5,921,174	£6,069,203	£6,220,933
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£1,927,193	£1,975,373	£2,024,757	£2,075,376	£2,127,260

£5,635,858	£5,776,755	£5,921,174	£6,069,203	£6,220,933
-£3,018,690	-£3,094,158	-£3,171,512	-£3,250,799	-£3,332,069
£2,617,168	£2,682,597	£2,749,662	£2,818,404	£2,888,864

2042	2043	2044	2045	2046
1.485	1.522	1.560	1.599	1.639
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£12,349,293	£12,658,025	£12,974,475	£13,298,837	£13,631,308
£1,234,929	£1,265,802	£1,297,448	£1,329,884	£1,363,131
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£6,376,456	£6,535,868	£6,699,264	£6,866,746	£7,038,415
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£2,180,442	£2,234,953	£2,290,827	£2,348,097	£2,406,800

£6,376,456	£6,535,868	£6,699,264	£6,866,746	£7,038,415
-£3,415,371	-£3,500,755	-£3,588,274	-£3,677,981	-£3,769,931
£2,961,085	£3,035,112	£3,110,990	£3,188,765	£3,268,484

2047	2048	2049	2050	2051
1.680	1.722	1.765	1.809	1.854
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£13,972,091	£14,321,393	£14,679,428	£15,046,414	£15,422,574
£1,397,209	£1,432,139	£1,467,943	£1,504,641	£1,542,257
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£7,214,375	£7,394,734	£7,579,603	£7,769,093	£7,963,320
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£2,466,970	£2,528,644	£2,591,860	£2,656,657	£2,723,073

£7,214,375	£7,394,734	£7,579,603	£7,769,093	£7,963,320
-£3,864,179	-£3,960,783	-£4,059,803	-£4,161,298	-£4,265,331
£3,350,196	£3,433,951	£3,519,800	£3,607,795	£3,697,990

2052	2053	2054	2055	2056
1.900	1.948	1.996	2.046	2.098
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£15,808,139	£16,203,342	£16,608,426	£17,023,636	£17,449,227
£1,580,814	£1,620,334	£1,660,843	£1,702,364	£1,744,923
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£8,162,403	£8,366,463	£8,575,625	£8,790,016	£9,009,766
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£2,791,150	£2,860,929	£2,932,452	£3,005,763	£3,080,907

£8,162,403	£8,366,463	£8,575,625	£8,790,016	£9,009,766
-£4,371,964	-£4,481,263	-£4,593,294	-£4,708,127	-£4,825,830
£3,790,439	£3,885,200	£3,982,330	£4,081,889	£4,183,936

2057	2058	2059	2060	2061
2.150	2.204	2.259	2.315	2.373
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£17,885,458	£18,332,594	£18,790,909	£19,260,682	£19,742,199
£1,788,546	£1,833,259	£1,879,091	£1,926,068	£1,974,220
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£9,235,010	£9,465,885	£9,702,532	£9,945,096	£10,193,723
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£3,157,930	£3,236,878	£3,317,800	£3,400,745	£3,485,764

£9,235,010	£9,465,885	£9,702,532	£9,945,096	£10,193,723
-£4,946,476	-£5,070,138	-£5,196,891	-£5,326,813	-£5,459,984
£4,288,534	£4,395,748	£4,505,641	£4,618,282	£4,733,740

2062	2063	2064	2065	2066
2.433	2.493	2.556	2.620	2.685
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£20,235,754	£20,741,648	£21,260,189	£21,791,694	£22,336,486
£2,023,575	£2,074,165	£2,126,019	£2,179,169	£2,233,649
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£10,448,566	£10,709,780	£10,977,525	£11,251,963	£11,533,262
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£3,572,908	£3,662,231	£3,753,786	£3,847,631	£3,943,822

£10,448,566	£10,709,780	£10,977,525	£11,251,963	£11,533,262
-£5,596,483	-£5,736,395	-£5,879,805	-£6,026,800	-£6,177,470
£4,852,083	£4,973,385	£5,097,720	£5,225,163	£5,355,792

2067	2068	2069	2070	2071
2.752	2.821	2.892	2.964	3.038
0	0	0	0	0
400	400	400	400	400
240	240	240	240	240
80	80	80	80	80
80	80	80	80	80
0	0	0	0	0
0	0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791	£8,318,791
£22,894,898	£23,467,270	£24,053,952	£24,655,301	£25,271,684
£2,289,490	£2,346,727	£2,405,395	£2,465,530	£2,527,168
£2,103,840	£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0	£0
£0	£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340	£4,295,340
£11,821,594	£12,117,134	£12,420,062	£12,730,563	£13,048,827
£1,168,800	£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800	£1,468,800
£4,042,417	£4,143,478	£4,247,065	£4,353,241	£4,462,072

£11,821,594	£12,117,134	£12,420,062	£12,730,563	£13,048,827
-£6,331,907	-£6,490,205	-£6,652,460	-£6,818,771	-£6,989,241
£5,489,687	£5,626,929	£5,767,602	£5,911,792	£6,059,587

2072	2073	2074	2075
3.114	3.192	3.271	3.353
0	0	0	0
400	400	400	400
240	240	240	240
80	80	80	80
80	80	80	80
0	0	0	0
0	0	0	0
£4,676,690	£4,676,690	£4,676,690	£4,676,690
£1,645,290	£1,645,290	£1,645,290	£1,645,290
£1,996,811	£1,996,811	£1,996,811	£1,996,811
£0	£0	£0	£0
£0	£0	£0	£0
£8,318,791	£8,318,791	£8,318,791	£8,318,791
£25,903,476	£26,551,063	£27,214,839	£27,895,210
£2,590,348	£2,655,106	£2,721,484	£2,789,521
£2,103,840	£2,103,840	£2,103,840	£2,103,840
£847,380	£847,380	£847,380	£847,380
£1,344,120	£1,344,120	£1,344,120	£1,344,120
£0	£0	£0	£0
£0	£0	£0	£0
£4,295,340	£4,295,340	£4,295,340	£4,295,340
£13,375,048	£13,709,424	£14,052,160	£14,403,464
£1,168,800	£1,168,800	£1,168,800	£1,168,800
£300,000	£300,000	£300,000	£300,000
£0	£0	£0	£0
£1,468,800	£1,468,800	£1,468,800	£1,468,800
£4,573,624	£4,687,965	£4,805,164	£4,925,293

£13,375,048	£13,709,424	£14,052,160	£14,403,464
-£7,163,972	-£7,343,071	-£7,526,648	-£7,714,814
£6,211,076	£6,366,353	£6,525,512	£6,688,650

Indicative High Level Financial Modelling for Temporary Accommodation (TA) Rent Review for council-owned and long leased properties

April 2026

Introduction

This appendix provides a short overview of the indicative modelling for the rent review of Temporary Accommodation (TA) charges for council owned and long lease properties. The figures are assumption based and designed to illustrate the possible full year effect of increased rent levels, updated Local Housing Allowance (LHA) rates and the addition of 200 newly acquired homes. The modelling also reflects existing stock of 280 homes.

The rent review refers to aligning Temporary Accommodation rent levels with updated Local Housing Allowance rates, which increases the eligible rent charge for the council. This modelling is intended for understanding only and does not reflect confirmed operational decisions.

Key Assumptions used in this model:

Table 1: Key assumptions table

Assumption Table	Review %	Notes
Number of properties	280	Based on identified council owned properties.
Void Loss	3%	Based on 25/26 actuals
Rent Arrears Loss	5.72%	Based on 25/26 actuals
TA Hardship Fund Per property	£725	£725 is the average annual hardship payment made to households that need discretionary support. The model assumes 20% of households (56 properties) would receive this support.
No. of Properties requiring support	56	

Summary of Council owned TA Property Review

Table 2: Summary of council owned property review

Council owned	July 2026			
	Actuals (9mths)		Full year effect	Full year effect
	2025/26	2026/27 *	2027/28 **	2028/29 ***
Total Eligible Rent Charge	£2,032,656	£2,692,350	£3,589,800	£3,589,800
Year on Year - Increase		£659,694	£1,557,144	£1,557,144
Less cost below				
Void Loss	£50,816	£80,770	£107,694	£107,694
Rent Arrears Loss (Bad Debt)	£116,268	£154,002	£205,337	£205,337
TA Hardship Fund	£0	£152,250	£203,000	£203,000
Total Costs - deductible	£167,084	£387,023	£516,031	£516,031
Total Net Income	£1,865,571	£2,305,327	£3,073,769	£3,073,769

Net Increase		£439,756	£1,208,198	£1,208,198
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*** council void
scheme ends
2027

** Full year
affect

* Part year affect

Understanding the Financial Effect of the Temporary Accommodation Property Review – Table 2

Council-owned and long-lease stock: 280 properties

This modelling shows the indicative financial impact of increasing the Temporary Accommodation rent levels for the 280 council-owned and long-lease homes. The rent review is assumed to begin in July 2026, so 2026/27 reflects only nine months of the higher rent levels. All figures are indicative and based on consistent application of assumptions around voids, arrears and hardship support.

2.1.1 Baseline. Actual position in 2025/26

This is the final year before the rent review is introduced. It establishes the starting point for comparison.

- Total eligible rent charge: £2,032,656
- Void loss: £50,816
- Rent arrears loss: £116,268
- Net income: £1,865,571

This net income figure is the baseline the rent review is measured against.

2.1.2 Part-year review in 2026/27 (July start – 9 months)

The rent review is assumed to begin in July 2026, meaning the financial impact only applies for three quarters of the year. This produces a transitional year where income increases, but not to the full potential level.

Gross income effect

- Total eligible rent charge: £2,692,350

This reflects nine months of rent review, rather than twelve.

Deductions applied under the same assumptions

- Void loss: £80,770
- Rent arrears loss: £154,002
- TA Hardship Fund: £152,250

The Hardship Fund cost is based on the assumption that 20% of households (56 properties) will require discretionary support each year.

The average annual payment for these supported households is £725, which is applied within the model to produce the total Hardship Fund cost of £152,250 for the nine-month period.

Net income position

- Net income: £2,305,327

Net effect vs baseline

- £2,305,327 – £1,865,571 = £439,756

This represents the projected net gain after accounting for losses (based on 2025/26 accruals) and support **costs. What this figure represents**

The part-year rent review captures several linked effects:

- Nine months of increased rent levels
- Introduction of the Hardship Fund
- Increased rental income, but with proportionately higher void and arrears loss because the values are linked to the overall rent charge
- A net increase of £439,756, which is not yet the full potential benefit
- This year should therefore be seen as the transitional review period.

3.2.1 Full-year effect from 2027/28 onward

From 2027/28, the rent review is active for the full twelve months, giving a clearer picture of the steady-state financial effect.

- Total eligible rent charge: £3,589,800
- Void loss: £107,694
- Rent arrears loss: £205,337
- TA Hardship Fund: £203,000
- Net income: £3,073,769

Net effect vs baseline

- £3,073,769 – £1,865,571 = £1,208,198

Interpretation

This figure represents the full structural annual increase in net income once the rent review is fully embedded. It reflects:

- The full-year rent review
- The assumed levels of void and arrears loss consistent with increased rent values
- The Hardship Fund continues to assume that 20 percent of households receive support at an average annual payment of £725 per supported household. This results in a total annual cost of £203,000 for a full year of the rent review.
- A sustained annual net improvement of £1.208m relative to the baseline year
- This is the long-term indicative impact of aligning council-owned Temporary Accommodation rents with the rent review assumptions used in the model.

Understanding the Effect of Updating Local Housing Allowance Rates on Newly Acquired Temporary Accommodation

This section sets out the assumed impact of applying the 2025 slash 2026 Local Housing Allowance rates to a modelled group of two hundred newly acquired Temporary Accommodation properties. These figures are assumption-based for modelling purposes and do not represent actual property acquisitions or confirmed unit types.

The purpose is to show the scale of change that results when Local Housing Allowance rates move from the older 2011 level to the updated 2025 slash 2026 level.

Table 3: 200 new Acquisition and LHA rate

		Overall - LHA rate change		
New acquired	No. of Properties	Old Rate - 2011 LHA	New Rate - 25/26 LHA	Difference
2 Bed	100	£918,008	£1,436,032	£518,024
3 Bed	60	£712,826	£1,041,144	£328,318
4 Bed	40	£623,958	£957,362	£333,403
	200	£2,254,793	£3,434,538	£1,179,745

3.1. Assumed property mix used in the model

The model applies the Local Housing Allowance comparison to the following assumed mix of units:

- 100 two bed units
- 60 three bed units
- 40 four bed units

This mix of properties illustrates the type of stock that could meet current Temporary Accommodation needs; however, it is not confirmation of acquisitions.3.2. Local Housing Allowance comparison (assumed units)

Two bed units – 100

- Old Local Housing Allowance: £918,008
- New Local Housing Allowance: £1,436,032
- Difference: £518,024

Three bed units – 60

- Old Local Housing Allowance: £712,826
- New Local Housing Allowance: £1,041,144
- Difference: £328,318

Four bed units – 40

- Old Local Housing Allowance: £623,958
- New Local Housing Allowance: £957,362
- Difference: £333,403

Total across 200 modelled units

- Old Local Housing Allowance total: £2,254,793
- New Local Housing Allowance total: £3,434,538
- Total difference: £1,179,745

What this modelling shows

The figures represent the change in eligible rent levels when Local Housing Allowance is updated. The £1,179,745 increase reflects the rent review created by applying 2025 to 2026 Local Housing Allowance rates to the assumed mix of units.

The results are not forecasts for specific properties and do not indicate any actual rental income the council will receive.

The purpose is to illustrate the scale of potential change when future acquisitions or leased units operate under updated Local Housing Allowance assumptions rather than the old 2011 rates benchmark.

Purpose of this modelling

This comparison helps to:

- show the size of the Local Housing Allowance review across different property sizes
- support early strategic thinking on income potential if new supply enters the Temporary Accommodation system
- illustrate how Local Housing Allowance alignment influences the financial sustainability of Temporary Accommodation arrangements

All figures should therefore be interpreted as assumption-led modelling, not reflections of confirmed units or agreed rental levels.

Brighton & Hove City Council

Cabinet

Agenda Item 170

Subject: Private Sector Housing Enforcement Policy

Date of meeting: Thursday, 23 April 2026

Report of: Cabinet Member for Housing

Lead Officer: Name: Corporate Director for Homes & Adult Social Care

Contact Officer: Name: Diane Hughes

Email: diane.hughes@brighton-hove.gov.uk

Ward(s) affected: All wards

Key Decision: Yes

Reason(s) Key: Is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards)

For general release

1. Purpose of the report and policy context

- 1.1 The Council's Private Sector Housing (PSH) Enforcement Policy was published in 2020, with minor updates since then. In October 2025 the Renters' Rights Act introduced a significantly expanded civil penalty framework and places new duties on the Council to enforce a broader range of landlord obligations. This includes new compliance requirements, enhanced penalties for repeat or serious non-compliance, and clearer expectations that enforcement activity is fair, consistent and proportionate. To meet these requirements, the Council must ensure its relevant policies are fully aligned with the new legislative framework.
- 1.2 Without updated policies, there is a risk of inconsistent enforcement, legal challenge to decisions and reduced ability to demonstrate compliance with statutory guidance and best practice. Updating these policies is essential to ensure the Council can meet its statutory obligations as of 1 May 2026.
- 1.3 The Council will where it concludes that there is a pattern of behaviour which would lead to a landlord being considered as a rogue landlord, will normally and in line with its legal obligations, take all legal steps available to it, to address illegality which reflects the Councils intent to have zero tolerance approach to rogue landlords.

- 1.4 Our work to improve standards and conditions in the private rented sector contributes to key priorities within the Council Plan 2023-2027 (A fair and inclusive city - homes for everyone) and Housing Strategy 2024-29 Homes for Everyone (Improving housing quality, safety and sustainability - improve standards in the private rented sector).

2. Recommendations

- 2.1 Cabinet agrees that the amended Private Sector Housing Enforcement Policy, as set out in Appendix 1, is adopted from 1 May 2026.
- 2.2 Cabinet delegates authority to Corporate Director Homes & Adult Social Care in consultation with the Cabinet Member for Housing to make such amendments to the policy as may be required following adoption as outlined in paragraph 3.6 of this report.

3. Context and background information

- 3.1 The private rented sector is an important source of housing in the city with 33% of homes in Brighton & Hove are rented privately, compared to 20% in England. The growth in the private rented sector in Brighton & Hove means that nearly one in 3 households in the city are renting privately with some wards with over 50% of homes in the private rented sector. In addition, there are over 3,800 Houses in Multiple Occupation in the city with 8,500 properties covered by our licensing schemes. Over the past year we have also received 465 requests for assistance. We provide regular performance reporting and an annual housing strategy update to track and communicate progress on our private sector housing activities. In addition, the Renters' Rights Act introduces a duty on local authorities to report on their private rented sector enforcement activity, which will include quarterly returns to Ministry of Housing, Communities and Local Government.
- 3.2 Having a private sector housing enforcement policy is essential for local authorities to ensure consistent, transparent, and fair regulation of housing standards. It provides a legal framework for addressing unsafe conditions, holding landlords accountable through action like statutory notices, and improving property conditions. With the introduction of the Renters' Rights Act there is an opportunity to ensure the policy also covers tenure related reforms and consumer standard related requirements creating a holistic policy for the council. Trading Standards and Housing Options alongside the Private Sector Housing Team will also utilise the policy for enforcement of relevant sections of the Renters' Rights Act. Relevant officers will be given delegated powers under the existing scheme of delegation to cover the additional new powers. For those who do not already have enforcement powers delegated to them this will be new powers, for those with existing powers it will simply be an amendment to those powers.
- 3.3 Historically, enforcement of private rented sector legislation has varied significantly between local housing authorities. Differences in local policy frameworks, penalty setting mechanisms and approaches to escalation have

led to what is termed as a 'postcode lottery' for landlords, where similar breaches may result in markedly different enforcement outcomes depending on the authority involved. This inconsistency risks undermining confidence in the regulatory system, creates uncertainty for landlords operating across multiple areas and increases the likelihood of challenge to enforcement decisions. This also results in differentials in the extent of tenant protections.

- 3.4 In response to these concerns, the voluntary group, Association of Chief Environmental Health Officers (ACEHO) in partnership with some local authorities and Justice for Tenants have developed a suite of national model policies, including a Civil Penalty Policy and an Enforcement Policy, with a further policy on Civil Penalty Debt Recovery currently in development. These policies are intended to promote greater consistency, transparency and robustness in local authority enforcement approaches, while allowing for appropriate local discretion where appropriate. Aligning the Council's policies with this nationally recognised framework supports a consistent and defensible approach to enforcement, reduces the risk of unfavourable outcomes to legal challenge and strengthens the Council's ability to meet its statutory duties under the Renters' Rights Act.
- 3.5 We are therefore updating our current policy to include key elements of the model enforcement policy and aligning our approach to Civil Penalty Notices with the model Civil Penalty Policy. Following a model national policy for fine calculation will ensure consistency in fine calculation and reduce the likelihood of enforcement decisions and risk of appeals and tribunals. Alongside the policy we are also proposing to use a fine generator calculator which will provide a quick, consistent method for officers to calculate the fines.
- 3.6 The existing Private Sector Housing Enforcement Policy has demonstrated its effectiveness in supporting robust, fair, and proportionate regulation of housing standards. It has enabled officers to intervene decisively where required while maintaining transparency and accountability in enforcement activity. It is proposed that the new policy take effect from 1 May 2026 with transitional arrangements in place to ensure legal and procedural continuity. For a limited period of approximately 6 months, both the existing and new policies will operate in tandem, with the applicable policy determined by the date on which the offence was committed. This approach ensures fairness and legal certainty for ongoing cases, avoids retrospective application of policy and allows the Council to conclude enforcement activities initiated under the current framework. Once legacy cases have resolved, the existing policies will be formally withdrawn, leaving a single updated policy framework in place.

Not all elements of the act have been given a commencement date of 1 May 2026 and new Housing Health & Safety Rating System operating and enforcement guidance is expected to come into force in June 2026. Recommendation 2.2 will enable us to update the policy when these additional provisions are in force.

3.7 The revised policy and appendices are included at Appendix 1 with main changes to the current policy listed in the table below:

Area	Current Policy	Proposed Policy	Change Detail
Legislative Framework and Offence Coverage	Based on Housing Act 2004, Housing & Planning Act 2016, related legislation and general civil penalty powers	Aligned with Renters' Rights Act 2025 as implemented up to 1 May 2026. Updates to other legislation including building safety and electrical standards	Amendments to reflect incoming powers and duties (large expansion of breaches and offences)
Enforcement Approach	Graduated approach promoting support and voluntary compliance in most cases unless high risk or history of non-compliance	Allows formal action as the first step where 'landlord legislation' breach/offence committed.	Stronger early intervention powers in adherence with section 107
Civil Penalty Calculation	Locally determined matrix considering number of factors	Replaced with statutory matrix including set starting points and other structured factors including landlord type	Introduction of statutory starting points and a nationally consistent calculation method
Civil Penalty financial assessment/ representation consideration	Not included at present	Detailed evidence requirements	Stronger evidential basis required
Discount for prompt payment of fines	Not included at present	Include a discount	15% if paid within 28 days

3.8 Agreeing a new enforcement policy is one way the council is preparing for the introduction of the Renters Rights Act. Preparatory work has been ongoing amongst services to ensure we are ready to respond to cases arising from the new legislation. This includes utilising New Burdens Funding and increasing our resources in Trading Standards to address consumer standards with letting agents and Tenancy Relations Officers in our Housing Options Team to respond to issues of illegal eviction and harassment.

4. Analysis and consideration of alternative options

- 4.1 The council could make limited amendments to the current Private Sector Housing Enforcement Policy (and Civil Penalty Policy) to reference the Renters' Rights Act, without adopting a revised framework linked to civil penalties. This is not recommended as it will mean the policies do not adequately reflect the council's new duties and there is a reputational risk for ineffectively implementing the Renters' Rights Act. In addition, there is a higher likelihood of legal challenge and policy failure under scrutiny with reduced clarity for officers, landlords and tenants.

5. Community engagement and consultation

- 5.1 The council has been working closely with other authorities in Sussex on the roll out of Renters Rights Act and amendments to enforcement policies and have arranged for a Pan Sussex Landlord Forum on 28 April 2026 to share further information with landlords. In addition, we have updated the [council's website](#) to ensure information is available on the new obligations and how to report cases for advice and investigation. Working positively with landlords, offering clear expectations and constructive guidance will support landlords to meet the expectations of the act. This builds on our existing practice through licensing schemes for offering discounted licence fees recognising professionalism in the sector and for landlords who achieve an EPC C rating rewards investment in energy-efficient homes.
- 5.2 The council has also engaged with the wider work with Operation Jigsaw and their knowledge hub online community which enables sharing of best practice across industry and local authority peers.
- 5.3 A communications campaign for tenants is in progress which highlights the new legislation and the difference our revised enforcement policy will make.
- 5.4 An all member briefing was held on 16 April.

6. Financial implications

- 6.1 The adoption of the revised Private Sector Housing Enforcement Policy does not create additional funding needs. The policy primarily updates and clarifies the Council's enforcement framework to reflect the Renters' Rights Act 2025 and nationally recognised model policies, rather than expanding the scope of services beyond existing statutory duties. The delivery will therefore be managed within current approved budgets, with implementation activity aligned to existing staffing and enforcement structures.

Where additional enforcement activity arises as the new duties bed in, this is expected to be supported through New Burdens funding associated with the Renters' Rights Act, alongside existing service budgets. However, demand

levels and timing remain uncertain, and financial impacts will need to be monitored as implementation progresses.

- 6.2 The expanded use of civil penalties may generate income, but this is demand led, uncertain, and cannot be assumed or built into base budgets. Any receipts will be treated in line with statutory requirements and used to support enforcement activity rather than to offset core service pressures. Ongoing impacts will be monitored through the normal TBM processes.

Name of finance officer consulted: Ferrise Hall Date consulted 17/03/2026

7. Legal implications

- 7.1 There are a number of legal implications which arise as a result of the Renter's Right's Act. Predominantly these relate to assured short hold tenancies.
- 7.2 BHCC tenancies are secure and the changes are not applicable to these tenancies. Where it comes to other social landlords, they will be subject to many of the requirements especially as they relate to tenancies held as assured short hold tenancies. The main elements which do not apply are scheduled to come into effect in 2027 following consultation on the Regulator of Social Housing's Tenancy Standard. There is the potential for situations to arise where there is overlap between the Councils enforcement duties and the relationship as LHA who is allocating through the statutory process. RSL's have alternate dispute resolution processes embedded such as internal complaints and the Ombudsman process. Care will need to be taken to ensure appropriate allocation of resources. This should not stop enforcement visits, but there may already be a resolution in place that can be effective.
- 7.3 The primary change will sit within the private rented sector. The Government has been clear it seeks to professionalise the landlord rental market. It is noted that BHCC holds many arrangements with landlords particularly in the leasing of property for use as temporary accommodation. In most instances BHCC will lease and become landlord and so there is no direct impact. In other instances, BHCC will have to monitor arrangements with private sector providers.
- 7.4 The most significant changes are to the Council's enforcement powers where landlords have not complied with their duties, have failed to keep the property in a decent standard and have carried out illegal evictions. This is referenced in the report and appendices. There are no additional legal comments other than what is set out in the documents. Many of these powers are new and so there is likely to be a period of time when the enforcement beds down. The volume of requests for assistance is unknown, and it may be that there will have to be a prioritisation process as necessary.

Name of lawyer consulted: Simon Court Date consulted 12 March 2026.

8. Risk implications

- 8.1 Risk minimisation is central to ensuring the effective and proportionate implementation of the new Private Sector Housing Enforcement Policy. This will be achieved through a structured approach that includes early identification of emerging issues, consistent application of policy, and strong internal governance. Clear decision-making frameworks, officer training, and quality assurance processes will help reduce the likelihood of inconsistent enforcement or legal challenge.
- 8.2 Engaging proactively with landlords, tenants, and partner agencies will further mitigate risks by improving compliance, transparency, and shared understanding of responsibilities. Regular reviews of enforcement actions, alongside monitoring of local housing market conditions, will ensure that risks are continually assessed and addressed, supporting fair, safe, and defensible outcomes.
- 8.3 The following table highlights current risks and steps to mitigate them:

Risk category	Description	Mitigation
Legal	There is a risk that failure to adopt updated enforcement and civil penalty policies aligned with the Renters' Rights Act could result in the Council being unable to demonstrate compliance with our statutory duty to enforce landlord legislation under section 107 once it comes into force on 1 May 2026. This may increase the likelihood of successful challenge to enforcement decisions, particularly where informal action is relied upon without clear justification, or where penalty-setting lacks a transparent and consistent framework.	Adoption of the proposed policy suite, with clear decision-making criteria and transitional arrangements, will provide a defensible and legally robust basis for enforcement action.
Reputational	Inconsistent application of enforcement powers or civil penalties may contribute to perceptions of a "postcode lottery" for landlords, undermining confidence in the Council's regulatory approach and damaging its reputation as a fair and proportionate regulator. This risk is heightened where landlords operate across multiple local authority areas.	Alignment with nationally recognised model will support consistency and transparency in enforcement outcomes.
Project (operational delivery)	The introduction of new policies from 1 May 2026, alongside a transitional period where legacy cases are concluded under existing policies, may create complexity for officers and	Clear internal guidance, officer briefings, and defined transitional arrangements based on the date of offence and

	decision makers, with a risk of procedural error or misapplication of policy.	management oversight will support correct application of the appropriate policy framework during the transition period.
Legal (challenge and appeals)	The expanded use of civil penalties under the Renters' Rights Act may lead to an increase in representations, appeals, and non-payment of penalties, particularly during the early stages of implementation.	A clear civil penalty methodology, consistent enforcement approach, and alignment with best practice, including the development of a dedicated civil penalty debt recovery framework, will support effective recovery and reduce the risk of protracted disputes. The policy frameworks have been developed with regard to decisions made at court, the First tier and Upper-tier Tribunals.
People	The enhanced enforcement expectations under the Renters' Rights Act may place additional pressure on officer capacity, particularly during the initial implementation phase. It may be difficult to recruit experienced staff to undertake this function.	Clear policies will streamline decision-making, reduce rework, and support more efficient enforcement activity. Triaging of cases will enable correct prioritisation of cases and ongoing monitoring will allow emerging capacity issues to be identified and addressed. Developing a targeted recruitment strategy and strengthening retention through career pathways and professional development.

9. Equalities implications

- 9.1 The Renters' Rights Act 2025 introduces sweeping reforms to the private rented sector, including the abolition of Section 21 "no fault" evictions, limiting rent increases to once per year, capping advance rent at one month, and shifting all tenancies to periodic agreements—changes designed to increase stability and reduce financial barriers for renters. Crucially, the Act also strengthens anti-discrimination protections by making it unlawful for

landlords to refuse tenants because they receive benefits or have children, a practice that has disproportionately affected groups with protected characteristics, such as women, disabled people, and single parents. Measures such as banning rental bidding wars, improving standards, and preventing retaliatory evictions further reduce opportunities for indirect discrimination that previously allowed unsafe or unfair housing practices to persist, particularly impacting marginalised renters.

- 9.2 These reforms directly support and strengthen a housing enforcement policy by providing clearer statutory duties and powers for local authorities: enforcement teams can now more easily intervene where landlords ignore anti-discrimination rules or continue to use prohibited practices such as excessive advance rent demands or bidding wars. Together, these elements reinforce an enforcement policy framework focused on fairness, compliance, and accountability, helping councils target rogue landlords, uphold tenants' rights, and better protect residents—especially those with protected characteristics who are statistically more vulnerable to poor housing conditions and discriminatory treatment.

10. Sustainability implications

- 10.1 Enforcement of Minimum Energy Efficiency Standards (MEES), appropriate insulation, working heating and ventilation systems and ensuring property condition standards are met will help reduce the number of households spending disproportionate income on heating. It will also help reduce CO₂ emissions from heating poorly insulated homes and has a lower energy demand which contributes to local and national net zero goals.

11. Health and Wellbeing Implications:

- 11.1 Poor quality housing is one of the strongest social determinants of health (physical and mental health). Stronger consistent enforcement ensures private landlords meet their legal duties, which in turn improves living conditions and reduces harm.
- 11.2 Children, older adults, and people with chronic conditions are most affected by poor housing and therefore a robust policy protects those at greatest risk of health inequalities.

Other Implications

12. Procurement implications

- 12.1 There are no procurement implications for this proposal.

13. Crime & disorder implications:

- 13.1 Implementation of this policy contributes to safer, more resilient neighbourhoods by improving property standards, promoting responsible

landlord behaviour, and mitigating environmental and behavioural conditions that can lead to crime or disorder.

- 13.2 Where the Council identifies potential criminal offences arising from breaches of housing legislation, officers may conduct interviews under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) and its associated Codes of Practice. These interviews ensure that individuals suspected of committing an offence are given the opportunity to respond to allegations in a manner that is fair, transparent, and compliant with legal requirements.

14. Conclusion

- 14.1 Adopting the revised Private Sector Housing Enforcement Policy provides the most robust, legally compliant, and consistent approach to enforcement under the Renters' Rights Act and other legislation and ensures the council can meet statutory duties, implement the Renters' Rights Act effectively and that the intended tenant protections are driven forward. The policy will take effect from 1 May 2026, with transitional arrangements allowing the existing policy to operate in tandem, for a limited period to conclude legacy cases.

Supporting Documentation

1. Appendices

1. Appendix 1 Private Sector Housing Enforcement Policy (and appendices)

2. Background documents

1. [Private Sector Housing \(PSH\) Enforcement Policy](#) (Current policy)
2. [Renters' Rights Bill: Impact assessment - GOV.UK](#)

Private Sector Housing Enforcement Policy

1. General policy provisions - introduction and scope

This is the Brighton & Hove City Council (the council) Private Sector Housing Enforcement Policy. This is a single enforcement policy and not linked to any other enforcement policy at the council. However, we may decide, in the event of any exceptional circumstance, to depart from this policy.

The policy is reviewed annually.

Brighton & Hove is a popular place to live which has affected the cost of buying and renting in the city. This has resulted in high property prices and high rents.

The city has above average numbers of privately rented homes (33% of its housing stock), including Houses in Multiple Occupation, with demand for housing in the city outstripping supply. The private rented sector has also grown exponentially, at the national level, over the past 10 to 15 years.

The council believes that the private rented sector should be well managed and that everyone has the right to live in decent, safe accommodation.

This policy details how the council will regulate standards in private rented housing and address empty homes in Brighton & Hove. It also provides a background to the legislation and guidance on which it is based.

It is important for local authorities to have an enforcement policy to make sure the approach is consistent among officers. It also helps members of the public know what to expect from the service. An enforcement policy also provides clarity if the council takes legal proceedings or enforcement action is appealed against.

Section 107 Renters' Rights Act 2025 imposes a duty on the Council to enforce the Landlord Legislation. The Landlord Legislation is comprised of the following:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025,
- Part 2 of the Renters' Rights Act 2025,
- Sections 1 and 1A of the Protection from Eviction Act 1977, and
- Chapter 1 of Part 1 of the Housing Act 1988.

Section 110 Renters' Rights Act 2025 imposes a duty on the Council to report to the Secretary of State on the exercise of its functions under the Landlord Legislation.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

The purpose of this enforcement policy is to provide guidance for Housing Authority officers to ensure enforcement action is taken in line with the provisions of the Renters' Rights Act 2025 and mandatory guidance to local authorities.

The Renters Rights Act 2025 and the 'Landlord Legislation' (as defined by section 107 of the Renters Rights Act 2025) sit outside of the Regulators' Code, and its provisions do not apply.

Part 1 of the Housing Act 2004 is also outside of the code's scope.

Notwithstanding this, the following legislation and its enforcement comes within the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and is therefore within the scope of the Regulators Code and the principles of good regulation:

- Parts 8, 9 and 10 of the Housing Act 1985
- Part 8 of the Housing Act 1996
- Parts 2 to 5 of the Housing Act 2004

This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement action taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

2. Delegation and enforcement

The council's Corporate Director - Homes and Adult Social Care and Corporate Director - City Operations have the delegated authority to exercise the local authority functions referred to in this policy, in accordance with the council's scheme of delegation to officers. The Corporate Directors may authorise the carrying out of any relevant functions, in their name, by other officers within their Directorate, so they can take enforcement action, under a range of legislation, as set out in this policy.

Private Sector Housing, Housing Options or Trading Standards Managers will consult Legal Services at this council on decisions to instigate a prosecution.

Civil penalty notices are an alternative to prosecution and were introduced by the Housing and Planning Act 2016. There is no requirement for the Managers to consult Legal Services on the issue of the notices. However, in some circumstances it may be best practice to do so.

3. The decision to prosecute, impose a civil penalty or take informal action

The council is expected to have a policy in place to guide their decisions on when to prosecute, issue a civil penalty or take informal action. This policy is, therefore, the means for making those decisions.

Each decision on when to prosecute, issue a civil penalty or take informal action will be considered on a case-by-case basis.

The factors below will be taken into account:

- the facts of any particular case
- the risk to health and safety
- any protected characteristics of housing landlords, owners or tenants which could be reasonably known to the local authority
- the severity of any breach or non-compliance
- the impact on those interested parties or local communities

The factors above are not conclusive. There may be other relevant factors the council will take into consideration within this policy. The council must be satisfied that then criminal standard of proof, for a relevant breach, is met before pursuing a prosecution or issuing a civil penalty.

The council may commence enforcement with formal action instead of informal action in the first instance. In deciding whether to do so, the circumstances of the case will be taken into account. Relevant factors may include, but are not limited to:

- Where there is a risk to public health
- Where there is an unequivocal or deliberate contravention of the law
- Where there is history of non-compliance

The council will usually take formal action in the first instance if there has been:

- Non-compliance with previous formal or informal action
- Offences in relation to the licensing of HMOs

The council will take formal enforcement action in the first instance for breaches of the landlord legislation.

A council officer will consult their Private Sector Housing, Housing Options or Trading Standards managers before a decision to prosecute is made. If necessary, Legal Services may also be consulted. If new information becomes available during a particular investigation of breach etc, the council will be entitled to follow a new direction, as appropriate.

The evidential strength of the council's case must also be considered, before a decision to pursue a prosecution in a Magistrates' Court is decided. In addition, the

relevant public interest factors, as set by the Director of Public Prosecutions in the [Code for Crown Prosecutors](#) must be met. This is set out in the stages below.

- the evidential stage, the council must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the suspect on charge, any defence and how that affects the prospect of a conviction – a case that does not pass this stage must not proceed, no matter how serious or sensitive the case may be
- the public interest stage – if the evidential stage is passed, the council must consider if a prosecution is in the public interest, to do this the council considers each of the questions below
 - how serious is the offence committed?
 - what is the level of culpability of the suspect?
 - what are the circumstances of and harm caused to the victim?
 - what was the suspect's age and maturity at the time of the offence?
 - what is the impact on the community?
 - is prosecution a proportionate response?
 - do any sources of information require protection and if yes, what is the special care to be taken by the council for ensuring the protection?
 - or any other relevant factor

4. Aims

The Private Sector Housing and Housing Options Teams are part of the council's Homes & Adult Social Care Directorate with Trading Standards part of City Infrastructure Directorate. Private Sector Housing aims to protect and improve lives by making sure private rented homes are safe and warm. Housing Options aims to help people sustain settled homes and access their housing rights with Trading Standards investigating and enforcing consumer protection laws

We aim to seek conformity with legislation. We will work with landlords, letting and management agents, as well as owners of long-term or nuisance empty properties to achieve conformity.

The main themes of this policy are to make sure the council takes appropriate action to achieve the general aims below:

- tenants of private landlords occupy homes that are free from hazards and risks to their health and safety
- all licensable private rented properties are licensed and all licensing conditions are met
- tenants of private landlords can receive help if they experience any breach of their statutory entitlements relating to unlawful eviction or harassment

- effective intervention occurs where private housing remains empty for an unreasonable amount of time and/or becomes an eyesore and nuisance to neighbouring properties

The policy applies to all private sector homes in the city, long-term empty properties, private tenants, letting and managing agents and private landlords. The policy also applies to registered social landlords.

The Regulators' Code commenced on 6 April 2014 under the Legislative and Regulatory Reform Act 2006. The code provides a clear, flexible and principles-based framework for how regulators should engage with those on whom they regulate. Further, the council is a regulator, as set by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, amended in 2009, 2010 and 2014. The council, as the regulator, has had regard to the code for the development of this policy.

[The Regulators' Code GOV.UK](#)

The Renters Rights Act 2025 and the 'Landlord Legislation' (as defined by section 107 of the Renters Rights Act 2025) sit outside of the Regulators' Code, and its provisions do not apply.

5. General principles

Openness

We will provide information and advice verbally or in writing about regulations, standards and enforcement.

Proportionality

We will take into account the factors highlighted in **3. The decision to prosecute, impose a civil penalty or take informal action** of this policy.

Consistency

We will make sure our actions are in line with legislation and other regulatory requirements.

Relevant legislation and guidance

We have written this policy taking into account relevant legislation, guidance and best practice that is currently available to this council.

Human rights and equality

We will conduct enforcement action in a manner which does not conflict or undermine the principles of the Human Rights Act 1998 or the Equalities Act 2010 (as amended).

The council is also committed to being an inclusive and fairer city in the [Brighton & Hove City Council plan 2023 to 2027 refresh 2025](#).

We also committed to our [Fair and Inclusive Action Plan 2023 to 2027](#).

Vulnerable groups

Any enforcement action will take into account any protected characteristics that are identified to us. Officers will also be mindful of vulnerabilities not covered by the Equalities Act 2010 (as amended).

Safeguarding

Where we carry out compliance and enforcement work, if we become aware of issues relating to safeguarding children and vulnerable adults, we have a duty to make the appropriate referrals. This will ensure we protect the welfare of the people at risk.

Working in partnership

We foster and maintain good working relationships with partner services to help ensure all homes in the city, across all the different tenures, including long-term empty properties, are well managed and maintained. In particular, the Private Sector Housing Team is committed to partnership work with East Sussex, Fire and Rescue Service. A joint protocol is in place with the Service and the other local authorities in East and West Sussex. The protocol forms the basis of collaboration and sharing of best practice. The Housing Options Team works in partnership with many external organisations to the council. They include Jobcentre Plus, the Probation Service and National Health Service (Accident and Emergency care) and Change Grow Live, Brighton and Hove Recovery Service.

Collaboration across all council services

The Private Sector Housing and Housing Options Teams will collaborate with other departments and teams at the council. For example, Trading Standards, Environmental Health, Building Control, Planning and Children's Services and Adult Social Care.

It means information, as well as intelligence, may be shared during collaboration. For example, on any non-compliance by housing landlords or letting or managing agents. The sharing of information will be done in accordance with all data protection and privacy requirements. [Further information on privacy and how data is used at this council](#).

6. What to expect from us

6.1 Landlords and letting or managing Agents

All housing landlords should be aware of their responsibilities. This also includes letting or managing agents. We will try to advise you of the legislation and help you

understand how you can follow it. But equally, the letting of properties is a business. It is fair to expect you should already have some, if not full awareness, of the various legislation. This includes on how to comply with the law or access to legal advice.

This means the council is not expected, before commencing any enforcement, to advise you of any action you need to take to follow legislation.

We will also prioritise the health and safety of private rented sector tenants.

We will also ask you to respond with how you intend to follow the requirements of any legislation.

If we are satisfied with your proposals, we will work with you to agree reasonable timescales for compliance. However, this does not preclude us from taking enforcement action.

If we are not satisfied with your proposal or how the work is progressing, we will normally start formal action that is appropriate to the circumstances. This often means the service of a statutory, requiring work, notice.

We also issue property licences that set various requirements by way of licensing conditions.

We will generally make a charge for the service of a statutory notice, confirming the breach of a requirement. You can find more information about this in **Appendix 1 - Setting levels of charges**

6.2 Tenants

We expect you to tell your landlord, letting or managing agent about any issues in your property, preferably in writing or by email. You need to do this before you contact us for advice and guidance.

When contacting the council about your issue, we require your name, property address and telephone number. The council may not always be able to assist everyone without this information.

We will tell you what action we can take and advise you of the expected timescales.

We expect you to co-operate with the landlord, letting or managing agent to get the work carried out. This includes providing access to your home at all reasonable times. We also expect you to tell us of any action the landlord or agent takes.

6.3 Owner-occupiers

We expect owners to maintain the properties they occupy without any intervention from us. We will consider enforcement action if there is an imminent risk to a person's life.

6.4 Owners of empty homes

We will work with owners of empty homes to encourage and assist their empty homes are returned to use.

Where an empty property is having a detrimental impact on the neighbouring area, we will consider enforcement action where appropriate.

We will consider enforcement action like Compulsory Purchase Order, Empty Dwelling Management Order and Enforced Sale:

- if owners do not take responsibility for their properties
- if owners are not willing to engage or negotiations have failed
- where there is little prospect of a property being brought back into use voluntarily

7. Situations where a service may not be provided

In the following situations, we might withdraw a service where the tenant or tenants:

- unreasonably refuse access to the landlord, letting or managing agent or landlord's contractors, to arrange or carry out works
- in the opinion of the council, have clearly caused the damage to the property they are complaining about, and there are no other defects giving rise to hazards
- has recklessly made a false statement about their housing circumstances
- have asked for a service and then failed to keep an appointment and not responded to a follow-up letter or appointment card
- have been aggressive, threatening, verbally or physically abusive towards council officers
- have no justification for the complaint, when we visit the property
- unreasonably refuses to give the council relevant documentation

8. Our Approach to enforcement work

8.1 Advice and guidance

We will provide authoritative, accessible advice around private sector housing and tenancy related issues. The council's website provides published information, advice and guidance. This makes it easier for landlords, letting and managing agents, homeowners and others to understand their obligations. The website also offers guidance to private rented sector tenants.

The information is provided in clear, concise and accessible language. We will consult with landlords' associations and organisations who support private rented sector tenants when we develop the content and style of this guidance.

In addition to offering guidance, we can provide homeowners, landlords and letting and managing agents support on how to comply with legislation and the rights of tenants. However, we will do this where it benefits the tenants. Our guiding principle is not about education of landlords. They are expected to be aware of current statutory requirements.

The service will not act as a consultant for homeowners or landlords. We are not able to complete assessments for specific properties, such as party wall issues or fire safety risk assessments or support landlords with eviction procedures for housing tenants. Independent legal advice should be sought by landlords in this instance.

8.2 Risk assessment and triage of requests for assistance

Following the receipt of a complaint on poor housing conditions in the private rented sector or request for assistance on a tenancy related matter, an initial assessment will normally be carried out. This is to triage cases according to their severity.

Follow-up advice or action is dependent on the outcome of the initial assessment, and we may not always carry out a visit to the property or investigate every request on tenancy related matters. We also take into account safeguarding issues and any vulnerability of the occupant.

Where appropriate we expect tenants of Registered Providers to have used the social landlord's complaint process and if necessary, approached the Housing Ombudsman. The council will still visit the property where there is a clear need to do so for the purposes of meeting our statutory duties.

8.3 Inspections, investigations and information requirements

Inspections to properties or investigations of housing tenancy matters will only take place if there is a reason. They will take place in response to a reasonable complaint, request for service, threat of eviction or harassment, breach of housing legislation or where poor housing conditions have been brought to our attention. Inspections will also take place in accordance with statutory requirements, such as property licensing inspections.

The council will take a proactive approach or act unilaterally, where there is a need to do so, when inspecting properties or conducting investigations. Further investigation of a complaint from an intelligence source may also require the council to complete a property inspection or a visit to a property rental sector business.

The council will use its statutory powers for when inspecting properties and the taking of any formal action afterwards. We are not always required to pre-notify the

landlord, letting or managing agent of the inspection when using our powers under the Housing Act 2004 or the Renters' Rights Act 2025.

We will prioritise our resources on tenants whose occupation of their home is threatened or the worst and poor condition properties. The ones posing serious harm or those owned by landlords who regularly fail to comply with housing or tenancy protection legislation.

9. Enforcement, investigatory and entry to premises powers

The council has certain enforcement powers. The powers include entering a residential or business premises, used as a property rental sector business, and requiring information and using it for investigations.

9.1 Enforcement

Decisions about the most appropriate enforcement action are made in line with this policy and based on:

- professional judgement
- legal guidelines and advice
- statutory codes of practice
- priorities set by the council and/or central government

The Housing Act 1988, Housing Act 2004, Housing and Planning Act 2016, Protection from Eviction Act 1977 and the Renters' Rights Act 2025 and any associated legislation sets out the duties and powers the council has for regulating housing conditions and protecting the entitlements of tenants.

In particular, Section 3 of the Housing Act 2004 imposes a duty on the council to keep housing conditions in its district under review with a view to identifying any action that may need to be taken by us.

Section 107 of the Renters' Rights Act 2025 imposes a duty on the council to enforce the landlord legislation which consists of:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025
- Part 2 of the Renters' Rights Act 2025
- Sections 1 and 1A of the Protection from Eviction Act 1977
- Chapter 1 of Part 1 of the Housing Act 1988

Section 110 of the Renters' Rights Act 2025 imposes a duty to report to the Secretary of State on the exercise of the council's functions under the landlord legislation.

Powers are also contained in the Housing Act 1985 (as amended) and other legislation, such as the Environmental Protection Act 1990, Town and Country

Planning Act 1990, Public Health Acts 1936 and 1961, Mobile Homes Act 2013, Prevention of Damage by Pests Act 1949, Building Act 1984 and Building Safety Act 2022.

This is not a complete list of the powers available.

Officers can produce their photographic identification and authorisation for inspection by a relevant person, in the course of the officer's actions, as set by this policy and legislation.

Officers who undertake criminal investigations are conversant with the provisions of all relevant criminal investigation law. This includes the Police and Criminal Evidence Act 1984 and the relevant approved codes of practice.

If officers are asked to give evidence on behalf of one of the parties in a private action they will, to prevent any implication they have taken sides, usually only attend in response to a witness summons.

9.2 Investigatory powers for entry to premises and requiring information etc

The council has various investigatory powers, powers for requiring information and powers of entry under the Renters' Rights Act 2025 which may be used for when investigating breaches of relevant legislation. The Housing Act 2004 and other related legislation also provides the council with further powers. They include powers for requiring information and powers of entry.

Further details are given in **Appendix 2 – Investigatory powers, requiring information and powers of entry**

10. Housing, Health and Safety Rating System (HHSRS)

The Housing Act 2004 introduced HHSRS. It is a statutory, evidence-based, risk assessment method, for assessing and dealing with poor housing conditions. All officers using this are trained.

HHSRS is a calculation of the effect of 29 possible hazards on health and safety. This is done by assessing the impact of the hazards on specific age groups who are deemed to be most vulnerable. For some hazards, there may be no specific age group which is vulnerable so the assessment is based on all age groups. This process ensures that all occupiers of properties are protected, even those who are most vulnerable to one of the 29 hazards.

HHSRS is a two-stage calculation, setting the likelihood of harm taking place over a 12-month period and the range of different harm outcomes that might result from that harm. This produces a numerical rating. Once scored, any works required to mitigate hazards may take into account the views of the actual occupants, as well as the levels of risk on the occupants. The scores for each hazard present are then banded from A to J.

Bands A to C (ratings of 1,000 points and over) are the most serious and are known as Category 1 hazards.

Bands D to J (rating less than 1,000 points) are less serious and known as Category 2 hazards.

HHSRS gives a score for each hazard assessed and does not provide a single score for the dwelling as a whole. The system can be applied to all residential premises, whether owner-occupied or rented.

The council has a duty to take appropriate action in response to a Category 1 hazard. When a Category 1 hazard is identified, the council must decide which of the available enforcement options it is most appropriate to use.

The council will use its discretion and consider individual cases and circumstances when deciding whether to take action in response to Category 2 hazards. There is a power to deal with category 2 hazards. This is where the risk to health and/or safety is present but not so significant.

The council will use this power where there:

- are category 1 hazard(s) present at the residential unit of accommodation
- the category 2 hazard is progressive and will likely become a category 1 hazard unless preventative action is taken
- are a number of category 2 hazards which would present a hazard to occupiers
- where in all the circumstances it is felt appropriate

10.1 Compliance and enforcement action following HHSRS inspections

If there is an imminent risk to the health and safety of the occupant or visitors to the property the council will follow requirements of the Housing Act 2004. This means that pre-notification to relevant persons, other than to the occupant or occupants, would not be required before any emergency remedial work would be taken by the council.

If there is no imminent risk to the health and safety of the occupant or visitors to the property, or there is not a high risk, the council would normally, unless there are other factors not to do so, delay any enforcement action and attempt to secure the required work within a reasonable amount of time.

The expectation is that any action related to a category 1 hazard should be dealt with promptly by the council.

Where this approach fails, the council will determine which of the specific enforcement options it will use, taking into account the facts and circumstances in each individual case.

The council will also use the [Housing Health and Safety Rating System, Enforcement Guidance for the enforcement of HHSRS](#)

When considering formal enforcement action, following an HHSRS inspection, we will, where appropriate, discuss the circumstances with those responsible for the hazard or hazards at the property and take this into account when deciding on the best approach. This will not apply:

- where immediate action is needed to prevent or respond to a serious hazard or hazards
- to deal with an imminent risk to health or safety
- where to do so is likely to defeat the purpose of the proposed enforcement action

We will make sure clear reasons for any enforcement action are given and we will explain appeals' procedures. We will provide a statement of reasons with any notice we serve, explaining why we have decided to take a particular course of action.

The decision to use enforcement action will depend on the fact that the overall impact of non-compliance will have a significant impact, as well as other factors such as the willingness and efforts of those responsible are making to seek compliance.

Factors that we will take into consideration include:

- the risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals
- the culpability of the responsible party
- evidence that suggests that there was premeditation in the commission of an offence
- whether the alleged offence involves a failure to comply in full or in part with the requirements of a statutory notice or order
- whether there is a history of previous warnings or the commission of similar offences
- aggravated circumstances, such as aggressive or violent behaviour

The range of action that we will consider, under the Housing Act 2004, includes:

- Hazard Awareness Notices - Section 28 & Section 29
- Improvement Notices - Section 11 & Section 12
- Prohibition Orders - Section 20 & Section 21
- Emergency Remedial Action - Section 40
- Emergency Prohibition Order - Section 43

Other action, under the Housing Act 1985, may also be considered:

- Demolition Order - Section 265
- Clearance Area Action - Section 289

Hazard awareness notice

A notice advising the person on whom it is served of category 1 and/or category 2 hazard(s) at the property. These will usually be issued where there is a less serious hazard present. There is no right to appeal for a hazard awareness notice.

Improvement notice

A notice requiring the person on whom it is served, to take the remedial action specified in the notice in relation to the hazards found, within a specified timescale.

Prohibition order

An order imposing restrictions on the use of the whole or part of the property and/or who can use the property.

Emergency remedial action

This will be considered where there is an imminent risk of serious harm and a Category 1 hazard is present. The council will take the action necessary to mitigate and/or remove this risk where the person responsible cannot be contacted and formal action will be taken to recover the full costs incurred.

Emergency prohibition order

This is the same as a prohibition order but it will take effect immediately. This is only available where a Category 1 Hazard is present.

Demolition order

An order that requires the demolition of the property. This is only available where a Category 1 Hazard is present.

Declaring a clearance area

An area which is to be cleared of all buildings. This is only available where Category 1 Hazards are present.

In determining what action to take, the council will use their judgement to take account of the current or potential occupants.

The council can also issue 'Suspended Improvement Notices' and 'Suspended Prohibition Orders'. These are usually used where the condition of a property presents a risk to health and safety, but the property is unoccupied or not occupied by a vulnerable person. Suspended Notices are reviewed at least every 12 months.

Notices will include reasonable time limits having regard to the seriousness of the defects and/or contraventions and contain a statement of reasons as to why the notice was served.

The notice or order will contain all required information as specified by the relevant act or regulation.

All appropriate people will be notified of the formal action, such as tenants or mortgagees.

Information on how the HHSRS will be applied to each tenure is set out in **Appendix 3 – Housing tenure and Housing, Health and Safety Rating System (HHSRS)**

10.2 Review of enforcement action

If there is a change in the occupation of a premises that may lead to either an increase or decrease in the apparent risk to occupiers then the current state of any outstanding enforcement action will be reviewed by the council officer. Normally, in consultation with their line manager, to ensure that it is still appropriate and proportionate to the risk posed from the identified hazard or hazards.

11. Enforcement notices and orders

11.1 Power to charge for notices and orders

The council has the power under Section 49 of the Housing Act 2004 to make a reasonable charge as a means of recovering certain administrative and other expenses. These expenses may have been incurred in:

- serving an Improvement Notice
- serving a Hazard Awareness Notice
- making a Prohibition, Emergency Prohibition or Demolition Order
- taking Emergency Remedial Action

Where a charge is made, the council can recover a reasonable amount for expenses incurred. This can be in connection with:

- determining whether to serve an improvement notice, take emergency remedial action or make a prohibition order
- identifying any action to be specified in the improvement notice
- the administration costs for the production and service of the improvement notice, emergency remedial action or prohibition order

Costs incurred carrying out work in default or remedial action will be charged separately.

When the charge demand becomes operative, the sum recoverable will be a local land charge.

Where charges can be made, these will be set in line with all relevant guidance.

Details are given in **Appendix 1 - Setting levels of charges**

11.2 Revocation and variation of notices and orders

Under the Housing Act 2004, the council must revoke an Improvement Notice or Prohibition Order once they have been complied with.

If part of the work required within an Improvement Notice or Prohibition Order is carried out, or if agreed with the council officer responsible for the Notice or Order, then the notice can be varied to allow alternative works or additional compliance time.

11.3 Failure to comply with notices and orders

If a notice is complied with, no further action will be taken. However, if the notice is not complied with, the council will consider the following options, taking into account the circumstances of each case:

- prosecution
- carrying out the works in default
- civil penalty
- rent repayment order

Failure to comply with an Improvement Notice or a Prohibition Order is an offence punishable by an unlimited fine. Following conviction, it is an offence to carry on using the premises in breach of the Prohibition Order, attracting a daily fine.

The council will take action to recover its costs in connection with works in default, including administration charges.

The council will also take action to recover the costs incurred in carrying out work associated with Emergency Remedial Action.

Where a charge is made on the property, the costs give the authority the same powers and remedies as a mortgagee under the Law of Property Act 1925 by way of Enforced Sale.

11.3.1 Prosecution

Prosecution will be considered in all cases of non-compliance and will be carried out in conjunction with Legal Services.

11.3.2 Works in default

Works in default will be considered if all other methods to try to remedy the necessary works have been unsuccessful. In determining if work in default is appropriate, officers will report to the Private Sector Housing Manager, who will consider approval based on the following information:

- the effects of not carrying out the work on the health and safety of the occupant of the property concerned
- the wishes of the tenant where the notice has been served in respect of a rented property
- the reason for the work not being carried out in the first place
- any other factors specific to the individual property

The council will normally seek to recover all of the costs associated with undertaking work in default. This includes time spent by its officers, administrative costs, contractors' costs, the cost of any specialist reports and supervisory costs, etc.

In the case of officer time, the council will calculate costs as follows:

- the actual time spent by council officers on the chargeable activities and recorded using file notes and database
- time spent will be converted into a monetary figure using the appropriate hourly rate set for the officer or officers concerned

The expenses incurred will be recovered from the person or persons who received the notice or order, known as the relevant person. Where the relevant person receives the rent on behalf of someone else, the expenses will also be recovered from that other person.

The expenses will carry interest from the date of service until payment of all sums due under the demand at a rate specified at the time. The recoverable expenses, together with interest accrued on them, are a charge on the premises.

Further details are given in **Appendix 1 - Setting levels of charges**

In addition, as a means of recovering the costs, the council may also serve recovery notices to recover, receive or give a discharge for any rent or sums in the nature of rent.

11.3.3 Civil penalties

A civil penalty is a financial penalty imposed by the council on an individual or organisation. The penalty is an alternative to prosecution for certain breaches of legislation.

The council has had regard to the [Ministry of Housing, Communities and Local Government statutory guidance 'Civil penalties under the Renters' Rights Act 2025 and other housing legislation'](#) for the exercise of the authority's functions in respect of civil penalties.

The breaches below are subject to a civil penalty with a statutory maximum of £7,000:

- failure to give a written statement of terms and any other prescribed information under Section 16D of the Housing Act 1988
- attempting to let a property for a fixed term under Section 16E of the Housing Act 1988
- attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988
- attempting to end a tenancy orally, or requiring that it is ended orally, under section 16E of the Housing Act 1988
- serving an eviction notice that attempts to end a tenancy outside the prescribed Section 8 process under Section 16E of the Housing Act 1988
- relying on a ground, where the landlord does not reasonably believe that they are or will be able to obtain possession, under Section 16E of the Housing Act 1988
- failing to provide a tenant with prior notice that a ground, requiring its use, has not been made, under Section 16E of the Housing Act 1988
- failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025, in the prescribed form and timeframe, under paragraph 7(2) of Schedule 6 to the Renters' Rights Act 2025
- discrimination relating to children in the letting's process under Section 33 of the Renters' Rights Act 2025
- discrimination relating to benefits in the letting's process under Section 34 of the Renters' Rights Act 2025
- failure to specify proposed rent, within a written advertisement or offer, under Section 56 of the Renters' Rights Act 2025
- inviting, encouraging or accepting any offer of rent greater than the stated rate, under Section 56 of the Renters' Rights Act 2025

The breaches below are subject to a civil penalty with a statutory maximum of £40,000:

- breach of duty under Regulation 3, 3B, 3C and 3D of the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England)

Regulations 2020 (as amended by the Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025)

- unlawful eviction and harassment of occupier under Section 1 of the Protection from Eviction Act 1977
- continuation of conduct subject to a relevant penalty, under Section 16I or Section 16K of the Housing Act 1988, after the 28-day period, or, if appealed, after conclusion of the appeal, where the final notice has not been withdrawn under Section 16J of the Housing Act 1988
- conduct giving rise to liability under Section 16I, where within the preceding five years the landlord has either (i) had a relevant penalty, under Section 6I or Section 16K of the Housing Act 1988, imposed for different conduct and the final notice has not been withdrawn or (ii) been convicted under Section 16J for different conduct under Section 16(J) of the Housing Act 1988
- relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under Section 16J of the Housing Act 1988
- breach of restrictions relating to reletting, Section 16(E)(2) of the Housing Act 1988 or remarketing Section 16(E)(3) of the Housing Act 1988 a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988
- breach of a banning order under Section 21 of the Housing and Planning Act 2016
- failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004
- contravention of an overcrowding notice under Section 139 of the Housing Act 2004
- failure to obtain a selective licence under Section 95 of the Housing Act 2004
- failure to obtain a House in Multiple Occupation (HMO) licence under Section 72 of the Housing Act 2004
- knowingly permitting over-occupation of an HMO under Section 72 of the Housing Act 2004

- failure to comply with management regulations in respect of HMOs under Section 234 of the Housing Act 2004
- failure to comply with HMO licence conditions under Section 72 of the Housing Act 2004
- failure to comply with selective licence conditions under Section 95 of the Housing Act 2004

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This policy outlines the council's process for assessing and setting the level of a civil penalty at all stages where a penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the council's civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The council will use a suitable civil penalty notice generator for setting the level of a penalty.

The general objective of this part of the policy is to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation:

- know how the council will generally penalise relevant breaches and offences, and
- are assured that, generally, like cases will be penalised similarly, and different cases penalised differently

The council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences are identified. Accordingly, the council seeks to ensure that civil penalties are set at a level that makes it clear to the

landlord concerned, and to others, that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The council expects landlords against whom a civil penalty is being considered to provide all documents and records that would reasonably exist for accurate account keeping. Where such evidence is not provided, and no explanation that the council considers adequate is given, the council may draw a reasonable and adverse inference.

Further details on the factors used for determining the level of civil penalties, the financial matrixes and all other relevant material are given in **Appendix 4 – How the council uses civil penalties under the Renters’ Rights Act 2025 and other housing legislation**

11.3.4 Rent repayment orders

The council has the power under Part 2 of the Housing and Planning Act 2016 to apply for a Rent Repayment Order (RRO). The application is made to the First Tier Tribunal Property Chamber. The RRO requires the landlord of the property, if found guilty of a qualifying offence, to refund rent to the tenant or tenants or the council.

Where the council becomes aware a person has been convicted of an offence and there is sufficient evidence, Section 48 of the Housing and Planning Act 2016 places a duty on the council to consider applying for an RRO. Section 49 of the Housing and Planning Act 2016 enables the council to assist tenants in applying for RROs. The council will usually assist tenants by signposting them to organisations offering support for RROs such as Justice for Tenants.

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a civil penalty notice. Where the Council has issued a penalty or pursued a prosecution, it may consider applying for an RRO where public funds have been paid to a landlord who has committed one of the qualifying offences.

The council will follow the [Ministry of Housing, Communities and Local Government statutory guidance ‘Rent repayment orders: guidance for local authorities’](#) when using RROs.

The qualifying offences for RROs are:

- unlawful eviction and harassment of occupier under Section 1 of the Protection from Eviction Act 1977
- failure to comply with an Improvement Notice under Section 30 of the Housing Act 2004
- failure to obtain an HMO licence under Section 72 of the Housing Act 2004
- failure to obtain a selective licence, in relation to licensing of houses, under Section 95 of the Housing Act 2004

- failure to comply with a Prohibition Order under Section 32 of the Housing Act 2004
- breach of a banning order under Section 21 of the Housing and Planning Act 2016
- using violence to secure entry to a property under Section 6 of the Criminal Law Act 1977
- knowingly or recklessly misusing a possession ground under Section 16J(1) of the Housing Act 1988
- breach of restriction on letting or marketing a dwelling-house under Section 16J(2) of the Housing Act 1988
- breach of tenancy reform: continuing breaches under Section 16J(3) of the Housing Act 1988

12. Banning orders

A 'Banning Order' prohibits a landlord, letting or managing agent convicted of Banning Order offences under the Housing and Planning Act 2016 from undertaking activities in connection with letting a property.

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 specify the criminal offences which are banning order offences for the purposes of the Housing and Planning Act 2016.

Rogue landlords who flout their legal obligations and rent out accommodation which is substandard following prosecution, will be referred to the First-tier Tribunal for application of a banning order.

A Banning Order will last a minimum of 12 months. There is no statutory maximum period for a banning order.

The council will apply for Banning Orders to be made where:

- the evidence justifies this course of action
- it is considered to be in the public interest to protect tenants against rogue landlords
- it is in line with the council's overall enforcement policy, and
- it is in line with statutory guidance by the [Ministry of Housing, Communities and Local Government 'Banning Order Offences under the Housing and Planning Act 2016'](#)

A Banning Order means that the subject of the order cannot:

- let housing in England
- engage in English letting agency work

- engage in English property management work
- hold a licence under Part 2 or Part 3 of the Housing Act 2004

13. Rogue landlord database

Under the provisions of the Housing and Planning Act 2016, the government has a nationwide database to record details of landlords and managing agents given a Banning Order or convicted of any Banning Order offences.

The council has a duty to apply for a landlord's and agent's details being entered on the database where a Banning Order has been given. The council has a power, normally where it is in public interest to do so, to apply for details being entered on the database of any person convicted of a Banning Order offence.

14. Statutory nuisance provisions

Under the Environmental Protection Act 1990, the council must take action to deal with a statutory nuisance if it exists, is likely to occur or recur. We would deal with a statutory nuisance, which could affect residential occupiers under Section 79 of this act.

There are two parts to this, as it applies to any premises in such a state as to be:

- prejudicial to health, or
- a nuisance

A general inspection of the premises would take place, to confirm the details of the complaint and to assess the situation.

The complainant will be made aware if further steps will be taken. It may be necessary to visit other premises to determine the cause of the nuisance. If access to other premises is refused, power of entry may be invoked.

If any action is taken, the complainant will be informed and sent a copy of any letter or the Abatement Notice, where possible.

The Notice is served on the person responsible for the statutory nuisance, which in this case would be the owner of the premises where the cause of the nuisance is related to the structure of the premises. If the person cannot be found, or the nuisance has not yet occurred, the Notice is served on the owner or occupier of the premises.

Enforcement of the Notice can be done by a prosecution for non-compliance in the Magistrates' Court, or by carrying out works in default, or both.

15. Overcrowding

We will investigate complaints from tenants living in privately rented properties about overcrowded living conditions. We will also investigate where overcrowded conditions are legitimately impacting on neighbours' health, safety or welfare.

Wherever possible, we will resist taking action that would lead to homelessness but will seek to reduce any serious hazard of overcrowding using suspended notices, under the Housing Act 2004, where appropriate.

It is a criminal offence to contravene an overcrowding notice served under the Housing Act 1985. We will consider taking enforcement action against those who do.

We can also take enforcement action to deal with 'crowded' conditions following a Housing, Health and Safety Rating System assessment using the Housing Act 2004.

We can also take specific enforcement action to deal with overcrowding in houses in multiple occupation, where there is no interim or final management order in force or a property licence is not required, using the Housing Act 2004.

Officers will use the most appropriate legislation on a case-by-case basis.

16. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022)

The regulations impose obligations on landlords to require tenanted properties have smoke and carbon monoxide alarms.

The council has a power to issue a remedial notice, followed by a penalty charge in certain circumstances, on landlords where the regulations are not complied with.

A statement of principles is used by the council for determining the amount of the penalty charge.

Further details are given in **Appendix 5 - Statement of principles to determine amount of penalty charge under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022)**

17. Electrical safety standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 (as amended by the Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025)

The regulations impose obligations on private and social rented landlords for electrical safety standards in tenanted properties.

The regulations came into force for the social rented sector on 1 November 2025 and will apply to social housing tenancies granted after 1 December 2025.

For social housing tenancies granted before 1 December 2025, the regulations will come into force on 1 May 2026.

The council has a power to issue a remedial notice, followed by a penalty charge in certain circumstances, on landlords where the regulations are not complied with.

Further details on how the level of civil penalty is set for when the regulations are not complied with are given in **Appendix 3 – How the council uses civil penalties under the Renters’ Rights Act 2025 and other housing legislation**

Further details on the regulations are given in **Appendix 6 – How the electrical safety standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 (as amended by the Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025) are applied**

18. Homes (Fitness for Human Habitation) Act 2018

This law requires that rented houses and flats are ‘fit for human habitation’. This means they are safe, healthy and free from things that could cause serious harm.

If rented houses and flats are not ‘fit for human habitation’, tenants can take their landlord to court. The court can make the landlord carry out repairs or remedy health and safety problems. The court can also make the landlord pay compensation to the tenant.

If tenants ask us to visit to provide a report for evidence to support their case, we will not act solely as consultants for this purpose. We will follow our usual procedures and take the appropriate action as necessary, which may involve contacting the landlord.

We may be able to provide a short, factual statement of the findings of our visit and offer limited advice, but tenants should seek their own independent legal advice.

Tenants can find guidance about the [Homes \(Fitness for Human Habitation\) Act 2018](#) and from [Shelter on fitness for habitation in rented homes](#)

19. Property licensing

The council uses three property licensing schemes. They are:

- mandatory licensing for Houses in Multiple Occupation (HMOs)
- additional licensing for HMOs
- selective licensing

19.1 House in multiple occupation (HMO) mandatory and additional licensing

It is a national legislative requirement that all HMOs with five or more unrelated occupiers, who share facilities must be licensed. This is called mandatory HMO licensing and its aim is to ensure every licensable HMO is safe for the occupants and visitors, and is properly managed. The responsibility for applying for a licence rests with the person having control of or the person managing the property.

The council has an additional licensing scheme in place for HMOs of two or more storeys with three or four unrelated occupiers which fall outside of mandatory HMO

licensing. The responsibility for applying for a licence under this scheme rests with the person having control of or the person managing the property.

The offence for failing to obtain a mandatory or additional HMO licence is set by the Housing Act 2004, Section:

- 72 – Offences in relation to licensing of HMOs

Where an unlicensed property is identified, requiring a mandatory or additional HMO licence, the council will assess whether there are good reasons why a licence application has not been received. If there are no good reasons, the council will look to take formal proceedings with a view to prosecution. We may also choose to issue a civil penalty.

It is also the landlord's responsibility to re-license a property for mandatory HMO licensing. While we will aim to remind licence holders when renewals are due, this is not always possible and the responsibility is on the landlord to apply before the licence expires. The council would normally prosecute, or issue a civil penalty, where a person fails to apply for a licence.

In addition, the council is committed to the investigation of properties requiring a mandatory or additional HMO licence where there is no licence in place. The council will investigate reports of any suspected unlicensed properties and act on intelligence, as necessary.

The Housing Act 2004 also sets other licensing related offences all of which carry an unlimited fine, including:

- operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows
- breach of licence condition
- supplying incorrect information in a licence application

A breach of a property licence condition or conditions will be dealt with informally initially. However, if the breach is serious and affects the safety of the occupants or the responsible person does not carry out necessary work within an agreed timescale, the council will look to take formal proceedings with a view to prosecution. We may also choose to issue a civil penalty.

When considering the amenities required in an HMO, regard will be made to the Brighton & Hove HMO Standards. These include minimum room sizes, along with bathing facilities and cooking amenities.

Find out more about the [HMO Standards](#)

19.2 Selective licensing

The council's selective licensing scheme is currently in place for selected wards in the city. They are Kemptown, Moulsecoomb & Bevendean, Queens Park and

Whitehawk & Marina. The scheme applies to properties with one or two occupiers or a family. The scheme also applies to single-storey properties, flats or bungalows, with three or four unrelated occupiers which fall outside of additional HMO licensing.

It is a requirement that private rented properties meeting any of those criteria and located inside any of the four wards must be licensed. The aim of selective licensing is to ensure every licensable property is safe for the occupants and visitors, and is properly managed.

The responsibility for applying for a licence rests with the person having control of or the person managing the property.

The offence for failing to obtain a selective licence is set by the Housing Act 2004, Section:

- 95 – Offences in relation to licensing of houses under this Part

Where an unlicensed property is identified, requiring a selective licence, the council will assess whether there are good reasons why a licence application has not been received. If there are no good reasons, the council will look to take formal proceedings with a view to prosecution. We may also choose to issue a civil penalty.

In addition, the council is committed to the investigation of properties requiring a selective licence where there is no licence in place. The council will investigate reports of any suspected unlicensed properties and act on intelligence, as necessary.

The Housing Act 2004 also sets other licensing related offences all of which carry an unlimited fine, including:

- breach of licence condition
- supplying incorrect information in a licence application

A breach of a property licence condition or conditions may be dealt with informally initially. However, if the breach is serious and affects the safety of the occupants or the responsible person does not carry out necessary work within an agreed timescale, the council will look to take formal proceedings with a view to prosecution. We may also choose to issue a civil penalty.

[Find out more about the selective licence conditions.](#)

19.3 Fit and proper person and management arrangements

When an application for a mandatory or additional HMO or selective licence is received by the council, it must be satisfied a person (hereinafter P) is a fit and proper person to be the licence holder, and if there is a manager, the manager of the

property. The council may decide to refuse to grant a mandatory or additional HMO or selective licence where it is not satisfied P is fit and proper.

Upon refusal, the council will consult the property licence applicant and ask that another person should apply, for seeing if they are fit and proper, to be the licence holder. If no other person is available, or they are found not fit and proper, enforcement of the Housing Act 2004 will be considered for the property requiring a property licence. The applicant will be consulted during the process.

The council must also be satisfied the proposed management arrangements for the property are satisfactory.

The full provisions are in the Housing Act 2004, Sections:

- 64 - Grant or refusal of licence
 - For mandatory or additional HMO licence applications
- 88 – Grant or refusal of licence
 - For selective licence applications

The council will have regard, when deciding if P is fit and proper, to any evidence they have:

- committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 - for offences attracting notification requirements
- practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business
- contravened any provision of the law relating to housing or of landlord and tenant law
- acted otherwise than in accordance with any applicable code of practice approved under section 233 Approval of codes of practice with regard to the management of HMOs etc of the Housing Act 2004

The council may also have regard to any evidence showing that another person, associated with or formerly associated with P, has done any of the things listed above. If it appears to the council that the evidence is relevant to the question on whether P is a fit and proper person to be the licence holder or the manager, the council may use that evidence.

If P has a banning order, under the Housing and Planning Act 2016, in force against them then P is not a fit and proper person.

The council, when deciding if the proposed management arrangements for the property are satisfactory, will take into consideration:

- whether any person proposed to be involved in the management of the property has a sufficient level of competence to be so involved

- whether any person proposed to be involved in the management of the property, other than the manager, is a fit and proper person to be so involved
- whether any proposed management structures and funding arrangements are suitable

The full provisions are in the Housing Act 2004, Sections:

- 66 – Tests for fitness etc. and satisfactory management arrangement
 - For mandatory or additional HMO licence applications
- 89 - Tests for fitness etc. and satisfactory management arrangements
 - For selective licence applications

19.4 Additional control provisions – house in multiple occupation (HMO) licensing or selective licensing

Interim and final management orders

An Interim Management Order (IMO) transfers the management of a residential property to the council for a period of up to twelve months. The circumstances for when an order can be made are discussed below. In particular, the IMO allows the council possession of the property against the immediate landlord, and subject to existing rights to occupy, can:

- do anything in relation to the property which could have been done by the landlord, including repairs and collecting rents
- spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property
- create new tenancies - with the consent of the landlord

Under an IMO, the council must pay to the relevant landlord. This is the person or persons who immediately before the order was made, were entitled to the rent for the property and any surplus of income over expenditure and any interest on such sum accrued during the period in which the IMO is in force. The council must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant person.

The council must take enforcement action in respect of a licensable property (which means an HMO subject to Part 2 mandatory or additional licensing under Part 2 of the Housing Act 2004) or other residential property (subject to selective licensing under Part 3 of the Housing Act 2004 Part 3) by making an IMO, if:

- the property ought to be licensed, but is not, and the council considers there is no reasonable prospect of it granting a licence in the near future
- the Private Sector Housing Team intends to revoke the licence on one or more of the grounds specified in Parts 2 or 3 of the Housing Act 2004, other than the property has ceased to be licensable, and upon revocation there will

be no reasonable prospect of the property being licensed in the near future - to another suitable person for example

- the Private Sector Housing Team is satisfied that when the licence is revoked the health and safety condition test will be met

An IMO may not, however, be made on these grounds if:

- an effective application is outstanding with the council for the grant of a licence or a temporary exemption notice or if such a notice is in force
- the council is satisfied that the health and safety condition is not met and, therefore, it would not have granted an application for a licence - as another form of action under the Housing Act 2004 can be used as an alternative to deal with matters at the residential property

Final management orders

In exceptional circumstances, the council can also apply for a Final Management Order (FMO) which can last for up to five years. Such powers will only be used in exceptional circumstances.

An FMO cannot be made unless an IMO or another FMO was already in force. An FMO transfers the management of the house to the council for the duration of the order.

In particular, the FMO allows the council:

- possession of the property against the immediate landlord, but subject to existing rights of occupation
- to do anything in relation to the property, which could have been done by the landlord, including repairs and collecting rents
- to spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the property
- to create new tenancies - without the consent of the landlord

Management order management schemes

The council must adopt a management scheme for a property subject to an FMO. The scheme must set out how the council intends to manage the house.

In particular, the management scheme must include:

- the amount of rent it will seek to obtain whilst the order is in force
- details of any works which the council intends to undertake in relation to the property
- the estimate of the costs of carrying out those works

- provision as to the payment of any surpluses of income over expenditure to the relevant landlord, from time to time
- in general terms how the council intends to address the matters that caused it to make the order

The council must also keep full accounts of income and expenditure in respect of the house and make such accounts available to the relevant landlord.

19.5 Temporary exemption notices

Where a landlord is, or will soon be taking steps to make an HMO or property requiring a selective licence non-licensable, the council may serve a Temporary Exemption Notice (TEN). A TEN can only be granted for a maximum period of three months.

In exceptional circumstances a second TEN can be served for a further three-month period. A TEN will be served where the owner of the HMO or property requiring a selective licence states in writing that steps are being taken to make the HMO or property requiring a selective licence non-licensable within three months.

19.6 Raising standards in all HMOs

Under current legislation some HMOs do not require a licence. These include houses containing self-contained flats. Many of these still pose a significant degree of risk to occupants and/or have a history of being poorly managed.

The council will continue to regulate such HMOs by enforcement of The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 and the Housing Health and Safety Rating System.

In addition, the council may also choose to regulate other types of HMOs by enforcement of The Management of Houses in Multiple Occupation (England) Regulations 2006.

19.7 Fire safety in HMOs

Statistically, HMOs have one of the highest incidents of deaths caused by fire in any type of housing. It is, therefore, essential that any HMO has an adequate means of escape, in the event of a fire, and adequate fire precautions.

The actual level of fire protection and detection required will be determined by a risk assessment. When requiring fire safety works, the council will have regard to the Local Authorities Coordinators of Regulatory Services (LACORS) Fire Safety Guidance document.

The Private Sector Housing Team is generally the lead enforcing authority for fire safety in HMOs. However, where an HMO contains common areas, a Fire Risk Assessment must be carried out in accordance with the Regulatory Reform Order, as

amended by the Fire Safety Act 2021 and Building Safety Act 2022. The Order is enforced by East Sussex Fire & Rescue Service.

In the event of a fire safety issue at an HMO within a 'high-risk residential building of at least 18 metres in height or 7 storeys high' then the council would also seek to engage the Building Safety Regulator. They have powers under the Building Safety Act 2022 to facilitate building safety in high-risk residential buildings.

For further clarification, and general fire safety guidance, please contact the Private Sector Housing Team.

19.8 Houses in multiple occupation (HMOs) and selective licensing and planning legislation

Planning and HMO licensing are separate and governed by different pieces of legislation. HMO licensing is about the safety and welfare of the tenants. If tenants are present, we must ensure the property complies, even if they are occupying without planning permission.

We will liaise with the Planning Team where this is the case and decide on the best approach on a case-by-case basis. We may grant a licence for a period of time until the situation is regularised, or not grant a licence until the situation is regularised.

Landlords may wish to seek independent advice in relation to planning and HMOs, as there are a number of variables. For instance, where an Article 4 Direction is in force under the Town & Country Planning Act 1990 (as amended), there must be planning permission for a smaller HMO.

Larger HMOs also require planning permission in all areas.

You can find more information about [planning permission for houses in multiple occupation](#)

HMO licensing or selective licensing cannot be applied to short-term holiday lets. For a property to be covered by HMO or selective licensing, the property must be the occupiers' only or main residence under licensing provisions of the Housing Act 2004. Therefore, 'party houses' or short-term holiday lets do not come in scope of the act.

You can find more information about [short-term holiday lets](#)

19.9 Noise and anti-social behaviour – house in multiple occupation (HMO) licensing or selective licensing

If we receive any complaints about noise or other anti-social behaviour from a licensed property, in the first instance we would write to the owner, managing agents and tenants about the issue, and remind them of their responsibilities under the provisions of the HMO or Selective Licence. Both types of licence require a tenancy agreement to be in place which sets conditions against the use of the property for

antisocial purposes. After this, we would ask for proof that the owners had addressed the issue with the tenants.

The name and address of the licence holder and the managing agents are detailed on the property licensing registers, available on the council's website. This is so the neighbour could approach them directly about noise issues should they wish, as well as approaching the council.

[You can find the register of property licences in Brighton & Hove.](#)

In addition, if the noise is frequent, the person complaining can [report a noise problem](#) to the Noise Team in Environmental Health.

Both the University of Sussex and University of Brighton have teams that support community liaison where issues arise with their students living in the private rented sector. We liaise with them where appropriate.

We will also liaise with the Safer Communities Team at this council as appropriate.

20. Building safety

The Building Safety Act 2022 places duties on the council for the safety of medium and high-rise residential buildings. There are provisions in the act to secure the safety of buildings, as well as the people about the buildings.

In the act, a building with:

- 5 storeys is deemed at least 11 metres high and medium rise
- 7 storeys is deemed at least 18 metres high and high rise

The council is one of three regulators with regulatory powers to control the safety of buildings, as defined by the:

- [Ministry of Housing, Communities and Local Government's Remediation enforcement: guidance for regulators](#)

The other two regulators are the Building Safety Regulator and East Sussex, Fire and Rescue and Service.

The council works with both regulators.

Where the council is not the lead regulator, for the subject building in question, the authority will support that regulator to make the building safe.

The council, and the other regulators, will act in the spirit of the Remediation enforcement: guidance for regulators. They will enforce, as necessary, each of their regulatory duties for making buildings with any remediation issues safe.

21. Empty homes

Empty homes can be a blight on our community as well as a wasted housing resource. Our approach will be to work with owners of empty homes with a solution-based approach to support and encourage voluntary action.

We are also committed to using appropriate enforcement action where owners fail to take responsibility for their properties, reasonable negotiations fail or there is little prospect of the property being bought back into use voluntarily.

We will consider a number of factors when we decide the best course of action for an empty home. For more information send an email to emptyproperties@brighton-hove.gov.uk.

The council will provide advice and assistance to the owners of empty properties to help bring the home back into use. We will, however, consider using any of the following enforcement options:

Empty dwelling management orders (EDMO)

Where a property has been left empty for over two years and is attracting anti-social behaviour, the council may seek an EDMO using Part 4 provisions of the Housing Act 2004.

An EDMO allows the council to take over full management of the property for up to seven years, reclaiming any management and refurbishment costs from the rental income.

Compulsory purchase orders (CPO)

CPOs can be made under Section 17 of the Housing Act 1985 or Section 226 of the Town & Country Planning Act 1990. They allow local authorities to purchase properties in specific circumstances without the owner's consent.

Enforced sale

The Law of Property Act 1925 allows the recovery of debt, that was secured by a registered charge, by forcing the sale of a property. Normally, in situations where the council has served notices requiring the owner to make their property safe or do other work to address negative impact on the neighbourhood. If the property owner has not complied, the council may be forced to carry out the works in default.

If the costs incurred are not paid, the council will register a charge against the property and should the owner still not pay this debt, the council can begin legal proceedings to sell the property to recover the costs.

Enforced sale of a property may also be considered by the council to recover Council Tax arrears.

Other provisions

If a property is unsafe or causing, or is likely to cause, a nuisance to the locality there are several legislative tools available to the council to ensure the condition of the property is improved.

These include:

- Town and Country Planning Act 1990, Section 215 - to tackle land or buildings adversely affecting the appearance of the neighbourhood
- Housing Act 2004, Part 1 - to make sure properties are safe for potential occupiers
- Building Act 1984 Sections 77, 78 and 79 - to deal with dangerous or dilapidated buildings or structures
- Anti-Social Behaviour Crime and Policing Act 2014, Chapter 1, Community Protection Notices - to require an owner to deal with the accumulation of rubbish or overgrown gardens
- Local Government (Miscellaneous Provisions) Act 1982, Section 29 - to secure or board up empty properties
- Environmental Protection Act 1990, Section 80 - to deal with nuisance caused by waste or rubbish or because remedial work is needed at property
- Prevention of Damage by Pests Act 1949, Section 4 - to treat or prevent rodent infestations

You can find more information on the council's approaches to [empty properties](#)

22. The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

The regulations impose minimum energy efficiency standards (MEES) on landlords to control the least energy-efficient properties in England and Wales, those rated F or G on their Energy Performance Certificate (EPC).

The regulations establish a minimum standard for all rented properties.

The council has a power to issue a penalty charge on landlords where the regulations are not complied with.

A statement of principles is used by the council for determining the amount of the penalty charge.

Further details are given in **Appendix 7 - statement of principles to determine amount of penalty charge for a breach of the minimum energy efficiency standards (MEES) for privately rented properties**

23. Accountability of the service

The service is accountable for how efficient and effective its activities are, while remaining independent in the decisions that it takes.

Council officers will provide a polite, prompt and efficient service and will identify themselves by name. They will give a contact point, telephone number and email address.

23.1 Complaints about the service

If you are not happy with the service from us, we would first ask you to contact the case worker in the Housing Options, Private Sector Housing or Trading Standards Teams about the issue.

Private Sector Housing psh@brighton-hove.gov.uk

Housing Options housing.advice@brighton-hove.gov.uk

Trading Standards Trading.standards@brighton-hove.gov.uk

If this does not resolve the issue you can also raise a complaint by [contacting the council's customer feedback team](#). We will deal with complaints about our service in line with the council's corporate complaint's procedure.

The customer feedback process is without harm to any formal appeal mechanisms. Where a formal appeal mechanism exists, that mechanism must be used. The complaints procedure cannot be used as a substitution for a formal legal appeal.

23.2 Appeals

Any person served with a notice or order has the right to appeal on any grounds set out in the legislation. Appeals about enforcement action under the Housing Act 2004 or the Renters' Rights Act 2025 are made to the First Tier Tribunal (Property Chamber).

First Tier Tribunal (Property Chamber)
Residential Property
Havant Justice Centre
The Court House
Elmleigh Road
Havant, PO9 2AL

Phone number: 01243 779 394

Email address: rpsouthern@justice.gov.uk

All other appeals regarding enforcement action taken should be directed to the Magistrates' Court or as directed on the notice or order served by the council.

24. Application of the policy

All officers must take this policy, including the legislation and guidance in the policy, into account when they make enforcement decisions.

25. Monitoring and review of the policy

The council will keep its regulatory activities and interventions under review. They will consider if it is appropriate to remove or reduce any regulatory burdens they impose, where the council has direct control of these matters.

Changes will be introduced into this document where necessary to accommodate new legislation, guidance and local needs. Where housing or other related legislation is introduced, which is enforced by the council and permits the imposition of any monetary penalty or penalty charge, the council will seek to fully implement any duty or power conferred upon it.

We will review this policy annually and amend it to reflect changes in legislation, corporate policy or official guidance.

26. Related policies and strategies

We will make sure this policy aligns to our approach to enforcement across the council.

Related policies and strategies include:

- [Homes for everyone - housing strategy 2024 to 2029](#)
- [Homelessness and rough sleeping strategy 2025 to 2030](#)
- [Safer communities enforcement policy](#)
- [Brighton & Hove enforcement policy in relation to the relevant letting agency legislation](#)

[You can also find housing strategies, policies, performance and other supporting documents](#)

27. Contact and enquiries information

If you have any comments or queries on this policy, please contact:

Private Sector Housing

Brighton & Hove City Council
First Floor, Hove Town Hall
Norton Road,
Hove, BN3 3BQ

Email address: psh@brighton-hove.gov.uk

Phone number: 01273 293 156

Housing Options

Brighton & Hove City Council
First Floor, Hove Town Hall
Norton Road,
Hove, BN3 3BQ

Email address: housing.customerservices@brighton-hove.gov.uk

Phone number: 01273 293 030

Empty Properties

Brighton & Hove City Council
First Floor, Hove Town Hall
Norton Road,
Hove, BN3 3BQ

Email address: emptyproperties@brighton-hove.gov.uk

Phone number: 01273 293 297 or 01273 293 035

Trading Standards

Brighton & Hove City Council
G39, Hove Town Hall
Norton Road, Hove, BN3 3BQ

Email address: trading.standards@brighton-hove.gov.uk

Phone number: 01273 292523

28. The review of this policy

The table below shows the dates, actions taken and approval of the policy review.

Date	The action (review of the policy, addition or amendment of legislation etc)	Approved by

Appendix 1 - Setting levels of charges

1. Housing Act 2004: making a charge for the service of notices under part 1

Power to charge

Section 49 of the Housing Act 2004 gives the local authority discretion to levy a charge, currently unlimited, as a means of recovering expenses incurred in:

- determining whether to serve the notice (improvement notices, emergency remedial Action, prohibition orders)
- identifying any action to be specified in the notice (improvement notices)
- serving the notice (improvement notices, emergency remedial action, prohibition orders)
- serving copies of the notice on persons as owners of premises (prohibition orders)

Person to charge

For improvement, emergency remedial action or hazard awareness notices, the charge can be recovered from the person on whom the notice is served.

For a prohibition order, the charge can be recovered from any person on whom a copy of the order is served who is an owner of the premises.

Notice of charge - the demand

A formal demand for payment of the charge for enforcement will accompany any notice served, unless waived following discussion with the Private Sector Housing Manager.

The demand has effect 21 days after service if no appeal is made on the original notice, and is registerable as a Local Land Charge.

For the purposes of enforcing the demand, the council has a power of sale under the Law of Property Act 1925, one month from the date on which the demand takes effect.

Calculation of charge

It is essential that charges levied can be justified and it is proposed that a series of relevant costings be established to cover the standard work undertaken in enforcement.

For service of notices, the following timed items will be included:

- property inspection including travel time
- evaluation of inspection, preparation of defects schedule and specification
- administration costs in typing, serving and recording of notices

Having determined the total time taken for the tasks listed above, the cost will be calculated against our hourly chargeable fees.

Waiving of charge

Where an officer has reason to believe that the application of a full charge is not appropriate they will discuss the case with the Private Sector Housing Manager to determine whether the charge should be applied.

2. Housing Act 2004: charges for works in default of a notice

Section 31 and Schedule 3 to the act enables the council to take the action required by an improvement notice itself, with or without the agreement of the person on whom the notice was served.

Where the council takes action with the agreement of the person served with the improvement notice, the works are to be taken at the person's expense. Where the council takes action without agreement, it will recover expenses reasonably incurred. Such expenses may be registered as a local land charge on the property.

The council may make an admin charge on top of works in default costs.

Appendix 2 – Investigatory powers, requiring information and powers of entry

Requiring and using information from relevant or any persons

The council has powers to require information is provided to it, in the Renters' Rights Act 2025, under Sections:

- 114 - Power of local housing authority to require information from relevant person
- 115 – Power of local housing authority to require information from any person

The powers for requiring information from a relevant or any person are available to the council for supporting enforcement of:

- Unlawful eviction and harassment of occupier Section 1 and 1A of the Protection from Eviction Act 1977
- Chapter I Assured Tenancies, Part 1 Rented Accommodation of the Housing Act 1988
- Redress schemes: lettings agency work Section 83 or Redress schemes: property management work Section 84 of the Enterprise and Regulatory Reform Act 2013
- Offence of breach of banning order Section 21, Offences by bodies corporate Section 22 or Financial penalty for breach of banning order Section 23 of the Housing and Planning Act 2016
- Discrimination in the rental market, Chapter 3 of Part 1 and The private rented sector database, Chapter 3 of Part 2 of the Renters' Rights Act 2025

The power for requiring information from any person is also available to the council for supporting enforcement of:

- Parts 1 to 4 and 7 of the Housing Act 2004 so far as this relates to qualifying residential premises within the meaning given by Section 2B of the Housing Act 2004

For a person to be a relevant person, under Section 114(2) of the Renters' Rights Act 2025, they must, in the past twelve months, for the relevant accommodation that is subject to the reason for why the council intends to enter the premises, have:

- had an estate or interest in the premises for the relevant accommodation – unless they are a mortgage lender who is not in possession of the premises
- been a licensor of premises for the relevant accommodation
- acted for or purported to act for someone with an estate or interest in the premises or a licensor for the relevant accommodation
- marketed the relevant accommodation for the purpose of creating a residential tenancy – Section 99(2) of the Renters' Rights Act 2025 gives the meaning of a residential tenancy

The council must give notice to the relevant or any person for when requiring information. The notice must be in writing, specify if it is given under Section 114 or Section 115 of the Renters' Rights Act 2025 and explain the possible consequences of not giving the information which are:

- if the relevant person does not provide the information requested they may have committed an offence punishable by a fine not exceeding level 3 on the standard scale - the offence is set out, and all other offences, in Section 131 the Renters' Rights Act 2025
- if that any person does not provide the information requested, the council can apply for a court order to require action is taken by the person to provide the information – Section 116 of the Renters' Rights Act 2025 provides this provision in full

If seeking communications data, there are additional obligations for when using powers to require information from a relevant person Section 114 or any person Section 115 of the Renters' Rights Act 2025. The obligations are set out in the Investigatory Powers Act 2016 and Investigatory Powers (Amendment) Act 2024. The council will ensure the obligations, where applicable, are followed.

If the council is in receipt of information by using the Section 114 any person power, there are limitations to the use of that information in Section 117 of the Renters' Rights' Act 2025. The information cannot be used against the person who provided it, or questions cannot be asked about it, during any criminal proceedings by the council.

Requiring and using information from other sources

Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 permits the council to issue a notice to an occupier, manager, or individual with an interest in the land. The notice requires those persons to provide the council with information on the nature of their interest and the names and addresses of current occupiers.

The council also has powers under Section 235 of the Housing Act 2004, amended by the Renters' Rights Act 2025, to ask for documentation in connection with:

- any purpose for the exercise of its functions under Parts 1 to 4 of the Housing Act 2004 in relation to residential premises within the meaning given by Section 1(4) of the act
- investigating whether any offence was committed under any of those parts in relation to residential premises within the meaning given by Section 1(4) of the act
- any purpose for the exercise of its functions under Part 7 of the Housing Act 2004 in relation to qualifying residential premises within the meaning given by Section 2B of the act

- investigating whether any offence was committed under that part in relation to qualifying residential premises within the meaning given by Section 2B of the act

The council has powers under Section 237 of the Housing Act 2004 to use information obtained from Housing Benefit or Council Tax for any purpose connected with the exercise of the authority's functions or investigating if any offence was committed under Parts 1 to 4 of the Housing Act 2004, in relation to residential premises within the meaning given by Section 1(4) of the act.

The Renters' Rights Act 2025 gives further powers to the council to use that same information for enforcement of:

- Part 7 of the Housing Act 2004 in relation to qualifying residential premises within the meaning given by Section 2B of the act
- Unlawful eviction and harassment of occupier Section 1 and 1A of the Protection from Eviction Act 1977
- Chapter I Assured Tenancies, Part 1 Rented Accommodation of the Housing Act 1988
- Redress schemes: lettings agency work Section 83 or Redress schemes: property management work Section 84 of the Enterprise and Regulatory Reform Act 2013
- Offence of breach of banning order Section 21, Offences by bodies corporate Section 22 or Financial penalty for breach of banning order Section 23 of the Housing and Planning Act 2016
- Discrimination in the rental market, Chapter 3 of Part 1 and The private rented sector database, Chapter 3 of Part 2 of the Renters' Rights Act 2025

The Housing and Planning Act 2016 amends the Housing Act 2004 to enable the sharing of certain data held by the Tenancy Deposit Protection (TDP) schemes. This is on private rented sector properties, landlords and managing agents within local housing authorities in England.

From 6 April 2017, TDP schemes are required to provide specific information they hold on tenancies in England to local housing authorities who request the information.

The council must only use the information for:

- a purpose connected with the exercise of their functions under Parts 1 to 4 of the Housing Act 2004 in relation to residential premises within the meaning given by Section 1(4) of the act
- the purpose of investigating whether an offence was committed under any of those parts in relation to residential premises within the meaning given by Section 1(4) of the act

The Renters' Rights Act 2025 gives further powers to the council to use that same information for enforcement of:

- Part 7 of the Housing Act 2004 in relation to qualifying residential premises within the meaning given by Section 2B of the act
- Unlawful eviction and harassment of occupier Section 1 and 1A of the Protection from Eviction Act 1977
- Chapter I Assured Tenancies, Part 1 Rented Accommodation of the Housing Act 1988
- Redress schemes: lettings agency work Section 83 or Redress schemes: property management work Section 84 of the Enterprise and Regulatory Reform Act 2013
- Offence of breach of banning order Section 21, Offences by bodies corporate Section 22 or Financial penalty for breach of banning order Section 23 of the Housing and Planning Act 2016
- Discrimination in the rental market, Chapter 3 of Part 1 and The private rented sector database, Chapter 3 of Part 2 of the Renters' Rights Act 2025

Entering a business premises

The council has powers, in the Renters' Rights Act 2025, to enter a rental sector business premises, without or under a warrant, under Sections:

- 118 – Business premises: entry without warrant
- 121 – Business premises: entry under warrant

A rental sector business is defined in Section 118(9) of the act as connected with the letting of residential accommodation in England, the creation of licences to occupy that accommodation, the marketing of the accommodation to create a tenancy or licence to occupy or the management of the accommodation when occupied under a tenancy or licence to occupy.

The powers allow the council to enter the business premises at a reasonable time for the request of documents and/or to seize evidence. When premises are entered, the council can take equipment with them, take photographs or make recordings. The council may use the powers if they reasonably believe a relevant person runs a rental sector business at the premises.

The powers of entry are available if the council is satisfied that relevant information, documents etc, are on the premises. The documents would be required to investigate any contraventions of the rented accommodation legislation in Section 115(3) of the Renters' Rights Act 2025:

- Part 7 of the Housing Act 2004 in relation to qualifying residential premises within the meaning given by Section 2B of the act

- Unlawful eviction and harassment of occupier Section 1 and 1A of the Protection from Eviction Act 1977
- Chapter I Assured Tenancies, Part 1 Rented Accommodation of the Housing Act 1988
- Redress schemes: lettings agency work Section 83 or Redress schemes: property management work Section 84 of the Enterprise and Regulatory Reform Act 2013
- Offence of breach of banning order Section 21, Offences by bodies corporate Section 22 or Financial penalty for breach of banning order Section 23 of the Housing and Planning Act 2016
- Discrimination in the rental market, Chapter 3 of Part 1 and The private rented sector database, Chapter 3 of Part 2 of the Renters' Rights Act 2025

Giving notice to enter the premises

If the council uses its power to enter a business premises without a warrant, and the purpose of entry is for a routine inspection, then at least 24 hours' written notice must be provided to the premises' occupier. A routine inspection means to investigate any matter for enforcement of the rented accommodation legislation.

If the purpose of entry is for a non-routine inspection, where it is not reasonably practical to give notice or it is reasonable to believe that giving notice defeats the purpose of entry, the council is not required to give 24 hours' notice. If the council enters the premises without such notice then the officer's identity and authority must be made available to at least one person on the premises.

The council must also provide documentation, explaining why entry is necessary and what offences could be committed by not allowing entry, to at least one person on the premises. There is no requirement to provide the documentation in the event of any safety concerns faced by the council during entry.

Where the council gives 24 hours' notice, but cannot complete a routine inspection to the premises, an application for a warrant to enter can be made to a Justice of the Peace using s120 of the Renters' Rights Act 2025. If the warrant is granted, the council may use, if necessary, reasonable force to enter the premises. If they are occupied, the warrant must be shown to at least one of the occupiers. If the premises are not occupied a notice, upon leaving, must be left by the council explaining a warrant under Section 120 was used for entry.

The production and taking of documents after entering the premises

Where the council uses its powers to enter business premises, without a warrant or by using a warrant, documents can be requested from a relevant person occupying the premises or someone acting on their behalf. The reason for producing the documents would be to see if there is compliance, where it is reasonably believed there is none, with the rented accommodation legislation.

The council may request copies of documents as evidence, as they relate to the business of managing/letting properties. The person who is asked to produce the documents must be able to have access to them. A request can be made for hard copies of any electronic documents. The council cannot require the production of any documents with legal professional privilege. For example, communications between a lawyer and client.

The council also has the power to seize and detain documents. If there is a reasonable suspicion they may be required as evidence for any contravention of the rented accommodation legislation. Before the documents are seized, and if people are on the premises and it is reasonably practicable, the council officer's identity and authority must be shown to at least one person.

The council must also tell the person who the documents are taken from that they are being seized. A written record of the seized documents taken must be given to that person. The council would also have regard to the rules, for seizing property, in code of practice B of the Police and Criminal Evidence Act 1984. Any documents with legal professional privilege cannot be seized by the council.

If the council suspects there is information, they wish to seize, on any electronic devices at the premises then access to the information can be required. It is made on the person who has approval to access the information. If the person does not provide access, after the council's request, the council officer may then access the device.

If taking copies of documents or seizing them the council may also have regard to additional statutory powers, in line with the [guidance, investigatory powers guidance for the Renters' Rights Act 2025](#).

Accessing seized documents and appealing against detention

A person, or their representative, who had possession or control of a document, immediately before it was seized by the council can request access, a copy or photograph of the document. The request is made under Section 124 of the Renters' Rights Act 2025. The request must be made to the council and it, unless there are reasons that to honour the request would harm the purpose of why the document was seized, must allow access.

A person, so long as they have an interest in the documents, can also apply to a Magistrates' Court for the release of documents.

Powers of entry to premises with a suspected residential tenancy

The council has powers, in the Renters' Rights Act 2025, to enter a property with a suspected residential tenancy, without or under a warrant, under Sections:

- 126 – Suspected residential tenancy: entry without warrant
- 128 – Suspected residential tenancy: entry under warrant

The meaning of residential tenancy is set out in Section 63 Meaning of residential landlord of the Renters' Rights Act 2025. There must be a residential landlord with a relevant tenancy of a dwelling, that is not social housing, and a residential tenant. A relevant tenancy means a tenancy that is assured, by the meaning given in the Housing Act 1988, or a regulated tenancy, by the meaning given in the Rent Act 1977.

The council may use the power to enter a residential property, at a reasonable time and without a warrant, to investigate if there has been an offence under Section 1 Unlawful eviction and harassment of occupier of the Protection from Eviction Act 1977. The council officer using this power must have written authority from an appropriate officer, authorised Head of Service or above, stating the particular purpose for which entry, and associated powers, are authorised. This power should also be exercised with extreme caution.

When the property is entered, the officer can take equipment with them, take photographs or make recordings.

Before the council enters the property at least 24 hours' written notice must be given to the occupier or occupiers or to any other person who has an interest in the property, like the owner. But, only if their forwarding address was given to the council. Prior notice of entry is not required for:

- a mortgage lender, who is not in possession of the property
- any occupiers if they have waived their right to receive notice
- a residential landlord

The meaning of residential landlord is set out in Section 63 Meaning of residential landlord of the Renters' Rights Act 2025. There must be a relevant tenancy and a residential tenant. The council must give notice to the residential landlord, within a reasonable period, after the property was entered. This would normally be within 7 days or where any reasonable delays may arise may extend to 14 days. The notice must confirm the property's address, the date and purpose of entry.

The council may also make an application for a warrant to a Justice of the Peace to enter the property with a suspected residential tenancy. The purpose being to investigate if there has been an offence under Section 1 Unlawful eviction and harassment of occupier of the Protection from Eviction Act 1977 and that:

- admission to the property was sought, using Section 126 Suspected residential tenancy: entry without warrant of the Renters' Rights Act 2025, and that admission was refused
- the property is not occupied and it might defeat the purpose of entry to await for the occupants' return
- making the application for admission to the property, using Section 126 Suspected residential tenancy: entry without warrant of the act, would defeat the purpose of the entry

If the warrant is granted, the council may use, if necessary, reasonable force to enter the property. The council can take equipment with them, take photographs or make recordings.

If the property is occupied, the warrant must be shown to at least one of the occupiers. If the property is not occupied a notice, upon leaving, must be left by the council explaining a warrant under Section 128 of the Renters' Rights Act 2025 was used to enter the property.

Further powers of entry to residential premises

The council has the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004 provided that the officer has:

- written authority from an appropriate officer, authorised Head of Service or above, stating the particular purpose for which entry, and associated powers, are authorised
- given 24 hours' notice to the owner, if known, and the occupier, if any, of the premises they intend to enter

When the property is entered, the officer can take equipment with them, photographs, samples, measurements or make recordings.

If the property satisfies the meaning of qualifying residential premises, set by Section 2B of the Housing Act 2004, 24 hours' notice is not required to the owner or any occupier. Provided that the occupier, and any other occupiers, have waived their right to receive the notice.

If notice of entry was not given to the owner, the council must give notice to them, within a reasonable period, after the property was entered. This would normally be within 7 days or where any reasonable delays may arise may extend to 14 days. The notice must confirm the property's address, the date and purpose of entry.

Prior notice is not needed where entry is to determine if an offence was committed under the Housing Act 2004, Sections:

- 72 - offences in relation to licensing of HMOs
- 95 - offences in relation to licensing of houses

- 234(3) - offences in relation to Houses in Multiple Occupation Management Regulations

If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry then a warrant may be granted by a Justice of the Peace on written application. A warrant under this section includes power to enter by force, if necessary.

In addition, for Emergency Remedial Action under Section 40 of the Housing Act 2004, the right of entry, for when taking the remedial action, is at any time. Provided that notice before entering the property is served on any or all occupiers or instead by fixing the notice to some conspicuous part of the property, by attaching the notice to the front door.

Within a period of 7 days, starting from the date of when the emergency remedial action was taken by the council, an Emergency Remedial Action Notice under Section 41 of the Housing Act 2004 must be served on the property licence holder, the person having control, the person managing or the property owner. Copies must also be served on any freeholder, mortgagee, lessee or occupier.

For the making of an Emergency Prohibition Order under Section 43 of the Housing Act 2004, it is expected there should be at least 24 hours' prior notice given to the owner of the property and the occupier or occupiers. However, if there is a serious risk of harm which cannot reasonably incur any more delay the council may decide to provide a lesser period of 24 hours' notice. In so doing, for the protection of the occupant or occupants' health and safety.

Appendix 3 - Housing tenure and Housing, Health and Safety Rating System (HHSRS)

Application of HHSRS to each tenure and tenants

The HHSRS applies all tenures of housing. Furthermore, it does not specify that particular approaches or solutions should be used on the basis of ownership or the occupier's status.

All enforcement options are available to the council regardless of whether the premises in question are owner-occupied, privately rented or belong to a social housing provider.

Generally, the council considers that owner-occupiers are usually able to take informed decisions on maintenance and improvement issues that might affect their welfare and are then able to set their financial priorities accordingly. However, tenants are not usually able to do so.

For this reason, the council proposes that it is appropriate for its powers to be used according to tenure, as below.

Owner-occupiers

The council anticipates that hazard awareness notices will frequently be the appropriate course of action. However, the use of improvement notices, prohibition notices and their emergency equivalents will be considered in cases involving:

- vulnerable elderly people who are judged incapable of making informed decisions about their own welfare
- vulnerable individuals who require the intervention of the council to ensure their welfare is best protected
- hazards that might reasonably affect persons other than the occupants
- serious risk of life-threatening harm such as electrocution or fire

Unless an identified hazard is judged to pose an imminent risk of serious harm, the council will contact the owner to confirm its involvement, explain the nature of the hazard and confirm the action it is intending to take.

The council will take account of any proposals or representations made by, or on behalf of the owner. The council will solicit and take account of the opinion of the relevant welfare authority in considering the vulnerability and capability of such persons, as well as in determining what action it will then take.

Social landlords

Registered Housing providers need to ensure they provide safe, quality and affordable homes for their tenants. They are managed by boards, which typically

include tenant representatives, and they are regulated by the Regulator of Social Housing.

Housing providers must manage and maintain their properties and will have written arrangements for reporting problems, setting out the response times they aim to achieve, and also for registering any complaints about service failure.

On this basis, the council will not normally take formal action against a housing provider unless there is a statutory duty placed on the council to take action.

If the council determines that it is appropriate to take action, it will normally notify the housing provider that a complaint has been received and/or a hazard identified and seek the housing provider's comments and proposals. However, this does not mean the council would not take action where there is a duty to do so.

Private landlords

The council will have regard to the principles of statutory and relevant guidance and will initially seek to proceed informally.

Formal action will be initiated immediately if a hazard in question is judged by the council to:

- pose an imminent risk of serious harm to any person, whether or not immediate action is required, and whether the hazard or hazards in question are likely to affect a tenant, an employee or a member of the public, or
- the landlord in question is known to have failed, on a previous occasion, to take appropriate action in response to an informal approach

Council officers may visit the tenants at the property in an informal capacity. If arranging a formal inspection, the council will write to the landlord or their letting or managing agent to confirm their involvement and the time and date of the visit. However, there may be circumstances where no prior notice is required to be given by the council.

Following the inspection, the council will explain the nature of any hazard or hazards identified in writing and seek the landlord or agent's proposals for remedying the problem. Unless the council already holds the required information, a requisition for information notice may also be served at this point.

Following the inspection, the council will not normally need to take any further action to discharge its duties as long as:

- satisfactory proposals and timescales for the work to be carried out are received and agreed within approximately 14 days, and
- the work is carried out to a satisfactory conclusion within agreed timescales

Landlords are expected to:

- provide any letting or managing agent acting for them with sufficient authority to act on their behalf, in the event that they are contacted by the council, and
- to ensure that they maintain appropriate communication with their agent in order that appropriate decisions and responses can be provided to the council

The failure of an agent to respond to communication from the council or any failure to take appropriate action may be treated as a failure by the landlord.

The council will proceed with formal action by taking the most appropriate enforcement action in accordance with this policy if it receives:

- no response from the landlord or letting or managing agent, or
- a response it judges inadequate, or
- proposals that were judged acceptable but which are not then followed through, for example if works fail to start when agreed, fail to make proper progress or are completed to an inadequate standard

What is expected of tenants

Before considering taking any action in respect of a tenanted property, the tenant or tenants will normally be required to contact their landlord about the problems, preferably in writing or by email, allowing a reasonable period for the landlord to respond.

Where the matter appears to present an imminent risk to the health and safety of the occupants, and the tenants cannot reach their landlord or letting or managing agent, it is expected that they will continue to try to contact their landlord, even if this is after they have contacted the Private Sector Housing Team or the Housing Options Team.

Copies of correspondence between the landlord and tenant should be provided for council officers.

Tenants are responsible for keeping council officers informed of any contact they have had with their landlord, or the landlord's agent or builder, etc, which may affect the action the council is taking or considering taking. Tenants should also consider seeking independent legal advice about their own individual powers to resolve any dispute with their landlord.

Registered social housing tenants have standard procedures to follow if their landlord does not carry out repairs in a satisfactory manner and can also refer their complaints to the Housing Ombudsman Service. However, if the housing provider has not taken appropriate action to deal with problems at the property, the council may investigate and take appropriate action.

Appendix 4 – How the council uses civil penalties under the Renters’ Rights Act 2025 and other housing legislation

The council has had regard to the [Ministry of Housing, Communities and Local Government statutory guidance ‘Civil penalties under the Renters’ Rights Act 2025 and other housing legislation’](#) for the exercise of the authority’s functions in respect of civil penalties.

Factors

The council has considered the factors below in developing this policy to help ensure that a civil penalty is set at an appropriate level.

Severity of the breach or offence. The more serious the breach or offence, the higher the penalty should be.

Culpability and track record of the offender. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.

The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

Punishment of the offender. The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.

Deter the offender from repeating breaches or offences. The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

Deter others from committing similar breaches or offences. While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

Remove any financial benefit the offender may have obtained, as a result of committing the breach or offence. The principle here is that it should not be in the offender’s financial interest to commit a breach or offence

rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received, as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

Civil penalties matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord (Landlord Type)
3. Mitigating and aggravating factors the council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants
4. Financial considerations
5. Applying the totality principle

1. Determining the starting point based on the seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government statutory guidance prescribes the starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under Sections 72(3) and 95(2) of the Housing Act 2004, where the council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not be complied with.

2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord (Landlord Type)

While all landlords are expected to comply fully with their legal obligations, the council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

In particular, a higher degree of professionalism is expected of landlords who:

- control, own, or manage a significant portfolio of properties
- have significant experience in the letting or management of property
- are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs)

- are corporate landlords, or
- are or have been directors of corporate landlords

An upward adjustment of 20 percent of the applicable starting point will be applied where the landlord meets any one or more of the criteria below:

- the landlord has, at any point in time, controlled, owned, or managed six or more properties - these properties need not have been held concurrently or at the time civil penalty proceedings are brought
- the landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently
- the landlord is, or has previously been, a director of a corporate landlord
- the landlord is a corporate landlord
- the landlord has, in the council's assessment and by reference to the available evidence, significant experience in the letting or management of property

A downward adjustment of 20 percent of the applicable starting point will be applied only where all of the criteria below are met:

- the landlord has, at any point in time, controlled, owned, or managed no more than two properties
- the landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time
- the landlord has, in the council's assessment and by reference to the available evidence, very limited experience in the letting or management of property

3. Mitigating and aggravating factors the council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants

To promote fairness and consistency in the administration of civil penalties, the council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

Mitigating factors

The council may reduce the level of a civil penalty by up to 20 percent of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20 percent. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation.

However, the generic mitigating factors below will be considered in respect of each breach or offence.

Steps taken to remedy the basis of the breach or offence

Non-exhaustive examples include:

- promptly remedying all elements of the breach or offence after receiving communication from the council
- promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence

A high level of co-operation

Non-exhaustive examples include:

- proactive provision of significant information the council reasonably considers relevant beyond that required by statutory notice

Acceptance of liability

Non-exhaustive examples include:

- accepting liability before or within the period for representations

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

Health circumstances

Non-exhaustive examples include:

- a serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation
- examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment

Diminished culpability (limited responsibility)

Non-exhaustive examples include:

- a joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them
- a landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

Aggravating factors

The council may increase the level of a civil penalty by up to 20 percent of the applicable starting point to reflect the presence of aggravating factors.

Only in exceptional circumstances may the council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20 percent. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The generic aggravating factors below will be considered in respect of each breach or offence.

Previous history of non-compliance

Non-exhaustive examples include:

- previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

Non-cooperation with the council

Non-exhaustive examples include:

- failure to comply with notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, Section 235 of the Housing Act 2004 or Section 114 of the Renters' Rights Act 2025
- failing to provide a substantive response to a letter of alleged offence

- failing to attend previously agreed meetings

Where the council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice) that conduct, for the avoidance of double counting, will not be treated as an aggravating factor for the purposes of setting the civil penalty.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

Deliberate intent or negligence when committing the offence

Non-exhaustive examples include:

- knowledge that the breach or offence was occurring
- continuation of offending after communication from the council
- premeditation or planning, including steps taken to prevent detection or effective investigation
- providing false or misleading information to the council
- applying pressure to occupants to deter cooperation with the council

The number of occupants affected

Non-exhaustive examples include:

- 3 to 5 occupants affected

Duration of non-compliance

Non-exhaustive examples include:

- the offence or breach occurred over a 3 to 6 month period

Vulnerability of occupants

Non-exhaustive examples include:

- children and young adults
- persons vulnerable by reason of age, disability or sensory impairment
- persons with drug or alcohol dependency
- victims of domestic abuse
- children in care
- persons with complex health needs
- persons who do not speak English as a first language

- victims of trafficking or sexual exploitation
- refugees
- asylum seekers
- pregnant women

4. Financial considerations

The council will review the quantum of the civil penalty and consider if it is sufficient to act as an effective deterrent to future non-compliance. Where the council has evidence which is sufficiently reliable of the landlord's rental income and/or asset value, the council may determine that an increase in the level of the penalty is appropriate for achieving an effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence. It should also be sufficient to enable the council to assess the landlord's financial position consistently, objectively and transparently. Unsupported assertions, partial disclosure or selective provision of information will not be given weight.

At a minimum, and where such information exists, the information below should be provided as part of any written representations:

- the last three full tax years' full self-assessment tax returns, filed with His Majesty's Revenue and Customs (HMRC) including all additional and supplemental pages
- the last three full tax years' Self-Assessment 302 (SA302) documents and tax year overviews
- the last three months' payslips
- the last three years P60 certificates (end of year certificates)
- the last twelve months' Universal Credit payment statements
- a list of all property assets owned or jointly owned, not limited to rental properties, together with corresponding Land Registry title documents
- a list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation

- the most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place less than twelve months
- valuation statements for all individual savings accounts (ISAs) held
- statements from any crypto asset exchange accounts showing balances and valuations
- a list of all shareholdings
- recent bank statements for any account holding a balance in excess of £5,000
- recent statements for all secured and unsecured loans
- any bankruptcy orders and official notifications of bankruptcy

Where the council is not satisfied it has been provided with sufficiently reliable, complete and accurate information to assess the landlord's financial position, the council may draw the inference that the landlord is able to pay the civil penalty being imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained, resulting from the breach or offence.

5. The totality principle

The council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases, and having regard to the particular circumstances of the case, the council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the council's decision-making process. This will be undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

During a last step before issuing final notices, the council will consider that, where there are multiple civil penalties being imposed, under this policy, against the same landlord at the same time, it should result in an aggregate amount that is just and proportionate. If the council concludes that the aggregate amount would not be just and proportionate, the council will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons, who are separately liable in law, or across civil penalties imposed at different times. In

general, the principle applies only to multiple civil penalties imposed under this policy on the same person at the same time.

However, if legislation provides that an officer of a body corporate, or a person concerned in the corporate's management, may be separately liable in relation to the same conduct as the corporate, and that officer also holds a shareholding interest in the corporate. The council will, in those circumstances, and where civil penalties are imposed at the same time on both the corporate and the officer arising from that same conduct, consider if the combined outcome results in punitive duplication. In doing so, would, therefore, not be just and proportionate action to take.

Where a reduction is applied under the totality principle, the council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time. Applicable to those civil penalties that form part of the same totality assessment. If, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer. The council, may in those circumstances, apply a different adjustment to ensure that the overall outcome is just and proportionate.

The approaches outlined above reflect the statutory guidance on the application of the totality principle. This is intended to promote consistency, transparency and proportionality for the avoidance of arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty

Protection from Eviction Act 1977 offences

Unlawful eviction and harassment of occupier – Section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- violence or threats of violence
- disposal of possessions or threats to dispose of possessions
- breach or evasion of an injunction or undertaking

- loss of home

Housing Act 1988 breaches and offences

Failure to give a written statement of terms and any other prescribed information – Section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- provision of some of the required terms and prescribed information within the required period

Offence-specific aggravating factors:

- none

Attempting to let a property for a fixed term – Section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Attempting to end a tenancy by service of a notice to quit – Section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Attempting to end a tenancy orally or requiring that it is ended orally – Section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Serving a possession notice that attempts to end a tenancy outside the prescribed Section 8 process – Section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant or tenants surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made – Section 16E(1)(e) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Failing to provide a tenant with prior notice that a ground which requires it may be used – Section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Failure to give an existing tenant prescribed information about changes made by the Renters’ Rights Act 2025 in the prescribed form and timeframe – paragraph 7(2) of Schedule 6 to the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- provision of some of the required prescribed information within the required period
- provision of prescribed information but not in the prescribed form

Offence-specific aggravating factors:

- none

Continuation of conduct subject to a relevant penalty, under Section 16I or Section 16K of the Housing Act 1988, after the 28 day period or, if appealed, after conclusion of the appeal, where the final notice has not been withdrawn – Section 16J(3) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Conduct giving rise to liability under Section 16I, where within the preceding five years the person has either (i) had a relevant penalty, under Section 16I or Section 16K of the Housing Act 1988, imposed for different conduct and the final notice has not been withdrawn or (ii) been convicted under Section 16J for different conduct – Section 16(J)(4) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- dependent on the most recent conduct giving rise to liability to a civil penalty under Section 16I of the Housing Act 1988

Offence-specific aggravating factors:

- dependent on the most recent conduct giving rise to liability to a civil penalty under Section 16I of the Housing Act 1988

Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant or tenants surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – Section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Breach of restrictions relating to reletting, Section 16(E)(2) of the Housing Act 1988, or remarketing, Section 16(E)(3) of the Housing Act 1988, a property within restricted period after using Grounds 1 or 1A of Schedule 2 of the Housing Act 1988 – Section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Housing and Planning Act 2016 offences

Breach of a banning order – Section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- a single, isolated incident

Offence-specific aggravating factors:

- concealment or evasion

Renters' Rights Act 2025 breaches

Discrimination relating to children in the lettings process – Section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Discrimination relating to benefits in the lettings process – Section 34(1) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Failure to specify proposed rent within a written advertisement or offer – Section 56(2) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

Inviting, encouraging or accepting any offer of rent greater than the stated rate – Section 56(3) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- none

The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

Failure to comply with the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020, Regulation 3: (3)(b), (3)(d) or (3)(e), Regulation 3D: (a), (b), (c) or (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- the report or record provides evidence that the electrical installations were compliant at all points

Offence-specific aggravating factors:

- the number or nature or severity of the issues observed on the report or record

Failure to comply with the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020, Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b) or (5)(c), Regulation 3B: (1)(a), (1)(b) or (1)(c), Regulation 3C: (1) or (2)(a), Regulation 3D: (d) or (e)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- the report or record provides evidence that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- the number or nature or severity of the issues observed on the report or record

Failure to comply with the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020, Regulation 3: (4), (5a) or (6), Regulation 3C: (2)(b) or (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- the number or nature or severity of the issues observed on the report or record

Housing Act 2004 offences

Failure to comply with an improvement notice – Section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- the nature and extent of the hazard or hazards that are present once the deadline for compliance has passed
- whether the property is unoccupied, since after the time of when the property was occupied at the time of service of the improvement notice, once the deadline for compliance has passed
- access to the property was prevented by the actions or refusal of the occupant or occupants and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance

Offence-specific aggravating factors:

- the nature and extent of the hazard or hazards that are present once the deadline for compliance has passed

Failure to comply with an overcrowding notice – Section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- the level of overcrowding present

Failure to obtain a selective licence – Section 95(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- the landlord has knowledge or experience of licensing requirements
- the condition of the unlicensed property

Failure to obtain an HMO licence – Section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- none

Offence-specific aggravating factors:

- the landlord has knowledge or experience of licensing requirements
- the condition of the unlicensed property

Knowingly permitting over-occupation of an HMO – Section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- there are suitable amenity and space provisions in the HMO

Offence-specific aggravating factors:

- the level of over-occupation present

Failure to comply with the Management of Houses in Multiple Occupation (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – Section 234(3) of the Housing Act 2004

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing houses in multiple occupation in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing houses in multiple occupation, as defined by Section 257 of the Housing Act 2004 in respect of:

- Providing information to occupiers [Regulation 4]
- Taking safety measures, including fire safety measures [Regulation 5]
- Maintaining the water supply and drainage [Regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 7]
- Maintaining common parts [Regulation 8]
- Maintaining living accommodation [Regulation 9]
- Providing sufficient waste disposal facilities [Regulation 10]

Where there are multiple breaches of a single Management Regulation at a single house in multiple occupation, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- the nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- the nature and extent of offences within the specific regulation
- the landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- the number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- the number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- the number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- the number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- the number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- the number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- the number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- the number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- the number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- the number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- the nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- the nature and extent of offences within the specific regulation
- the lack of sufficient refuse and/or litter containers either inside and/or outside the property which has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

Breach of licence conditions – Section 72(3) of the Housing Act 2004

All granted house in multiple occupation licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all the imposed conditions. However, the council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than other conditions.

The starting levels for each different type of licence condition breach is set out below, based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached, at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- Obtaining references for occupants – where it is possible to obtain references
- Tenancy management – providing tenancy agreements, with required particulars, and provide a copy of the agreement upon demand by the council, by a reasonable number of days specified, and give copies of the property licence to the tenant or tenants
- Notification of changes – failure to notify the council of relevant changes, such as change in ownership or management of the property
- Licence limitations – transferring the licence to another person, organisation or a different property is not permitted

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Utility supplies – unreasonable interruption of the supply of gas, electricity or water is not permitted and all utilities must be accessible for taking readings etc and information on the location and how to access the utilities must be provided to the tenant or tenants
- Furniture and furnishings – furniture and furnishings made available, as part of the property tenancy, must be in a safe condition and comply with current fire safety legislation, and a declaration must be provided, by a reasonable number of days specified, upon demand by the council
- Property management - reasonable steps must be taken for responding to or completing repairs at the property and at the start of the tenancy the accommodation must be clean and in good repair, the common parts should continue to be kept clean and in good repair, and where it is the licence holder’s responsibility the external areas outside the property must be kept neat and tidy, and within 24 hours of a notification, any necessary emergency

work required at the property must be carried out

- Property inspections – inspections to the property must be completed no less than every six months which identify any issues on the management or condition of the premises and records must be kept of inspections for the duration of the property licence, and where requested, a copy of the inspection records must be provided within 28 days of demand by the council
- Waste and recycling – the council’s collection scheme for household waste must be complied with, this includes the provision of suitable, and lidded, refuse and recycling containers which are kept in the grounds of the property and new tenants must be provided with information on the safe collection of all forms of waste and recycling materials, and any unwanted rubbish etc left behind from previous tenants must be removed from inside or outside the property and any works to the premises must be completed in compliance with Health and Safety legislation and there should be no builder’s debris left behind at the property, it should be in a clean and tidy condition

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Gas, carbon monoxide and fire detection - if gas is supplied to the property, an annual gas safety check must be completed by a Gas Safe registered engineer and a copy of the current gas safety certificate must be provided at the time of the licence application and yearly thereafter, and copies of the certificate must be provided within 28 days of demand by the council; carbon monoxide alarms must be installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker, and a declaration on the condition and position of the alarms must be provided within 28 days of demand by the council; and smoke alarms must be installed on each storey of the house, where there is a room used wholly or partly as living accommodation, and a declaration on the condition and position of the alarms must be provided within 28 days of demand by the council

- Electrical installations and portable appliances – all electrical installations and appliances must be safe for use, a valid Electrical Installation Condition Report must be provided to the council within 3 months of the date the property licence was issued, and upon 28 days of demand by the council, a declaration on the safety of the installations must be provided and in addition, by a reasonable time period specified, a declaration on the safety of the appliances, provided as part of the property tenancy, must be provided to the council
- Heating – each unit of living accommodation at the property must have adequate means of space heating so that temperatures of 21 degrees C in living rooms and bedrooms, 22 degrees C in bathrooms and 18 degrees C elsewhere can be reached and maintained within one hour of the heating being turned on, when the external temperature is minus 1 degree C
- Energy efficiency – a valid energy performance certificate, where required for the property, is needed and a copy of the certificate, upon 28 days of demand by the council, must be provided

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Overcrowding or over-occupation of permitted numbers of occupants, set by the property licence – overcrowding or permitted numbers of occupants which are exceeded are prohibited, and tenants must be informed about not allowing guests to sleep in their homes, except on an occasional short term basis, deemed as no more than a 2-week period, for when visiting friends or family, and upon 28 days of written notice by the council information must be provided on persons and households in occupation at the property
- Amenities – suitable and sufficient numbers of amenities must be provided at the property to meet the council’s house in multiple occupation licensing standards

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Gas, carbon monoxide and fire detection - if gas is supplied to the property, an annual gas safety check must be completed by a Gas Safe registered engineer and a copy of the current gas safety certificate must be provided at the time of the licence application and yearly thereafter, and copies of the certificate must be provided within 28 days of demand by the council; carbon monoxide alarms must be installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker, and a declaration on the condition and position of the alarms must be provided within 28 days of demand by the council; and smoke alarms must be installed on each storey of the house, where there is a room used wholly or partly as living accommodation, and a declaration on the condition and position of the alarms must be provided within 28 days of demand by the council, and
- Other fire precautions – a house in multiple occupation (HMO) often requires 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, and for new installations a design, installation and commissioning certificate must be provided to the council, on-demand, within 28 days, and the alarm system must be kept in proper working order, maintained and tested in accordance with BS 5839 Part 6 and a declaration on the condition and position of the system, with appropriate documentation, must be provided to the council, on-demand, within 28 days and all common parts of the HMO or property used as a means of escape from fire must be kept free from obstruction and maintained in good order and repair

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Breach of licence conditions – Section 95(2) of the Housing Act 2004

All granted selective licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all the imposed conditions. However, the council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than other conditions.

The starting levels for each different type of licence condition breach is set out below, based on the seriousness of the offence.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- Obtaining references for occupants – where it is possible to obtain references
- Tenancy management – providing tenancy agreements, with required particulars, and provide a copy of the agreement within 28 days of demand by the council, and give copies of the property licence to the tenant or tenants
- Notification of changes – failure to notify the council of relevant changes, such as change in ownership or management of the property
- Licence limitations – transferring the licence to another person, organisation or a different property is not permitted

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Utility supplies – unreasonable interruption of the supply of gas, electricity or water is not permitted and all utilities must be accessible for taking readings

etc and written information on the location and how to access the utilities must be provided to the tenant or tenants

- Furniture and furnishings – furniture and furnishings made available, as part of the property tenancy, must be in a safe condition and comply with current fire safety legislation, and a declaration must be provided within 28 days of demand by the council
- Property management - reasonable steps must be taken for responding to or completing repairs at the property, the internal and external areas outside the property must be kept neat and tidy and within 24 hours of a notification, any necessary emergency work required at the property must be carried out
- Property inspections – inspections to the property must be completed no less than every six months which identify any issues on the management or condition of the premises and records must be kept of inspections for the duration of the property licence, and where requested, a copy of the inspection records must be provided within 28 days of demand by the council
- Waste and recycling – suitable provision must be made available at the start of the tenancy for storage of refuse produced at the house and recycling which includes information on waste collection days, and any unwanted rubbish etc left behind from previous tenants must be removed from inside or outside the property and any works to the premises must be completed in compliance with Health and Safety legislation and there should be no builder's debris left behind at the property, it should be in a clean and tidy condition

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,250	£40,000	£4,200	£5,250	£6,300

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Gas and carbon monoxide detection - if gas is supplied to the property, an annual gas safety check must be completed by a Gas Safe registered engineer and a copy of the current gas safety certificate must be provided at the time of the licence application and yearly thereafter, and copies of the

certificate must be provided within 7 days of demand by the council, and carbon monoxide alarms must be installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker and a declaration on the condition and position of the alarms must be provided within 28 days of demand by the council

- Electrical installations and portable appliances – all electrical installations and appliances must be safe for use, a valid Electrical Installation Condition Report must be provided to the council within 3 months of the date the property licence was issued, and upon 7 days of demand by the council, a declaration on the safety of the installations must be provided and in addition, upon 7 days of demand, a declaration on the safety of the appliances must be provided to the council
- Energy efficiency – a valid energy performance certificate, where required for the property, is needed and a copy of the certificate, upon 28 days of demand by the council, must be provided

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£9,375	£40,000	£7,500	£9,375	£11,250

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- Fire detection - smoke alarms must be installed on each storey of the house, where there is a room used wholly or partly as living accommodation, and a declaration on the condition and position of the alarms must be provided within 28 days of demand by the council, and
- Gas and carbon monoxide detection - if gas is supplied to the property, an annual gas safety check must be completed by a Gas Safe registered engineer and a copy of the current gas safety certificate must be provided at the time of the licence application and yearly thereafter, and copies of the certificate must be provided within 7 days of demand by the council, and carbon monoxide alarms must be installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion appliance

other than a gas cooker and a declaration on the condition and position of the alarms must be provided within 28 days of demand by the council, and

- Electrical installations and portable appliances – all electrical installations and appliances must be safe for use, a valid Electrical Installation Condition Report must be provided to the council within 3 months of the date the property licence was issued, and upon 7 days of demand by the council, a declaration on the safety of the installations must be provided and in addition, upon 7 days of demand, a declaration on the safety of the appliances must be provided to the council

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£15,000	£40,000	£12,000	£15,000	£18,000

Offence-specific mitigating factors:

- the nature and extent of the licence condition breach

Offence-specific aggravating factors:

- the nature and extent of the licence condition breach

Process for imposing a civil penalty and the right to make written representations

Notice of intent

Before imposing a civil penalty on a landlord, the council will give the landlord a notice of intent. The notice of intent will set out:

- the amount of the proposed civil penalty
- the reasons for proposing to impose the civil penalty
- information about the landlord's right to make written representations

Right to make written representations

A landlord who is given a notice of intent may make written representations to the council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

Decision after the representations period

After the end of the period for representations the council will:

- decide whether to impose a civil penalty on the landlord, and
- if the council decides to impose a civil penalty, decide the amount of the penalty - this amount can be higher or lower than the amount stated in the notice of intent

A landlord's rectification of the identified breach or offence, during the representations period, will rarely, of itself, lead the council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Final notice

If, following the receipt of written representations and/or the expiry of the period of time to make written representations, the council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- the amount of the civil penalty
- the reasons for imposing the penalty
- information about how to pay the penalty
- the period for payment of the penalty
- information about the rights of appeal, and
- the consequences of failure to comply with the final notice

Discount for prompt payment

Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice, normally 28 days beginning with the day after the final notice is given, the council will apply a discount of 15 percent to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period. However, where payment is not made within that period, the discount will not apply.

Illustrative example of the application of the discount

The landlord of a house in multiple occupation property, that falls inside the licensing criteria, fails to obtain a licence. They only operate two house in multiple occupation properties, both fall inside the licensing criteria, and there are no other relevant factors or aggravating features. The starting point for the offence under the council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15 percent prompt payment discount is applied. This results in a discounted payment of £13,600.

Appeals

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the penalty:

First Tier Tribunal (Property Chamber)
Residential Property
Havant Justice Centre
The Court House
Elmleigh Road
Havant, PO9 2AL

Phone number: 01243 779 394

Email address: rpsouthern@justice.gov.uk

Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the council's decision. In determining an appeal, the Tribunal may have regard to matters of which the council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The council will not generally agree to mediation in relation to the level of a civil penalty, as the penalties are determined by reference to this policy which promotes fair, consistent and proportionate outcomes. Agreeing reductions outside the policy framework would risk undermining consistency and the council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- confirm the civil penalty

- vary the amount of the civil penalty, whether by increase or reduction
- cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence. This is £7,000 or £40,000, as applicable.

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

Appendix 5 - Statement of principles to determine amount of penalty charge under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022))

Section 13 of the Regulations 2015 and 2022 requires the council to prepare and publish a statement of principles which they propose to follow in determining the amount of a penalty charge.

The regulations set duties on relevant landlords to:

1. Equip a smoke alarm on each storey of the property on which there is a room used wholly or partly as living accommodation
2. During any period when the property is occupied under a rental tenancy, to ensure a carbon monoxide alarm is equipped in any room which is used wholly or partly as living accommodation and that contains a fixed combustion appliance other than a gas cooker
3. Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy
4. Where, following a report made on or after 1 October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm must be repaired or replaced

For the purposes of the regulations, living accommodation includes a bathroom or lavatory and a prescribed alarm is a smoke or carbon monoxide alarm.

Where the council finds that a landlord is in breach of one or more of the duties, 1. to 4. above, the council must serve a remedial notice on the landlord. The remedial notice is a notice served under regulation 5 of the Regulations 2015 and 2022.

If the landlord fails to take the action specified in the notice within the specified timescale, the council can require a landlord to pay a penalty charge and arrange for remedial action to be taken under certain circumstances. The power to charge a penalty is set by regulation 8 of the Regulations 2015 and 2022. Failure to comply with a notice can lead to a fine of up to £5,000. Fines are applied per breach and not per landlord or property.

The council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice.

A landlord will not be considered in breach of their duty to comply with the remedial notice if they demonstrate all reasonable steps to comply were taken. At the minimum, a landlord will be expected to have:

- communicated the risk of harm, in writing on more than one occasion, about the lack of functioning alarms posed to all occupants
- requested access to the property, in writing, for compliance with the remedial notice on at least three occasions where access to the property was prevented

The methods used by the council for determining when to issue a remedial notice include, but are not limited to:

- information gathered from a property inspection
- any relevant information from the letting, managing agent or property occupant or occupants
- evidence provided by the landlord showing compliance with the Regulations 2015 and 2022 by dated photographs of smoke or carbon monoxide alarms, alarm installation documents and proof alarms have not passed their expiration or replacement dates

The landlord will need to take steps, showing they have met the testing requirement for smoke and carbon monoxide alarms, at the start of the rental tenancy. A way to show compliance with the testing requirement is, but not limited to:

- tenants signing an inventory form which states they observed the alarms being tested and confirming the alarms were in working order at the start of the tenancy

Determining the amount of penalty charge, first breach

When the council determines the amount of penalty charge, for not complying with a remedial notice, regard will be had to whether this is a first breach under the Regulations 2015 and 2022.

The starting level of a penalty charge for a first breach of the regulations is £3,000.

The minimum amount of a penalty charge for a first breach of the regulations is £2,500.

The council will use aggravating and mitigating factors, but is not limited to the factors, when deciding on the level of penalty charge. The factors are below.

Aggravating factors:

- the number of smoke alarms not working or missing - the regulations state there should be one alarm per storey
- other fire safety concerns or defects in the property which increase the health and safety risk to occupants
- the length of time the offence has been in place
- the amount of complaints by the occupant or occupants to the landlord about smoke or carbon monoxide alarms not working

- the costs of any remedial work the council has completed in response to a breach of the regulations
- any attempts to obstruct the council's investigation for assessing compliance with the regulations

Mitigating factors:

- proof that all required smoke and carbon monoxide alarms were checked and in working order at the start of the rental tenancy
- written evidence that efforts were made to comply with the remedial notice, where access to the property was prevented by the occupant or occupants
- a small property with moderate risk, for example a one-bedroom ground floor flat with a large number of fire escapes including large windows
- a single occupant living in the property

Determining the amount of penalty charge, subsequent breach

The penalty for subsequent breaches of a remedial notice, by the same landlord, will be £5,000.

Appendix 6 – How the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 (as amended by the Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025) are applied

The regulations require all landlords to have the electrical installations in their properties inspected and tested by a qualified person at least every 5 years. They must obtain a report, an Electrical Installation Condition Report (EICR) from the qualified person and provide a copy of this to their tenants and to the council if requested to do so.

Social landlords must also have the electrical equipment that they provide under the tenancy checked by a qualified person at least every 5 years. They must provide a copy of the report, the EICR, to their tenants and to the council if requested to do so.

All landlords must:

- ensure electrical safety standards are met, set by the [18th Edition of the Wiring Regulations](#) British Standard 7671
- supply a copy of the report to the existing tenant within 28 days of the inspection and test
- supply a copy of the report to a new tenant before they occupy the property
- supply a copy of the report to any prospective tenant within 28 days of receiving a request for it
- supply a copy of the report within 7 days of receiving a request for it by the council
- where the report shows that remedial or further investigative work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report
- within 28 days of completion of the remedial work, or further investigative works, supply the tenant and the council with a copy of the report along with written confirmation from the qualified person who carried out the works – acceptable forms of confirmation include a satisfactory EICR, an Electrical Installation Certificate (EIC), a Minor Electrical Installation Works Certificate (MEIWC) or other appropriate electrical certification

Inspectors are expected to use the classification codes below which show where a landlord must undertake remedial work:

- **Code 1 (C1) danger present, risk of injury** - the electrical inspector may also make any C1 hazards safe before leaving the property
- **Code 2 (C2) potentially dangerous** - a fault exists that could become an immediate danger if a further, foreseeable event occurs
- **Code 3 (C3) improvement recommended** - further remedial work is not required for the report to be deemed satisfactory
- **Further Investigation (FI)** - further investigation required without delay

The electrical installation should be safe for continued use. Normally, if the report does not require investigative or remedial work, the landlord will not be required to carry out any further work.

If codes C1 or C2 are identified in the report, then remedial work will be required. The report will state the installation is unsatisfactory for continued use.

If an inspector identifies that further investigative work is required (FI) - the landlord must also ensure this is carried out.

The C3 code does not indicate remedial work is required, but only that improvement is recommended. Landlords do not have to make the improvement, but by acting on the recommendations it would improve the safety of the installation. The [Electrical installation condition reporting - Best Practice Guide 4](#) produced by Electrical Safety First has further practical guidance on classification codes.

Where a landlord does not do the remedial work, specified for electrical installations or equipment, and the council is reasonably satisfied the landlord is in breach of the regulations, the council must serve a remedial notice on the landlord requiring remedial action.

If a landlord fails to comply with the notice, the council may arrange for remedial action to be taken themselves and can recover the costs of taking that action from the landlord. The landlord has the right of appeal against a demand for costs.

If the electrical report indicates that urgent remedial action is required, and the landlord has not carried this out within the period specified in the report, the council may, with the consent of the tenant, arrange to carry out remedial work.

The council must authorise a person in writing to undertake the urgent remedial action and give at least 48 hours' notice to the tenant. The costs for carrying out the remedial work can be recovered from the landlord who has the right of appeal against a demand for costs.

The council may impose a financial penalty of up to £40,000 on landlords who are in breach of specified duties under the regulations.

Further details on how the level of civil penalty is set for when the regulations are not complied with are given in **Appendix 4 – How the council uses civil penalties under the Renters’ Rights Act 2025 and other housing legislation**

Appendix 7 - Statement of principles to determine amount of penalty charge for a breach of the Minimum Energy Efficiency Standards (MEES) for privately rented properties

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 make it unlawful, unless a valid exemption has been registered on the private rented sector exemptions' register, to rent out a domestic property if it has an Energy Performance Certificate (EPC) rating of F or G.

The MEES regulations make it unlawful to fail to comply with a compliance notice issued by the council.

The MEES regulations cover all relevant properties, even where there has been no change of rental tenancy.

The EPC gives the property an energy efficiency rating - 'A' rated properties are the most energy efficient and 'G' rated are the least efficient.

The EPC contains information about the type of heating system, typical energy costs and recommendations about how the energy use can be reduced.

The EPC is valid for 10 years and must be provided by the owner of a property, when it is rented or sold.

All private landlords must:

- ensure their rented properties have an EPC with a minimum 'E' rating, or
- register a valid exemption on the private rented sector exemptions' register

If any of the two requirements above are not met there is a breach of the MEES regulations.

If the council believes a landlord has failed to meet their obligations under the MEES Regulations, the council can issue the landlord with a compliance notice. It will request information so that the council can decide if a breach of the regulations has occurred.

The notice may request information on:

- the EPC that was valid for the time when the property was let
- the tenancy agreement used for letting the property
- information on any energy efficiency improvements made to the property
- any energy advice report for the property
- any other relevant document

If the council finds that a property is, or has been, let in breach of the MEES Regulations, the council may issue a penalty notice with a financial penalty,

on the landlord, for up to 18 months after the breach. The council may also impose a publication penalty.

The publication penalty means publication, for a minimum period of 12 months, or such longer period as the council may decide, if it is in the public interest to do so, on the private rented sector exemptions' register. The information published will normally consist of:

- where the landlord is not an individual, the landlord's name
- details of the breach of the MEES Regulations for which the penalty notice was issued
- the address of the property for which the breach has occurred
- the amount of any financial penalty imposed

The council will impose the financial penalties below when issuing a penalty notice:

- (a) £2,000 for letting a property with an 'F' or 'G' rating for less than 3 months
- (b) £4,000 for letting a property with an 'F' or 'G' rating for more than 3 months
- (c) £1,000 for registering false or misleading information on the private rented sector exemptions' register
- (d) £2,000 for failing to provide information to the council required by a compliance notice

The council may not impose a financial penalty under both subsections (a) and (b) above in relation to the same breach of the MEES Regulations. But, the council may impose a financial penalty under either paragraph (a) or paragraph (b), together with financial penalties under paragraphs (c) and (d), in relation to the same breach. Where penalties are imposed under more than one of these paragraphs, the total amount of the financial penalty must not exceed £5,000.

END OF THE POLICY

Brighton & Hove City Council

Cabinet

Agenda Item 171

Subject: Asset Strategy

Date of meeting: Thursday, 23 April 2026

Report of: Cabinet Member for Finance and City Regeneration

Lead Officer: Name: Chief Finance Officer

Contact Officer: Name: Jessica Hamilton, Julian Salmon

Email: Jessica.hamilton@brighton-hove.gov.uk
Julian.salmon@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: Yes

Reason(s) Key: Expenditure which is, or the making of savings which are, significant having regard to the expenditure of the City Council's budget, namely above £1,000,000.

For general release

1. Purpose of the report and policy context

1.1 This report identifies assets for repurposing or disposal to support delivery of the actions and objectives of the council's Asset Management Plan, specifically:

- Identify sites for delivery of affordable housing and temporary accommodation.
- Seek value for money and best use of our assets to achieve income and capital receipts and reduce expenditure to support the Medium Term Financial Strategy.

1.2 The proposed strategy supports the Council Plan 2023 – 2027 (refresh 2025), specifically:

- **Outcome 1:** A city to be proud of is supported through enabling new homes and investment to regenerate the city and through improving sustainability within the property portfolios and also supports biodiversity and the council's City Downland Estate Plan.
- **Outcome 2:** A fair and inclusive city is supported through increasing housing supply.
- **Outcome 4:** A responsive council with well-run services is supported by providing critical investment for the Innovation Fund which uses the government's capital receipt flexibilities to invest in improvements to service delivery, achieve savings and efficiencies, improve the council's digital services and enable best use of the council's assets to deliver capital investment and financial sustainability.

2. Recommendations

- 2.1 Cabinet agrees to the appropriation for housing purposes or disposal of the properties identified at paragraphs 3.4-3.21 of this report and the Part 2 report in the manner set out in the reports.
- 2.2 Cabinet delegates authority to the Director Property & Finance in consultation with the Director Governance & Law and the Cabinet Member for Finance and City Regeneration to approve terms and take any necessary steps to facilitate and complete the appropriation for housing purposes or disposals of the properties identified and achieve best consideration.

3. Context and background information

- 3.1 The council's Asset Management Plan (AMP) was approved at Cabinet 16 October 2025 and sets out five objectives for the strategic management of the council's land and buildings, which are to:
 1. Identify sites and capital receipts for delivery or purchase of Affordable Housing and Temporary Accommodation.
 2. Ensure council operational assets and buildings are safe, well maintained and are used effectively and efficiently to meet service need.
 3. Deliver environmentally sustainable solutions as part of our property maintenance programme.
 4. Provide accommodation to support the city economy and local businesses and city regeneration and preserve the city's culture & heritage.
 5. Seek value for money and best use of our assets to achieve income and capital receipts and reduce expenditure to support the MTFS.
- 3.2 The AMP supports the outcomes of the Council Plan and directly supports delivery of the council's Medium Term Financial Strategy (MTFS), which includes a target to achieve £50.000m net capital receipts from the disposal of assets to support transformation programmes and capital spend, as well as a reduction in operational property costs of over £2.000m.
- 3.3 Under each of the five objectives of the AMP there are a number of actions identified (37 in total). The asset disposals recommended in this report have been identified to support delivery of the following actions:
 - Support the council's Housing Strategy ambition to deliver at least 2,000 affordable homes over the lifetime of the strategy.
 - Support the council's ambition to increase the supply of temporary accommodation by approximately 200 homes.
 - Release urban fringe sites with housing allocations in the city plan.
 - Identify sites within our operational portfolios that no longer meet service requirements and have potential for development or conversion.
 - Identify sites for acquisition or development of temporary accommodation.

- Rationalise our Operational estate to reduce operational costs by 25% by 2030 to ensure we hold a portfolio that we have the financial resource to manage and maintain.
- Seek value for money and best use of our assets to achieve income and capital receipts and reduce expenditure to support the MTFS.
- Rationalise our commercial portfolio, retaining higher performing and lower risk assets to support revenue budgets.
- Identify assets for disposal (including surplus schools) to achieve capital receipts to meet the targets of our MTFS to achieve £50.000m by 2030.

Operational Portfolio

- 3.4 **Hertford Infant School** was merged with Hertford Junior School from September 2024 to create one primary school on the junior school site. The vacant infant school site was retained whilst options were considered for an alternative education use. However, In December 2025 the school was deemed no to be needed for educational use, and declared surplus by Families, Children and Wellbeing. The site is being considered for the development of affordable housing by the Estates Regeneration Team and is recommended firstly for appropriation to the Housing Revenue Account at best consideration to facilitate delivery. Should the site be considered unviable for affordable housing, it is recommended for disposal on the open market. Any disposal or change of use will require secretary of state consent.
- 3.5 The land at **Rowan Avenue** is a site that is leased to the council on a 99 year lease from 2012 for use as allotments or other informal recreation use (excluding football pitches) and there are 86 years remaining. The lease was granted to the council as a condition of the s106 agreement relating to the development of land at Rowan Avenue by a private developer. Following completion of the lease and as part of the works required to prepare the site for its intended use it was identified that the site had contamination and could not be used for its intended use of food growing without significant expenditure incurred on decontaminating the land.
- 3.6 The landlord of the site has previously commenced legal action against the council for being in breach of the lease granted for not fulfilling the permitted use. In order to avoid the landlord's action to forfeit the lease, the council is currently negotiating terms to surrender the lease, which is recommended for approval.
- 3.7 **Fawcett Fields** comprises public open space used for recreational purposes. The site is designated as an Urban Fringe site within the City Plan which indicates 35 units being potentially achievable. The site has been considered by the council as an affordable housing scheme, however there are key constraints in respect of ecology, open space and Biodiversity Net Gain that render a wholly affordable housing scheme unviable. These constraints would be considered under any future planning application for a market led residential scheme. The site is therefore recommended for disposal.

Commercial Portfolio

- 3.8 **71 Ditchling Road** is a retail property occupied as a convenience store with a small bedsit flat above. The tenant, who holds a 25 year lease from 2012 of which there are 11 years remaining paying an annual rent of £5,000, has approached the council to request they purchase the property. Negotiations have commenced and it is recommended the property be sold for a sum representing market value.
- 3.9 The council also owns the adjacent property **69a Ditchling Road** as well as **65 Ditchling Road**. Both properties are leased, 69a as a hairdressers on a 5 year lease from 2024 at an annual rent of £6,750 and 65 as a screen printers on a 10 year lease from 2020 at an annual rent of £6,840. It is recommended, as these are tertiary properties let to local independent traders, that these are disposed of by either direct negotiation with the existing tenants or through local agents.
- 3.10 **45-46 Meeting House Lane** is retail property in The Lanes previously occupied by Pecksniffs Lifestyle Ltd whose tenancy was forfeited in May 2024 after they vacated the property without notice leaving over £73,000 of rent arrears, which we have been unable to recover. The property, which is Grade II listed was left in a dilapidated state by the outgoing tenant. There is interest in reletting the property however the council would either have to complete the repairs in advance and pay back the capital budget from the income received or oblige the ingoing tenant to complete them and grant a lengthy rent free period. In either scenario, the asset would not be income producing for several years and is recommended for disposal.
- 3.11 **25-26 New Road** is a terraced public house altered to enable it to be used in conjunction with the adjacent property which is not council owned. The tenant has been holding over on a 15 year lease granted in 2006 and is paying an annual rent of £25,000 (rent review in 2027). As the tenant has a special interest in the property it is recommended for disposal.

Agricultural Portfolio

- 3.12 **Land at Downsview** is currently leased as a pony paddocks on a 2 year lease from 2021 at an annual rent of £4,000. The land is identified in the City Plan as Open Space, albeit there is no public access onto the site. There is interest from an Adult Social Care Registered Provider to develop the site as a 'Capable Environment' under Supported Housing.
- 3.13 The proposed development would include four self-contained single storey dwellings, designed to a very high specification and with access to their own outside space/garden, designed to meet the specific environmental needs of individuals with learning disabilities and/or autism with high-level complex needs and challenging behavior that necessitates two carers for each resident 24 hours a day alongside four one-bedroom flats over two storeys and a separate staff unit and parking. The development would also include enhancement of the remaining open space onsite, including provision for improved public access.
- 3.14 Adult Social Care currently has 12 people with high level complex needs in the city requiring specialist accommodation like this: Eight that have been

on our unmet need list for 9-12 months and four other individuals who are in unsuitable housing and need to move within the next 18-24 months. These figures do not include anyone new that may move from out of area or any young people turning 18 in the next few years.

- 3.15 Out of area placements for people with high level complex needs cost between £5,000-£10,000 per week (average of £6,600 per week). In-city placements for people with high level complex needs cost between £4,000 - £10,000 with an average of £5,000 per week. This indicates a saving of approximately £1,600 per week per person on average, equating to approximately £333,000 per annum saving for the residents with higher level needs.
- 3.16 The site is recommended for disposal to an Adult Social Care Registered Provider, subject to further detailed feasibility work being undertaken and negotiation of a value which represents best consideration. An opinion of value has not yet been secured.
- 3.17 **Ovingdean Grange Urban Fringe site** is part of Ovingdean Grange Farm Business Tenancy and comprises approximately 3.5 acres of farm buildings and yard space, situated on the urban fringe of Brighton, close to the village of Ovingdean. The site is designated as an Urban Fringe site within the City Plan which indicates 50 units being achievable over three adjacent sites, one of which is outside of the council's ownership. It is considered the council's sites could accommodate approximately 14 units.
- 3.18 The terms for the tenancy of the wider farm holding include permission for the council to remove the subject land from the tenancy, provided that the tenant is given 12 months' written notice and that the land has been allocated within the local development plan or is the subject of a planning permission for development.
- 3.19 Any surrender of this part of the holding would be subject to reprovision of suitable alternative buildings to be provided on the farm, and the rent reduced by a fair and reasonable amount. Due to restraints on the remaining space within the existing farmyard, it is likely that alternative buildings could not be erected under permitted development rights and therefore is likely to require a full planning application. The replacement buildings are likely to cost in the region of £300,000.
- 3.20 The site does not have direct access onto the public highway and so access arrangements would either need to be agreed with the adjacent landowner or accommodated on adjacent council owned land.
- 3.21 The site could be developed for residential use and is recommended for disposal, subject to the land being surrendered from the farm tenancy and terms being agreed for the replacement buildings.
- 3.22 This report is accompanied by a Part 2 report which identifies further properties recommended for disposal.

4. Analysis and consideration of alternative options

- 4.1 The retention of surplus operational assets will incur ongoing occupational costs including NNDR (business rates), utilities, cleaning, Health & Safety testing and inspections, security, repair and maintenance. The cost of these is an ongoing pressure on the council's Corporate Landlord budgets. Through disposal, Corporate Landlord expenditure is therefore reduced and, where budgets are currently sufficient, revenue savings can be made.
- 4.2 The unnecessary retention of sites suitable for development presents a missed opportunity to provide additional housing for the city or development for regeneration, supporting businesses and employment. Unless best consideration cannot be achieved due to market conditions, these sites should not normally be retained.
- 4.3 The retention of commercial properties will result in the retention of income streams but for higher risk properties in the portfolio where there is risk of tenant default, or indeed for those properties that are already vacant, the council will become liable for the occupational costs of the building and potentially repairs and dilapidations. Disposal should be considered.
- 4.4 In all circumstances, by retaining properties the council will forgo a capital receipt which if invested as part of the Innovation Fund would yield savings in the council's service delivery and/or improvement of service delivery. Without sufficient capital receipts, the council will not be able to develop and deliver the required savings, which would undermine the council's ambition to achieve financial stability.

5. Community engagement and consultation

- 5.1 The council has sought advice from its managing agents, SHW and Knight Frank as well as building surveyors. Advice has also been sought from Housing officers and the Estates Regeneration Team.

6. Financial implications

- 6.1 The council's Capital Strategy, agreed at Budget Council on 26 February 2026, highlighted the need for capital receipts to support the council's current Transformation Programmes and Strategic Investment Funds and are integral to the council's financial resilience within the Medium Term Financial Plan. The report identified the need for £50 million net receipts. The demand for capital receipts will grow further as the council identifies new investment requirements.
- 6.2 If a property is appropriated from the General Fund to the HRA it is not treated as a capital receipt however it requires an accounting adjustment between the HRA and the General Fund equivalent to the market value of the property appropriated. This adjustment increases the resources available to the General Fund for capital expenditure.
- 6.3 The recommendations set out in this report and proposed disposals within the accompanying Part 2 report will contribute towards the capital receipts

requirement. Where a disposal results in a loss of rent, part of the capital receipt could be used to repay debt or investment to offset the rent loss and therefore reduce the net capital receipt available.

Finance officer consulted: James Hengeveld Date consulted: 25/03/2026

7. Legal implications

- 7.1 The Council has the power to dispose of the land under section 123 of the Local Government Act 1972 (“LGA 72”) subject to obtaining the best consideration reasonably obtainable. Where a site is open space, under section 123 (2A) of the LGA 1972, this power is also subject to a requirement to advertise the proposed disposal in a local paper for two consecutive weeks and to consider any objections raised before taking a decision on whether to dispose of the land. In the event of a proposal for land to be appropriated for housing purposes, section 122 of the LGA 72 will apply. Section 122 LGA 72 enables the Council to appropriate (transfer) land it owns from one use to another, as long as (1) the new use is for a purpose it could have purchased the land and (2) the land is no longer required to be held for the purpose for which it is held immediately before the appropriation. The meaning of the words “no longer required for the purpose for which it was held immediately before the appropriation” in law means “not required” or “not needed in the public interest of the locality. Where land is open space, section 122(2A) LGA 72 also has a requirement to advertise the proposed appropriation in a local newspaper for two consecutive weeks and to consider any objections raised before taking a decision on whether to appropriate the land. In exercising the delegations set out in this report, the Director Property & Finance in consultation with the Director Governance & Law and the Cabinet Member for Finance and City Regeneration will need to be satisfied that these requirements are met.
- 7.2 Prior to any sale or appropriation of school land the Council must comply with section 77 of the School Standards and Framework Act 1998 (SSFA 1998). This specifically applies to the change of use of school playing fields that have been used by a maintained school within the last 10 years. The Department for Education (DfE) generally has a strong presumption against such disposals or change of use, requiring robust justification in order to secure consent. The Council will also need to comply with Part 1 of Schedule 1 of the Academies Act 2010. This extends the requirement for Secretary of State consent to appropriate any school land (not limited to playing fields) held by a local authority that has been used wholly or mainly by a school (including academies) within the preceding 8 years. There is a risk that consent for land disposal or appropriation may exercise its discretion to direct how any proceeds from the sale of the school land are used, which *may* include requiring them to be paid directly to the Secretary of State. This process and conditions will need to be factored into the timetable for appropriation and /or any open market disposal.
- 7.3 It will also be necessary for Legal Services to review the titles to the properties which are the subject of this report to confirm that no interests

exist that may prevent a transfer. If any restrictions or covenants exist, the reviews will ascertain whether or not they are still capable of being enforced.

Lawyer consulted: Siobhan Fry and Hannah Bassett
Date consulted: 25.3.26

8. Risk implications

- 8.1 There are risks identified in retaining the properties identified for disposal. This would include the ongoing costs and liability of retaining the properties, both occupational costs but also investment needed; the opportunity forgone to create additional housing and regenerative developments; and the capital receipt forgone and the impact this would have on funding for Capital budgets.
- 8.2 There are risks and mitigations identified as part of the Asset Strategy Programme. These include several risks that would result in a delay to achieving capital receipts and there are mitigations in place to address these.
- 8.3 There is a risk that the opinions of value expressed in this report and informing the decision making are, at this early stage, based on assumptions which may change over time and therefore the value of assets identified may alter as the factors affecting the valuations become more certain.

9. Equalities implications

- 9.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to: i. The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; ii. The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and; iii. Foster good relations between those who have protected characteristics and those who do not. Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment. An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. When seeking to appropriate or dispose of the properties identified by this report and where required by the Equality Act 2010, the relevant equality implications will be considered as part of the decision-making process in the exercise of the delegated authority identified at recommendation 2.2.

10. Sustainability implications

- 10.1 For those properties to be disposed of it is anticipated that following disposal the purchaser would likely make improvement to the properties which would

include elements to improve energy efficiency. Any redevelopment would be completed in compliance with current standards and requirements.

11. Health and Wellbeing Implications:

- 11.1 The disposal or appropriation of the properties will allow them to be refurbished or redeveloped and occupied as housing or commercial space supporting employment, therefore contributing in a small way to the wider factors influencing health and well-being.

12. Conclusion

- 12.1 The council's property portfolios undergo continual review to improve performance and identify opportunities as set out in the council's Asset Management Plan. This includes the achievement of capital receipts through disposals to support the council's Medium Term Financial Strategy.

Supporting Documentation

None

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