

Appendix 1 – Consultation responses

The consultation period ran from 20 April to 20 July 2012. A total of 238 responses were made. Of these, 172 (72%) were against the article 4 direction and 59 (25%) in favour. The remaining seven (3%) respondents replied “Don’t know / not known.”

Of those supporting the article 4 direction, 56 respondents (95% of those in support) described themselves as a Brighton and Hove resident. The other three respondents confirmed that they were an organisation / business / landlord. The seven people replying “Don’t know / not known” were all Brighton and Hove residents.

There was a slightly greater range in types of respondent amongst those objecting, although the majority (144 respondents – 85%) were Brighton and Hove residents. The following table provides full details:

Type of respondent	Number	Percentage
Brighton and Hove resident	144	84%
Organisation / business / landlord	13	7.6%
Other	9	5.2%
Brighton and Hove resident and Organisation / business / landlord	3	1.7%
Agent	2	1.1%
Brighton and Hove resident and Other	1	0.6%

Support

Sixteen of the responses through the council's consultation portal simply expressed support for the article 4 direction. A further thirty respondents supported the article 4 direction and also made comments. In summary, their comments were:

- Houses in multiple occupation cause problems with refuse, litter, waste management, noise, music, late night parties, drunkenness, shouting in the street, rudeness and anti-social behaviour. Streets are often dirty/messy and front gardens uncared for. Pavements are blocked by refuse and recycling bins and other rubbish, making things difficult for the elderly, less able and parents with buggies. Control over noise must be much more robust.
- Parking is a big problem, with tenants within an HMO often having several cars. Students often leaving cars unused for weeks. Strain on parking in Elm Grove and Hanover. Increased tendency to violate parking regulations. Parking for permanent residents is only easy to find in the summer.

- Residents are tired of being woken late at night by student neighbours. Lack of respect shown by students to residents and threatening behaviour when residents approach them to solve problems. Problem is conflicting lifestyles (hours of sleeping) and transient population. Flat above has been let to students and have had to spend £5,000 on soundproofing. Soundproofing should be required for student housing and they should keep to acceptable hours in terms of noise.
- Some HMOs have conservatories built onto the tiny gardens, which are used as living rooms and cause disturbance to neighbours. There has also been an increase in loft conversions to houses in multiple occupation. HMOs should be allowed either an extension or dormer, not both.
- Many areas have reached a critical level on numbers of HMOs. Too high a concentration of HMOs and many houses are not suitable for the number of students they contain. Hanover has changed from a great place to live to a noisy, dirty and depressing one in ten years. Hanover should provide family housing but families are being scared away. In Hanover a 10% limit is not enough – if 10% of large house were occupied by students, people would move away. Outside term time, Hanover becomes a 'ghost town,' which cannot create a sustainable community. Local community spirit is adversely affected. Increases in HMOs in these wards over recent years has blighted the lives of residents and devalued their properties. There are too many HMOs already. Quality of life has been diminished by growth in student housing. Poor influence on young people growing up in these areas. Pulls the area down. Demographic character of the area changes.
- Many families and elderly people are leaving the area due to the problems HMOs create. This leads to the creation of more HMOs. A balance is needed to ensure that families, young couple and the elderly feel welcome and the communities around Elm Grove and Hanover can be maintained. Control of the number of HMOs would allow a mixed community to remain, rather than a student focussed one. Diversity stops the ghettos, aids community cohesion, reduces the risk of crime and makes people more involved in their local communities. Continued deterioration of these communities must be halted. Students do not contribute to the community that they live in.
- Families invest in the community, help look after elderly residents, keep the streets clean, pay council tax etc. Numbers of families has reduced significantly. Families do not want to live next to properties that have fallen into disrepair and appear scruffy. Families cannot afford the prices being offered by landlords. The changes have an impact upon property values. Has implications

for lack of neighbourliness, isolation of the elderly and people not caring about the environment of their street.

- More pressure should be put on landlords, tenants and managing agents to maintain their properties. Landlords and letting agents should take more responsibility for their tenants. Properties should have regular inspections. Managing agents do not inform tenants about refuse collection dates and items to be recycled. Landlord details should be posted on all HMOs and passed to HMRC to ensure tax is paid. Landlords should be fined for repeated anti-social behaviour by their tenants. Other cities are able to enforce these requirements / responsibilities.
- Have had positive experiences of living next door to students/house sharers, but balance of housing is important in maintaining a mixed neighbourhood and related shopping, school and general commitment to the area.
- Concerned that some properties will not be covered as the rooms are let individually or residents live together as a family. Small HMOs should include two person households. There are particular hotspots, such as three storey housing
- Student houses drain public services more than average households and yet pay no council tax. They should pay more.
- This is a great step forwards and long overdue. It is a shame that this cannot be retrospective – how can we deal with the poor appearance of existing HMOs and refuse/recycling problems? For many, this is too late and will not resolve current issues. Mixed communities are healthy and we welcome the council putting a cap on the number of HMOs in an area. Anything that raises the standard of accommodation, produces better quality landlords and protects owners/occupiers will benefit all. Good practice for the council to be involved in ensuring housing standards are suitable for residents and neighbours. There should be a policy presumption against change of use.

Seven standard letters of support were received by post. They state “I support an article 4 direction on Houses in Multiple Occupation within my ward” and all were from local residents. The additional comments included with these responses stated:

- Family housing should be brought back to Hanover and Elm Grove. There are fewer families now and the community has been destroyed;
- Noise is more difficult for permanent residents to deal with than transient occupants;
- Refuse is a problem, with binvelopes/recycling boxes left out between collections;
- Multiple occupancy houses are not well maintained;
- Students should be living on campus, not in residential areas;

- Landlords insurance should be checked to ensure proper cover; and
- HMOs in Hanover house an increasing number of people. There has also been an increase in loft conversions recently.

Blackrock Residents Association: Have had problems with noise, anti-social behaviour, vandalism etc. This has been tackled by managing agents, the owners and the universities/colleges. This has been moderately successful, but was time consuming and frustrating for residents. Local residents must be consulted on future student accommodation proposals and have clear contact for rapid resolution of problems with noise and disturbance. Environmental Health process takes too long. Problems with party houses must also be tackled.

Coombe Road Local Area Team (summarised from minutes of meeting on 18 June): Welcome the council's approach to tackling HMO growth in the area, although also note that an article 4 direction could have a detrimental impact on house owners (i.e. if a home owner was selling their property, their chances may be impaired if a prospective purchaser wanting to create an HMO could not get planning permission. Also a prospective buyer could be put off by the number of HMO's nearby). It was also noted that an Article 4 Direction could not be retrospective and would not prevent further homes from being adapted in the meantime.

The LAT noted that not all students were problem neighbours and that they and the universities were important to the economy. However, concern was raised over the periods of time when students moved out and rubbish was left on the street, causing health and social problems. It was felt that landlords were responsible and needed to be aware of their role in terms of community cohesion. The meeting noted that there were options available to get rubbish cleared and fines imposed on landlords or those responsible for leaving the refuse.

Hollingdean Local Action Team: Support the article 4 direction.

Don't know / Not sure

Seven respondents stated that they were not sure whether they supported the article 4 direction. Their comments were:

- Making an area nicer should not exclude certain groups.
- Not enough information about a proposal that would affect large groups. The community should be involved in the decision.
- Need to ensure that house prices do not rise.
- The direction needs to include Regency ward.

- Landlords should be more accountable. Landlords should resolve problems with tenants and the council should have a register of landlords' details.
- How would planning applications be considered? What would landlords have to do? Is it expected that landlords would be deterred, that accommodation would expand in other areas or that demand would continue but the council could veto future over-saturation.
- Is this driven by complaints from residents or independent council work?

Objections

The following section summarises the objections received to the proposed article 4 direction:

- This will harm responsible landlords, who do carry out electric and gas checks, evict problem tenants etc. The council should focus on dealing with bad landlords and houses that create problems. This will block new and independent landlords from buying properties and providing good competition.
- What will landlords need to do to gain planning permission? Unless this is clear, landlords will avoid the area and available accommodation will decrease. Landlords will charge a premium to live in areas where new HMOs are restricted.
- There should be no limit/restriction on HMOs as this will increase rents and reduce availability. Should not restrict what owners/landlords can do with their properties as long as it is done responsibly. This restricts business opportunities. An article 4 will make it more difficult for private sector landlords to provide affordable homes.
- Will increase rents and make properties less affordable. Landlords will pass on the costs. This will make the process more expensive. May lead to properties not being maintained properly and may drive young people out of the city. Will result in declining standards of accommodation.
- An article 4 will not change the area as existing HMOs will remain. They will not revert to family houses. Landlords will not let small HMOs to families in case they cannot change back.
- A competitive rental market is needed to ensure landlords keep their properties in good condition. The quality of existing student houses is not great. Given current rent levels, limiting options further seems ridiculous.
- Agents, rather than landlords cause the problems and are only interested in money. Agents already charge a fortune and do not do their jobs well.

- This is too bureaucratic and unnecessary. Costs for students are higher enough without increasing rents. There is an assumption that students are supported by affluent parents but this is not always the case. Many support themselves. Will only make life more difficult for students and landlords.
- Other solutions, such as improving relationships between landlords and education providers or using accreditation to improve the quality and professionalism of landlords would work better.
- Two landlords commented that they were responsible and that their properties were well maintained. This proposal may force the rent up. Both commented that the council should tackle sub-standard accommodation. Some registered occupied HMOs are in a barely habitable state (bare wires, rotting floors, rising damp). Houses already suffer problems such as damp and mould.
- The council should devote more resources to enforcement of existing laws before extending licensing. Tenants should know how to complain. There should be a whistle blowing campaign to encourage reporting problems. Council workers, such as refuse collectors, could identify problem properties.
- Sympathise with the desire to raise standards but this is not the correct approach. It will just keep the problem at existing levels. More rigorous management of existing HMOs and action by landlords would be more beneficial. Existing rules should be enforced, such as ensuring that refuse is put out on the correct day. Should use the correct legislation, not impose more restrictions on student housing. A regulator is needed within the Brighton property market, particularly for student housing.
- Council should be working with education providers, landlords and tenant to provide affordable, high quality student/graduate housing. Accreditation schemes and work with the universities are the ways to deal with the issues. The council has a responsibility to provide good quality rented housing to meet local needs. Students need low cost housing until they have cleared the heavy debts of their education.
- We need to meet the city's housing needs, but this will restrict the housing market. There is already a lack of rental properties. It will restrict graduates and young professionals who want to live in shared houses. People should be free to live where they want. This will have little benefit. There would be no efficiency savings or clear demonstrable benefits. The council is aiming to reduce the number of properties. The council should work within government legislation. A disproportionate response to the problem. A further burden on landlords will make this worse, forcing people to share. Less choice for young professionals. Brighton is already an expensive place to live and is not good

value for money. Student loans do not cover rents and students have to work long hours to earn money. Rental levels are as high as London, where students get higher loans.

- This will have a detrimental impact on the city's appeal for prospective students, harming the economy. The city is already the second most expensive in the country and the Government's tripling of tuition fees has made things more difficult. Students are key to the city's nightlife and retail sectors. Council should be supporting young educated people. Many graduates choose to stay here and unfairly discriminating against them will not benefit the prosperity and uniqueness of the city. Students provide a large proportion of the income for local businesses. Will mean that only students from higher income families can come to university in Brighton.
- Students are a huge asset to the city in population and cultural terms. This would undermine the vibrant and vital student population. More students will choose to study elsewhere. Universities are unable to accommodate students properly. Students should be able to live where they wish and student areas have developed because that is where they want to live. These areas provide facilities that students want. A better solution would be to tackle the issues and improve student areas. Many students want to be part of their communities and the council should be working to integrate them. Greater effort should be made to ensure students see themselves as part of a community, rather than temporary residents. Rejecting students in this way will only serve to increase the problems. This proposal is offensive to students and stereotypes them.
- This would lead to segregated communities. This is at odds with Brighton's reputation for diversity and co-existence. Diverse neighbourhoods promote tolerance and should be encouraged. This is just to appease noisy voters. There is an inherent danger in creating "no-go HMO zones" which deny members of society the chance to live where they choose. May lead to friction between students and the wider community. More students having to work to pay rent may mean higher unemployment in the wider community. Current economic state means finding work is already difficult.
- Do not have a problem with HMOs despite a number of students/professionals living in the road. Many students cause no problems at all. Cannot just blame students. City centre will always be noisy and difficult for families.
- Do not think that this proposal will address problems of noise, refuse, To Let boards, untidy gardens, parking concerns or changes to shopping areas. These problems should be resolved by adult conversation, the council or the police. A proliferation

of To Let signs is not an excuse to reduce the number of student properties.

- The occupants of properties should be held more accountable through fines etc for problems such as run down properties and gardens. This would place more emphasis on those who would benefit from gaining more considerate and neighbourly behaviour.
- Families can be as anti-social/noisy as students. This is discrimination against certain groups. Spreading the student population may just spread the problems. Direct attack on young people. With property being so expensive, young people have no choice but to house share. Many students are active in the community and respect their areas. The council and universities should encourage the minority that do not. Many families have three cars and many students have no cars and use buses, particularly along the Lewes Road. This will push students out to areas where bus services are poorer. Moulsecoomb will become a student ghetto. Hanover is a high demand area and should be excluded. It has low anti-social behaviour problems. It has low levels of studentification.
- Students should be encouraged to live near the universities. This proposal will force students to live in areas with poorer public transport or in large accommodation blocks, which will have a negative impact on studying and increase travel time unnecessarily. This will make it more difficult for students to find accommodation close to the universities. Much better public transport will be needed if students are forced out of town.
- As a student from Brighton studying at Brighton University, not eligible for university accommodation and forced to rely upon HMOs. Shared houses are affordable and sociable ways to live. Students cannot afford rent increases.
- Wrong to apply this just to student areas and not other affected areas. Should be across the whole city or not at all. Has the potential to drive students further afield to find affordable accommodation. The scheme should be trialled in one area of the city. One objector stated that they would support this measure across the city, but only targeting five wards will just move the problem.
- Landlords need flexibility and planning law permits mixed C3/C4 uses.
- Is the change retrospective? Will it affect existing properties?

Sussex University Students' Union

The Students' Union recognises the benefits of additional purpose built student accommodation proposed in the City Plan, but is opposed to the proposed article 4 direction.

The Union are concerned that the earlier mapping of HMOs was incomplete and arguably biased towards student properties as a result. The Union is also concerned that the 10% threshold proposed in policy CP21 of the City Plan is arbitrary and not based on any evidence.

An article 4 direction would not solve any of the problems that it is being brought in to address. It is not retrospective and cannot reduce the number of HMOs already in existence. It deals solely with property status and not property standards. Additional licensing, the expansion of accreditation schemes and other methods are far more likely to impact on standards and address the issues that have been identified as being problematic in these wards. Restricting the number of HMOs available for rent in areas that are popular to students may also result in some undesirable outcomes for students and other residents (for e.g. higher travel costs/longer travel times for students who have to live in other further afield areas, empty properties where C4 use has been refused but families do not wish to move into those properties etc).

National Landlords Association

The Association (NLA) has concerns about the proposed article 4 direction. Additional regulation should balance the desire for secure and sustainable communities with the need for good quality housing. Additional regulation must improve professionalism and standards whilst tackling rogue landlords. Good practice should be recognised, in addition to appropriate enforcement. In this economic climate, good landlords do not need to be penalised by new regulations, particularly where there is little benefit to landlords or tenants. An article 4 direction should be an option of last resort.

The NLA considers that the introduction of the C4 use class by the Government was not justified and has created confusion / bureaucracy for the private rented sector. The impact of a change of use from a house (C3) to a small HMO is not substantial and there is no justification for further control by the council of property use. Demographics point to a greater need for shared housing and HMOs in Brighton. The private rented sector is crucial for those who choose to rent or who need flexibility and affordability. Young professionals, students and migrants are all necessarily transient. Recent changes to the Local Housing Allowance will also increase demand for shared accommodation.

There are many statutory powers to deal with anti-social behaviour and these apply to people in shared accommodation as with any other household. These powers should be explored and exhausted before an article 4 direction is used. Accreditation can also play a role in educating landlords about their obligations and responsibilities. The council's aims could be better achieved through accreditation.

The proposal will erode landlords' ability to react flexibly to property demands, will distort the market and diminish property values. The council has not provided sufficient evidential justification for the legitimate introduction of an article 4 direction. An article 4 should not be used as a tick box exercise to identify landlords and, if introduced, the NLA would wish to see information gained used to help improve the quality of the private rented sector.

Southern Landlords Association

Note that the council intends to refuse permission for shared accommodation where there is 10% or more similar accommodation within a defined area. A significant number of appeals in Portsmouth have been overturned by the inspector after similar refusals by the local authority. Shared housing is the only option for many residents, not just students but professionals and people up to the age of 35. The City Plan identifies demand for one/two bed units and larger units but ignores shared housing.

Implementation of the article 4 is ill-founded and, in areas like Hollingdean and Stanmer and Queens Park, the 10% limit appears much too low. This 10% limit must be explained and justified.

In ignoring shared accommodation needs, the article 4 will only exacerbate the situation. An arbitrary 10% for shared accommodation is, in the opinion of landlords, unacceptable. It will be very difficult for the Local Authority to establish the 10% required within a 50 metre radius. It has already brought challenges in other cities and, unsurprisingly, planning inspectors are allowing planning permissions where the council, based on the 10% rule, is refusing planning. Such a policy is unsustainable, will be challenged and will cost the Local Authority significant costs at appeal.

In relation to the City Plan, the Southern Landlords Association has expressed concerns that encouraging purpose built accommodation will not result in existing HMOs reverting back to family use. They consider that such accommodation will be expensive and may not be fully occupied. The Association feels that the Plan ignores the changes in circumstances of both young professionals, the unemployed and students, which account probably together for the largest single category of persons needing accommodation within the city.

Other responses

Secretary of State for Communities and Local Government

No comments.

Charities Commission

Have noted the proposed direction.

