

Appendices

Below sets out the written responses received to the consultation:

Sender	Scheme
Modagroup	Selective Licensing
Apache Capital	Selective Licensing
UK Apartment Association	Selective Licensing
Grainger plc	Selective Licensing
Legal & General Investment Management	Selective Licensing
Brighton Lets	Selective Licensing
National Residential Landlords Association	Selective Licensing
Property Mark	Additional HMO and Selective Licensing
Private Resident	Additional HMO and Selective Licensing
Citizens' Advice Bureau	Additional HMO and Selective Licensing
Private Resident	Additional HMO and Selective Licensing
East Sussex Fire and Rescue Service	Additional HMO and Selective Licensing

Selected written responses are set out below:

Legal & General Investment Management:



Legal & General
One Coleman Street
London
EC2R 5AA

By email: ConsultPropertyLicensing@brighton-hove.gov.uk

Private & confidential

2nd January 2024

Dear Brighton & Hove Council

RE: Proposals to introduce new property licensing schemes

We are responding to your proposal to introduce new property licensing schemes.

As you may know, the Legal & General Group was established in 1836 and is one of the UK's leading financial services groups and a major global investor. We are the UK's largest life insurer and one of the largest employers in Brighton & Hove. Our asset management business, Legal & General Investment Management ("LGIM") is one of the largest institutional investors globally with assets under management of £1.3 trillion (as at 30 June 2022), managing assets for a wide range of global clients including pension schemes, sovereign wealth funds, fund distributors and retail investors.

We are the UK's largest developer/owner of Build to Rent (BTR) assets having invested c. £3bn over the last 6 years, including in excess of £150m in Brighton & Hove, where we have developed 425 apartments. This includes 209 operational apartments at our York & Elder development in Brighton, and 216 at our Hove Gardens development which is complete and will be ready for occupation next month. We develop high quality, professionally managed, energy efficient buildings, adding to the supply of housing across the UK and raising the standards of the rental sector.

As a responsible long-term landlord, we are aligned in strongly supporting the aims of establishing a fair, high-quality rental sector in Brighton & Hove. It is important for a dynamic and growing economy, and it must offer residents flexibility and security of occupation. We have been directly supporting our residents in Brighton through the following:

- ☐ Due to the quality of buildings we develop, our residents pay c. £1,400 per year less in energy bills than someone in an average private rented sector dwelling.
- ☐ We offer flexible payment plans to any resident who is struggling to pay their rent or has a change in personal circumstance.
- ☐ Our buildings are designed to lower living costs with, for example, the free inclusion of Wi-Fi, gym and dedicated co-working space. In addition to this, we are providing all first residents with a free car club membership and bike share scheme, discounted season tickets to local bus and train travel and contribution to purchasing bicycles or cycling equipment.

It is critical that any proposed changes to legislation around housing is widely consulted upon to avoid unintended consequences and to ensure a clear understanding of the impact of any legislation on all parts of the sector. Indeed, whilst the proposal and reasoning for bringing in Selective Licensing may have been well intentioned, it creates significant unintended consequences. Whilst it remains in place it is causing market distortions that will negatively impact all tenants, which is the exact opposite of what we are all seeking to achieve.

For example:

- The costs associated with the selective licensing fees may be passed onto the occupier, impacting affordability.
- These fees would impact the cost of operating a BTR building, which may result in reducing the quality of services provided to residents.
- The proposed fee structure will have a significant impact on BTR scheme viability and deliverability, which will potentially result in a reduction in housing supply, and particularly the provision of Affordable Housing through viability assessments.

As drafted, we believe the introduction of Selective Licensing will have a negative impact on supply as (i) landlords are forced to sell because their costs have increased but incomes have not and (ii) it discourages new build and/ or new landlords entering the market.

The BTR sector delivers homes which are high-quality, energy efficient and professionally managed. A strong focus is placed on customer-care, community creation and long-term placemaking. This exceeds the quality standards that Selective Licensing schemes seek to establish. The current proposal would not distinguish between landlords, irrespective of their behaviour / practices. Further it would negatively discriminate against the rental sector more broadly, compared to the owner occupier market, further limiting potential supply of housing to rent.

We would recommend the following changes to the proposal in order to establish the right incentives and outcomes:

- Exclude all EPC A-C homes from Selective licensing. A problem the licensing is trying to address is the quality of housing in the rental sector. Energy efficient buildings will need to meet a certain level of quality. This would be an environmentally progressive policy, creating incentives for landlords to invest into their properties to support decarbonising the existing residential stock. It would also continue to support the delivery of new stock which meets the required EPC standards.
- BTR assets should be excluded from the Selective licensing. The BTR sector is defined within national planning policy so straight forward to exclude. It already fully complies with all regulation and is raising the standards in the sector. To charge a single landlord 100's of times whilst operating the same processes and policies is not proportionate.

While we support the principle of improving the standards and quality of the private rented sector in the Local Authority, the impact on existing BTR schemes and the future of BTR viability in Brighton & Hove should be fairly considered in this proposal.

Please let me know if you would like to discuss our response further.

Yours sincerely



Dan Batterton
Head of Residential
Legal & General Investment Management

Legal & General January 2024

East Sussex Fire and Rescue Service:

To: Consult Property Licensing <ConsultPropertyLicensing@brighton-hove.gov.uk>

Thu 2023-12-07 10:19 PM

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Thankyou for inviting ESFRS to comment on your HMO licensing proposals.

Having read the proposals thoroughly, we would like to make the following comments:

In general we welcome any measures that will raise the standard of safety with the home.

We are especially pleased with the detailed expectations regarding fire safety and compliance that will be required to gain and maintain a license.

We would always encourage dwellings to consider the use of sprinklers to drive down the risk of fire further. However, it is recognised that this needs to be proportionate to the risk and cost effective.

We would like to discuss and understand how the consultation process will work with us when considering and issuing these additional licenses. We feel that a bespoke solution may be needed to ensure that effective consultation is taking place rather than just the provision of information to the FRS.

We would be particularly interested in how the LA plan to assess the standards within these premises and if this assessment will default to a paper based exercise. We feel that this may be an opportunity to make a real difference to housing standards and safety within the City. For this to manifest itself we feel that a paper based assessment needs to be the exception rather than the rule. We accept that this will be more resource intensive and may even be prohibitive due to the number of premises potentially involved. As such we would welcome a discussion around how decisions are made around what premises will require a physical visit and those where it would be proportionate to assess on paper.

Please feel free to contact me if you feel any of the comments above are worth progressing or clarifying.

Warm regards

George O'Reilly

Head of Protection
East Sussex Fire and Rescue Service

National Residential Landlords Association:

**Brighton and Hove
Council Selective and
Additional Licensing**



212 Washway Road, Sale
Manchester M33 6RN

0300 131 6400
info@nrlla.org.uk
www.nrlla.org.uk

Introduction

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

The NRLA would like to thank the council for the opportunity to respond to the consultation. We are happy to discuss any comments that we have made and develop any of the issues with the local authority.

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

Summary

The NRLA believes that local authorities need a healthy private rented sector to compliment the other housing in an area. Brighton and Hove has seen the development of an unhealthy situation due to policies delivering high rents and where those on lower incomes have greater difficulty renting in the private rented sector. Brighton has an appeal as an area to live in and there is a demand for rental properties. The lack of house building has resulted in demand outstripping supply.

The ability to provide a variety of housing types and can be flexible around meeting the needs of both the residents that live and those who want to live in the area and the landlords to meet this demand. There are already significant challenges around housing in Brighton and Hove, and we have concerns that the current proposal will increase costs for those seeking property in the area and further marginalise those at the lower end of the rental market. There is a need to build more housing of all types and expand housing to meet the demand.

The sector is regulated, and enforcement is an important part of maintaining the sector from criminals who exploit tenants as well as landlords. An active enforcement policy that supports good landlords is important as it will remove those that exploit others and create a level playing field. Brighton and Hove need to be clear that they will inspect every property in the scheme at least once and probably twice, other local authorities have manged this and are doing this. Can Brighton and Hove commit to this?

Failure to inspect all properties could be seen as the council acting ultra vires to what it is proposing. Multiple inspections push criminals out of the sector and drives up the standards for landlords and tenants. It benefits our members who maintain and provide good

accommodation, failure to be robust and active in inspections will result in a poor scheme that benefits no tenant or landlord in Brighton but will result in increased costs.

We understand that the council have a reactive enforcement policy, but it is important to understand how the sector operates. Landlords are often victims of criminal activity with their properties being exploited, both through illegal subletting and criminals exploiting properties through criminal activity such as county lines, people smuggling, drugs and prostitution. We welcome the government's announcement that the introduction of league tables on enforcement in the Renters Reform Bill, as this will show which councils are being proactive and which are not.

Having considered the evidence presented, as well knowing the area very well and having undertaken our own evaluation of the circumstances faced by landlords, tenants and residents of Brighton and Hove, a number of questions are raised:

- In following Hemmings and the Gaskin court cases, and with the fee is split. Monies paid by a landlord clearly now coming under the service directive (which has been adopted into UK legislation). Can the council provide a breakdown between part A and part B monies paid by a landlord and how you make sure that it is apportioned to the individual landlord and works done in connection to the license. Money follows the individual and not pooling of monies.
- The documentation provided fails to indicate what additional funding will be available to support the scheme. Adult social care will have to involved as many tenants have mental health, alcohol, or drug related illnesses. How do landlords' access this for their tenants? Also, the monies for a discount would have to come from the general fund – who much is allocated?
- The council fails to say how it will work with the private rented sector with the proposals in the Renters Reform [Bill](#)?
- How will the council support landlords with tenants causing Anti-Social Behaviour – to require tenants giving evidence can cause problems within HMO's.
- The council fails to say how the proposal will tackle rent-to-rent, modern day slavery, indentured labour, subletting, criminal enterprise/county lines or even Airbnb. These are all increasing within Brighton and Hove.
- Will planning be given in default for [landlords](#) properties to meet the energy performance target?

We would like clarification on these points so that the private rented sector has confidence in any scheme that is delivered, and it will deliver against its set aims. What is the service that a landlord can expect in line with the service directive which has been incorporated into UK law.

The NRLA will judge the scheme against the criteria that the council is proposing the scheme under. We are not opposed to licensing schemes, what we wish to see is them delivered against what they are proposed to do. As you will be aware, the NRLA publishes data against performance against peer councils. We welcome the government league tables on council performance as this will drive up standards and show which local authorities are delivering compared to peers.

We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of private rented [stock](#) and driving out the criminals who act as landlords and blight the sector. These should be the shared objectives of all the parties involved, to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. How does the local authority plan to communicate best practice to the landlord and tenants of Brighton and Hove?

The law is clear landlords do not manage their tenants; they manage a tenancy agreement. If a tenant is non cooperative, or causing a nuisance a landlord can end the tenancy, will the council make it clear in the report that how the council will support the landlord in the ending of the tenancy? With the proposed change in the Renters Reform Bill to fault eviction, what support will a landlord have when taking a tenant to court to regain possession from the council?

You have said that a landlord will receive a discount based on level the EPC (Energy Performance Certificate), a grade C, is this based on Energy Efficiency or Environmental Impact Ratings. Equally many properties will not be able to achieve this due to them being in a conservation area, or the building cannot achieve this within the cap on Minimum Energy Efficiency Standards (MEES). Equally there are some buildings that cannot achieve an EPC C without the tenants moving out. How would they receive a discount? Or if the property has an exemption (Heritage Building), or the superior landlord is not granting permission to get the works done. Equally if a property is rated C today but is then downgraded due to the recalculation of RD SAP what will happen to the discount? How will this apply with the new SAP ratings that the government is consulting on currently?

Costs

While any additional costs levied on the private rented sector runs the risk of being passed through to the tenants, as has previously been established. We are disappointed that the local authority has not looked at a cost in a monthly basis for landlords to pay. Is the council going to allow landlords to pay monthly, thus following best practice? If other councils can do this, why cannot Brighton and Hove?

The introduction of licensing in the current financial climate will have an impact on rents, and tenants facing increases to rent to cover the cost of the license, following best practice a monthly fee as highlighted by other councils does seem appropriate. As other local authorities are able to deliver this, we hope Brighton and Hove follows these examples as it benefits all parties. This would also benefit tenants with the cost of rents.

This will also the issue of insurance is often overlooked as a cost, as premiums increase for everyone (homeowners and landlords) when a local authority designates an area with licensing it is indicating problems in the area. This will add costs to those renting as well as to owner-occupiers. Already property in Brighton and Hove is expensive and this will continue affecting those on the lowest income.

A joined-up coordinated approach within the council will be required. Additional costs in relation to adult social care along with children's services and housing will be incurred if the council's goal is to be achieved. Yet there is no evidence from the council that this will be done – can this be provided? How will landlords feed into system if they suspect a tenant is at risk? What support will be put in place so a landlord can support a tenancy where a tenant has mental health, alcohol, drug issues or they have problems and need support.

Criminal Activity

In addition, the proposal does not take into account rent-to-rent or those who exploit people (both tenants and landlords). Landlords who have legally rented out a property that has later been illegally sublet, the property still has a license, with the council not inspecting they know there is no risk. The landlord does not rent the property as an HMO but is illegally sublet.

The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord will tell a tenant how many people are permitted to live in

the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this.

Tenant behaviour

The contractual arrangement a landlord and tenant have is over the renting of a property, not a social contract. They do not and should not resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. nuisance or anti-social behaviour) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the additional or selective licensing scheme, even if the tenant has any of the above issues. This moves the problems around Brighton and Hove, but does not actually help the tenant, who could become lost in the system, or worst moved towards the criminal landlords. They will also blight another resident's life. There is no legal obligation within additional or selective licensing for the landlord to resolve an allegation of behaviour, as outlined by the House of Commons. Rather, a landlord has a tenancy agreement with a tenant, and this is the only thing that the landlord can legally enforce. What support will the council be putting in place to support tenant, landlords and communities to speed up the process of ending nuisance and anti-social behaviour.

Renters Reform

The change to how tenancies will end and a move to a more adversarial system, under the proposals of the renter's reform bill especially around ending tenancies. Landlords will become more risk adverse to take tenants that do not have a perfect reference and history. It also poses a question where the council expects people to live who have been evicted due to a tenancy issue!

|



Propertymark:

(See next page)

Brighton and Hove City Council Additional Licensing for HMOs Consultation**Response from Propertymark****January 2024****Background**

1. Propertymark is the UK's leading professional body for estate and letting agents, inventory providers, commercial agents, auctioneers and valuers, comprising over 17,500 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Consultation – overview

2. Brighton and Hove City Council are proposing to introduce Additional HMO Licensing within all wards of the city. The rationale for this is that a significant proportion of HMOs within the area are being managed ineffectively. While existing mandatory licensing requirements only apply for HMOs with five people or more over two households, the proposed scheme would apply to HMOs that are two or more storeys and are occupied by three or four people who are not from the same family. To qualify for the scheme, the tenants also have to share a kitchen, bathroom or toilet.

Propertymark response – summary

3. Propertymark welcomes the opportunity to respond to Brighton and Hove City Council's additional licensing scheme consultation. Propertymark is supportive of efforts made by local authorities to improve the standard of private rented sector housing in their local areas and to take action against non-compliant agents and landlords who provide poor quality housing. However, we do not believe that licensing is the most effective method to achieve this aim. Accordingly, we object to the current proposal. As part of our response, Propertymark has engaged with member agents within Brighton to gain a full understanding of the impact the proposed scheme could have for agents and landlords within the Brighton and Hove area. Our response reflects our overall positions on additional licensing as well as the views of our Brighton members.

4. Our main objections can be summarised through four key areas:

- Firstly, while we acknowledge that HMOs applicable for the scheme are significantly more likely to have category 1 and 2 hazards than other rental properties, this does not justify the requirement for landlords with existing HMOs that are compliant to still pay a license fee. Additionally, it should be noted that the Council is more likely to be aware of the existence of HMOs which have known hazards or where tenants have complained, potentially skewing results to show a larger percentage of HMO properties with hazards than there really are.
- Secondly, the scheme unjustifiably penalises compliant landlords while failing to take action against those who would continue to provide poor quality housing. Rogue landlords who already fail to meet existing minimum property conditions and fall under the radar of council-led inspections will not voluntarily sign up to the licensing scheme. Resources spent on administrating the licensing scheme to all landlords rather should instead be used to increase the capacity for the Council to identify and inspect the properties of rogue landlords.
- Thirdly, a significant number of agents and landlords reject additional licensing schemes especially those who have already signed up to higher standards and who already meet the conditions laid out in the scheme. As a result, many landlords are encouraged to sell their property due to the additional cost of the scheme for no benefit to themselves. This will result in fewer available properties to rent, while rogue landlords continue to provide poor quality housing.
- Fourthly, considering all of the above, it is likely that that additional licensing will have little positive impact on homelessness. As the Council has stated, the biggest cause in the city is the end of PRS tenancies, which according to the English Private Landlord Survey, are ended by the tenant in 88% of cases¹. Ultimately, the difficulty for tenants in finding a new home is the lack of supply within the PRS. While we welcome proposals from the Council to pay for licensing fees for landlords offering homes for homeless persons, additional licensing fails to address this pressing issue while pressuring landlords to leave the PRS.

¹ <https://www.gov.uk/government/statistics/english-private-landlord-survey-2021-main-report/english-private-landlord-survey-2021-main-report-2>

Questions

Question 3a: To what extent do you agree or disagree that the proposed licence standards and conditions of the scheme will improve the management and condition of HMOs in Brighton & Hove?

5. We tend to disagree on the proposed licence conditions for both the management and condition of the property.

Question 3b: Please provide any additional comments on the management and condition of HMOs - including any comments you have on the proposed conditions themselves.

6. As the leading professional membership body for property agents, Propertymark agrees with many of the licensing conditions laid out by the Council as they reflect our own standards. Our concerns with HMO licensing come with some elements that are difficult to enforce and where the imposed conditions will not change the level of standards for many homes. Our concerns mirror our concerns for selective licensing conditions:

- **Duplication of existing standards** – Propertymark members specifically already adhere to many of the licensing requirements, many of which are included within Propertymark's existing AST or are existing legal requirements such as the fire and carbon monoxide alarm requirements. This means that the new conditions will have little impact on agents already meeting these standards and will be seen as an unnecessary additional cost or administrative burden for no improvements in the standard of the property.
- **Waste management** – Our concerns with waste management conditions are the effectiveness they will have on addressing issues with fly tipping and the building up of waste in a given area. The proposals to provide information on collection days will fail to make an impact. Landlords and managing agents can only remind tenants of the proper procedures to manage waste but ultimately the responsibility of ensuring waste is disposed of properly is the responsibility of tenants. The condition would therefore have little impact on poor waste management for tenants who do not take on the responsibility to manage waste properly. We would therefore encourage explicit conditions for the tenant around their duty to manage waste.
- **Anti-social behaviour** – The existing condition will have little impact on the prevention of anti-social behaviour, especially considering the landlord's right to remove tenants

for anti-social behaviour is explicitly stated within the UK Government Guidance on landlord and tenant rights and responsibilities within the PRS². The vast majority of landlords and agents take anti-social behaviour within their properties very seriously, as often that means the tenant has disregard for the house as well as their neighbours. The issue is not with a lack of action taken by agents and landlords, anti-social behaviour often persists since it is very difficult to prove within court, especially if anti-social behaviour consists of matters outside of noise complaints which the council admits is outside of the scope of the condition. As an alternative approach to additional licensing, we would encourage greater guidance from the Council on for how landlords and agents can coordinate with the police and local courts in order to take action against tenants who breach tenancy agreements through anti-social behaviour.

Question 3c: In addition to licence standards and conditions of the scheme, it is proposed HMOs would be improved by requirements under the Housing, Health and Safety Rating System (HHSRS).

7. We tend to disagree with the idea that requiring rented properties to meet HHSRS standards through an additional licensing scheme would improve conditions for these properties.

Question 3d: Please provide any additional comments on HHSRS for improving conditions of HMOs, for the proposed scheme, in Brighton & Hove

8. Propertymark strongly agrees with and promotes the adoption of the HHSRS standards to prevent tenants from living in potentially dangerous properties. Propertymark has produced a Fact Sheet on the Fitness for Human Habitation Act and regularly provides courses on the subject. However, we do not believe that additional licensing is the most effective way of ensuring properties meet these standards. As an alternative to licensing, we would support greater resourcing for inspections targeted and financial penalties for failing to meet these standards in cases of extreme gross negligence. For landlords and agents looking to be compliant, we recommend that the Council take an approach that focuses on raising awareness rather than punitive measures.

² <https://www.gov.uk/government/publications/landlord-and-tenant-rights-and-responsibilities-in-the-private-rented-sector/landlord-and-tenant-rights-and-responsibilities-in-the-private-rented-sector#landlords-rights-responsibilities-and-advice>

Question 3e: The council is proposing that the scheme will last for five years (this is the maximum period a scheme can last). How long do you think the scheme should last?

9. We do not believe the scheme should be introduced, however, should the scheme be introduced, we agree that it should last for five years.

Question 3f: If you think the scheme should last less than 5 years please tell us why.

10. As mentioned earlier in our response, we do not believe that the scheme is the most effective way of improving standards within the PRS. Therefore, alternative measures should be explored.

Question 4: Thinking about the licensing proposals, how much do you agree or disagree with the following statements?

11. *Additional HMO licensing would help ensure that HMOs are managed better.* We tend to disagree. Our rationale is based on two reasons, firstly, rogue landlords and negligent agents are unlikely to register for a licence despite being the intended target of the scheme. As an alternative to spending resources inspecting and all HMOs, the Council should expand existing inspection programmes that target the most likely properties with poor management. The Council is already aware of properties with category 1 and 2 hazards, these properties should be inspected and have their landlord's management practices reviewed. Secondly, for many agents and landlords who are willing to adhere to higher standards, the licensing proposals represent significant costs to both the Local Authority and landlords when compared to alternative approaches. A widespread approach to educating landlords and agents of their duties in partnership with professional bodies would help improve management practices at a lower cost to all parties involved.
12. *Additional HMO licensing would help to improve the health or safety of tenants living in HMO.* We tend to disagree. In addition to issues regarding rogue landlords who would be able to fall under the Council's radar, the fees suggested would prevent landlords from making necessary repairs or refurbishments to their properties. Combined with the rising cost of living and high mortgage rates, the additional licensing scheme will diminish landlords' ability to invest in their properties so that they cannot take steps to ensure their properties are free from hazards.

13. *Additional HMO licensing would help to identify the poorer performing landlords of HMOs.* We strongly disagree. As stated previously within our response, we are concerned that rogue landlords already avoiding inspections will continue to do so and will not register with the licensing scheme.

14. *Additional HMO licensing would help to support good landlords of HMOs.* We strongly disagree. The licensing scheme penalises good and compliant landlords and agents with additional fees even if they are already meeting expected standards. When speaking to agents in Brighton and elsewhere when other local authorities have introduced additional licensing schemes, this was one of the largest concerns expressed.

15. *Additional HMO licensing would help reduce neighbourhood problems, e.g. noise or rubbish.* We strongly disagree. As mentioned earlier, the licensing conditions alone will not reduce noise or rubbish. Within the existing system, agents and landlords struggle to evict tenants who are accused of anti-social behaviour due to existing issues within the courts process. In terms of reducing rubbish, the vast majority of landlords and agents provide tenants with sufficient information and equipment to dispose of rubbish. It is the responsibility of the tenant to ensure that they do so. In the case where they are not provided with this information or relevant bins, tenants should be encouraged to report this to the Council.

Question 5a: The proposed fee structure is based on a standard fee of £800 (for HMOs let on single tenancies with 3 or 4 occupants) and a further standard fee of £1,020 (for HMOs let on multiple tenancies with 3 or 4 occupants). For the standard fee of £800 it equals around £3.08 per week (over 5 years). Do you think this fee is too low, about right or too high?

16. We believe the fee is too high.

Question 5b: Please provide any additional comments to explain your response

17. **Inconsistent fees with selective licensing** – In contrast with our response to selective licensing, due to the lower number of HMOs, we are less concerned over the capacity of Brighton and Hove Council to be able to cover the costs of inspections. In order to inspect all properties, estimated to be 4208 properties at the time of the Council's Selective and Additional Licensing Scheme Feasibility Review, the Council would require around 9 property inspectors viewing an estimated 95 properties a year. Based off average salaries of £25,000 a

year, the annual salary costs for the Council will be £225,000 a year. This is significantly lower than the over £3.3 million in total raised by the scheme.

18. When compared to the total cost estimates against projected salary costs of inspectors of the selective licensing scheme, it appears that more funding will be raised compared with the expected number of property inspections. We therefore seek clarity why this is the case. If the costs raised by each licensing scheme are reflected in the costs of each scheme, then surely the price for additional licensing should be lower.

19. **The fee will lead to a decline in available housing stock** – Simultaneously, much like our concerns of the selective licensing scheme, the fee is too high for many landlords to cover. This is especially concerning when considering recent cost of living rises and high interest rates many landlords will be unable to pay the increased fee without passing on the cost to their tenants. Additionally, many landlords will see this as being unfairly when they are meeting standards, while rogue landlords who are the target of the scheme will not pay for the licence. While the fee may not be considered high for landlords with one property, for landlords who own a substantial number of properties, being asked to pay thousands of pounds up front is unfeasible. This will have the unintended consequence of landlords refusing to pay and selling off their properties, leading to a worsening homelessness situation in Brighton & Hove and increasing rent costs. This issue is further exacerbated as agents managing properties may increase their fees to cover additional admin costs associated with compliance with the licensing scheme. Landlords would also pass this cost on to their tenants.

Question 5c: For the standard fee of £1,020 it equals around £3.92 per week (over 5 years). Do you think this fee is too low, about right or too high?

20. Our response questions 5a applies here but with the caveat that this will be worse for landlords and agents who have to further increase rents to cover the cost of the licensing fee.

Question 5d: Please provide any additional comments to explain your response

21. Our response questions 5b applies here but with the caveat that this will be worse for landlords and agents who have to further increase rents to cover the cost of the licensing fee. We also question how an HMO with multiple tenancies justifies a 27.5% increase in the licensing fee.

Question 5e: In instances where a licence application is not made, the council will incur extra costs in pursuing the application. This is called a prompted licence fee. For this, the council is proposing a higher fee of £900 (for HMOs let on single tenancies with 3 or 4 occupants) over 5 years. This equals around £3.46 per week. Do you think the £900 higher fee should be set for pursuing licence applications?

22. Yes, we think a higher fee should be set for pursuing licence applications.

Question 5f: Do you think the £900 higher fee is too low, about right or too high?

23. We believe this fee is too low.

Question 5g: Please provide any additional comments to explain your response.

24. If additional licensing is to go ahead, we believe that there should be larger financial penalties for failing to acquire a licence, especially if the property is inspected and deemed to be dangerous or failing to meet proposed standards. This would act as a financial penalty for rogue landlords looking to escape their duties to ensure their properties are compliant.

Question 5h: The council is proposing a higher fee (prompted licence fee) of £1,080 (for HMOs let on multiple tenancies with 3 or 4 occupants) over 5 years. This equals around £4.15 per week. Do you think the £1,080 higher fee should be set for pursuing licence applications?

25. Yes, we think a higher fee should be set for pursuing licence applications.

Question 5i: Do you think the £1,080 higher fee is too low, about right or too high?

26. We believe this fee is too low.

Question 5j: Please provide any additional comments to explain your response.

27. Our reasoning is the same in our answer to question 5g.

Question 5k: It is proposed to offer a discounted licence fee for properties with an Energy Performance Certificate rating of C or above. Do you think there should be a reduction in the fee for properties with an Energy Performance Certificate rating of C or above?

28. Yes, we strongly agree with this proposal.

Question 5l: Please provide comments to explain your response.

29. Providing discounts would encourage landlords to improve the energy efficiency of their homes and reward those who have taken steps to do so.

Question 5m: It is proposed to offer a discounted licence fee for landlords who are accredited with landlord groups (these are ihowz Landlord Association, National Residential Landlords Association and Safeagent). Do you think there should be a reduction in the fee for landlords who are accredited under a landlord scheme who can meet national standards of good practice?

30. Propertymark strongly agrees with the proposals to offer a discounted licence fee for landlords who are accredited with landlord groups.

Question 5n: Please provide comments to explain your response.

31. Propertymark requests that landlords who use Propertymark agents are included within the discount provided to members of accreditation schemes. The rationale behind this is that Propertymark members sign up to set standards which go beyond many of the licence conditions. Propertymark is the UK's largest professional body of property agents, with set minimum qualification standards and membership requirements to join. Additionally, we have a compliance duty where our members are inspected at set intervals and investigations are carried out on members who do not meet our standards. Due to this, the vast majority of members will already meet the standards set by the Brighton and Hove City Council and therefore should qualify for a discount.³

Question 6: Normally licences are awarded for the length of the scheme (up to five years). The council cannot refuse to award a licence where there is outstanding planning permission or other issues at the property, e.g. no planning permission in place to have an HMO. The council is, therefore, proposing to issue shorter licences where there is outstanding planning permission or other issues at the property. Do you agree or disagree with this?

32. Propertymark disagrees with this. This opens the potential for multiple licences to be required while the scheme is running, leading to landlords paying for multiple licences.

³ <https://www.propertymark.co.uk/professional-standards/rules.html>

Question 7a: We intend to set the application and payment process online only via the council's website - is there anything we need to consider for making this work for you?

33. Yes.

Question 7b: Please provide additional comments to explain your response. Please also include any specific considerations to make online payments work for you. For example, personal assistance from the council if you struggle with making online payments.

34. The application and payment process must account for when an agent is the account holder but the landlord is paying for the licence. As such, we would promote a system where both the landlord and agent can access the application process, even if the landlord is the licence holder but especially if the agent is the licence holder. This would also benefit all parties involved if evidence is required to be submitted via the online process as it will allow the landlord and agent to submit evidence separately while allowing both individuals to see what has been uploaded. Often landlords and agents will have different duties and hold onto different documents related to a private tenancies, opening up the application process in this way reduces administration time and ensures that no documents are missed during the process.

Question 8: Please provide any further comments you have about the proposed Additional HMO Licensing Scheme.

35. We have no further comments to make at this time.

Brighton and Hove City Council Selective Licensing ConsultationResponse from PropertymarkJanuary 2024Background

1. Propertymark is the UK's leading professional body for estate and letting agents, inventory providers, commercial agents, auctioneers and valuers, comprising over 17,500 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Consultation – overview

2. Brighton and Hove City Council proposes to introduce two selective licensing schemes for all private rented properties that do not come under additional and mandatory HMO licensing. The first would only apply to four wards, Kemptown, Moulsecoomb & Bevendean, Queen's Park and Whitehawk & Marina. The rationale behind this scheme is the poor property conditions and significant deprivation in these wards. The second scheme, which would be subject to the approval of the Secretary of State, would apply to the following wards due to poor property conditions:

- Brunswick & Adelaide,
- Central Hove
- Goldsmid
- Hanover & Elm Grove
- Hollingdean & Fiveways
- Preston Park
- Regency
- Rottingdean & West Saltdean
- Round Hill
- South Portslade
- West Hill & North Laine
- Westbourne & Poets Corner
- Wish

3. Propertymark has simultaneously responded to Brighton and Hove City Council's HMO additional licensing scheme. While many of the comments made can be applied to both schemes, there are elements at specifically apply to one and not the other.

Propertymark response – summary

4. Propertymark welcomes the opportunity to respond to Brighton and Hove City Council's selective licensing scheme consultation. Propertymark is supportive of efforts made by local authorities to improve the standard of private rented sector housing in their local areas and to take action against non-compliant agents and landlords who provide poor quality housing. However, we do not believe that licensing is the most effective method to achieve this aim. Accordingly, we object to the current proposal. As part of our response, Propertymark has engaged with member agents within Brighton to gain a full understanding of the impact the scheme could have for agents and landlords within the Brighton and Hove area. Our response reflects our overall positions on selective licensing as well as the views of our Brighton members.

5. Our main objections can be summarised through four key areas:

- Firstly, even when we do not account that some properties will have multiple hazards, only 20% of properties within the proposed selective licensing wards have category 1 and 2 hazards. This shows that the vast majority of properties are meeting standards and should not be included within any scheme aimed at raising standards and targeting properties with multiple breaches of Housing health and safety rating system (HHSRS) violations.
- Secondly, the focus of any action taken against poor standards should be on landlords who fail to provide decent homes rather than on all landlords within given wards. Rogue landlords who already fail to meet existing minimum property conditions and fall under the radar of council-led inspections will not voluntarily sign up to the licensing scheme. Resources spent on administrating the licensing scheme to all landlords rather should instead be used to increase the capacity for the Council to identify and inspect the properties of rogue landlords.
- Thirdly, a significant number of agents and landlords reject selective and additional licensing schemes especially those who have already signed up to higher standards and who already meet the conditions laid out in the scheme. As a result, many landlords are encouraged to sell their property due to the additional cost of the

scheme for no benefit to themselves. This will result in fewer available properties to rent, while rogue landlords continue to provide poor quality housing.

- Fourthly, considering all of the above, it is likely that that selective licensing will have little positive impact on homelessness. As the Council has stated, the biggest cause in the city is the end of PRS tenancies, which according to the English Private Landlord Survey, are ended by the tenant in 88% of cases¹. Ultimately, the difficulty for tenants in finding a new home is the lack of supply within the PRS. While we welcome proposals from the Council to pay for licensing fees for landlords offering homes for homeless persons, selective licensing fails to address this pressing issue while pressuring landlords to leave the PRS.

Questions

Question 2a: To what extent do you agree or disagree that the proposed licence conditions of the schemes will improve the management and condition of private rented properties in Brighton & Hove?

6. We tend to disagree on the proposed licence conditions for both the management and condition of the property.

Question 2b: Please provide any additional comments on the management and condition of private rented properties - including any comments you have on the proposed licence conditions themselves.

7. As the leading professional membership body for property agents, Propertymark agrees with many of the conditions laid out by the Council as they reflect our own standards. Our concerns with property licensing come with some elements that are difficult to enforce and where the imposed conditions will not change the level of standards for many homes:

- **Duplication of existing standards** – Propertymark members specifically already adhere to many of the licensing requirements, many of which are included within Propertymark's existing AST or are existing legal requirements such as the fire and carbon monoxide alarm requirements. This means that the new conditions will have little impact on agents already meeting these standards and will be seen as an

¹ <https://www.gov.uk/government/statistics/english-private-landlord-survey-2021-main-report/english-private-landlord-survey-2021-main-report-2>

unnecessary additional cost or administrative burden for no improvements in the standard of the property.

- **Waste management** – Our concerns with waste management conditions are the effectiveness they will have on addressing issues with fly tipping and the building up of waste in a given area. The proposals to provide information on collection days will fail to make an impact. Landlords and managing agents can only remind tenants of the proper procedures to manage waste but ultimately the responsibility of ensuring waste is disposed of properly is the responsibility of tenants. The condition would therefore have little impact on poor waste management for tenants who do not take on the responsibility to manage waste properly. We would therefore encourage explicit conditions for the tenant around their duty to manage waste.
- **Anti-social behaviour** – The existing condition will have little impact on the prevention of anti-social behaviour, especially considering the landlord's right to remove tenants for anti-social behaviour is explicitly included within UK Government guidance on landlord and tenant rights and responsibilities within the PRS². The vast majority of landlords and agents take anti-social behaviour within their properties very seriously, as often that means the tenant has disregard for the house as well as their neighbours. The issue is not with a lack of action taken by agents and landlords, anti-social behaviour often persists since it is very difficult to prove within court, especially if anti-social behaviour consists of matters outside of noise complaints which the council admits is outside of the scope of the condition. As an alternative approach to selective licensing, we would encourage greater guidance from the Council on for how landlords and agents can coordinate with the police and local courts in order to take action against tenants who breach tenancy agreements through anti-social behaviour.

Question 2c: There is evidence of significant deprivation in the four wards proposed for selective licensing. To what extent do you agree or disagree that the proposed licence conditions of the schemes will reduce levels of deprivation in the four wards?

8. We strongly disagree that the schemes will reduce levels of deprivation in the four wards.

² <https://www.gov.uk/government/publications/landlord-and-tenant-rights-and-responsibilities-in-the-private-rented-sector/landlord-and-tenant-rights-and-responsibilities-in-the-private-rented-sector#landlords-rights-responsibilities-and-advice>

Question 2d: Please provide any additional comments on the proposed licence conditions and reduction of deprivation in the four wards - including any comments you have on the proposed licence conditions themselves.

9. In addition to our points raised where conditions will fail to have an impact on waste management and the anti-social behaviour of tenants, we strongly disagree that selective licensing is the most effective way of reducing deprivation. Our rationale is based on that fact that existing standards have failed to improve deprivation due to the existence of rogue landlords and poor local authority resourcing for inspections.
10. Rogue and non-compliant landlords are able to operate undetected despite the often-dangerous conditions of their properties. While Propertymark understands and supports actions taken to ensure that properties meet high standards, we are concerned that these landlords will not voluntarily apply for licensing, and many will continue to operate as they did before. This leaves landlords who already meet standards paying for a scheme that will not have the positive impact the Council is hoping for.
11. As such, local authority resources must be used to target landlords who fail to meet existing standards. Charging compliant landlords and agents to fund the administration of a licensing scheme with fewer resources to carry out inspections will fail to have an impact on landlords who do not meet existing standards. As an alternative to selective licensing, we would encourage increasing fines to landlords who breach existing standards to fund an expansion of inspections in targeted areas without charging existing compliant agents and landlords.

Question 2e: In addition to licence conditions of the schemes, it is proposed properties would be improved by requirements under the Housing, Health and Safety Rating System (HHSRS). To what extent do you agree or disagree that HHSRS will improve conditions of private rented properties, for the proposed schemes, in Brighton & Hove?

12. We tend to disagree with the idea that requiring rented properties to meet HHSRS standards through a selective licensing scheme would improve conditions for these properties.

Question 2f: Please provide any additional comments on HHSRS for improving conditions of private rented properties, for the proposed schemes, in Brighton & Hove

13. Propertymark strongly agrees with and promotes the adoption of the HHSRS standards to prevent tenants from living in potentially dangerous properties. Propertymark has produced a Fact Sheet on the Fitness for Human Habitation Act and regularly provides courses on the subject. However, we do not believe that selective licensing is the most effective way of ensuring properties meet these standards. As an alternative, we would support a greater focus from the council including resourcing for inspections targeted and financial penalties for failing to meet these standards in cases of extreme gross negligence. For landlords and agents looking to be compliant, we recommend that the Council take an approach that focuses on raising awareness rather than punitive measures.

Question 2g: The council is proposing that the schemes will last for five years (this is the maximum period schemes can last). How long do you think the schemes should last?

14. We do not believe the scheme should be introduced, however, should the scheme be introduced, we agree that it should last for five years.

Question 2h: If you think the schemes should last less than 5 years please tell us why.

15. As mentioned earlier in our response, we do not believe that the scheme is the most effective way of improving standards within the PRS. Therefore, alternative measures should be explored.

Question 3a: The proposed fee structure is based on a standard fee of £670 over 5 years. This equals around £2.58 per week (over 5 years). Do you think this fee is too low, about right or too high?

16. We believe that the fee is both too low to be effective and too high for agents and landlords who already meet existing and Propertymark's higher standards.

Question 3b: Please provide any additional comments to explain your response

17. **The fee will not cover the cost of inspections** – According to the Council's Private Rented Sector: Housing Stock Condition and Stressors Report, both selective licensing schemes combined would see 38,508 properties require a licence. If the standard fee was paid for all properties, this would equate to total funding of £25,800,360 for the Schemes, around £5

million a year. Based on estimates from the Council's Selective and Additional Licensing Scheme Feasibility Review, an average property officer can inspect 95 properties in a year. In order to inspect all properties under the scheme, not accounting for hiring periods, sick leave or cases where entrance to the property is refused, over 81 inspectors would be required to inspect a property every working day which is based on the total number of properties, divided by the number of inspections that can take place in a year, divided by five years. Based on existing reasonable salaries for inspectors (c.25,000) this will cost the Council 2,025,000 in annual salary costs for inspectors alone. This does not take into account managers, administrative or other roles related only for the inspections, let alone the other jobs that will be required to adequately run the scheme. Nor does it take into account other costs associated with hiring this number of new roles, including equipment, office space and other resources required.

18. Our expectation is that the total number of inspectors that are able to be hired will be significantly lower than what is required for this scheme to make an impact. A smaller, more targeted approach at properties expected of breaching standards would be more effective than a blanket approach where all property owners are charged and inspected when it is not necessary or financially prudent to do so.

19. **The fee will lead to a decline in available housing stock** – Simultaneously, the fee is too high, especially when considering that the Council's feasibility study makes it clear that the Council does not intend to inspect all properties. By the Council's own research, it is clear that the licensing scheme is not necessary for many landlords and agents, who will be required to pay for inspections for properties that already meet expected standards. Many landlords will see this as being unfairly charged when they are meeting standards, while rogue landlords who are the target of the scheme will not pay for the licence.

20. Additionally, while the fee may not be considered high for landlords with one property, for landlords who own a substantial number of properties, being asked to pay thousands of pounds up front during a time of cost of living rises and high interest rates. Many landlords do not have the disposable income to spend on the licence. This will have the unintended consequence of landlords refusing to pay and selling off their properties, leading to a worsening homelessness situation in Brighton & Hove. Alternatively, landlords may increase their rents to cover the licensing costs, pushing rents up even higher. This issue is further exacerbated as agents managing properties may increase their fees to cover additional admin

costs associated with compliance with the licensing scheme. Landlords would simply pass this cost on to their tenants.

Question 3c: In instances where a licence application is not made, the council will incur extra costs in pursuing the application. This is called a prompted licence fee. For this, the council is proposing a higher fee of £760 over 5 years. This equals around £2.92 per week. Do you think a higher fee should be set for pursuing licence applications?

21. If selective licensing is to be introduced, we believe that a higher fee should be set for pursuing the application.

Question 3d: Do you think the £760 higher fee is too low, about right or too high?

22. We believe that the proposed higher fee is too low.

Question 3e: Please provide any additional comments to explain your response

23. If selective licensing is to go ahead, we believe that there should be larger financial penalties for failing to acquire a licence, especially if the property is inspected and deemed to be dangerous or failing to meet proposed standards. This would act as a financial penalty for rogue landlords looking to escape their duties to ensure their properties are complaint.

Question 3f: It is proposed to offer a discounted licence fee for properties with an Energy Performance Certificate rating of C or above. Do you think there should be a reduction in the fee for properties with an Energy Performance Certificate rating of C or above?

24. We strongly agree with this proposal.

Question 3g: Please provide any additional comments to explain your response.

25. Providing discounts would encourage landlords to improve the energy efficiency of their homes and reward those who have taken steps to do so.

Question 3h: It is proposed to offer a discounted licence fee for landlords who are accredited with landlord groups (these are ihowz Landlord Association, National Residential Landlords Association and Safeagent). Do you think there should be a reduction in the fee for landlords who are accredited under a landlord scheme who can meet national standards of good practice?

26. Propertymark strongly agrees with the proposals to offer a discounted licence fee for landlords who are accredited with landlord groups.

Question 3i: Please provide any additional comments to explain your response.

27. Propertymark requests that landlords who use Propertymark agents are included within the discount provided to members of accreditation schemes. The rationale behind this is that Propertymark members sign up to set standards which go beyond many of the licence conditions. Propertymark is the UK's largest professional body of property agents, with set minimum qualification standards and membership requirements to join. Additionally, we have a compliance duty where our members are inspected at set intervals and investigations are carried out on members who do not meet our standards. Due to this, the vast majority of members will already meet the standards set by the Brighton and Hove City Council and therefore should qualify for a discount.³

Question 4: Normally, licences are awarded for the length of the scheme (up to a maximum of 5 years). The council cannot refuse to grant a licence where there is outstanding planning permission or other issues at the property, e.g. unauthorised work without planning permission in place. The council is, therefore, proposing to issue shorter licences where there is outstanding planning permission or other issues at the property. Do you agree or disagree with this?

28. Propertymark disagrees with this. This opens the potential for multiple licences to be required while the scheme is running, leading to landlords paying for multiple licences.

Question 5a: We intend to set the application and payment process online only via the council's website - is there anything we need to consider for making this work for you?

29. Yes.

³ <https://www.propertymark.co.uk/professional-standards/rules.html>

Question 5b: Please provide additional comments to explain your response. Please also include any specific considerations to make online payments work for you. For example, personal assistance from the council if you struggle with making online payments.

30. The application and payment process must account for when an agent is the account holder but the landlord is paying for the licence. As such, we would promote a system where both the landlord and agent can access the application process, even if the landlord is the licence holder but especially if the agent is the licence holder. This would also benefit all parties involved if evidence is required to be submitted via the online process as it will allow the landlord and agent to submit evidence separately while allowing both individuals to see what has been uploaded. Often landlords and agents will have different duties and hold onto different documents related to a private tenancies, opening up the application process in this way reduces administration time and ensures that no documents are missed during the process.

Question 6a: Please provide any further comments you have on the proposed Selective Licensing Scheme for 4 wards.

31. We again call into question the necessity of the scheme to be carried out for all properties within both selective licensing schemes. In addition to the Council's admission that they will not inspect all properties, the number of predicted category 1 and 2 hazards within the Private Rented Sector: Housing Stock Condition and Stressors Report only shows that a maximum of 20% of properties across both schemes have at least 1 hazard. This also does not account for the number of properties which have multiple hazards, meaning that far fewer properties require inspection than the Council proposes. We believe that resources will be more effectively spent on inspecting these properties where the Council knows or expects hazards exist. This would enable the Council to target improvements for the most dangerous properties with the most vulnerable tenants without charging landlords and agents who are compliant, which risks landlords exiting the private rented sector. Additionally, we question the rationale behind the standard of homes and the deprivation of the four Wards within the first selective licensing scheme. This is based on the figures produced by the Council which show that the total number of predicted category 1 and 2 hazards are lower in these four wards compared to the 13 in the second selective licensing scheme.

Question 6b: Please provide any further comments you have on the proposed Selective Licensing Scheme for 13 wards.

32. Our response to this question has been included within question 6a.

Citizens' Advice Bureau:

Brighton & Hove Landlord Selective Licensing Response

A response to the Brighton
& Hove City Council
Selective Licensing
Consultation January 3rd
2024.



Introduction

Brighton and Hove City Council are consulting on the proposal to bring in two landlord licensing schemes. This report is our response to the consultation which is open until January 3rd 2024.

We have used our advice data and case studies to respond to the questions in the consultations that we hold data on.

Landlord licensing schemes at the local authority level

As this report is public and because we have encouraged our clients and communities to respond to the two licensing scheme consultations that Brighton & Hove City Council opened this winter and which close on 3rd January 2024; it is helpful to describe the benefits to tenants of such schemes briefly here.

A landlord licensing scheme means private landlords who own properties in a licensing area are required to obtain a local authority license. Under a scheme, licensing is compulsory - no landlord can rent out a property without a licence in the defined areas (council wards or city boundaries).

Landlords will have to pay for a licence under the scheme; the fee will be set by Brighton & Hove City Council. The fee must be used solely towards the activities of managing the licensing scheme.

Under the Licensing Schemes inspections of the properties are carried out: the inspections can occur either before a licence is granted and/or after licensing to ensure compliance with standards. The council will prioritise inspections on the

1

scheme going live either because of the risks identified in the application for a licence by the landlord or, due to complaints from tenants or neighbours.

Brighton and Hove City Council is currently consulting on two proposed licensing schemes:

1. Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) which would be citywide
2. Selective Licensing Scheme for other private rented homes in 17 wards in the city

Each scheme is proposed to run for five years which is the maximum time allowed for schemes. They would then need to reconsult on proposals if they would like the schemes to continue under current rules.

Under these licensing schemes, the landlord should:

- Annually provide gas safety certificates to the Council
- Ensure any electrical appliances or furniture they supply the property with are in safe condition (in compliance with Furnishings and Fire Safety Regulations)
- Ensure smoke and carbon monoxide alarms in the property are in working order (subject to Smoke and Carbon Monoxide Alarm England Regulations 2015)
- Provide tenants with a written copy of their terms of occupation
- Obtain references from tenants living in the house.

Before issuing a licence, the council will:

- Check that adequate management arrangements are in place
- Check that there are adequate kitchen/ bathroom facilities for the number of tenants in the property
- Check that fire precautions are put in place
- Check that gas & electrical & fire alarm certificates are up to date
- Assess [HHRS hazards](#) (this includes hazards like damp and mould)

2

Whilst landlord licensing schemes aren't a silver bullet for protecting tenants from poorly managed and maintained private sector lets, the schemes do offer a resourced regime to tackle poorly managed and hazardous properties. Where a landlord does not comply with basic standards they will not legally be able to rent out their property.

There are national House of Commons reports on the effectiveness of landlord licensing schemes [here](#):

"In 2018 the Government commissioned independent research into selective licensing. [The final report \(June 2019\)](#) said "selective licensing is an effective tool when implemented properly." The report went on to identify a range of areas where operation and implementation could be improved.

Landlord evidence to the Levelling Up, Housing and Communities Select Committee inquiry into [Reforming the Private Rented Sector \(PDF\)](#) argued the regime is unnecessary, particularly in light of Government reform proposals. Local authorities support its continuance as "an important tool for tackling area-specific issues of poor quality and a crucial source of funding."

<https://commonslibrary.parliament.uk/research-briefings/sn04634/>
Published Wednesday, 22 March, 2023

In summary, local authorities and tenants tend to support landlord licensing schemes though some landlords have objected to them.

The standards required by licensing regimes are very basic however, that they should be safe to live in and well managed properties in terms of clear and easy routes to contact the owner or managing agent in the event of a problem arising.

3

The main feature of effective schemes is that they are properly resourced and that tenants know how to contact the council to complain about the property they rent or is let out nearby - setting licence fees at a level to enable this service to run effectively is a critical feature but, the fee is a price passed onto tenants from landlords via their rent. This cost means it is critical that the scheme offers tenants accessible and timely support when they do experience safety issues.

National data on tenants' views

We looked at the data and recommendations of national charities along with the English Housing Survey that relates to the condition of private sector accommodation in order to provide a national context for the local proposals.

English Housing Survey

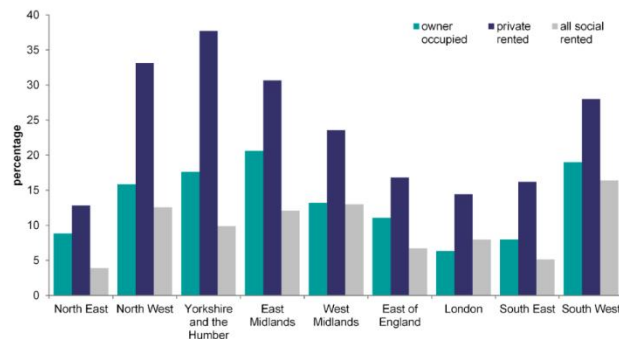
The [English Housing Survey 2021/22](#) provides annual national data on private rented accommodation. In this survey they highlighted two points that are relevant to the landlord licensing scheme(s) proposed by the council:

- 14% of private rented sector homes, or 615,000 occupied dwellings, are estimated to contain a Category 1 hazard according to the HHSRS. This is higher than for social rented (4%) or owner occupied (10%) dwellings.
- Households in the private rented sector in receipt of housing support are more likely to live in a home with a Category 1 hazard (19%) compared to those not in receipt of support (12%).

The survey also found that tenants in the private rented sector were far more likely to live in homes that fail the 'decent home standard'. This graph is provided by the authors to illustrate the difference by region:

4

Figure 4.1: Non-decent homes by region, all tenures, 2021



Citizens Advice

Citizens Advice nationally published a report in 2019 (pre pandemic) about improving the standards of private sector rented accommodation called [“Getting the house in order”](#).

“This report draws on data from one online survey of 2,127 private renters in England, and a separate online survey of 1,023 private landlords. These surveys were carried out by ComRes between 7 and 17 March 2019 and 7 and 14 March 2019 respectively. The data is nationally representative of all private renters in England by age, ethnicity and region. Finally, the report includes case studies and data analysis from our network of local Citizens Advice in England.”

The findings of this report were:

“Getting the house in order shows that tenants face widespread problems, and often have to resolve these themselves. Complicated regulation is leaving

5

landlords confused about what their obligations are, and tenants uncertain about who is responsible for resolving problems. Any enforcement action also relies on proactive tenants - despite many tenants not knowing when their landlords are breaking the rules. A lack of oversight and effective deterrence is failing to hold bad landlords to account and enforce tenants' rights, even when landlords are breaking the law.

Key statistics:

- 22% of tenants experiencing disrepair end up spending their own time or money fixing the problem.
- 9 in 10 tenants don't know whether a responsibility is theirs or their landlord's.
- 1 in 4 landlords were not able to correctly identify any of the potential outcomes of failing to meet their obligations towards tenants.” (Surveys, 2019)

Generation Rent

Generation Rent has carried out several campaigns relating to the standards in the private rented housing sector. In 2023 they were campaigning for extensions to the [laws on mould to apply to private landlords](#). They found that many renters don't complain to the council about this for many reasons but, even when they do, in just under a quarter of the cases will the council take action.

“But while 81 councils identified a total of 9,033 Category 1 hazards, they issued just 2,179 improvement notices, meaning that private tenants have a 24% chance of getting formal protection if their home is found to be unsafe to live in – a shocking statistic given how Category 1 hazards are a risk to life. Renters shouldn't have to risk their lives simply to keep a roof over their heads.” Generation Rent - March 14th 2023

6

Without a licensing scheme, councils may struggle to resource this action and renters may not feel secure to make a complaint in case they lose their home altogether.

Generation Rent (2022) published a report on [“How well do local councils know their local renters”](#) which found that:

- 49% of respondents dealt with damp and mould in their rental property
- 27% experienced concerns about their health while renting.

They additionally issued guidance to local councils on what they could do to support their local renters which might be useful to consider if the licensing scheme(s) is implemented:

“As a result of the project, the partner local authorities have made commitments to introducing different forms of formalised communication with renters, and these are set out as recommendations in the Private Renter Engagement Charter, including:

- *A Private Tenant Forum to allow renters to talk about issues they are having and get support with resolving them*
- *An online one-stop-shop and a local Private Tenant Pack*
- *Communicate directly with renters using available data such as landlord licensing and Energy Performance Certificates*
- *Training for local councillors in renting issues and drop-in sessions with officers” Generation Rent 23rd June 2022*

Shelter

Shelter, 2023, in their briefing [“Disrepair and the Private Rented Sector 2023”](#) echoes the Citizens Advice and Generation Rent reports:

“New Shelter research, compiled by YouGov, lays bare the impact of ‘no fault’ evictions and the extent of disrepair that private renters are forced to put up with:

- *private renters who complained to their landlord, letting agent or local council in the last three years were two and a half times more likely to be handed an eviction notice than those who had not complained.*
- *A quarter of private renters (25%) have not asked their landlord for repairs to be carried out or conditions improved for fear of being evicted.*
- *In the last year, three in four (76%) private renters in England – equivalent to more than 6.2 million people – have experienced disrepair in their home.*
- *In the last year, over half of tenants (51%) had issues with damp or mould; 31% had issues with lack of hot water or heating; and 18% had electrical hazards or issues with essential safety equipment in their homes, like smoke or carbon monoxide alarms.” Shelter, March 2023.*

Summary

The national research reports from Citizens Advice, Generation Rent and Shelter all recommend national action on private sector homes.

Damp or mould: They found 51% of tenants had issues with damp or mould in the last year (Shelter). This tallied fairly closely with the survey carried out by Generation Rent in 2022 which found that 49% of tenants in the private sector had the same issue.

Hazards (including damp and mould): 14% of private sector renter households had a category 1 hazard nationally as reported to the English Housing Survey.

Landlords and tenants are unclear about who is responsible for various issues in the accommodation or the potential consequences of not fixing that issue.

Lisa's mouldy bathroom: Lisa is a student living in a private rented property. Some months ago she noticed mould growing in the bathroom and contacted her landlady about it. Although the landlady initiated the repairs, she ultimately left them unfinished. After a while, mould was also found in the bedrooms. In this instance, the landlady took no responsibility for the issue as she believed Lisa and her flatmates needed to fix the problem themselves.

Citizens Advice Brighton & Hove Case Study

National charities argue for a national register of landlords and simplified code of conduct with clear, resourced routes for tenants to get action on those issues. They further ask for legislation to prevent "no fault evictions" and to ensure that new legislation on mould is extended to private sector tenants.

However, all their evidence points towards the need for both councillors and the Secretary of State to approve the landlord licensing scheme as proposed in this consultation.

The research also points to a need to make clear to both renters and landlords their rights, responsibilities and the consequences of not carrying out their responsibilities which should be considered in setting up the local scheme(s).

The research also highlights that councils and tenants are unlikely to report or pursue landlords without the resource and security of a licensing environment.

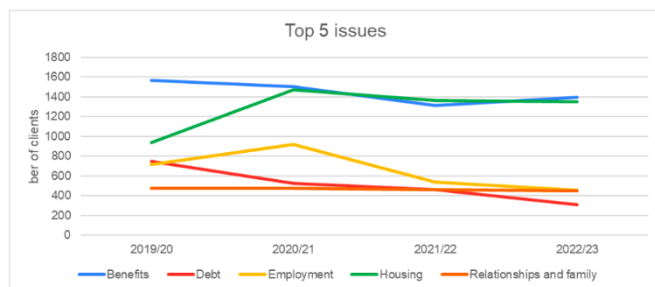
Our local Citizens Advice data

We have organised our relevant service data and case studies against the questions asked in the online consultation:

Question 1 c - The number of our clients living in the private rented sector in Brighton and Hove

A third of clients contacting us in 2022/23 presented with housing issues (1353 of a total 4136 clients). The picture in Brighton and Hove is quite different to the national picture. In 2022/23 only a fifth of all clients nationally (England & Wales) presented with housing issues.

Housing has become the top issue in Brighton and Hove alongside benefits in recent years as shown by the graph below.



Source: Summary report C3A:for B&H LA all clients: count of clients

Most clients with housing issues are with private landlords (relates to Q1c)

Those with private sector housing issues formed the largest group within housing, with **almost 60% of clients (798) with housing issues being within the private sector**. Again this is much higher than the Citizens Advice network national average, where they account for about a third of all clients.

Question 1d - Our clients who report property issues that impact on their health or safety

Many clients brought issues such as rents which are outside the scope of this consultation. However, significant numbers had issues related to health and safety, including disrepair involving damp, mould and condensation.

Issue prevalence	%
Repairs/maintenance - non damp/mould	18%
Disrepair - damp, mould and condensation	16 %
Fitness for human habitation	7%
Harassment by landlord	3%
Annual gas safety check	1%
no EPC rating	1%

Source:Summary report C3A:for B&H LA, housing issue, private rented accommodation: count of clients by level 3 issue

Lucy's windows: Since the beginning of her rental agreement, Lucy has found problems with her windows. She reported the situation to the landlord who was then told by the council to mend the damage. However, the landlord has yet to conduct any repairs. As a consequence, Lucy has seen an increase in damp, mould and condensation on the windows. Lucy came to Citizens Advice as she wanted to make a complaint about the landlord and ask for compensation; however she is scared that she would be evicted if she does so while her tenancy is still ongoing. **Citizens Advice Brighton & Hove Case Study**

Question 2 a - Do you agree that the proposed licence conditions could improve the management and condition of private rented properties?

As well as problems getting repairs carried out there are other issues our clients face regarding the management of private sector rented properties.

These include problems with letting agencies; protection and return of tenancy deposits; retaliatory evictions related to disrepair and invalid notices to quit.

Data on these are presented in the table below.

Issue prevalence	%
Tenancy deposit return	11%
Tenancy deposit protection	6%
Invalid notice	2%
Retaliatory evictions (disrepair)	2%

Source: Summary report C3A: for B&H LA, housing issue, private rented accommodation: count of clients by level 3 issue

Sarah is in fear: Sarah is pregnant and lives in a private rented accommodation with her partner. They are experiencing mould issues. Despite the problem, Sarah and her partner have not reported it to their landlord as they are scared of any retaliatory action, such as a rent increase or eviction. **Citizens Advice Brighton & Hove Case Study**

Whilst issues with private rented accommodation are now almost joint top with benefits issues for our clients, the fear that tenants have in taking action even when they receive advice about their rights shows that there is a need for an intermediary to check the condition of the properties in Brighton and Hove.

We strongly believe that the Landlord Licensing Scheme(s) if implemented well has a real potential to improve the condition and safety of properties in the city.

Question 2b - Additional comments on the management and condition of private rented properties

The city council has asked for other issues that come up in the management and conditions of private rented accommodation in the city. The "fit and proper" person test is a critical part of the overall scheme. Landlords need clear information on what behaviour is expected of them and that they must take care not to intimidate or harass tenants and the legal rights of tenants to have

reasonable replies to requests for repairs as well as their rights to privacy and "peaceful enjoyment".

Landlord behaviour

Here are some case studies that show that landlord behaviour can be intimidating and concern tenants who have raised repair and safety issues. This behaviour can affect the health of tenants as much as the issues with the properties themselves:

Lydia's landlord behaviour: Lydia lives with her daughter in a basement flat affected by blocked drains; due to this problem, they are unable to use all the rooms they rent. Considering the heavy rain, Lydia is seriously concerned about the health risks they are facing. Moreover, there is a pervasive mould in their bathroom. When informed about the issues, the landlord has taken very few steps to solve the problem. Lydia is also worried about the landlord who is intimidating, unstable and disrespectful of Lydia's space going as far as entering the flat without her notice. The landlord's erratic behaviour has increased Lydia's anxiety and vulnerability and worsened her mental health. **Citizens Advice Brighton & Hove Case Study**

Revenge evictions and landlord harassment: Tom has been given a section 21 notice by his landlord (no fault eviction). He believes he is being evicted because he requested repairs to be done as his flat had leaks and wiring issues, blocked fire exits and general disrepair. Tom also recalls being verbally harassed by the landlord. He also is under the impression that his landlord tends to rent his properties to vulnerable people. He phoned us to find out how to complain about his landlord's behaviour. **Citizens Advice Brighton & Hove Case Study**

Question 3d - Do you think the licence fee is too high or about right?

We would recommend that the council consider the national research we have submitted in the previous section.

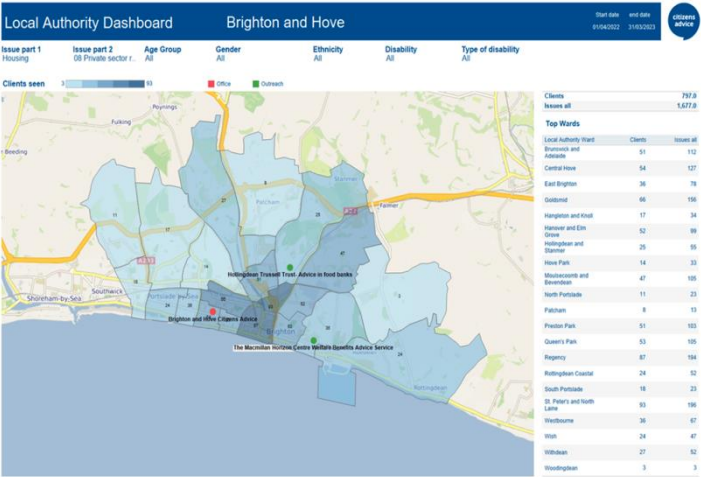
For landlord licensing schemes to be effective, there needs to be adequate staffing to ensure that it is clear how to report issues, and that those issues are tackled promptly. We would recommend that councillors consider a dedicated telephone line, drop in services and training for councillors on tackling poor private sector rented accommodation.

Further, we would recommend that clear tenant and landlord guides are published and distributed online and in print format (including in easy read format and a variety of languages) to ensure that all communities have the same access to help when they need it. We would recommend that councillors seek assurances that the scheme budget would incorporate adequate funds to make it accessible and effective.

Questions 6 a 6b - Further comments on the areas of the selective licensing scheme

We examined our data held on the clients who came to see us for advice on housing issues in the private rented sector; we then ran a heat map based on ward boundaries in order to visually demonstrate where the concentration of these enquiries came from in the last year.

Unfortunately this map is based on the pre May 2023 ward boundaries which is a limitation of our casework software; however, we still argue this is strong evidence that the 17 wards identified as requiring selective landlord licensing track with the rate of cases we deal with in the city.



The table below presents comparative data for the 4 wards and the 13 wards, alongside totals for the city. In 2022/23 the 4 proposed wards accounted for 17% of Citizens Advice private sector rented housing cases, while the 13 proposed wards accounted for an additional 73%. **The 13 wards accounted for the vast majority (82%) of disrepair cases where damp, mould or condensation was involved and a similar percentage of cases (81%) with an issue of fitness for human habitation.**

	Private sector renting cases (%)	With disrepair - damp, mould and condensation (%)	With issue of fitness for human habitation (%)
4 proposed wards	17%	13%	5%
13 proposed wards	73%	82%	81%
Subtotal (17 wards)	89%	94%	86%

Source: List report L3b: for B&H LA, housing issue, private rented accommodation: count of cases by level 3 issue with ward data (then tabulated). (Note analysis is based on cases and not clients so slightly different figures to those presented earlier).

For landlord licensing schemes to be effective, there needs to be adequate staffing to ensure that it is clear how to report issues, and that those issues are tackled promptly. We would recommend that councillors consider a dedicated telephone line, drop in services and training for councillors on tackling poor private sector rented accommodation.

Further, we would recommend that clear tenant and landlord guides are published and distributed online and in print format (including in easy read format and a variety of languages) to ensure that all communities have the same access to help when they need it.

We would recommend that councillors seek assurances that the charging model will be adequate to ensure a truly effective and responsive service.

Summary

We strongly believe that the proposed Selective Licencing Scheme for 17 wards of the city has the potential to improve the living standards and safety of people renting in those areas. Our data and case studies support the need for licensing in these wards.

We also argue that these case studies illustrate the fear that tenants face in going to the council at present because they know that the landlord can simply evict them and get new tenants in.

Licensing means that the landlord could not retain a licence if they behaved in the way these landlords do and it would give confidence to the tenants to report the issues they face.

Free, confidential advice. Whoever you are.

We help people overcome their problems and campaign on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge discrimination and harassment.

We're here for everyone.

cabrightonhove.org

Published 3rd January 2024

Citizens Advice Brighton & Hove

Charity registration number: 1094620.

Authorised and regulated by the Financial Conduct Authority FRN: 617523.

Company number: 3794933

Brighton & Hove Landlord Additional Licensing (HMOs) Response

Introduction

Brighton and Hove City Council are consulting on the proposal to bring in two landlord licensing schemes. This report is our response to the consultation which is open until January 3rd 2024.

We have used our advice data and case studies to respond to the questions in the consultations that we hold data on.

Landlord licensing schemes at local authority level

As this report is public and because we have encouraged our clients and communities to respond to the two licensing scheme consultations that Brighton & Hove City Council opened this winter and which close on 3rd January 2024; it is helpful to describe the benefits to tenants of such schemes briefly here.

A landlord licensing scheme means private landlords who own properties in a licensing area are required to obtain a local authority licence. Under a scheme, licensing is compulsory - no landlord can rent out a property without a licence in the defined areas (council wards or city boundaries).

Landlords will have to pay for a licence under the scheme; the fee will be set by Brighton & Hove City Council. The fee must be used solely towards the activities of managing the licensing scheme.

Under the Licensing Schemes inspections are carried out of the properties: the inspections can occur either before a licence is granted and/or after licensing to ensure compliance with standards. The council will prioritise these inspections

1

on the scheme going live either because of the risks identified in the application for a licence by the landlord or, due to complaints from tenants or neighbours.

Brighton and Hove City Council is currently consulting on two proposed licensing schemes:

1. Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) which would be citywide
2. Selective Licensing Scheme for other private rented homes in 17 wards in the city

Each scheme is proposed to run for five years which is the maximum time allowed for schemes. They would then need to reconsult on proposals if they would like the schemes to continue under current rules.

Under these licensing schemes, the landlord should:

- Annually provide gas safety certificates to the Council
- Ensure any electrical appliances or furniture they supply the property with is in safe condition (in compliance with Furnishings and Fire Safety Regulations)
- Ensure smoke and carbon monoxide alarms in the property are in working order (subject to Smoke and Carbon Monoxide Alarm England Regulations 2015)
- Provide tenants with a written copy of their terms of occupation
- Obtain references from tenants living in the house

Before issuing a licence, the council will:

- Check that adequate management arrangements are in place
- Check that there are adequate kitchen/ bathroom facilities for the number of tenants in the property
- Check that fire precautions are put in place
- Check that gas & electrical & fire alarm certificates are up to date
- Assess [HHRS hazards](#) (this includes hazards like damp and mould)

2

Whilst landlord licensing schemes aren't a silver bullet for protecting tenants from poorly managed and maintained private sector lets, the schemes do offer a resourced regime to tackle poorly managed and hazardous properties. Where a landlord will not comply with basic standards they will not legally be able to rent out their property.

There are national House of Commons reports on the effectiveness of landlord licensing schemes [here](#):

"In 2018 the Government commissioned independent research into selective licensing. [The final report \(June 2019\)](#) said "selective licensing is an effective tool when implemented properly." The report went on to identify a range of areas where operation and implementation could be improved.

Landlord evidence to the Levelling Up, Housing and Communities Select Committee inquiry into [Reforming the Private Rented Sector \(PDF\)](#) argued the regime is unnecessary, particularly in light of Government reform proposals. Local authorities support its continuance as "an important tool for tackling area-specific issues of poor quality and a crucial source of funding."
<https://commonslibrary.parliament.uk/research-briefings/sn04634/>
Published Wednesday, 22 March, 2023

In summary, local authorities and tenants tend to support landlord licensing schemes where some landlords object to licensing schemes.

The standards required by licensing regimes are very basic however, that they should be safe to live in and well managed properties in terms of clear and easy routes to contact the owner or managing agent in the event of a problem arising.

3

The main feature of effective schemes is that they are properly resourced and that tenants know how to contact the council to complain about the property they rent or is let out nearby - setting licence fees at a level to enable this service to run effectively is a critical feature but, the fee is a price passed onto tenants from landlords via their rent. This cost means it is critical that the scheme offers tenants accessible and timely support when they do experience safety issues.

National data on tenants' views

We looked at the data and recommendations of national charities along with the English Housing Survey that relates to the condition of private sector accommodation in order to provide a national context for the local proposals.

English Housing Survey

The [English Housing Survey 2021/22](#) is annual national data on private rented accommodation. In this survey they highlighted two points that are relevant to the landlord licensing scheme(s) proposed by the council:

- 14% of private rented sector homes, or 615,000 occupied dwellings, are estimated to contain a Category 1 hazard according to the HHSRS. This is higher than for social rented (4%) or owner occupied (10%) dwellings.
- Households in the private rented sector in receipt of housing support are more likely to live in a home with a Category 1 hazard (19%) compared to those not in receipt of support (12%).

4

The survey also found that tenants in the private rented sector were far more likely to live in homes that fail the 'decent home standard'. This graph is provided by the authors to illustrate the difference by region:

Figure 4.1: Non-decent homes by region, all tenures, 2021



Citizens Advice

Citizens Advice nationally published a report in 2019 (pre pandemic) about improving the standards of private sector rented accommodation called [“Getting the house in order”](#).

“This report draws on data from one online survey of 2,127 private renters in England, and a separate online survey of 1,023 private landlords. These surveys were carried out by ComRes between 7 and 17 March 2019 and 7 and 14 March 2019 respectively. The data is nationally representative of all private renters in England by age, ethnicity and region. Finally, the report includes case studies and data analysis from our network of local Citizens Advice in England.”

The findings this report were:

5

“Getting the house in order shows that tenants face widespread problems, and often have to resolve these themselves. Complicated regulation is leaving landlords confused about what their obligations are, and tenants uncertain about who is responsible for resolving problems. Any enforcement action also relies on proactive tenants - despite many tenants not knowing when their landlords are breaking the rules. A lack of oversight and effective deterrence is failing to hold bad landlords to account and enforce tenants' rights, even when landlords are breaking the law.

Key statistics:

- 22% of tenants experiencing disrepair end up spending their own time or money fixing the problem.
- 9 in 10 tenants don't know whether a responsibility is theirs or their landlord's.
- 1 in 4 landlords were not able to correctly identify any of the potential outcomes of failing to meet their obligations towards tenants.” (Surveys, 2019)

Generation Rent

Generation Rent has carried out several campaigns relating to the standards in the private rented housing sector. In 2023 they were campaigning for extensions to the [laws on mould to apply to private landlords](#). They found that many renters don't complain to the council about this, for many reasons but even when they do just under a quarter of the time will the council take action.

“But while 81 councils identified a total of 9,033 Category 1 hazards, they issued just 2,179 improvement notices, meaning that private tenants have a 24% chance of getting formal protection if their home is found to be unsafe to live in – a shocking statistic given how Category 1 hazards are a risk to life.

6

Renters shouldn't have to risk their lives simply to keep a roof over their heads." Generation Rent - March 14th 2023

Without a licensing scheme, councils may struggle to resource this action and renters may not feel secure to make a complaint in case they lose their home altogether.

Generation Rent (2022) published a report on ["How well do local councils know their local renters"](#) which found that:

- 49% of respondents dealt with damp and mould in their rental property
- 27% experienced concerns about their health while renting

They additionally issued guidance to local councils on what they could do to support their local renters which might be useful to consider if the licensing scheme(s) is implemented:

"As a result of the project, the partner local authorities have made commitments to introducing different forms of formalised communication with renters, and these are set out as recommendations in the Private Renter Engagement Charter, including:

- *A Private Tenant Forum to allow renters to talk about issues they are having and get support with resolving them*
- *An online one-stop-shop and a local Private Tenant Pack*
- *Communicate directly with renters using available data such as landlord licensing and Energy Performance Certificates*
- *Training for local councillors in renting issues and drop-in sessions with officers"* Generation Rent 23rd June 2022

Shelter

Shelter, 2023, in their briefing ["Disrepair and the Private Rented Sector 2023"](#) echoes the Citizens Advice and Generation Rent reports:

"New Shelter research, compiled by YouGov, lays bare the impact of 'no fault' evictions and the extent of disrepair that private renters are forced to put up with:

- *private renters who complained to their landlord, letting agent or local council in the last three years were two and a half times more likely to be handed an eviction notice than those who had not complained.*
- *A quarter of private renters (25%) have not asked their landlord for repairs to be carried out or conditions improved for fear of being evicted.*
- *In the last year, three in four (76%) private renters in England – equivalent to more than 6.2 million people – have experienced disrepair in their home.*
- *In the last year, over half of tenants (51%) had issues with damp or mould; 31% had issues with lack of hot water or heating; and 18% had electrical hazards or issues with essential safety equipment in their homes, like smoke or carbon monoxide alarms."* Shelter, March 2023.

Summary

The national research reports from Citizens Advice, Generation Rent and Shelter all recommend national action on private sector homes.

Damp or mould: They found 51% of tenants had issues with damp or mould in the last year. (Shelter). This tallied fairly closely with the survey carried out by Generation Rent in 2022 which found that 49% of tenants in the private sector had the same issue.

Hazards (including damp and mould): 14% of private sector renter households had a category 1 hazard nationally as reported to the English Housing Survey.

Landlords and tenants are unclear about who is responsible for various issues in the accommodation or the potential consequences of not fixing that issue.

Lisa's mouldy bathroom: Lisa is a student living in a private rented property. Some months ago she noticed mould growing in the bathroom and contacted her landlady about it. Although the landlady initiated the repairs, she ultimately left them unfinished. After a while, mould was also found in the bedrooms. In this instance, the landlady took no responsibility for the issue as she believed Lisa and her flatmates needed to fix the problem themselves.

Citizens Advice Brighton & Hove Case Study

They want a national register of landlords and simplified code of conduct with clear, resourced routes for tenants to get action on those issues. They further ask for legislation to prevent "no fault evictions" and to ensure that new legislation on mould is extended to private sector tenants.

However, all their evidence points towards the need for both councillors and the Secretary of State to approve the landlord licensing scheme as proposed in this consultation.

The research also points to a need to make clear to both renters and landlords their rights, responsibilities and the consequences of not carrying out their responsibilities which should be considered in setting up the local scheme(s).

The research also highlights that councils and tenants are unlikely to report or pursue landlords without the resource and security of a licensing environment.

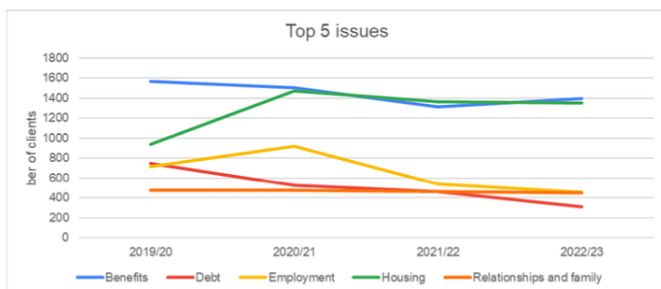
Our local Citizens Advice data

We have organised our relevant service data and case studies against the questions asked in the online consultation:

Question 1 c - The number of our clients living in the private rented sector in Brighton and Hove

A third of clients contacting us in 2022/23 presented with housing issues (1353 of a total 4136 clients). The picture in Brighton and Hove is quite different to the national picture. In 2022/23 only a fifth of all clients nationally (England & Wales) presented with housing issues.

Housing has become the top issue in Brighton and Hove alongside benefits in recent years as shown by the graph below.



Source: Summary report C3A:for B&H LA all clients: count of clients

Question 1c - Most clients with housing issues are with private landlords

Those with private sector housing issues formed the largest group within housing, with **almost 60% of clients (798) with housing issues being within the private sector**. Again this is much higher than the Citizens Advice network national average, where they account for about a third of all clients.

Question 1d - Our clients who report property issues that impact on their health or safety

Many clients brought issues such as rents which are outside the scope of this consultation. However, significant numbers had issues related to health and safety, including disrepair involving damp, mould and condensation.

Issue prevalence	%
Repairs/maintenance - non damp/mould	18%
Disrepair - damp, mould and condensation	16 %
Fitness for human habitation	7%
Harassment by landlord	3%
Annual gas safety check	1%
no EPC rating	1%

Source: Summary report C3A:for B&H LA, housing issue, private rented accommodation: count of clients by level 3 issue

Lucy's windows: Since the beginning of her rental agreement, Lucy has found problems with her windows. She reported the situation to the landlord who was then told by the council to mend the damage. However, the landlord has yet to conduct any repairs. As a consequence, Lucy has seen an increase in damp, mould and condensation on the windows. Lucy came to Citizens Advice as she wanted to make a complaint about the landlord and ask for compensation; however she is scared that she would be evicted if she does so while her tenancy is still ongoing. **Citizens Advice Brighton & Hove Case Study**

Q2a. Common issues with HMOs and the rate they are issues for our clients

We do not record tenants in HMOs in our data. However we know they have many of the same problems as are generally prevalent with the private rented sector in the city.

Many clients brought issues such as rents which are outside the scope of this consultation. However, significant numbers had issues related to health and safety, including disrepair involving damp, mould and condensation.

Issue prevalence	%
Repairs/maintenance - non damp/mould	18%
Disrepair - damp, mould and condensation	16 %
Fitness for human habitation	7%
Harassment by landlord	3%
Annual gas safety check	1%
no EPC rating	1%

Source: Summary report C3A: for B&H LA, housing issue, private rented accommodation: count of clients by level 3 issue

Q3a. To what extent do you agree or disagree that the proposed licence standards and conditions of the scheme will improve the management and condition of HMOs in Brighton & Hove?

We strongly believe that the proposed Additional Licencing Scheme for HMOs across the city has the potential to improve the living standards and safety of young people sharing houses and flats across the city. We believe that our case studies bring to life the problems that HMO tenants face in trying to get basic repairs and safety taken care of.

We also believe that these case studies illustrate the fear that tenants face in going to the council at present because they know that the landlord can simply evict them and get new tenants in.

Licensing means that the landlord could not retain a licence if they behaved in the way these landlords do and it would give confidence to the tenants to report the issues they face.

13

Fire safety: Emma moved into a private rented HMO some time ago; however, she recently noticed that the property does not have any fire alarms. She enquired about it with the agents, however no repairs have been scheduled for a long time. Emma and her flatmates are also worried that the more they complain about the fire alarms not being fitted in, the more they risk being evicted.

Citizens Advice Brighton & Hove Case Study

Unfinished repairs: Lisa is a student living in a private rented property. Some months ago she noticed mould growing in the bathroom and contacted her landlady about it. Although the landlady initiated the repairs, she ultimately left them unfinished. After a while, mould was also found in the bedrooms. In this instance, the landlady took no responsibility for the issue as she believed Lisa and her flatmates needed to fix the problem themselves. **Citizens Advice Brighton & Hove Case Study**

Infestation: Mason jointly rents with 3 other tenants. Throughout their tenancy, there has been an unresolved mould issue causing respiratory difficulties and an uncontrollable bug infestation. Despite numerous attempts to contact the letting agents for assistance, Mason and his flatmates have had minimal communication, being blown off as busy or offering false promises that they will be called back. Mason came to Citizens Advice Brighton & Hove looking for help and it was suggested that they contact BHCC Environmental Health but they feared retaliatory action such as an eviction notice if they escalated the issue with the council. **Citizens Advice Brighton & Hove Case Study**

Leaking roof and damp: Matt lives in a private rented HMO with 4 other tenants. Since they moved in, they found the property in an inhabitable state with several issues such as rising damp from floor and walls; cracked plaster; black mould on two floors; fungus in shower due to poor drainage; leak in ceiling/roof. Although they notified the letting agent about the ongoing

14

problems, Matt is very concerned that the issues are not being fixed in a timely manner and that they might be negatively affecting his health as he has respiratory problems. **Citizens Advice Brighton & Hove Case Study**

Roof and radiators need repair: Martha is living in a student accommodation with 3 other flatmates. There have been problems with malfunctioning radiators and severe damp that has caused water to run down her bedroom walls and it damaged her belongings. The roof seems to be the root cause of the problem, however there has not been any efforts to repair it from the agency or the landlord. Currently, there is no agent to deal with the property and Martha and her flatmates are left dealing with the landlord themselves. The landlord won't take responsibility for any repairs needed and notified them that they will be increasing the rent. **Citizens Advice Brighton & Hove Case Study**

Question 5a - Do you think the licence fee is too high or about right?

We would recommend that the council consider the national research we have submitted in the previous section.

For landlord licensing schemes to be effective, there needs to be adequate staffing to ensure that it is clear how to report issues, and that those issues are tackled promptly. We would recommend that councillors consider a dedicated telephone line, drop in services and training for councillors on tackling poor private sector rented accommodation.

Further, we would recommend that clear tenant and landlord guides are published and distributed online and in print format (including in easy read format and a variety of languages) to ensure that all communities have the same access to help when they need it. We would recommend that councillors seek assurances that the scheme budget would incorporate adequate funds to make it accessible and effective.

15

Summary

We strongly believe that the proposed Additional Licencing Scheme for HMOs across the city has the potential to improve the living standards and safety of young people sharing houses and flats across the city. We believe that our case studies bring to life the problems that HMO tenants face in trying to get basic repairs and safety taken care of.

We also believe that these case studies illustrate the fear that tenants face in going to the council at present because they know that the landlord can simply evict them and get new tenants in.

Licensing means that the landlord could not retain a licence if they behaved in the way these landlords do and it would give confidence to the tenants to report the issues they face.

For landlord licensing schemes to be effective, there needs to be adequate staffing to ensure that it is clear how to report issues, and that those issues are tackled promptly. We would recommend that councillors consider a dedicated telephone line, drop in services and training for councillors on tackling poor private sector rented accommodation.

Further, we would recommend that clear tenant and landlord guides are published and distributed online and in print format (including in easy read format and a variety of languages) to ensure that all communities have the same access to help when they need it.

We would recommend that councillors seek assurances that the charging model will be adequate to ensure a truly effective and responsive service.

16

Free, confidential advice. Whoever you are.

We help people overcome their problems and campaign on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge discrimination and harassment.

We're here for everyone.

cabrightonhove.org

Published 3rd January 2024

Citizens Advice Brighton & Hove

Charity registration number: 1094620.

Authorised and regulated by the Financial Conduct Authority FRN: 617523.

Company number: 3794933

Consultation Questionnaire (hard copy):

Citywide Additional HMO Licensing Scheme consultation questionnaire

Overview

The council is currently consulting on two proposed licensing schemes for private rented housing in Brighton & Hove. These are:

- A citywide Additional Licensing Scheme for Houses in Multiple Occupation (HMOs)
- A Selective Licensing Scheme for other private rented homes (not HMOs)

This questionnaire seeks your views on the introduction of the **Additional Licensing Scheme for HMOs**.

A map of Brighton and Hove below shows all the wards (in pink) covered by the proposed scheme¹



¹The wards are: Kempdown; Moulsecoomb & Bevendean; Queen's Park; Whitehawk & Marina; Brunswick & Adelaide; Central Hove; Goldsmid; Hanover & Elm Grove; Hollingdean & Fiveways; Preston Park; Regency; Rotherhithe & West Saltdean; Round Hill; South Portslade; West Hill & North Laine; Westbourne & Poets' Corner; Wish; North Portslade; Hangleton & Knoll; Westdene & Hove Park; Patcham & Hollingbury; Coldean & Stanmer; and Woodingdean.

The term HMO means a property which is occupied by several households (families) or unrelated tenants. A property with three or more tenants over two or more households is an HMO.

Additional HMO licensing enables local authorities to license smaller HMOs not covered by a mandatory scheme if certain conditions are met. This council's scheme would apply to properties which are two or more storeys only. In addition, occupied by three or four people who are not from the same family and who share a kitchen, bathroom or toilet.

By requiring landlords to apply for a licence, the council is able to ensure they are a 'fit and proper' person and through compliance with licence conditions, are providing well managed homes.

The council is required to consult with interested parties about the Additional HMO Licensing Scheme and consider representations, before reaching a final decision.

1a Are you responding to the questionnaire as a...

(Please tick relevant box)

- ☐ Home owner in Brighton & Hove
- ☐ Private rented tenant in Brighton & Hove

If a private rented tenant, do you occupy:
(please tick relevant box)

- ☐ a property that is not an HMO?
- ☐ an HMO?
- ☐ Social housing tenant in Brighton & Hove (renting from the council or housing association)
- ☐ Letting or managing agent
- ☐ Landlord of rented property in Brighton & Hove
- ☐ Local business
- ☐ Other, please give detail below

1b Where do you live?
(Please tick relevant box)

☐ Inside Brighton & Hove
☐ Outside of Brighton & Hove

If outside of Brighton & Hove, are you
(please tick relevant box)

a) ☐ inside the United Kingdom or
b) ☐ living abroad?

1c If you are a resident in Brighton & Hove what is your postcode?

2a Listed below are some of the most common issues that have been associated with HMOs and flats within HMOs. In the last 12 months, how much of an issue or not have the following been for you?
(Please tick as many boxes that apply)

Poorly managed HMOs

☐ A big issue ☐ A fairly big issue ☐ Not a big issue ☐ Not an issue at all
☐ Don't know or not sure

Poor property conditions at HMOs

☐ A big issue ☐ A fairly big issue ☐ Not a big issue ☐ Not an issue at all
☐ Don't know or not sure

Poor external appearance of HMOs and their gardens

☐ A big issue ☐ A fairly big issue ☐ Not a big issue ☐ Not an issue at all
☐ Don't know or not sure

Noise, such as loud music or parties from HMOs

☐ A big issue ☐ A fairly big issue ☐ Not a big issue ☐ Not an issue at all
☐ Don't know or not sure

Dumped rubbish and litter around HMOs

☐ A big issue ☐ A fairly big issue ☐ Not a big issue ☐ Not an issue at all
☐ Don't know or not sure

3

2b In the past 12 months, in your local area, have there been any other issues associated with HMOs or flats within HMOs?

2c Have you lived in an HMO in the past 12 months?
(Please tick relevant box)

☐ Yes
☐ No
☐ Don't know
☐ Not applicable

Question 2d only to be answered if answered yes to Question 2c

2d If you have lived in an HMO in the last 12 months, do you feel that your health or safety has been harmed by the condition of the property you have occupied?
(Please tick relevant box)

☐ A great deal
☐ To some extent
☐ Not very much
☐ Not at all
☐ Don't know or not sure

2e Please provide any additional comments on if you feel that your health or safety has been harmed by the condition of the HMO you have occupied.

4

It is proposed that the scheme will include standards and conditions on the below:

- Amenities, facilities and space standards
- References
- Tenancy Management (by way of a tenancy agreement and specific requirements set by it, including conditions placed on a tenant so the property is not used for any antisocial purposes)
- Overcrowding
- Utility Supplies
- Gas and Carbon Monoxide
- Fire Safety
- Electrical Installations and Appliances
- Heating
- Furniture and Furnishings
- Energy Efficiency
- Property Management
- Property Inspections
- Waste and Recycling
- Notification of Changes
- Licence Limitations
- General (requirements for accessing properties and safety considerations during any works to dwellings)

Please note, some of the standards and conditions are required under legislation.

Please view the proposed licensing standards and conditions in **Appendix 1: Proposed Additional HMO Licensing Standards and Conditions** on page 13 of the Consultation booklet.

3a To what extent do you agree or disagree that the proposed licence standards and conditions of the scheme will improve the management and condition of HMOs in Brighton & Hove?

Management
(Please tick relevant box)

- ☐ Strongly agree
- ☐ Tend to Agree
- ☐ Neither agree nor disagree
- ☐ Tend to Disagree
- ☐ Strongly disagree
- ☐ Don't know or not sure

Conditions
(Please tick relevant box)

- ☐ Strongly agree
- ☐ Tend to Agree
- ☐ Neither agree nor disagree
- ☐ Tend to Disagree
- ☐ Strongly disagree
- ☐ Don't know or not sure

3b Please provide any additional comments on the management and condition of HMOs - including any comments you have on the proposed conditions themselves.

5

3c In addition to licence standards and conditions of the scheme, it is proposed HMOs would be improved by requirements under the Housing, Health and Safety Rating System (HHSRS). Requirements are set by the Housing Act 2004² and Regulations³. HHSRS requires properties not to have any serious hazards and be safe and healthy for occupation⁴.

To what extent do you agree or disagree that HHSRS will improve conditions of HMOs, for the proposed scheme, in Brighton & Hove?

(Please tick relevant box)

- ☐ Strongly agree
- ☐ Tend to Agree
- ☐ Neither agree nor disagree
- ☐ Tend to Disagree
- ☐ Strongly disagree
- ☐ Don't know or not sure

3d Please provide any additional comments on HHSRS for improving conditions of HMOs, for the proposed scheme, in Brighton & Hove.

3e The council is proposing that the scheme will last for five years (this is the maximum period a scheme can last). How long do you think the scheme should last?

(Please tick relevant box)

- ☐ 1 year
- ☐ 2 years
- ☐ 3 years
- ☐ 4 years
- ☐ 5 years

²Part 1 of Housing Act 2004 <https://www.legislation.gov.uk/ukpga/2004/34/part/1>

³The Housing Health and Safety Rating System (England) Regulations 2005 <https://www.legislation.gov.uk/uksi/2005/3208/contents/made>

⁴Housing Health and Safety Rating System (HHSRS): Guidance for Landlords and Property-Related Professionals, Published 26 May 2006, Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

6

3f If you think the scheme should last less than 5 years please tell us why.

4 Thinking about the licensing proposals, how much do you agree or disagree with the following statements?

Additional HMO licensing would help ensure that HMOs are managed better

- ☐ Strongly agree ☐ Tend to Agree ☐ Neither agree nor disagree
☐ Tend to Disagree ☐ Strongly disagree ☐ Don't know or not sure

Additional HMO licensing would help to improve the health or safety of tenants living in HMOs

- ☐ Strongly agree ☐ Tend to Agree ☐ Neither agree nor disagree
☐ Tend to Disagree ☐ Strongly disagree ☐ Don't know or not sure

Additional HMO licensing would help to identify the poorer performing landlords of HMOs

- ☐ Strongly agree ☐ Tend to Agree ☐ Neither agree nor disagree
☐ Tend to Disagree ☐ Strongly disagree ☐ Don't know or not sure

Additional HMO licensing would help to support good landlords of HMOs

- ☐ Strongly agree ☐ Tend to Agree ☐ Neither agree nor disagree
☐ Tend to Disagree ☐ Strongly disagree ☐ Don't know or not sure

Additional HMO licensing would help reduce neighbourhood problems, e.g. noise or rubbish

- ☐ Strongly agree ☐ Tend to Agree ☐ Neither agree nor disagree
☐ Tend to Disagree ☐ Strongly disagree ☐ Don't know or not sure

Please view the proposed fee structure in **Appendix 3: Proposed Licensing Scheme Fees** on page 43 of the Consultation booklet and answer the questions below.

5a The proposed fee structure is based on a standard fee of £800 (for HMOs let on single tenancies with 3 or 4 occupants) and a further standard fee of £1,020 (for HMOs let on multiple tenancies with 3 or 4 occupants).

For the standard fee of £800 it equals around £3.08 per week (over 5 years).

Do you think this fee is:

(Please tick relevant box)

- ☐ Too low ☐ About right ☐ Too high

5b Please provide any additional comments to explain your response.

5c For the standard fee of £1,020 it equals around £3.92 per week (over 5 years).

Do you think this fee is:

(Please tick relevant box)

- ☐ Too low ☐ About right ☐ Too high

5d Please provide any additional comments to explain your response.

5e In instances where a licence application is not made, the council will incur extra costs in pursuing the application. This is called a prompted licence fee. For this, the council is proposing a higher fee of £900 (for HMOs let on single tenancies with 3 or 4 occupants) over 5 years. This equals around £3.46 per week.

Do you think the £900 higher fee should be set for pursuing licence applications?

(Please tick relevant box)

- ☐ Yes
☐ No
☐ Not sure

5f Do you think the £900 higher fee is:

(Please tick relevant box)

☐ Too low ☐ About right ☐ Too high

5g Please provide any additional comments to explain your response.

5h The council is proposing a higher fee (prompted licence fee) of £1,080 (for HMOs let on multiple tenancies with 3 or 4 occupants) over 5 years. This equals around £4.15 per week.

Do you think the £1,080 higher fee should be set for pursuing licence applications?

(Please tick relevant box)

☐ Yes
☐ No
☐ Not sure

5i Do you think the £1,080 higher fee is:

(Please tick relevant box)

☐ Too low ☐ About right ☐ Too high

5j Please provide any additional comments to explain your response.

9

5k It is proposed to offer a discounted licence fee for HMOs with an Energy Performance Certificate rating of C or above.

Do you think there should be a reduction in the fee for HMOs with an Energy Performance Certificate rating of C or above?

(Please tick relevant box)

☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

5l Please provide comments to explain your response.

5m It is proposed to offer a discounted licence fee for landlords who are accredited with landlord groups (these are ihowz Landlord Association, National Residential Landlords Association and Safeagent).

Do you think there should be a reduction in the fee for landlords who are accredited under a landlord scheme who can meet national standards of good practice?

(Please tick relevant box)

☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

5n Please provide comments to explain your response.

10

- 6 Normally licences are awarded for the length of the scheme (up to five years).
The council cannot refuse to award a licence where there is outstanding planning permission or other issues at the property, e.g. no planning permission in place to have an HMO.
The council is, therefore, proposing to issue shorter licences where there is outstanding planning permission or other issues at the property. Do you agree or disagree with this?
(Please tick relevant box)
- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

Questions 7a & 7b - Questions for landlords and agents only

- 7a We intend to set the application and payment process online only via the council's website - is there anything we need to consider for making this work for you?
(Please tick relevant box)
- ☐ Yes
☐ No
☐ Don't know or not sure
- 7b Please provide additional comments to explain your response. Please also include any specific considerations to make online payments work for you. For example, personal assistance from the council if you struggle with making online payments.

11

Question 8 - question for everyone

- 8 Please provide any further comments you have about the proposed Additional HMO Licensing Scheme.

- 9 About you

The council has legal duties to make sure that we provide our services in a fair way to all members of the community. To assist us in this, we collect equality data to better understand our demographic profile of our community so we can identify and address barriers to inclusion. We do this so that we can show that we are acting in accordance with the law as well as to help us review and improve our services.

How old are you?

 or ☐ Prefer not to say

What gender are you?

(Please tick relevant box)

- ☐ Female
☐ Male
☐ Other
☐ Prefer not to say

If other, please specify

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

(Please tick relevant box)

For people who are transgender, the sex they were assigned at birth is not the same as their own sense of their sex.

- ☐ Yes
☐ No
☐ Prefer not to say

12

How would you describe your ethnic origin?

(Please tick relevant box)

- ☐ Asian or Asian British: Bangladeshi
- ☐ Asian or Asian British: Indian
- ☐ Asian or Asian British: Pakistani
- ☐ Asian or Asian British: Chinese
- ☐ Asian or Asian British: Any other Asian Background
- ☐ Black or Black British: African
- ☐ Black or Black British: Caribbean
- ☐ Black or Black British: Any other Black background
- ☐ Mixed: Asian & White
- ☐ Mixed: Black African & White
- ☐ Mixed: Black Caribbean & White
- ☐ Mixed: Any other mixed background
- ☐ White: English / Welsh / Scottish / Northern Irish / British
- ☐ White: Irish
- ☐ White: Gypsy or Irish Traveller
- ☐ White: Any other White background
- ☐ Other ethnic group: Arab
- ☐ Other ethnic group, please give details below
- ☐ Prefer not to say

Other ethnic group, please specify

Which of the following best describes your sexual orientation?

(Please tick relevant box)

- ☐ Bisexual
- ☐ Gay
- ☐ Heterosexual / 'Straight'
- ☐ Lesbian
- ☐ Other, please give details below
- ☐ Prefer not to say

If other, please specify

13

What is your religion or belief?

(Please tick relevant box)

- ☐ I have no particular religion
- ☐ Buddhist
- ☐ Christian
- ☐ Hindu
- ☐ Jain
- ☐ Jewish
- ☐ Muslim
- ☐ Pagan
- ☐ Sikh
- ☐ Agnostic
- ☐ Atheist
- ☐ Other religion, please give details below
- ☐ Other philosophical belief, please give details below
- ☐ Prefer not to say

If other, please specify

Armed Forces Service

Are you currently serving in the UK Armed Forces? (this includes reservists or part-time service, such as the Territorial Army)

(Please tick relevant box)

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

Have you ever served in the UK Armed Forces?

(Please tick relevant box)

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

14

Are you a member of a current or former serviceman or woman's immediate family/household?

(Please tick relevant box)

- ☐ Yes
☐ No
☐ Prefer not to say

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?

(Please tick relevant box)

- ☐ Yes a little
☐ Yes a lot
☐ No
☐ Prefer not to say

Please let us know the type of impairment which applies to you

If you have more than one impairment please indicate all (tick) that apply.

If none of the categories apply, please select 'Other' and fill in the additional box.

- ☐ Physical Impairment
☐ Sensory Impairment
☐ Learning Disability / Difficulty
☐ Long-standing Illness
☐ Mental Health Condition
☐ Autistic Spectrum
☐ Developmental Condition
☐ Other (please specify)

If other, please specify

Are you a carer?

A carer provides unpaid support to family or friends who are ill, frail, disabled or have mental health or substance misuse problems.

(Please tick relevant box)

- ☐ Yes
☐ No
☐ Prefer not to say

15

As a carer, who do you care for?

(Please select all that apply)

- ☐ Parent
☐ Child with special needs
☐ Other family member
☐ Partner / spouse
☐ Friend
☐ Other

END OF THE QUESTIONNAIRE

The results of the questionnaire will be presented in a final report. If you would like to receive a copy of it email ConsultPropertyLicensing@brighton-hove.gov.uk

16

Consultation Questionnaire (hard copy):

Selective Licensing Schemes' consultation questionnaire

Overview

The council is currently consulting on two proposed licensing schemes for private rented housing in Brighton & Hove. These are:

- A citywide Additional Licensing Scheme for Houses in Multiple Occupation (HMOs)
- A Selective Licensing Scheme for other private rented homes (not HMOs)

This questionnaire seeks your views on the introduction of **Selective Licensing Schemes** in 4 wards and a further 13 wards.

A map of Brighton and Hove below shows each ward covered by the proposed **Selective Licensing Schemes**. The 4 proposed wards are orange¹. This scheme is sought on the grounds of poor property conditions and deprivation. The 13 proposed wards are purple². This scheme is sought on the grounds of poor property conditions. The remaining wards are pink³. They are not covered by the proposed schemes.



¹The 4 proposed wards are: Kemptown; Moulsecoomb & Bevendean; Queen's Park; and Whitehawk & Marina.

²The 13 proposed wards are: Brunswick & Adelaide; Central Hove; Goldsmid; Hanover & Elm Grove; Hollingdean & Fiveways; Preston Park; Regency; Rottingdean & West Saltdean; Round Hill; South Portslade; West Hill & North Laine; Westbourne & Poets' Corner; and Wish.

³The remaining wards are: North Portslade; Hangleton & Knoll; Westdene & Hove Park; Patcham & Hollingbury; Coldean & Stanmer; and Woodingdean.

The term HMO means a property which is occupied by several households (families) or unrelated tenants. A property with three or more tenants over two or more households is an HMO.

Selective licensing enables local authorities to license private rented accommodation other than HMOs if certain conditions are met. By requiring landlords to apply for a licence, the council is able to ensure they are a 'fit and proper' person and through compliance with licence conditions, are providing well managed homes.

The council is required to consult with interested parties about the Selective Licensing Schemes and consider representations, before reaching a final decision.

1a Are you responding to the questionnaire as a...

(Please tick relevant box)

- ☐ Home owner in Brighton & Hove
- ☐ Private rented tenant in Brighton & Hove

If a private rented tenant, do you occupy:

- ☐ a property that is not an HMO?
- ☐ an HMO?

- ☐ Social housing tenant in Brighton & Hove (renting from the council or housing association)
- ☐ Letting or managing agent
- ☐ Landlord of rented property in Brighton & Hove
- ☐ Local business
- ☐ Other, please give detail below

1b Where do you live?

(Please tick relevant box)

- ☐ Inside Brighton & Hove
- ☐ Outside of Brighton & Hove

If outside of Brighton & Hove, are you

- (Please tick relevant box)
- a) ☐ inside the United Kingdom or
- b) ☐ living abroad?

1c If you are a resident in Brighton & Hove what is your postcode?

1d Have you lived in a private rented property in the past 12 months?
(Please tick relevant box)

- ☐ Yes
☐ No
☐ Don't know
☐ Not applicable

Question 1e only to be answered if answered yes to Question 1d

1e If you have lived in a private rented property in the last 12 months, do you feel that your health or safety has been harmed by the condition of the property you have occupied?
(Please tick relevant box)

- ☐ A great deal
☐ To some extent
☐ Not very much
☐ Not at all
☐ Don't know or not sure

1f Please provide any additional comments on if you feel that your health or safety has been harmed by the condition of the property you have occupied.

It is proposed that the schemes will include licence conditions on the below:

- References
- Tenancy Management (by way of a tenancy agreement and specific requirements set by it, including conditions placed on a tenant so the property is not used for any antisocial purposes)
- Permitted Occupation
- Utility Supplies
- Gas and Carbon Monoxide
- Fire Safety
- Electrical Installations and Appliances
- Furniture and Furnishings
- Energy Efficiency
- Property Management
- Property Inspections
- Waste and Recycling
- Notification of Changes
- Licence Limitations
- General (requirements for accessing properties and safety considerations during any works to dwellings)

Please note, some of the conditions are required under legislation.

Please read the proposed licensing conditions in **Appendix 2: Proposed Selective Licensing Conditions** on page 35 of the Consultation booklet.

2a To what extent do you agree or disagree that the proposed licence conditions of the schemes will improve the management and condition of private rented properties in Brighton & Hove?

Management
(Please tick relevant box)

- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

Conditions
(Please tick relevant box)

- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

2b Please provide any additional comments on the management and condition of private rented properties - including any comments you have on the proposed licence conditions themselves.

2c There is evidence of significant deprivation in the four wards proposed for selective licensing.

To what extent do you agree or disagree that the proposed licence conditions of the schemes will reduce levels of deprivation in the four wards?

(Please tick relevant box)

- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

2d Please provide any additional comments on the proposed licence conditions and reduction of deprivation in the four wards - including any comments you have on the proposed licence conditions themselves.

2e In addition to licence conditions of the schemes, it is proposed properties would be improved by requirements under the Housing, Health and Safety Rating System (HHSRS). Requirements are set by the Housing Act 2004⁴ and Regulations⁵. HHSRS requires properties not to have any serious hazards and be safe and healthy for occupation⁶.

To what extent do you agree or disagree that HHSRS will improve conditions of private rented properties, for the proposed schemes, in Brighton & Hove?

(Please tick relevant box)

- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

2f Please provide any additional comments on HHSRS for improving conditions of private rented properties, for the proposed schemes, in Brighton & Hove.

⁴Part 1 of Housing Act 2004 <https://www.legislation.gov.uk/ukpga/2004/34/part/1>

⁵The Housing Health and Safety Rating System (England) Regulations 2005 <https://www.legislation.gov.uk/uksi/2005/3208/contents/made>

⁶Housing Health and Safety Rating System (HHSRS): Guidance for Landlords and Property-Related Professionals, Published 26 May 2006, Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

2g The council is proposing that the schemes will last for five years (this is the maximum period schemes can last). How long do you think the schemes should last?
(Please tick relevant box)

- ☐ 1 year
☐ 2 years
☐ 3 years
☐ 4 years
☐ 5 years

2h If you think the schemes should last less than 5 years please tell us why.

Please read the proposed fee structure in **Appendix 3: Proposed Licensing Scheme Fees** on page 43 of the Consultation booklet.

3a The proposed fee structure is based on a standard fee of £670 over 5 years. This equals around £2.58 per week (over 5 years).

Do you think this fee is:
(Please tick relevant box)

- ☐ Too low
☐ About right
☐ Too high

3b Please provide any additional comments to explain your response.

3c In instances where a licence application is not made, the council will incur extra costs in pursuing the application. This is called a prompted licence fee. For this, the council is proposing a higher fee of £760 over 5 years. This equals around £2.92 per week.

Do you think a higher fee should be set for pursuing licence applications?
(Please tick relevant box)

- ☐ Yes
☐ No
☐ Not sure

3d Do you think the £760 higher fee is:
(Please tick relevant box)

- ☐ Too low
☐ About right
☐ Too high

3e Please provide any additional comments to explain your response.

3f It is proposed to offer a discounted licence fee for properties with an Energy Performance Certificate rating of C or above.

Do you think there should be a reduction in the fee for properties with an Energy Performance Certificate rating of C or above?

Options for each
(Please tick relevant box)

- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

3g Please provide any additional comments to explain your response.

3h It is proposed to offer a discounted licence fee for landlords who are accredited with landlord groups (these are ihowz Landlord Association, National Residential Landlords Association and Safeagent).

Do you think there should be a reduction in the fee for landlords who are accredited under a landlord scheme who can meet national standards of good practice?

Options for each

(Please tick relevant box)

- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

3i Please provide any additional comments to explain your response.

4 Normally, licences are awarded for the length of the scheme (up to a maximum of 5 years).

The council cannot refuse to grant a licence where there is outstanding planning permission or other issues at the property, e.g. unauthorised work without planning permission in place.

The council is, therefore, proposing to issue shorter licences where there is outstanding planning permission or other issues at the property.

Do you agree with this?

(Please tick relevant box)

- ☐ Strongly agree
☐ Tend to Agree
☐ Neither agree nor disagree
☐ Tend to Disagree
☐ Strongly disagree
☐ Don't know or not sure

Questions 5a & 5b - Questions for landlords and agents only

5a We intend to set the application and payment process online only via the council's website - is there anything we need to consider for making this work for you?

(Please tick relevant box)

- ☐ Yes
☐ No
☐ Not sure

5b Please provide any additional comments to explain your response. Please also include any specific considerations to make online payments work for you. For example, personal assistance from the council if you struggle with making online payments.

Questions 6a and 6b - questions for everyone

6a Please provide any further comments you have on the proposed Selective Licensing Scheme for 4 wards.

6b Please provide any further comments you have on the proposed Selective Licensing Scheme for 13 wards.

7 About you

The council has legal duties to make sure that we provide our services in a fair way to all members of the community. To assist us in this, we collect equality data to better understand our demographic profile of our community so we can identify and address barriers to inclusion. We do this so that we can show that we are acting in accordance with the law as well as to help us review and improve our services.

How old are you?

 or ☐ Prefer not to say

What gender are you?

(Please tick relevant box)

- ☐ Female
☐ Male
☐ Other
☐ Prefer not to say

If other, please specify

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

(Please tick relevant box)

For people who are transgender, the sex they were assigned at birth is not the same as their own sense of their sex.

- ☐ Yes
☐ No
☐ Prefer not to say

How would you describe your ethnic origin?

(Please tick relevant box)

- ☐ Asian or Asian British: Bangladeshi
- ☐ Asian or Asian British: Indian
- ☐ Asian or Asian British: Pakistani
- ☐ Asian or Asian British: Chinese
- ☐ Asian or Asian British: Any other Asian Background
- ☐ Black or Black British: African
- ☐ Black or Black British: Caribbean
- ☐ Black or Black British: Any other Black background
- ☐ Mixed: Asian & White
- ☐ Mixed: Black African & White
- ☐ Mixed: Black Caribbean & White
- ☐ Mixed: Any other mixed background
- ☐ White: English / Welsh / Scottish / Northern Irish / British
- ☐ White: Irish
- ☐ White: Gypsy or Irish Traveller
- ☐ White: Any other White background
- ☐ Other ethnic group: Arab
- ☐ Other ethnic group, please give details below
- ☐ Prefer not to say

Other ethnic group, please specify

Which of the following best describes your sexual orientation?

(Please tick relevant box)

- ☐ Bisexual
- ☐ Gay
- ☐ Heterosexual/'Straight'
- ☐ Lesbian
- ☐ Other, please give details below
- ☐ Prefer not to say

If other, please specify

13

What is your religion or belief?

(Please tick relevant box)

- ☐ I have no particular religion
- ☐ Buddhist
- ☐ Christian
- ☐ Hindu
- ☐ Jain
- ☐ Jewish
- ☐ Muslim
- ☐ Pagan
- ☐ Sikh
- ☐ Agnostic
- ☐ Atheist
- ☐ Other religion, please give details below
- ☐ Other philosophical belief, please give details below
- ☐ Prefer not to say

If other, please specify

Armed Forces Service

Are you currently serving in the UK Armed Forces? (this includes reservists or part-time service, such as the Territorial Army)

(Please tick relevant box)

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

Have you ever served in the UK Armed Forces?

(Please tick relevant box)

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

14

Are you a member of a current or former serviceman or woman's immediate family/ household?

(Please tick relevant box)

- ☐ Yes
☐ No
☐ Prefer not to say

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?

(Please tick relevant box)

- ☐ Yes a little
☐ Yes a lot
☐ No
☐ Prefer not to say

Please let us know the type of impairment which applies to you

If you have more than one impairment please indicate (tick) all that apply.

If none of the categories apply, please select 'Other' and fill in the additional box.

- ☐ Physical Impairment
☐ Sensory Impairment
☐ Learning Disability / Difficulty
☐ Long-standing Illness
☐ Mental Health Condition
☐ Autistic Spectrum
☐ Developmental Condition
☐ Other (please specify)

If other, please specify

Are you a carer?

A carer provides unpaid support to family or friends who are ill, frail, disabled or have mental health or substance misuse problems.

(Please tick relevant box)

- ☐ Yes
☐ No
☐ Prefer not to say

As a carer, who do you care for?

Please select all that apply

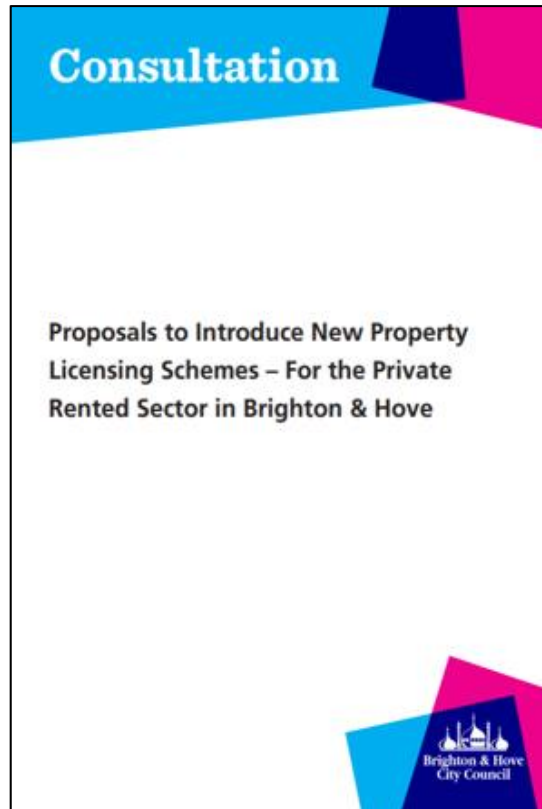
- ☐ Parent
☐ Child with special needs
☐ Other family member
☐ Partner / spouse
☐ Friend
☐ Other

END OF THE QUESTIONNAIRE

The results of the questionnaire will be presented in a final report. If you would like to receive a copy of it email ConsultPropertyLicensing@brighton-hove.gov.uk

Consultation promotional materials (some examples)

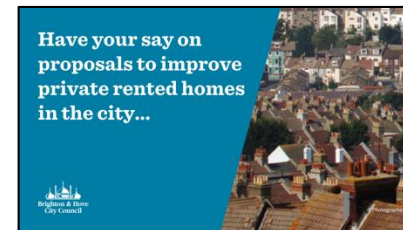
Information booklet (cover):



Digital banner (for websites):



Social media banner:



Postcard and flyer A5:



Poster A4:



Have your say on plans to improve private rented homes

We want to hear from residents, landlords and letting agents about 2 proposed licensing schemes for privately rented homes in the city.

Both licensing schemes would run for a period of 5 years.

Additional HMO Licensing

A proposed city wide additional licensing scheme for houses in multiple occupation (HMOs) that are 2 or more storeys and occupied by 3 or 4 people who are not related and share kitchen, bathroom or toilet facilities.

Selective Licensing

A proposed licensing scheme for homes rented to single households (or two sharers) for 4 wards in the city.

- Kempdown
- Moulsecomb & Bevendean
- Queens Park
- Whitehawk & Marina

Plus an option of introducing a further selective scheme, covering 13 wards in the city.

- Brunswick & Adelaide
- Central Hove
- Goldsmid
- Hanover & Elm Grove
- Hollingdean & Fiveways
- Preston Park
- Regency
- Rottingdean & West Saltdean
- Round Hill
- South Portslade
- West Hill & North Laine
- Westbourne & Poets Corner
- Wish

Your opinion matters

To find out more about the proposed schemes and share your views, visit

www.brighton-hove.gov.uk/property-licensing-scheme-proposals

The consultation closes at midnight on Wednesday 3 January 2024.

Brighton & Hove City Council

Bus shelter digital poster:



Have your say on plans to improve private rented homes

We want to hear from you about 2 proposed licensing schemes for privately rented homes in the city.

- Additional Housing in Multiple Occupation Licensing
- Selective Licensing for rented homes in 4 city wards

Your opinion matters

To find out more about the proposals and share your views, please visit

www.brighton-hove.gov.uk/property-licensing-scheme-proposals

The consultation closes at midnight on Wednesday 3 January 2024.

Brighton & Hove City Council

DOCUMENT END

