



Brighton & Hove
City Council

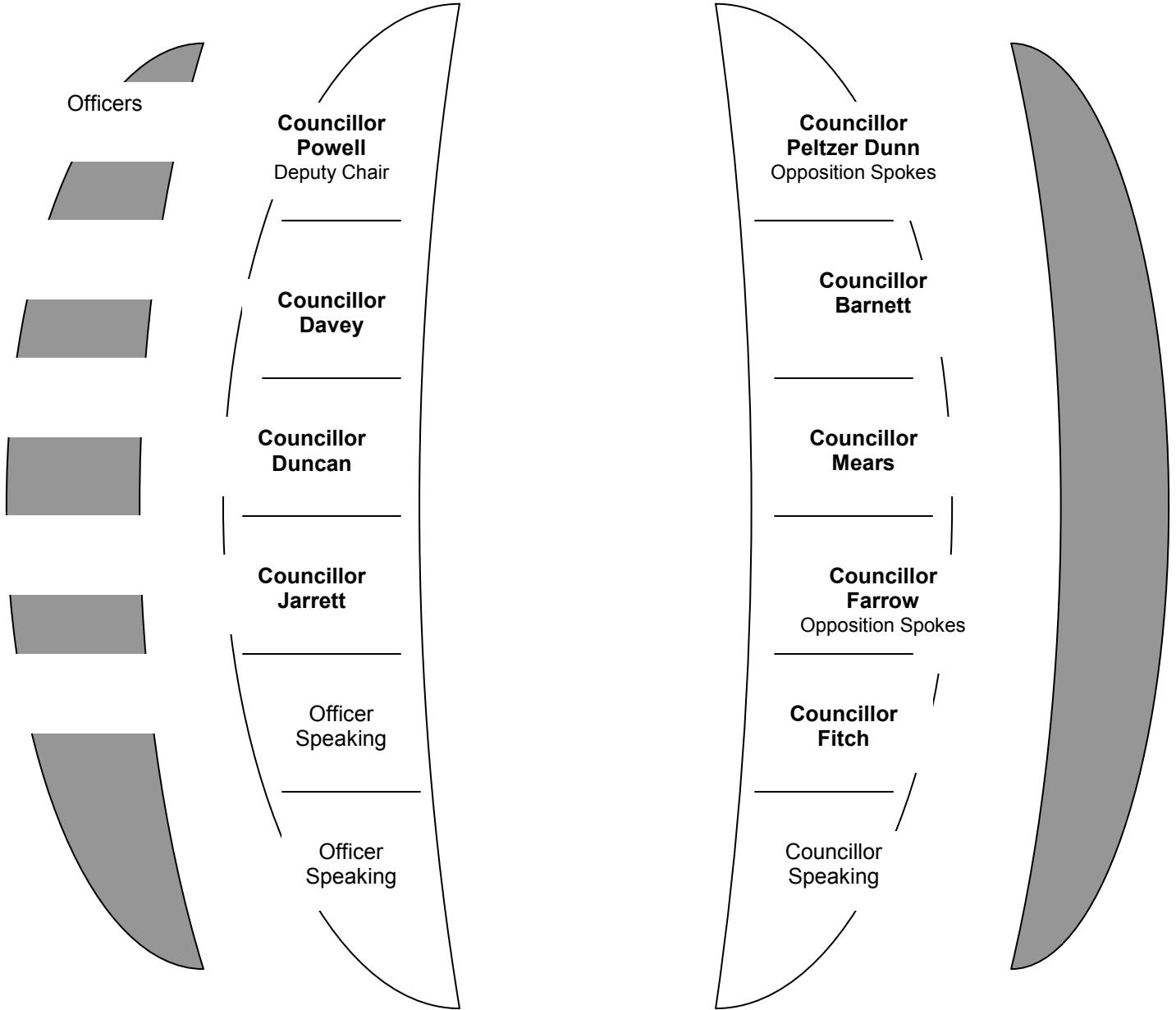
Housing Committee

Title:	Housing Committee
Date:	20 June 2012
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Wakefield (Chair), Barnett, Davey, Duncan, Farrow, Fitch, Jarrett, Mears, Peltzer Dunn (Opposition Spokesperson) and Powell (Deputy Chair)
Contact:	Lisa Johnson Senior Democratic Services Officer 01273 29-1228 lisa.johnson@brighton-hove.gov.uk

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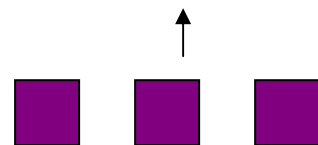
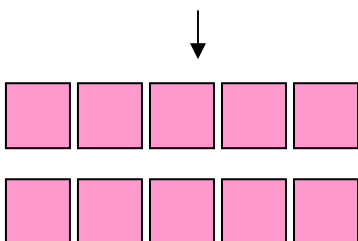
Democratic Services: Housing Committee

Head of Housing & Social Inclusion	Lead Commissioner Housing	Councillor Wakefield Chair	Strategic Director Place	Lawyer	Democratic Services Officer
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Public Speaker	Public Speaker
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Public Seating



Press

AGENDA

PART ONE

Page

1. PROCEDURAL BUSINESS

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

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

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

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

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

2. MINUTES

1 - 6

Minutes of the meeting of the Housing Cabinet Member Meeting held on 18 April (copy attached for information only).

Contact Officer: Lisa Johnson

Tel: 01273 291228

3. CHAIR'S COMMUNICATIONS

4. PUBLIC INVOLVEMENT

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

(a) Petitions – to receive any petitions presented to the full council or at the meeting itself;

(b) Written Questions – to receive any questions submitted by the due date of 12 noon on the 13 June 2012.

(c) Deputations – to receive any deputations submitted by the due date of 12 noon on the 13 June 2012.

5. ISSUES RAISED BY COUNCILLORS

To consider the following matters raised by councillors:

HOUSING COMMITTEE

- (a) **Petitions** – to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions** – to consider any written questions submitted by the due date of 10.00am on 8 June 2012;
- (c) **Letters** – to consider any letters submitted by the due date of 10.00am on 8 June 2012;
- (d) **Notices of Motion** – to consider any notices of motion submitted by the due date of 10.00am on 8 June 2012;

6. **MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE** 7 - 14
- Minutes of the meeting held on 29 May 2012 (copy attached for information).
7. **CONSTITUTIONAL MATTERS** 15 - 20
- Report of the Monitoring Officer (copy attached).
- Contact Officer: Mark Wall Tel: 29-1006*
Ward Affected: All Wards
8. **COMMITTEE WORK PROGRAMME & HORIZON SCAN OF ISSUES AHEAD**
- Presentation by the Strategic Director Place, the Lead Commissioner Housing and the Head of Housing & Social Inclusion.
9. **APPROPRIATION OF 243 AND 245 PRESTON ROAD BRIGHTON TO THE HOUSING REVENUE ACCOUNT** 21 - 28
- Report of Strategic Director Place (copy attached).
- Contact Officer: Carol Jenkins Tel: 29-3832*
Ward Affected: Withdean
10. **ADDITIONAL LICENSING FOR HOUSES IN MULTIPLE OCCUPATION** 29 - 60
- Report of the Strategic Director Place (copy attached).
- Contact Officer: Martin Reid Tel: 29-3321*
*Ward Affected: Hanover & Elm Grove;
Hollingdean & Stanmer;
Moulsecoomb &
Bevendean; Queen's
Park; St Peter's & North
Laine*
11. **DECENT HOMES & ADAPTATIONS** 61 - 66
- Report of the Strategic Director Place (copy attached).

HOUSING COMMITTEE

Contact Officer: Glyn Huelin
Ward Affected: All Wards

Tel: 01273 293306

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

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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

For further details and general enquiries about this meeting contact Lisa Johnson, (01273 29-1228, email lisa.johnson@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Date Not Specified

BRIGHTON & HOVE CITY COUNCIL

HOUSING CABINET MEMBER MEETING

4.00pm 18 APRIL 2012

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillor Wakefield (Cabinet Member)

Also in attendance: Councillor Peltzer Dunn (Opposition Spokesperson) and Farrow (Opposition Spokesperson)

PART ONE

87. PROCEDURAL BUSINESS

87(a) Declarations of Interests

87.1 There were none.

87(b) Exclusion of Press and Public

87.2 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

87.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any items on the agenda.

88. MINUTES OF THE PREVIOUS MEETING

88.1 Councillor Peltzer Dunn referred to paragraph 78.6 and thanked the Head of Housing Strategy and Development and Private Sector Housing for providing the information on HMO additional licensing proposals along with other information requested at the meeting.

88.2 Councillor Peltzer Dunn referred to paragraph 78.8 in relation to Hanover & Elm Grove and Student housing. He asked if the 2011 noise complaint figures provided since the

meeting were greater than 2010. The Head of Housing Strategy and Development and Private Sector Housing said he would bring back this information.

- 88.3 **RESOLVED** – That the minutes of the Housing Cabinet Member Meeting held on 29 February 2012 be agreed and signed by the Cabinet Member.

89. CABINET MEMBER'S COMMUNICATIONS

Ainsworth House

- 89.1 The Cabinet Member reported that on 19 April she would be turning the turf at the Ainsworth House site. This would be the start of the first council houses to be built in the city for 30 years.

90. ITEMS RESERVED FOR DISCUSSION

- 90.1 **RESOLVED** – That all items be reserved for discussion.

91. PETITIONS

E-Petition – Better Homes Scheme – Unfair Assessments

- 91.1 The Cabinet Member considered an e-petition from Mr Nicholas Wood. The e-petition was signed by 33 people. Mr Wood was in attendance at the meeting and also submitted a paper petition with 10 signatures, in support of the e-petition. The e-petition read as follows.

““We the undersigned petition the council to urge Mears to re-think their policy regarding the Better Homes scheme and the rewarding of new bathrooms or kitchens.”

Myself and many council tenants are unhappy with the system for rewarding new kitchens or bathrooms in the 'Better Homes' scheme. We feel that instead of 'rewarding' council tenants who do not take care of their flats for whatever reason with a new kitchen or bathroom is wrong and that tenants who do look after their flats and take pride in their homes should be the ones being 'rewarded'. I am aware of tenants who have deliberately damaged their kitchens so as to receive new ones. Also the judgements from Mears employees who assessed the kitchens and bathrooms seem to start from an uneven playing field with some people with excellent kitchens being told they could have new ones and yet other people who have ill-fitted and damaged kitchens are being turned down. We the tenants want fairness with the assessments and fairness in receiving home improvements.”

- 91.2 Mr Wood informed the Cabinet Member that he should have titled his e-petition “Decent Homes Scheme” rather than “Better Homes Scheme”. Mr Wood explained his own circumstances and was concerned that he had failed to be accepted on the scheme, although his flat had not got a modern kitchen or bathroom. Mr Wood considered that the assessments were not carried out consistently or fairly, and stated that he knew people with better facilities that had been accepted onto the scheme. Mr Wood thought it would be better if assessments were carried out by an independent body rather than Mears Ltd. Meanwhile, he had received conflicting information from different council officers.

91.3 The Cabinet Member responded as follows:

“Thank you for coming to the meeting today and for presenting your petition. I have no doubt that both you and the other people who have signed this petition do look after your homes. I can therefore appreciate that you may feel unfairly penalised under the decent homes scheme, despite the relevant criteria and assessment being correctly applied.

I would also agree that we do not want to be in a position where a tenant who deliberately damages their kitchen or bathroom is subsequently rewarded by being provided with a new one. We are committed to ensuring that tenants are recharged for any repairs that are required following deliberate or malicious damage to a property.

In terms of your personal situation, I understand that a senior surveyor recently visited your home to hear and both your concerns and the wider concerns that you have raised through the petition, with regard to the delivery of the Brighton and Hove Standard and the Decent Homes programme.

As a result of your feedback we have made some improvement to our processes to ensure that we identify any indication of damage which a may have been included by the tenant. Where tenant damage is significant the surveyors have been instructed not to proceed with any replacement work until a further investigation has been carried out. The Partnership surveyors (Mears) highlight any suspected tenant damage or alterations and bring this to the attention of Council's Clerk of Works within the Housing Property & Investment team for further investigation.

I'm aware that you have also raised concern about the need for consistency when properties are being assessed to see whether they are eligible for a new kitchen or bathroom. To ensure that the Partnership surveyors (Mears) are assessing to the same standards, we have implemented the following measures:

- A senior surveyor regularly accompanies all surveyors on surveys to give on site training to ensure consistency
- All our surveying is now carried out by permanent surveying team members and Mears no longer use agency surveyors
- The council's Clerks of Works team carry out random spot checks on a percentage of surveys conducted

We are confident that these additional measures will enable us to reach a fair conclusion when the decision to install new kitchens and/or bathrooms is made.

Lastly, I am conscious that a number of concerns have been raised about the current way that the decent homes programme is delivered through the Brighton & Hove Standard. I have asked for a review of the approach that was agreed in 2009. This review will initially look at how the assessment of the Brighton & Hove standard is applied when tenants have had disabled adaptations to their property. However, following this, I asked officers to commence a wider review of the programme and to make recommendations for any improvements that can be made for 2013/14.”

91.4 Councillor Farrow stressed that the policy was the responsibility of the council and not Mears Ltd. He considered that it was up to the council officers working with Mears to ensure that the policy was working properly. There was a need to investigate anomalies. Meanwhile, senior officers needed to ensure housing officers gave consistent information.

91.5 Councillor Peltzer Dunn stated that decisions should be based on fair wear & tear.

91.6 The Head of Housing and Social Inclusion reported that when Mears surveyed properties, it was based on information provided by council officers. A council clerk of works monitored the work. 60 properties were being re-surveyed as a result of concerns regarding inconsistencies.

91.7 **RESOLVED** – That the petition be noted.

92. PUBLIC QUESTIONS

92.1 There were none.

93. DEPUTATIONS

93.1 There were none.

94. LETTERS FROM COUNCILLORS

94.1 There were none.

95. WRITTEN QUESTIONS FROM COUNCILLORS

95.1 There were none.

96. NOTICES OF MOTIONS

96.1 There were none.

97. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

97.1 The Cabinet Member considered the minutes of the Housing Management Consultative Committee meeting held on the 19 March 2012.

97.2 **RESOLVED** – That the minutes be noted.

98. PROMOTING FINANCIAL INCLUSION AMONGST COUNCIL HOUSING RESIDENTS

98.1 The Cabinet Member considered a report of the Head of Housing and Social Inclusion which outlined proposals for investment in services to promote financial inclusion amongst council housing residents. The report built upon the successful financial inclusion work undertaken by the Housing & Social Inclusion delivery unit and outlined proposals for delivering a step change in the availability of services which promoted financial inclusion amongst council housing residents.

- 98.2 The Head of Housing and Social Inclusion stated that the report had been well received at the Housing Management Consultative Committee held on 19 March.
- 98.3 Councillor Farrow referred to paragraph 4.4 of the report in relation to specialist debt and money advice. Although £80,000 was a substantial sum of money, he was concerned that there could be a need for more than 480 in depth specialist casework interventions. He urged the Cabinet Member and officers to see if resources could be found to enable more interventions if required.
- 98.4 The Head of Housing and Social Inclusion replied that the proposals could be reviewed in a year's time. The figure of 480 was based on a recognised formula. Councillor Farrow was not satisfied with this reply and felt that the situation needed to be constantly reviewed as people took up the service.
- 98.5 Councillor Peltzer Dunn considered that officers had taken a reasoned approach.
- 98.6 The Cabinet Member welcomed the report. She was concerned at the effects of benefit changes and considered that the proposals would support council tenants.
- 98.7 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member made the following decision:
- (1) That the commissioning of new services be approved, as outlined in the report, in order to promote financial inclusion amongst council housing residents using the Community Banking Partnership model.

99. EXTENDING PAYMENT OPTIONS FOR COUNCIL LEASEHOLDERS

- 99.1 The Cabinet Member considered a report of the Head of Housing and Social Inclusion which set out the financial assistance that was currently available to leaseholders and recommended that the council extended the payment options available, for high cost works where there were payment difficulties.
- 99.2 The Leaseholder Manager stated that the report had been discussed at Housing Management Consultative Committee on 19 March and that the proposals were unanimously supported at the Leaseholder Action Group on 16 April.
- 99.3 Councillor Peltzer Dunn referred to paragraph 94.2 of the minutes of HMCC held on 19 March. This stated that loans would only be available to council leaseholders who were resident in their properties. He asked if it was possible to treat leaseholders differently with regard to this scheme.
- 99.4 The Leaseholder Manager replied that officers could target help to leaseholders who were in danger of losing their homes. The Senior Lawyer confirmed that there were various versions of Right to Buy leases in use throughout the city, some of which predated the creation of Brighton & Hove City Council. However, none of them included provisions relating to financial assistance. That was available under separate subordinate legislation. She offered to email a copy of a standard lease to Councillor Peltzer Dunn, but he did not consider it necessary.

- 99.5 Councillor Peltzer Dunn raised the issue of improvements to properties (as opposed to maintenance) such as over cladding. He asked if leaseholders were properly protected in this respect.
- 99.6 The Leasehold Manager replied that every leaseholder was protected in law in that costs must be reasonably incurred. Leaseholders could go to the Leasehold Valuation Tribunal if they considered the council were not properly protecting their interests. Meanwhile, disputes could be dealt via a three stage dispute procedure with the council. There had been around 60 disputes every year on service charges. Only two had gone to a tribunal. Around 95% were resolved at stage 1 or stage 2.
- 99.7 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member made the following decisions
- (1) That the following proposals for leaseholders in residence throughout the term of the loan or arrangement only, be agreed:
 - (a) Brighton & Hove City Council offers additional payment options in the form of equity loans, maturity loans and monthly repayment loans over 25 years to leaseholders who are in financial difficulty and struggling to pay high major works bills as outlined in the report.
 - (b) The council increases the interest-free repayment limit from 12 months to a sliding scale depending on the amount with a maximum of 5 years. (See table at 3.14 of the report).
 - (c) The specific criteria to be met when offering these additional loans will be agreed by the Head of Housing & Social Inclusion and the Chief Finance Officer in consultation with the Cabinet Member.

The meeting concluded at 4.53pm

Signed

Cabinet Member

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE

3.00pm 29 MAY 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Wakefield (Chair); Councillor Farrow, Hawtree, Jarrett, Mears, Peltzer Dunn (Opposition Spokesperson), Pidgeon and Robins

Tenant Representatives: Ted Harman (Brighton East Area Housing Management Panel), David Murtagh (Brighton East Area Housing Management Panel), Trish Barnard (Central Area Housing Management Panel), Stewart Gover (North & East Area Housing Management Panel), Keith Cohen (North & East Area Housing Management Panel), David Avery (West Hove & Portslade Area Housing Management Panel), Roy Crowhurst (West Hove & Portslade Area Housing Management Panel), John Melson (Hi Rise Action Group), Tony Worsfold (Leaseholder Action Group), Tom Whiting (Sheltered Housing Action Group) and Barry Kent (Tenant Disability Network)

Apologies: Jean Davis (Central Area Housing Management Panel)

PART ONE

1. PROCEDURAL BUSINESS

1A Declarations of Substitute Members

1.1 Councillor Hawtree declared that he was attending as a substitute for Councillor Duncan. Councillor Mears declared that she was attending as a substitute for Councillor Wells. Keith Cohen declared that he was attending as a substitute for Heather Hayes. Dave Avery declared that he was attending as a substitute for Tina Urquhart. Roy Crowhurst declared that he was attending as a deputy representing West Hove & Portslade (vacant post).

1B Declarations of Interests

1.2 There were none.

1C Exclusion of the Press and Public

1.3 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to

whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

1.4 **RESOLVED** - That the press and public be not excluded from the meeting.

2. MINUTES

2.1 It was noted that Councillor Mears should be added to the list of those attending the meeting.

2.2 **RESOLVED** – That the minutes of the Housing Management Consultative Committee Meeting held on 30 April 2012 be agreed and signed as a correct record subject to the amendment above.

3. CHAIR'S COMMUNICATIONS

Successful City Assembly

- 3.1 The Chair thanked everyone who made the council tenants' and leaseholders' City Assembly on 19 May such a great success. It was another fantastic day of tenant representatives and residents working together with councillors and officers to improve the housing service. The Chair noted that councillors from all political parties were present and that this had been appreciated by the tenants and leaseholders who had attended.
- 3.2 There was an excellent attendance, and use of the crèche, live webcast and social media was again a success. The City Assembly had been webcast to libraries where there had been live tweets from residents.
- 3.3 There had been an update on the government's changes to Housing Benefit and Council Tax from April 2013. Housing Benefit and Housing departments would be working closely together to identify those tenants likely to be affected by the changes and to offer a range of options, support and advice.
- 3.4 The main focus of the day was a presentation from tenant members of the Innovation Group, which had been looking at how the council could increase and improve resident involvement.
- 3.5 After lunch, residents all had an opportunity to have their say on the Innovation Group's recommendations. There were excellent discussion groups on:
- a menu of ways residents can get involved
 - support and training
 - a code of conduct for resident representatives and
 - the structure of resident involvement and working groups.
- 3.6 The Innovations Group would now be carrying out further wide consultation before bringing final recommendations to Area Panels, HMCSC and then Housing Committee in September.

- 3.7 The webcast and copies of all the presentations were all available on the City Assembly page of the council housing website.

Visit to see major work progress on the Bristol Estate

- 3.8 The Chair reported that the previous week, she visited Bristol Estate to have a look at the progress being made on the major refurbishment of seven of the low rise blocks on the estate. Good progress had been made with replacing windows, roofs, and providing insulated cladding. New solar photo-voltaic panels would help to reduce service charges for the common way electricity as part of the council's commitment to tackling fuel poverty.
- 3.9 As well as improving the structure of the building, the estimated carbon saving from the external insulation system had been calculated as 6,800 tonnes over 30 years or 226 tonnes per year in total, with the solar panels likely to produce an annual generation of over 3100 kilowatt hours on each block.
- 3.10 Over the coming months the Chair looked forward to visiting more of the major projects that the council would be rolling out across the city to improve homes.

Apprentices

- 3.11 The Chair was pleased to report that Mears Ltd and the Council held two successful recruitment fairs at City College early this month for the next round of 20 apprentices that would start their training in September. 123 applicants attended the two days to express an interest in the 20 places available. The Repairs Partnership had currently delivered 37 apprenticeships, with 8 due to graduate this Summer. Mears Ltd and the Council had been working closely with City College to improve the pathway into apprenticeships to make this an option available to those without any previous qualifications. The Chair stated that it was great to see this joint work help to provide such an excellent training and employment opportunity for local people, many of whom also lived in council housing.
- 3.12 John Melson was pleased to note the work being carried out on the Bristol Estate. As far as he was aware, none of the blocks had a damp proof course. With regard to apprenticeships, he stressed that Mears Ltd were committed to having 200 apprentices. He asked when this target figure would be achieved.
- 3.13 Councillor Robins asked for information about the length of apprenticeships and whether they received a skills card on completion.
- 3.14 The Head of Housing and Social Inclusion replied that Mears were committed to achieving 20 apprenticeships a year. With 20 more recruited in September 2012 the total would be 57. This would be behind their target of 60. The apprenticeships lasted three years. Year one involved attendance at City College. Year 2 involved completing NVQ level 2 working at Mears. Year 3 was completed solely at Mears. The question relating to a skills card would need to be investigated.
- 3.15 Councillor Mears stressed that Mears Ltd were committed in their contract to achieving 200 apprenticeships. She asked for reassurance that the Head of Housing and Social

Inclusion was chasing Mears Ltd to ensure that the figure was achieved. The Head of Housing and Social Inclusion reported that the primary way the council managed the contract with Mears Ltd was through the Strategic Core Group. Mears Ltd would need to achieve their target of 200 over 10 years.

- 3.16 Dave Murtagh commented that the Strategic Core Group were disappointed that there was little uptake by women and girls. Councillor Mears stated that there was not enough publicity about the apprenticeship scheme in schools. It was necessary to go to the schools at an earlier stage. The Chair agreed that it would be a good idea to talk to children and young people in schools and to advertise the scheme in places attended by women and young girls.

4. CALL-OVER

- 4.1 The Chair asked the Committee to consider which items listed on the agenda it wished to debate and determine in full.

- 4.2 **RESOLVED** - That all items be reserved for debate and determination.

5. PUBLIC INVOLVEMENT

- 5.1 There were no petitions, written questions or deputations.

6. ISSUES RAISED BY COUNCILLORS

- 6.1 There were no petitions, written questions, letters or notices of motion from councillors.

7. THE NEW COMMITTEE STRUCTURE AND HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE

- 7.1 The Committee received a PowerPoint presentation from the Head of Legal & Democratic Services. The presentation set out the background to governance changes in Brighton & Hove, the proposed committee structure and what the practical issues were for housing.
- 7.2 Members were informed that the final decision on housing strategy, the Allocations Policy and the HRA were reserved for full Council. All items of corporate budgetary or corporate policy implications had to be presented to the Policy and Resources Committee after being considered at Housing Committee. The Housing Committee would make decisions on functions not reserved to Council or the Policy and Resources Committee. The Housing Management Consultative Sub-Committee was an advisory body. In addition there would be the Housing Area Panels and the Tenant Scrutiny Panel.
- 7.3 Councillor Farrow commented that the presentation was describing complex issues and he suggested that it would be useful to have the information in the form of a briefing paper to members of the Sub-Committee. The Head of Legal and Democratic Services confirmed that he was happy to write a briefing paper.

- 7.4 John Melson concurred with Councillor Farrow. Meanwhile, he was concerned to hear that the powers of the Housing Management Consultative Sub-Committee would be the same as the HMCC. His understanding was that the Sub-Committee would only retain the indicative vote for tenants and the councillors' vote would be substantive.
- 7.5 The Head of Legal & Democratic Services confirmed that that was the case. The Local Government and Housing Act 1989 stated that only councillors had the right to vote, with a few exceptions.
- 7.6 Councillor Peltzer Dunn stated that he could not understand why councillors voted at a consultative meeting. He felt that the result of the consultation should be reported to the Housing Committee, where councillors would vote having taken account of what had been said at the Housing Management Consultative Sub-Committee.
- 7.7 The Head of Legal & Democratic Services confirmed that the Local Government & Housing Act 1989 stated that no-one could vote at a Committee or Sub-Committee unless they were a councillor. It would be against the legislation for tenants to vote and councillors to refrain from voting. Other options could be to change the status of the Sub-Committee to make it a Forum. However, this might be viewed as a demotion. He further confirmed that if members refrained from voting, a motion failed.
- 7.8 The Head of Legal & Democratic Services suggested that if there were strong views about the current arrangements, the matter could be looked into at the six month review of the council's constitution.
- 7.9 David Murtagh expressed the view that nothing had changed from the HMCC. If councillors agreed not to vote and left tenants to have an indicative vote it would solve the problem.
- 7.10 Councillor Robins questioned councillors' role at the HMCSC if they were to abstain from voting.
- 7.11 John Melson considered that councillors should exercise their function and vote. However, he felt that councillors were not aware of the amount of hard work carried out by tenants' representatives.
- 7.12 The Chair considered that there needed to be a proper debate and discussion about this matter at a future meeting, in order to agree a solution.
- 7.13 Roy Crowhurst referred to Neighbourhood Councils. He stressed that all the tenants present had been elected as tenant representatives. He questioned whether anyone had asked people in the City if they wanted Neighbourhood Councils. He also pointed out that the pilots had been carried out in areas where there was a large amount of council housing.
- 7.14 The Head of Legal & Democratic Services explained that Neighbourhood Councils were still at a pilot stage and there had been some consultation.
- 7.15 Councillor Mears expressed concern at the two areas chosen for the pilot. They were similar areas with social housing. She considered that the two areas did not reflect the

city and would create an imbalance. Councillor Mears also stressed that the HRA was ring fenced. Any funding for pilots should come from the general fund. She wanted to be reassured that no money was coming out of the HRA to fund Neighbourhood Councils.

- 7.16 The Chair confirmed that no HRA money has been invested in Neighbourhood Councils.
- 7.17 The Head of Legal and Democratic Services informed members that he would look at the issues raised. The meeting could be modified as was considered appropriate. However, he did have reservations about removing councillors right to vote.

8. HOUSING SERVICES THE CITY DESERVES

- 8.1 The Committee considered a report of the Strategic Director Place which provided further details regarding the restructuring of the Housing & Social Inclusion Service in order to further improve customer service, increase support for vulnerable residents and provide a platform for meeting the council's current and future Challenges. The changes taking place reflected improvements the wider council was making under the banner 'A council the city deserves' and were therefore under the heading 'Housing services the city deserves'.
- 8.2 The Head of Tenancy Services presented the report and informed members that the report was for noting as there had already been a consultation process.
- 8.3 Councillor Mears referred to the financial implications. She stressed the need for the Sub-Committee to see a budget breakdown of the savings. Councillor Mears asked if any work had been carried out to monitor the result of the move from Manor Place Office to the Whitehawk Hub. She stressed that it would be important to monitor visitor numbers to see if they had improved.
- 8.4 The Head of Tenancy Services agreed that it would be important to monitor visitor numbers. She reported that the savings had been made from deleting management grade posts. This money would be invested back into front line posts. The savings were made by people leaving through the voluntary severance scheme or by people being redeployed.
- 8.5 The Head of Housing and Social Inclusion confirmed that total savings of £146,000 had been achieved following consideration of redeployment.
- 8.6 Councillor Peltzer Dunn referred to paragraph 3.31 relating to the single phone number commencing in autumn 2012. He was concerned that part of the service was to be launched before the phone number was introduced. The Senior Project Manager explained that officers were planning to introduce the phone number in September/October 2012. A little more work was required to ensure this service was effective.
- 8.7 Councillor Peltzer Dunn referred to the consultation process set out in paragraph 4 of the report. He reminded members that the City Assembly in November 2011 had been consulted. He asked whether the views of the City Assembly were reflected in the report.

- 8.8 The Head of Tenancy services confirmed that the views expressed at the November City Assembly were very important. There had been four breakout groups which had expressed slightly different views. The groups had stressed the importance of investment in improving people's homes, and investment for those in financial difficulty.
- 8.9 The Head of Tenancy Services gave a specific example of how officers changed their thinking as a result of this feedback. Officers were planning to invest in fencing, but were told this was not a priority for tenants. They were told that matters such as extensions, tackling damp and overcrowding were more important.
- 8.10 John Melson referred to paragraph 3.14. He made the point that there were a large number of debt agencies and charities and it would be easier to refer residents to them rather than create a whole new team to provide support in the way suggested in the report. Mr Melson was concerned that the teams were expanding unnecessarily. The Head of Housing & Social Inclusion explained that it was the intention to provide help to people in additional difficulties. He suggested that it would be helpful to have a report to a future HMCSC meeting which focused on future welfare reforms. The Chair suggested that there could be a report on the impact of welfare reform upon council tenants.
- 8.11 The Head of Tenancy Services stressed that the small team would be co-ordinating a proactive approach of helping people in financial risk.
- 8.12 Mr Melson referred to paragraph 3.19. He questioned why there would be two roles of Neighbourhood Team and Community Wardens. The Head of Tenancy Services explained that the Community Warden role would be deleted, but the functions that the Community Wardens currently undertake would continue through the work of the new neighbourhood team.
- 8.13 Mr Melson referred to Appendix 1 – New Housing and Social Inclusion Structure Chart which referred to a Travellers Liaison Team. He asked why travellers were getting special attention as opposed to other cultures/ethnicities. He considered that people should all be treated the same. The Head of Housing & Social Inclusion explained that council services were for everyone and for all ethnicities. However, travellers came to the city and the council had an obligation to travellers and the settled community. The team on the structure chart was a small team of 2 Traveller Liaison Officers and an administration officer.
- 8.14 Councillor Farrow stated that he was broadly in favour of the changes to be implemented. However he considered that they were not radical enough. He was in favour of a flat management structure. This would lead to more money being made available for services. The Head of Customer Access and Business Improvement agreed that there was the potential for future savings in the staff structure.
- 8.15 Councillor Farrow expressed concern about the change from Community Participation Officer to Resident Involvement Officer. He considered that there would not be the links with associations. The Head of Customer Access & Business Improvement stressed that residents would continue to be supported.

- 8.16 Councillor Jarrett considered the report to be very good. With regard to money advice, he stressed that voluntary organisations were seeing an increased demand and were seriously overstrained. They were also under financial stress.
- 8.17 Roy Crowhurst asked how the changes impacted on sheltered housing. The Head of Tenancy Services explained that sheltered housing was not directly affected. She was still the head of service.
- 8.18 David Murtagh was supportive of the changes and stressed that under the current system, being allocated a particular housing officer could cause problems if they were not in the office and no-one else was able to answer a specific query.
- 8.19 The Head of Housing & Social Inclusion reported that officers were in the process of finalising changes. He considered that there would be many improvements for the housing service.
- 8.20 **RESOLVED** – (1) That the changes detailed in the report be noted.

The meeting concluded at 5.02pm

Signed

Chair

Dated this

day of

Subject:	Constitutional Matters		
Date of Meeting:	20th June 2012		
Report of:	Monitoring Officer		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Key Decision:	No		
Wards Affected:	All		

For General Release**1. SUMMARY AND POLICY CONTEXT**

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of its urgency sub-committee.

2. RECOMMENDATIONS

- 2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted;
- 2.2 That the establishment of a Housing Management Consultative Sub-Committee with the terms of reference as detailed in appendix B to the report be approved; and
- 2.3 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council meeting on 26 April 2012 agreed the new constitution for the City Council. The new constitution came into force at the conclusion of the Annual Council meeting on 17 May.
- 3.2 Article 6 of the constitution, incorporates a schedule of all the Committees/Sub-committees established in the new constitution together with a summary of their respective functions.

The Housing Committee – Terms of Reference

- 3.3 The terms of reference of the Housing Committee are set out in the new constitution. This Committee has overall responsibility for the Council's housing functions including: Council housing; private sector housing; strategic

housing including the housing investment program; homelessness and allocations; tenancy relations; housing loans and grants and has responsibility for housing related support services.

- 3.4 These terms of reference should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

- 3.5 The membership of the committee is set at 10 Members of the council.
- 3.6 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18 to 24, apply to meetings of the Housing Committee.

Programme Meetings

- 3.7 Ordinary meetings of the Housing Committee are scheduled to take place on the following dates during 2012/13:

Wednesday 20 June 2012
Wednesday 26 September 2012
Wednesday 14 November 2012
Wednesday 16 January 2013
Wednesday 6 March 2013
Wednesday 1 May 2013

- 3.8 Meetings of the Committee will normally be held at Hove Town Hall and will start at 4.00 p.m.

Urgency Sub-Committee

- 3.9 The Constitution states that 'each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The Membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of one Member from each of the three political groups on the Council.
- 3.10 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.'

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 All Members considered and approved the new constitution on the 26th April 2012.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no specific financial implications arising from this report. It is expected that the overall effect of the introduction of the new constitution will be cost neutral.

Finance Officer Consulted: Name Anne Silley Date: 23/05/12

Legal Implications:

- 5.2 The Council's constitution complies with the requirements of the Localism Act 2011, the Local Government Act 2000, the Local Authorities (Constitutions) Direction and relevant guidance.

- 5.3 There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Elizabeth Culbert Date: 23/05/12

Equalities Implications:

- 5.4 There are no equalities implications arising from the report.

Sustainability Implications:

- 5.5 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.6 There are no crime & disorder implications arising from the report.

Risk and Opportunity Management Implications:

- 5.7 The provision of this pay policy statement provides greater transparency to enable the public to understand and challenge local decisions of pay and reward of the council's workforce.

Public Health Implications:

- 5.8 There are no public health implications arising from the report.

Corporate / Citywide Implications:

- 5.9 There are no corporate or city wide implications arising from the report..

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations are being put forward in line with the requirements of the constitution.

SUPPORTING DOCUMENTATION

Appendices:

1. (A) Economic Development & Culture Committee Terms of Reference.
2. (B) Housing Management Consultation Sub-Committee Terms of Reference.

Background Documents

1. The Constitution

HOUSING COMMITTEE

Explanatory Note

This Committee has overall responsibility for the Council's housing functions, including Council housing, homelessness, allocations and standards of housing in the area.

Delegated functions

1. To discharge the Council's functions as a housing authority and, without prejudice to the generality of this paragraph, to discharge the specific functions set out in the following paragraphs.

2. **Strategic and Private Sector Housing**

To discharge the Council's functions in relation to:

- (a) The Council's housing strategy;
- (b) Homelessness and the allocation of housing;
- (c) Private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
- (d) Tenancy relations and the provision of housing advice;
- (e) Housing loans and grants.

3. **Housing Landlord Functions**

To discharge the Council's functions as a housing landlord including the management of property within the Housing Revenue Account and associated properties.

4. **Housing Related Support Services**

To exercise the Council's functions for the commissioning of housing related support services.

HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE

Explanatory Note

This is a Sub-Committee of the Housing Committee. The Sub-Committee will act in a consultative capacity in the discharge the Council's functions as a housing landlord, including residential leases granted by the Council. The Sub-Committee will include non-voting tenant representatives.

Delegated functions

1. Tenant Consultation

- (a) To manage and supervise the Council's tenants participation scheme and such other consultation with tenants as may be necessary;
- (b) To consider reports from officers and presentations received through the tenants' consultation scheme, to advise and to make recommendations to the appropriate Committee.

Subject:	Appropriation of 243 and 245 Preston Road Brighton to the Housing Revenue Account		
Date of Meeting:	Housing Committee 20 June 2012 Policy and Resources Committee 14 July 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Carol Jenkins	Tel: 29-3832
	Email:	Carol.jenkins@brighton-hove.gov.uk	
Ward(s) affected:	Withdean		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 In October 2008 Full Council on the recommendation of Cabinet and with the unanimous support of the Housing Management Consultative Committee and cross party support authorised the leasing to Brighton & Hove Seaside Community Homes (Seaside) of 106 named Housing Revenue Account dwellings formerly used as temporary accommodation and in need of investment. These are a key part of the 499 properties to be leased to this housing Local Delivery Vehicle (LDV), which was set up by the council to raise investment to improve council homes, meet strategic housing and corporate priorities and refurbish the leased stock.
- 1.2 Those 106 dwellings included 15 vacant units in two converted Victorian houses with shared facilities and four prefabricated bungalow units in the gardens at 243 and 245 Preston Road, Brighton. It has now come to light that, although these properties are included in the Housing Revenue Account dwellings register and had long been used by the council's housing department as temporary housing accommodation, the council's ownership was never formally transferred from corporate (Policy and Resources) to the Housing Revenue Account (HRA).
- 1.3 It is therefore proposed that the Policy and Resources Committee regularise the position by formally appropriating these properties to the HRA. Firstly, this would enable the refurbishment and leasing of vacant units in very poor condition to proceed as planned and agreed with Seaside. Projected rental income from leasing of these units on 1 October 2012 is important to Seaside's business plan, which is underwritten by the council. It is unlikely that additional properties meeting the agreed criteria for leasing to Seaside would be available to substitute for these units in the next 18 months or more. Secondly, the large rear gardens – which would not be leased to Seaside – may also have potential to build some new council housing, subject to a formal Planning view and an options appraisal which has been commissioned.

2. RECOMMENDATIONS:

2.1 That the Housing Committee recommends:

2.1.1 That the Policy and Resources Committee agrees the appropriation of the 19 dwellings comprising 15 flats and four bungalow units and the land at 243 and 245 Preston Road, Brighton to the council's Housing Revenue Account.

2.1.2 That the Policy and Resources Committee notes the earlier Cabinet and Council decisions to lease dwellings at these properties to Brighton & Hove Seaside Community Homes as part of the LDV project in September and October 2008.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 On 9 October 2008 Full Council on the recommendation of Cabinet and with the unanimous support of the Housing Management Consultative Committee and cross party support, authorised the making of an application to the Secretary of State for consent to lease to Brighton & Hove Seaside Community Homes (Seaside) 106 Housing Revenue Account (HRA) dwellings listed in a schedule in Part 2 of the agenda under the requirements of s32 Housing Act 1985 and any additional application necessary or incidental to the granting of such leases or under any other relevant legislation. Cabinet, with continuing cross party and Housing Management Consultative Committee support, finally approved the proposed arrangements for leasing to Seaside on 16 September 2011.

3.2 These dwellings are a key part of the 499 properties to be leased to Seaside under the housing Local Delivery Vehicle (LDV) project, whose purpose is:

- To bring in additional investment to improve council homes, to assist in meeting Decent Homes Standard and tenant aspirations for improvement of the council housing stock.
- To meet strategic housing and corporate priorities. In particular, to provide accommodation for people with particular needs to whom the council owes a housing duty.
- To refurbish the leased stock.

The LDV project and the capital receipts it generates for the HRA are critical to the council achieving its objective of bringing all council tenants' homes up to the government's Decent Homes Standard by the end of 2013.

3.3 The 106 dwellings specifically identified and agreed for leasing to Seaside had all been used as temporary accommodation. They included 19 units at 243 and 245 Preston Road, Brighton: 15 units in the two converted Victorian houses with shared kitchens and bathrooms and four prefabricated bungalow units in the gardens. These are empty units in very poor condition which require significant works to bring them up to a lettable standard and make all into self contained flats. Investment raised by Seaside will help fund the necessary improvement works to bring the properties back into use if they are leased as planned. The leasing of these properties is integral to the LDV project and Seaside's business plan and financial model agreed with and underwritten by the council.

3.4 As explained in the report to Cabinet on 16 September 2011, the council is carrying out refurbishment works to former temporary accommodation properties

before they are leased. Whilst the four prefabricated bungalow units at Preston Road may now all be beyond reasonable repair and unsuitable for leasing, Housing officers have obtained planning permission for refurbishment of the main buildings and agreed a works programme, through the HRA's repairs and improvements partnership with Mears.

- 3.5 These works need to start on site very soon in order to lease the units in accordance with the programme and financial model agreed with Seaside and underwritten by the council. Eighteen refurbished units at 243-245 Preston Road were scheduled to be leased to Seaside on 1 October 2012 in the financial model (16 in the main buildings including new loft conversions plus two bungalow units). If the appropriation of the buildings does not take place Housing officers do not expect other HRA properties that meet the agreed leasing criteria to become available to substitute for the modelled units at that time. Whilst 18 additional units that meet the leasing criteria may become available for leasing in years three to five of the LDV project, the council might be called upon to make up the loss in Seaside's rental income in the meantime. The eighteen units were modelled to produce £2,786 per week in rental income for Seaside from 1 October 2012.
- 3.6 The large rear gardens – which are not part of the agreed leasing arrangements with Seaside – may also provide a possible development opportunity for the HRA to build homes on council land, in line with the council's corporate plan and housing commissioning priorities. An options appraisal has been commissioned. The obsolete prefabricated bungalow units and part of the garden land will not therefore be included in the leases to Seaside when the units are included in a batch disposal as provided for in the suite of documents related to the LDV project. However any backland redevelopment will be subject to planning policies.
- 3.7 243 Preston Road was acquired by the council in 1956 for housing and road widening and 245 Preston Road in 1957 for road improvements. The properties were, however, used for many years as HRA temporary accommodation. They are included in the HRA dwellings register and have long been considered and treated as owned by the HRA. It has now come to light that no formal appropriation to the Housing Revenue Account has ever taken place and the properties are still held by Policy and Resources. It is therefore proposed that the Policy and Resources Committee regularise the position by formally appropriating these properties to the HRA, which will enable the refurbishment and leasing of vacant units in very poor condition to proceed as planned and agreed with Seaside.
- 3.8 Alternatively, the properties could be retained by Policy and Resources and put on the market for sale. A market valuation, prepared on the basis that 243-245, including the four bungalow units, would be refurbished and available on an affordable basis, is in the order of £540,000. The valuers consider that demand for sites for affordable housing in the city by registered providers of social housing remains reasonably buoyant. Whilst there might be space for additional development at the rear, the verbal Planning comment was that additional backland development would not generally be favoured in this location which is within a conservation area. If it is possible to obtain consent for more than four

units in the back gardens, albeit for affordable development, the market assessment would be higher than £540,000.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Throughout the development of the LDV project council tenants and leaseholders have been consulted and informed through numerous updates in Homing In magazine, meetings for tenant representatives, presentations to Area Housing Management Panels and information sheets sent to resident representatives and available on our website. The four Tenant Board Members of Seaside – who are council tenants appointed by the council’s Area Panels – have provided written and oral updates to each Area Panel meeting since 2009. Housing Management Consultative Committee has been consulted prior to all proposals put to Cabinet for decision and continued to support the project.
- 4.2 Seaside and its board members are aware that Cabinet and Full Council agreed in 2008 that units at 243 – 245 Preston Road should be leased to Seaside and have been expecting that to proceed for several years.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The appropriation to the HRA must take place in order for the vacant units to be leased to Seaside, they cannot be leased directly from the General Fund (GF). The council has provided a rental income guarantee under the LDV scheme. If the units are not leased to Seaside then the probability of triggering payments under the guarantee are significantly increased as replacement units will be very hard to identify particularly as turnover in the housing stock has declined under current economic conditions. The annual rent associated with the 18 units modelled in the Seaside business case is the equivalent to about £145,000 per annum based on current rents. Alternatively the site could be sold and Members have complete freedom to decide how any receipt is used, so it could be allocated in full to housing. Based on existing planning consents Cluttons have estimated the market value of the site to be about £540,000. Once the site has been appropriated to the HRA any capital receipt generated by a decision to sell part or all of the site will be caught by pooling arrangements.

Finance Officer Consulted: Mark Ireland

Date: 16/05/12

Legal Implications:

- 5.2.1 The purpose of this report is to appropriate the land shown on the plan to the HRA. Section 122 of the Local Government Act 1972 permits the council to appropriate land held for one purpose for use for any other purpose for which the council is authorised to acquire land by agreement.
- 5.2.2 Any inclusion of some of the residential units and gardens in a subsequent Batch disposal to Seaside will be actioned in accordance with existing arrangements regarding such leases and any proposal for development of the remainder of the site to be appropriated will be the subject of a further report in due course.

Lawyer Consulted: Bob Bruce

Date: 03/05/12

Equalities Implications:

- 5.3 An equalities impact assessment identified that the LDV project will offer greater access to higher quality accommodation to vulnerable households that was previously in short supply. The project provides settled accommodation to vulnerable households who hitherto have found decent standard accommodation difficult to access. If appropriated to the HRA, these properties will be refurbished into self contained flats and leased to Seaside. There may be potential for additional affordable housing for people in housing need to be developed in the rear gardens.

Sustainability Implications:

- 5.4 Seaside has access to funding to help pay to refurbish these housing properties and bring them back into use if they are leased as planned. In so doing it will meet housing needs, contribute to council priorities to address sustainability as an integral part of all service delivery and contribute to the UK's Sustainable Development Strategy.

Crime & Disorder Implications:

- 5.5 Providing stable accommodation to some of the city's most vulnerable households reduces the downward spiral of poverty. It also limits and helps prevent dysfunctional behaviour which unchallenged can lead to crime and disorder. The leasing of properties to Seaside as a provider of good standard accommodation is expected to have a positive impact on crime and disorder within the city, as is bringing these long term empty properties back into use.

Risk and Opportunity Management Implications:

- 5.6 A risk management strategy has been in place for the LDV project from its inception and risk share agreed with Seaside and approved by Cabinet. If these properties are not appropriated to the HRA, it will be unable to lease the agreed number of HRA units at the scheduled dates for Seaside's business plan, which is underwritten by the council.

Public Health Implications:

- 5.7 The investment generated by leasing these properties to Seaside will be used to refurbish the leased units and the council's retained housing stock and thus improve the health and well being of residents.

Corporate / Citywide Implications:

- 5.8 Retaining these properties within the LDV project provides access to funding to help bring empty council homes in very poor condition back into use and deliver this priority project as planned and agreed.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Previous reports to Cabinet set out the options that had been explored and rejected for funding investment in the council's housing stock in order to bring all council homes up to standard. Leasing of the properties formerly used as temporary council housing is critical to the LDV project and Seaside's business plan. The council bears the risk if Seaside's rental income is reduced because the HRA is unable to supply vacant properties meeting the agreed leasing criteria in line with the financial model. If the properties are appropriated, any potential

for backland redevelopment of the site subject to planning would benefit the HRA.

- 6.2 The alternative option for the properties would be retention by Policy and Resources, with the possibility of selling the site for redevelopment. A provisional valuation based on assumption of the refurbishment of 243 and 245 and the four bungalows for affordable housing obtained from Cluttons (without access to the premises) provides a market value estimate achievable from an open sale with the benefit of existing planning consents in the order of £540,000. The current planning permissions (which expire this autumn) are to convert the properties from Houses in Multiple Occupation to self contained affordable housing flats. If alternative consent could be obtained even for affordable housing, whereby the number of units could be increased, the value of the site could increase significantly. Further redevelopment of the backland on the site would be subject to planning policy and has not been included in the Cluttons valuation figure. Any capital receipt achieved would go towards supporting the council's priorities and the capital programme.
- 6.3 In either case the council would retain the potential to achieve more affordable development on the sites subject to planning consent.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To formalise the long practice of these properties being treated as HRA properties and enable the council to proceed to refurbish units in the properties and lease them by the required deadline for the LDV project and Seaside's business plan.

SUPPORTING DOCUMENTATION

Appendices:

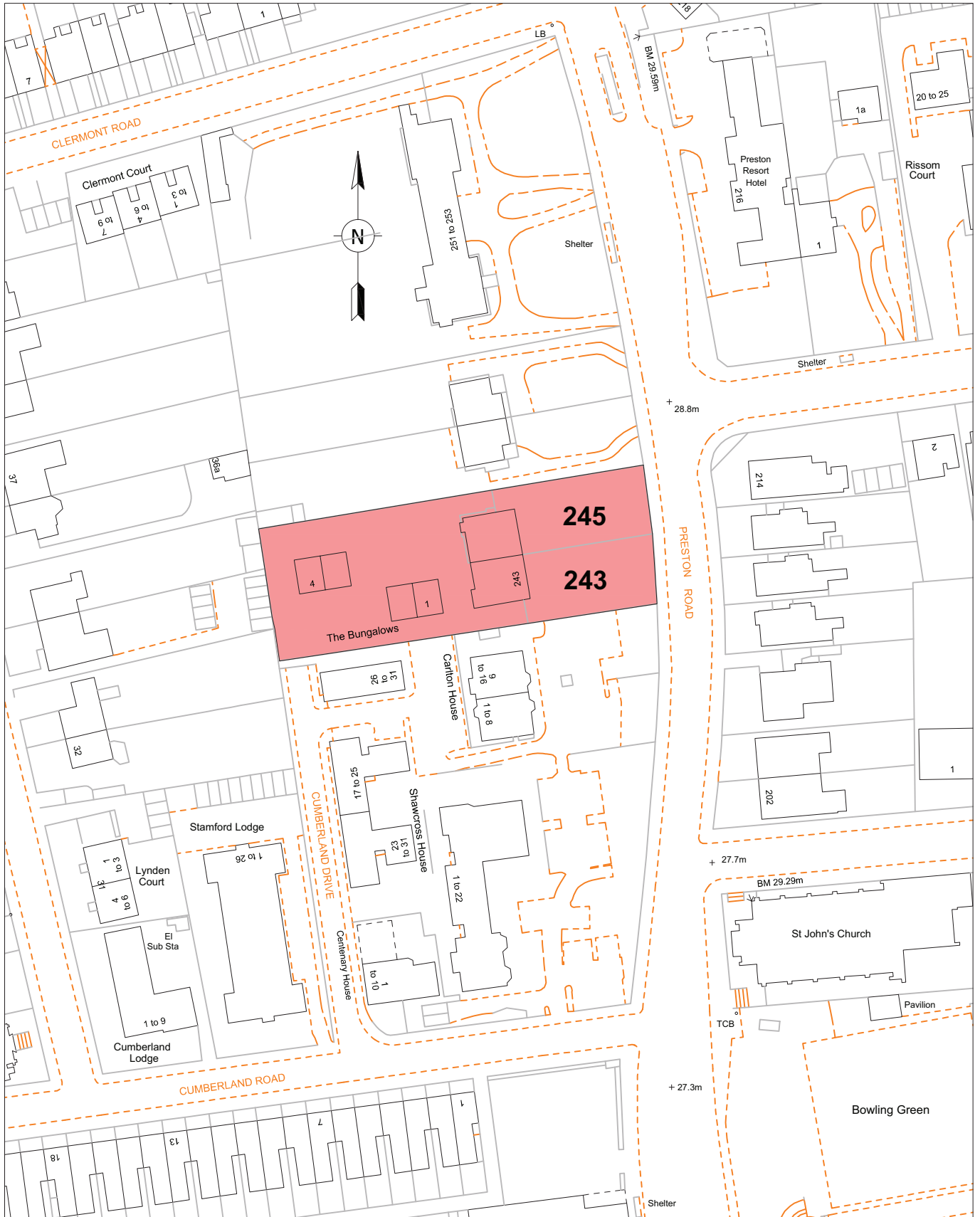
Appendix: Map of 243-245 Preston Road, Brighton

Documents in Members' Rooms

None

Background Documents

1. *Local Delivery Vehicle* report to Cabinet 24 September 2008
2. *A Housing Local Delivery Vehicle* report to Full Council 9 October 2008
3. *Proposed leases to Brighton & Hove Seaside Community Homes Ltd* report to Cabinet 16 September 2011
4. *Seaside Homes Information sheet - October 2011* ([http://www.brighton-hove.gov.uk/downloads/bhcc/housing/council_housing/Seaside Homes Information Sheet for residents.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/housing/council_housing/Seaside_Homes_Information_Sheet_for_residents.pdf))



Appropriation of 243 and 245 Preston Road Brighton to the Housing Revenue Account

Appendix: Map of 243-245 Preston Road Brighton

Subject:	Proposed Additional Licensing Scheme for Houses in Multiple Occupation (HMO) & Amendment of Standards for Licensed HMOs.		
Date of Meeting:	20 June 2012		
Report of:	Strategic Director Place		
Contact Officer:	Name:	Martin Reid	Tel: 293321
	E-mail:	Martin.reid@brighton-hove.gov.uk	
Key Decision:	Yes		
Wards Affected:	Five wards: Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park		

For general release

1. Summary & Policy Context

- 1.1 This paper outlines proposals to license smaller Houses in Multiple Occupation (HMOs) in five wards, as a proportionate response to proactively improve property standards and management in this type of accommodation.
- 1.2 Resident & community feedback, consultation and other evidence has led us to consider our response to issues arising in wards where we have very high concentrations of smaller HMOs that our current mandatory licensing scheme doesn't cover.
- 1.3 The resident population in Brighton & Hove is predicted to increase from 256,300 in 2009 to 269,000 in ten years. The private rented sector as a whole is growing, including the number of HMOs, as demand rises and fewer households access owner occupation. The city has a relatively small social housing sector. Brighton & Hove City Council values our very large private rented sector, (at around 104,100 properties comprising at least 23% of the whole housing stock) and wants to see a strong, healthy and vibrant market. The sector has an important role in providing housing for those not wishing or able to consider home ownership, or for those to whom social housing is not an option, as well as providing housing for the city's large student population. In particular the sector:
 - Is economically advantageous as it caters for a highly mobile population;
 - Supports university growth to benefit local economy, labour market and cultural offer;

- Offers flexibility and capacity that is key to addressing housing need in the city;
- Supports investment in improving city housing stock;
- Supports direct and indirect employment, including in local trades and businesses.

- 1.4 The council is keen to ensure that the sector meets the demands placed upon it by the housing needs of the wide range of private rented tenants by providing well managed and quality accommodation and we strongly support voluntary arrangements such as accreditation. Private landlords and estate agent representatives are both members of the Strategic Housing Partnership and officers regularly attend meetings of landlord groups.
- 1.5 However, the private rented sector does have some problems for which statutory regulation, particularly licensing is required. The city has over 10 times the national average number of Houses in Multiple Occupation (HMOs). These are amongst the more difficult to manage properties in the sector. In some HMOs the standards of management and living conditions can be poor, for example research has shown the risk in HMOs from hazards such as fire can be as much as four or more times higher than the risk in a residential property occupied by a single household. Licensing allows local authorities to proactively identify and engage with landlords, particularly with the less responsible private landlords.
- 1.6 As well as improving conditions and safety in HMO properties, licensing has significant social and financial benefit to the general economy of the city. It maintains the buoyancy of the rental market by ensuring that the better landlords are not disadvantaged by non-compliant landlords.
- 1.7 Mandatory HMO licensing, which applies nationally, is aimed at those HMOs that present the highest risk, namely those of three storeys or more and occupied by five or more persons, who are not living together as a single family or other household.¹. Currently over 800 properties have been licensed under the existing mandatory licensing scheme.
- 1.8 In addition to these larger HMOs we are aware that there are potentially between 1,500-3,000 smaller HMOs concentrated in the Lewes Road corridor that our current licensing scheme does not cover, among which there is evidence of unsatisfactory management, disrepair and inadequate safety standards.
- 1.9 It is proposed that the additional licensing scheme would therefore cover smaller HMOs of two or more storeys and three or more people in the wards of: Hanover & Elm Grove; Moulsecoomb & Bevendean; St

¹ See sections 258 (5) and 259 of the Housing Act 2004 and Regulations 3 and 4 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. (SI 2006/ 373) for the definition of other households (and persons to be regarded as a member of such a household).

Peters & North Laine; Hollingdean & Stanmer; Queen's Park, so that these properties can be proactively targeted in the same way.

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

1.11 The aim of this report and accompanying appendix is to show compliance with these sections of the Act by supplying the detailed evidence required to support the proposal, including full details of the consultation exercises undertaken. It also seeks approval of changes to the HMO standards.

Through evidence and consultation we have sought to demonstrate the case for additional licensing to address issues arising with management and standards of smaller HMOs in the five Lewes Road wards by showing:

- Disproportionate levels of complaints, interventions and housing pressures arising in the five wards where we have demonstrated a concentration of HMOs;
- Door to door consultation demonstrating that over 70% of residents and 80% of businesses in these wards would like to see additional licensing of smaller HMOs in these wards.

1.12 In particular, in support of the recommendations, the detailed evidence in relation to the five wards in the report and Appendix 1 shows the following:

- Disproportionate homeless approaches from the 5 wards;
- Disproportionate empty private sector homes arising in the 5 wards;
- Disproportionate requests for assistance received by Private Sector Housing in relation to issues such as disrepair, lack of heating / hot water and damp in these wards;
- Higher rates of investment of housing renewal funding;
- Higher levels of Private Sector Housing enforcement action;
- Management and standards issues arising from a recent survey of c.500 smaller HMOs in these wards;
- Disproportionate levels of refuse and noise complaints;
- Higher levels of anti-social behaviour;
- Higher levels of mandatory licensed HMOs, with experience of issues arising and beneficial impact on management and standards from implementing the mandatory scheme;
- Case studies.

- 1.13 If Committee approves the designation of the additional licensing area as outlined in this report it is proposed that the designation will come into force, following statutory notification requirements, on 5 November 2012 for a period of 5 years.

2. Recommendations

It is recommended that Housing Committee:

- 2.1 Notes the results of the consultation and evidence gathering exercise undertaken in relation to the proposed additional HMO Licensing Scheme as set out in this report and in Appendix 1.
- 2.2 Designates the wards of Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park as subject to additional licensing under S56(1) of the Housing Act 2004 in relation to smaller Houses in Multiple Occupation of two or more storeys and three or more occupiers. The designation comes into force from 5 November 2012 and will last for 5 years.
- 2.3 Approves the council's revised HMO standards (as set out in Appendix 2)
- 2.4 Approves the fee structure (as set out in sections 3.11-3.14) that will apply to additional HMO Licensing schemes for Houses in Multiple Occupation;

3. Background to the report

Details of the proposed Additional HMO Licensing Scheme

- 3.1 It is proposed that an Additional HMO Licensing Scheme is introduced for the following wards, Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park for five years, from 5 November 2012.
- 3.2 Under additional licensing proposals landlords and managers of smaller HMOs would have to:
- Meet appropriate personal and professional standards of conduct
 - Upgrade poorer buildings to minimum health and safety standards including fire and electrical safety
 - Exercise appropriate management and supervision of the buildings to help reduce any adverse impact of HMOs on the neighbourhood
 - Meet council standards for licensable HMOs.
- 3.3 If adopted, the scheme will be reviewed against objectives after two years of implementation.

- 3.4 If adopted as proposed, the Additional HMO Licensing Scheme will apply to all HMOs of two or more storeys within which there is some sharing of facilities and which are occupied by three or more persons comprising two or more households in the five wards already outlined.
- 3.5 For the avoidance of doubt, the proposed additional licensing scheme does not apply to any HMO to which the mandatory licensing scheme applies. Also, the proposed designation will not apply to any building which is a HMO as defined in S257 of the Housing Act 2004, relating to certain converted blocks of flats.

Legal Background

- 3.6 The Housing Act 2004 introduced the mandatory licensing of HMOs that have 3 or more storeys, are occupied by 5 or more persons who are living in 2 or more households and within which there is some sharing of facilities. It also allows the discretionary licensing of HMOs and other private rented housing to meet local needs in certain circumstances.
- 3.7 Sections 56 and 57 of the Housing Act 2004 provide local authorities with the power to designate an area as being subject to an Additional HMO Licensing Scheme in respect of some or all of the HMOs in that area that are not already subject to mandatory licensing.
- 3.8 Additional Licensing schemes may be introduced for a period not exceeding five years and can be used to address problems that may exist in sub-standard converted self-contained flats and smaller HMOs.

Criteria for establishing an Additional HMO Licensing Scheme

- 3.9 Before introducing an Additional HMO Licensing Scheme, the council must comply with the specific requirements set out within sections 56 and 57 of the Housing Act 2004. This includes being satisfied that a significant proportion of the HMO's proposed under the additional scheme are being managed sufficiently ineffectively. Consultation must also take place and the scheme must be consistent with the authority's overall housing strategy.
- 3.10 In detail, before making an additional HMO licensing designation for a particular type of HMO, or for a particular area, a local authority must:
 - a) ***consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public²;***

There is a concentration of HMOs in the five wards along the Lewes Road 'corridor' - Hanover & Elm Grove; Hollingdean & Stanmer; Moulsecoomb & Bevendean; St Peters & North Laine; and Queens

² Housing Act 2004 Section 56(2)

Park. 70% (598) of all large HMOs licensed under the mandatory licensing scheme are located in these wards and it's estimated from council tax records and the electoral roll that there could be between 1,500 and 3,000 small HMOs in the five wards that fall outside mandatory licensing.

We have been evidencing issues since 2008, following reporting of University of Brighton research on the issues to Strategic Housing Partnership, including a scrutiny report on Students in the Community on 28 January 2010 and the Student Housing Strategy in 2009. The full report in Appendix 1 presents a range of data showing that levels of council activity to address complaints about unsatisfactory housing conditions in the five wards is significantly higher than the city average. This information highlights particular problems with disrepair and dampness, which are significantly higher in these wards.

Complaints received about nuisance resulting from noise and rubbish problems are significantly higher in the five wards compared to the rest of the city. These are nearly two and a half times higher in respect of rubbish issues and over two and a half times higher in respect of noise problems, with the five wards being in the worst six city-wide for noise problems. In addition levels of anti-social behaviour recorded by the Police are over one and a half times higher in the five wards.

The council's Private Sector Housing Team has a good track record in resolving requests for assistance through informal and, where necessary, formal enforcement action. In the five Lewes Road wards levels of this kind of activity are between one and a half to two and a half times the average for other wards in the city. In addition, the council has invested over £2.5m in financial assistance (40% of the overall budget) during the past five years to address unsatisfactory housing conditions in the five wards. However, despite this significant investment of staff and financial resources the level of housing related complaints received in the five wards continues to increase year on year. Looking to the future, capital investment through grants or other financial assistance to help encourage landlords of small HMOs to carry out essential improvements is no longer an option due to public sector funding constraints.

The recent Council doorstep survey of a sample of c.500 smaller HMOs in the five Lewes Road wards confirms there is cause for concern with some aspects of management. Results from the survey suggest that 22% of smaller HMOs had no form of smoke detection and with those that did have half were relying on battery powered smoke detectors. 34% of tenants either had not seen a gas certificate or did not know if they had and 56% had not seen an electrical certificate or did not know if they had. A significant proportion of tenants (31%) reported some disrepair or dampness. In addition, 30% of all front gardens of small HMOs were observed to be untidy.

Taken together the full report (Appendix 1) concludes that problems with the management of HMOs in the five Lewes Road ‘corridor’ wards are not limited to a handful of individual properties. The evidence suggests that the problems are more widespread and that a significant proportion of all HMOs in the five wards are being managed sufficiently ineffectively. This is giving rise to problems for those occupying HMOs and members of the local community. These problems cannot be addressed by mandatory licensing as the majority of HMOs in the five wards are small and fall outside the remit of the national scheme. All the indications are that the range of ‘tools’ in the toolkit available to the Council are insufficient on their own to tackle the problem of poor management of smaller HMOs.

- b) ***consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question,***

A full options appraisal was undertaken (Chapter 5 in Appendix 1)

Eight possible options for tackling substandard and ‘problem’ smaller HMOs in the city were identified by stakeholders and appraised by a panel against the key objectives of the proposed additional licensing scheme. These were:

- Do nothing.
- Do the minimum - intervention in the small HMO sector limited to a basic ‘complaint response’ service
- Informal area action – setting up an action area as an impetus for action
- Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs).
- Article 4 Direction (Planning) only
- Area-based voluntary accreditation of landlords
- City-wide accreditation scheme
- An area based additional licensing scheme in the five wards.

The outcome of the option appraisal process was that an area-based licensing scheme for HMOs achieved the highest score as best meeting the objectives for securing the Council’s vision for the private rented sector and the contribution that small HMOs can make towards this.

- c) ***consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).***³
- d) ***consider that making the designation will significantly assist them to deal with the problem or problems (whether or not they take***

³ Housing Act 2004, Sections 57(4) and 81(4)

any other course of action as well).⁴

With regards to c) and d) , as outlined in the full report (Appendix 1) additional licensing will significantly assist the council to achieve the objectives and deal with the problems associated with smaller HMOs in the five wards by offering a level playing field whereby all landlords and lettings agents have to follow the same standards as opposed to the reactive/responsive situation currently in place.

The introduction of an additional licensing scheme will result in the following:

- Improvements to the appearance and condition of HMOs (including the gardens and outbuildings) and the environmental impact they have on the local neighbourhood.
- Improvements to health and safety, as gas and electrical installations will be safe and fire precautions will be in place.
- Increased awareness of management issues including fire safety, the control of rubbish and waste, and the maintenance of communal areas, gardens, and gas / electricity installations.
- landlords/lettings agents will be prevented from managing licensable HMOs if they are assessed as being not a 'fit and proper' person.

Other, indirect improvements would include the following:

- Improvements to accommodation, achieved through the use of the Housing Health and Safety Rating System especially in situations where there is excess cold or the property is not secure.

e) *consult persons likely to be affected by the designation.*

Following government guidance, and the requirements in the Housing Act, full and extensive consultation on the proposed additional licensing scheme has taken place with residents, landlords and agents, local businesses and the local universities using online consultation, printed survey forms and at meetings. Appendix 1 contains a report which provides full details on the legal requirement of the consultation process, the purpose of the consultation that was carried out and the outcomes that were obtained. Within this appendix are also copies of surveys and the tabulated results and comments of these questionnaires.

f) *ensure that the exercise of the power is consistent with their overall housing strategy*⁵;

As outlined in the attached report (Appendix 1), additional licensing will contribute positively to the aims of the Housing Strategy 2009-14, the Student Housing Strategy that sits underneath it and the Private Housing Renewal Policy by regulating smaller HMOs. Supporting this proposal the council is also proposing changes for the planning process concerning small Houses in Multiple Occupation (HMOs) in the city and is currently giving

⁴ Housing Act 2004 Section 57(4)

⁵ Housing Act 2004, Sections 57(2) and 81(2)

consideration to adopting an Article 4 direction to require a planning application for any change of use from single dwelling house (C3) to a small HMO (C4) in the five wards with high concentrations of HMOs. It should be noted that Article 4 looks to the future changes to single dwelling houses whereas Additional Licensing would deal with the existing situation.

Additional licensing will also ensure that the accommodation is of a good standard, meets acceptable housing standards and is well managed by fit and proper persons.

- g) *seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others.***⁶

The Council and its partners have an excellent track record of multi agency working and ensuring a co-ordinated approach in dealing with homelessness, empty properties and anti-social behaviour as outlined in the attached report (Appendix 1).

Using additional licensing will make effective use of all available powers and resources, enable the Private Sector Housing Team to ensure that additional licensing complements the other action that is being taken to improve neighbourhoods' and reduce the impact of poorly managed and maintained HMOs.

- f) *have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question***⁷,

There are three Codes of Practice currently approved for the purposes of section 233: -

- * Universities UK/Guild HE Code of Practice for the Management of Student Housing, dated 17th August 2010
- * ANUK/Unipol Code of Standards for Larger Developments for Student Accommodation Managed and Controlled by Educational Establishments, dated 28th August 2008
- * Accreditation Network UK/Unipol Code of Standards for Larger Developments for Student Accommodation Not Managed and Controlled by Educational Establishments, dated 20th February 2006

The first two relate to buildings managed by educational establishments and which are, as a result, exempt from HMO licensing legislation when controlled by an establishment that is formally signed up to the Code. This covers both local universities.

⁶ Housing Act 2004, Sections 57(3) and (81(3)

⁷ Housing Act 2004 Section 56(5)

The third – covering buildings not managed by educational establishments - relates only to buildings occupied by 15 or more students. No such buildings have been identified in the five wards in question and it is therefore considered that none of the Codes of Practice has material relevance in the consideration of the proposed additional licensing scheme.

B Alterations to Brighton & Hove City Council's Standards for Licensable Houses in Multiple Occupation

3.11 The Housing Act 2004 enables Local Housing Authorities to set local standards for licensable Houses in Multiple Occupation. Brighton & Hove City Council standards were approved in 2006 and they incorporate the standards prescribed by national regulations. Officers have reviewed the standards and, in the light of experience over the past five years, certain changes are proposed (where the council has discretion) to improve conditions for tenants and management of the houses.

The proposed revised standards are attached in **Appendix 2** and were included in the consultation for additional licensing. 77 people commented on the standards, (30% of whom were landlords). 60% of all respondents thought the revised standards would contribute positively to conditions in HMOs. Of those less supportive, many commented on the fact that they thought the standards too onerous for landlords.

C HMO fees structure

3.12 The fee that is set must justifiable and representative of each individual local authority's process. Setting higher fees may, therefore, be open to challenge. The fee will cover the life of the licence for 5 years.

3.13 The Council will charge a fee to cover its costs associated with running the scheme. The proposed fee structure is based on the Sussex fee calculator agreed by all Sussex Local Authorities for mandatory HMO licensing. This should, therefore, avoid confusion for those landlords familiar with the mandatory scheme and has the benefit and robustness of County consensus on how a fee is calculated.

3.14 The fees are therefore set out below, based on existing mandatory fee structure adjusted to reflect costs associated with running the proposed additional licensing scheme for smaller HMOs. As the HMOs affected are generally smaller properties than mandatory licensed properties fees will be reduced as shown below where there are less than five sharers/lettings. As under the mandatory license fee structure adjustments are £12 per shared in a single tenancy shared property and £48 per letting in a multiple tenancy HMO.

3.15 Using the average licence fee figure of £641 for five years, this works out at around £2.46 a week for a whole property.

There are two levels of fee for HMO licensing.

Single tenancy shared houses- This would include all shared student houses or houses let to a group of professionals. There would be one tenancy agreement listing all of the occupants. The fee goes up or down according to the number of occupiers.

Multiple tenancy lets - Multiple tenancy properties include houses let as bedsits or houses where there are some self-contained flats and some bedsits. With this type of property each letting will have its own tenancy agreement. The fee goes up or down according to the number of lettings but any self-contained units are excluded when the fee is calculated.

License Fee Setting for smaller HMOS	Standard mandatory HMO fee for a 5 person/letting HMO adjusted for proposed additional licensing scheme	Reduction -£12 for each person under 5 (applies in reverse for over 5)	Proposed Additional Licensing Fee
Single Tenancy shared house 3 person	£590.00	£24.00	£566.00
Single Tenancy shared house 4 person	£590.00	£12.00	£578.00
Multiple Tenancy Lets 3 lets	£782.00	£96.00	£686.00
Multiple Tenancy Lets 4 Lets	£782.00	£48.00	£734.00

There may be a small number of five person/lettings HMOs in two storey properties, for which the 5 person/letting fee in the table above will apply. It is anticipated that there could also be some six, seven or even more person/lettings in two storey HMOs, for which the fee will be adjusted by adding the appropriate amount, as in the examples below: -

Single Tenancy shared house 5 person	£590.00	£0.00	£590.00
Single Tenancy shared house 6 person	£590.00	£12.00	£602.00
Single Tenancy shared house 7 person	£590.00	£24.00	£614.00
Multiple Tenancy Lets 5 Lets	£782.00	£0.00	£782.00
Multiple Tenancy Lets 6 Lets	£782.00	£48.00	£830.00
Multiple Tenancy Lets 7 Lets	£782.00	£96.00	£878.00

4. Consultation

- 4.1 Extensive consultation has taken place on the proposal, and in total 1504 people responded to the questionnaire. A detailed breakdown of responses is detailed in Appendix 1
- 4.2 A summary of responses is provided below:

Would you like to see an additional licensing of smaller HMOs in the proposed areas?					
	yes	no	don't know	not answered	Totals
initial consultation	40 (22%)	133 (73%)	10 (5%)	0	183
portal	136 (44%)	173 (56%)	0 (0%)	2	311
door to door	713 (71%)	81 (8%)	146 (14%)	70 (7%)	1010
	889	387	156	72	1504
	59%	26%	10%	5%	

4.3 Overall 59% of people who were questioned or who responded via the consultation portal supported the proposals and 26% did not, although the views of landlords and agents were much less supportive towards the scheme.

4.4 The initial consultation took place from 5 January 2011 to 30 March 2011. A total of 183 responses were received, 73% of those who responded disagreed with the proposal. Given the relatively low number of responses and the need to ensure any decision on implementation of the proposal is based on sufficient evidence and justification for an additional licensing scheme that is compliant with Housing Act 2004 legislation and guidance, it was agreed at Housing Cabinet Member Meeting on 18 January 2012 to extend the consultation.

- The extended public consultation opened on 19 January 2012 and ran until 31 March 2012. It was publicised on the council's web site and in the local Press. 311 people responded via the consultation portal.
- 1010 door to door surveys were carried out with residents and businesses in the wards between 16 February and 21 March 2012.
- 4000 leaflets giving information about the consultation and inviting views were dropped of at dwellings and businesses in the wards between 16 February and 21 March 2012.
- Public consultation took place at various Local Area Team resident meetings between 8 February 2012 and 19 March 2012, where some attendees raised some of the issues they were experiencing from HMOs in the wards.
- A presentation on the proposed additional licensing scheme took place at meetings with the National Landlords Association (NLA), Southern Landlords Association (SLA), Accredited Landlords and Strategic Housing Partnership (SHP) between 14 February 2012 and 23 April 2012.
- Meetings also took place with representatives of Universities and Student Unions from both University of Brighton and University of Sussex

- Overall 64% of people who responded to the extended public consultation would like to see additional licensing schemes in the area although many landlords and agents expressed opposition to additional licensing (detailed in Appendix 1).
- Generally there is stronger support of licensing for those living or running businesses in the five wards with, from the door to door survey:
 - 71% saying they would like to see additional licensing introduced
 - 81% of business responding would like to see additional licensing introduced

5. Financial and other implications

5.1 Financial Implications:

The proposed fees have been set at a level that is reasonably expected will cover the costs of providing the service. They have been based on estimated officer time and associated costs involved in processing the applications, inspections, monitoring and enforcement as well as relevant overheads. Based on processing 2000 licences over the five year period, it is estimated that the resources required would equate to three Technical/ Environmental Health Officer posts and two support posts per year. It is estimated that the cost of providing this service over the five year period will be £1.282m with projected income based on an average £641 fee being £1.282m. It is anticipated that the majority of applications will be received in the first year of operation and it is therefore intended to resource the service flexibly in response to demand.

Finance Officer Consulted: Michelle Herrington

Date: 11/06/2012

5.2 Legal Implications:

The legal framework for the introduction of additional HMO licensing is set out in the body of the report. Designation of the 5 wards cannot come into force unless the designation has been confirmed by the Secretary of State, or falls within a general approval. The proposed designation falls within the 2010 General Approval. If a designation is made, section 59 of the Housing Act 2004 provides for publication of a notice confirming the fact of designation. It is not considered that any individual's human rights are adversely affected by the recommendations.

Lawyer Consulted:

Name Liz Woodley

Date: 18/05/12

5.3 Equalities Implications:

A full equalities impact assessment has been undertaken and is attached in Appendix 1. No negative consequences of additional licensing were identified.

5.4 Sustainability Implications:

Maintenance and improvement of existing housing stock is generally more sustainable than continued deterioration. Licensing of HMOs should improve standards for the residents in those homes and the liveability of residential areas more generally.

5.5 Crime & Disorder Implications:

Additional licensing will assist the Private Sector Housing to have a better understanding of the problems in the five wards. This in turn should be helpful in addressing concerns about crime and disorder and in some cases additional licensing will help reduce the likelihood of neighbourhood nuisance

5.6 Risk and Opportunity Management Implications:

The risks associated with the proposals in this report have been managed in compliance with the Council's risk management strategy and a full risk log is attached in appendix 1

5.7 Corporate / Citywide Implications:

- Additional Licensing will have a positive impact on residents in the five wards, particularly for those living in smaller HMOs.
- Proposals to further consult on Additional Licensing are considered alongside Planning proposals to implement Article 4 directions to control numbers of new HMOs.
- Residents in other parts of the city may consider that issues that have led to proposals for additional licensing in the five identified wards also exist in their area.
- Experience with mandatory licensing suggests that additional licensing would have no significant adverse effect on property supply.

6. Evaluation of Alternative Options

6.1 These are outlined in section 3.9 (b) – Options Appraisal and in Appendix 1

7. Reasons for report recommendations

7.1 These are addressed above and in the relevant appendices

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Additional Licensing for Houses in Multiple Occupation. – Full Report

Appendix 2 – Revised Standards for Licensable Houses in Multiple Occupation HMOs (circulated separately).

Background Documents

1. Housing Act 2004 – Houses in Multiple Occupation Licensing Fees and Additional Licensing - Housing Cabinet Member Meeting - 5th January 2011
2. Additional Licensing for Houses in Multiple Occupation (HMOs) Consultation & Admendment of Standards for HMOs- Housing Cabinet member Meeting 18th January 2012
3. Brighton & Hove City Council Student Housing Strategy 2009-2014
4. Brighton & Hove City Council Students in the Community Scrutiny Report – 28 January 2010
5. Brighton & Hove City Council Housing Strategy 2009-14
6. Department of Communities and Local Government (DCLG) – Licensing of Houses in Multiple Occupation in England
7. DCLG – Approval steps for additional and selective licensing designations in England

Appendix 2

Standards for Licensable Houses in Multiple Occupation

The proposed new standards are underlined and highlighted

The associated current standards are typed in bold text

The reasons to change the standard are typed in italics

Standards for Licensing of Houses in Multiple Occupation (HMO)

These are the standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or individuals.

These Standards should be read alongside the Operating Guidance scheduled in the Housing Health and Safety Rating System and The Licensing & Management of Houses in Multiple Occupation & Other Houses (Miscellaneous Provisions) (England) Regulations 2006 - Schedule 3.

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PART 1 - SHARED HOUSES

Washing Facilities

Amenity Standards in Relation to Number of Persons	
Up to 4 occupiers	<p>At least 1 bathroom and 1 WC (the bathroom and WC may be in the same room)</p> <p>Wash hand basin required in bathroom and in separate WC (if provided)</p>
5 occupiers	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom)</p>
<p>Proposed 6 - 8 occupiers</p> <p>Current 6-10 occupiers</p> <p><i>Reason</i></p>	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>2 bathrooms with 2 WCs and wash hand basins</p> <p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms).</p> <p><i>Some smaller houses with 6, 7 and 8 occupiers cannot accommodate the separation of two WC compartments.</i></p>
9 – 10 occupiers	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms)</p>
11-15 occupiers	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms)</p>

Bathroom means a room containing a bath or shower.

- All baths, showers & wash hand basins should be equipped with an adequate supply of cold & constant hot water and be connected to an appropriate drainage system.
- All baths, showers & wash hand basins should be equipped with adequate splashbacks (300mm to baths & wash hand basins, full heights for showers) with an adequate waterproof seal between the splashbacks and the fitting.

Current All baths, showers & wash hand basins should be equipped with adequate splashbacks (300mm to baths & wash hand basins, full heights for showers) **with an adequate waterproof seal.**

Reason: To clarify the requirement for an effective waterproof seal.

- All bathrooms should be suitably & adequately heated & ventilated (see heating section below in Part 3 - adequate mechanical ventilation in accordance with Approved document F of the Building Regulations 2006.)
- All bathrooms & toilets should be of an adequate size & layout.
- All bathrooms should be of an appropriate size to provide adequate changing & drying space for the users
- All WCs and bathrooms should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.
- All bathrooms & WCs should be conveniently and suitably located in or in relation to the living accommodation in the HMO
- All WC compartments should contain a wash hand basin equipped with adequate splashbacks and waterproof seal

Current: Not included in standards

Reason: To improve standard of amenities.

- No WC compartment should open directly onto an area of kitchen where food is prepared unless mechanical extract ventilation and a wash hand basin is provided in the compartment
- Personal washing or WC facility should not normally be more than one floor distant from the sleeping accommodation

Kitchens

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

(a) there should be a kitchen, normally not more than one floor distant, suitably located in relation to the living accommodation, & of such layout and size and equipped with such facilities so as to safely enable those sharing the facilities to store, prepare and cook food;

(b) the kitchen should be equipped with the following equipment, which should be fit for the purpose & supplied in a sufficient quantity for the number of those sharing the facilities:

- (1) sinks with draining boards;
- (2) an adequate supply of cold (from rising main) & constant hot water to each sink supplied;
- (3) installations or equipment for the cooking of food;
- (4) electrical sockets;
- (5) adequate worktops for the preparation of food
- (6) cupboards for the storage of food or kitchen & cooking utensils;
- (7) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer);
- (8) appropriate refuse storage and disposal facilities;
- (9) appropriate extractor fans, fire blankets & fire doors;
- (10) dining facilities (either within the kitchen or in a separate room on the same storey)

FACILITY	MINIMUM STANDARD	UP TO & INCLUDING 5 PERSONS	>THAN 5 PERSONS – UP TO 9
sinks with draining boards; an adequate supply of cold & constant hot water to each sink supplied;	A fixed impervious sink, with a drainer. It should be provided with an adequate and wholesome supply of cold water & a adequate supply of constant hot water	1 for up to 5 occupiers	1 per 4 occupiers or part thereafter – a dishwasher may be considered as an alternative to an additional sink Current: Not included in stds <i>Reason: To give landlords an option in smaller kitchens.</i>
installations or equipment for the cooking of food; (Cooker)	The primary facility should comprise an electric or gas hob with 4 rings and an oven with a grill.	1 for up to 5 occupiers	1 per 4 occupiers or part thereafter – a microwave oven may be considered as an alternative to an additional cooker
electrical sockets;	30amp supply for an electrical cooker. Points should be set at a convenient and safe position.	6 sockets (3 doubles) Additional dedicated sockets are required for a	An additional double for each two occupiers over 5 sharing. Additional dedicated sockets

		cooker, refrigerator and washing machine.	are needed for additional cookers, refrigerators and washing machines.
worktops for the preparation of food;	The worktops should be secure, fixed & of an impervious material	1500mm (length) x 600mm (depth)	Additional 500mm length per user.
cupboards for the storage of food or kitchen & cooking utensils;	Single cupboard (wall or floor mounted) per person. This excludes any cupboard under a sink.		Capacity to be increased proportionately for each additional occupant.
refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer);		A standard sized combined fridge/freezer	Additional fridge/freezer for up to 9 occupiers
appropriate refuse disposal facilities;	The refuse facilities should not cause problems of hygiene or attract pests & should not obstruct the means of escape in case of fire.	A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally & externally	A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally & externally
appropriate extractor fans;	Electrical extractor fan in accordance with approved document F under the Building Regulations 2006.	As minimum standard	As minimum standard
appropriate fire blankets;	To be supplied but not to be sited immediately adjacent to or over a cooker	To be supplied but not to be sited immediately adjacent to or over a cooker	To be supplied but not to be sited immediately adjacent to or over a cooker

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

Current: Kitchen floors should be slip resistant, impervious and easily cleansable.

Reason: To confirm that kitchen floors should have a floor covering.

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

If there are 10 or more occupants a second fully equipped kitchen should be provided.

Room Sizes

(1) a child (regardless of age) will be considered as a separate occupant in terms of these standards

(2) the minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space:

Proposed:

<u>Shared Houses</u>	<u>No. of Occupiers</u>	<u>Size</u>
<u>Kitchen (without dining facilities)</u>	<u>5</u>	<u>9m²</u>
<u>Kitchen (with dining facilities in it)</u>	<u>5</u>	<u>14m²</u>
<u>Separate dining room</u>	<u>5</u>	<u>10m²</u>
Bedroom - single	1	6.5m ²
Bedroom - double	2	10.2m ²

If there are 6 – 9 occupiers of the building, an additional 1m² per occupier is required for the kitchen or kitchen with dining facilities in it. If there are 10+ occupiers, additional rooms of the same dimensions are required. If there are 3 occupiers, the kitchen, or kitchen with dining facilities, may be reduced by 2m². If there are 4 occupiers, the kitchen, or kitchen with dining facilities, may be reduced by 1m².

Conservatories which do not have suitable fixed heating and thermal insulation in accordance with current Building Regulations, will not be counted as a bedroom, lounge, dining room or kitchen.

Current:

Shared Houses	No. of Persons	Size
Lounge*	Up to 5	11m²
Kitchen (with lounge)*	Up to 5	7m²
Kitchen (without lounge)*	Up to 5	10m²
Kitchen with dining*	Up to 5	11.5m²

The table was included with 'Bedsits'. The entry regarding conservatories is not included in the current standards.

Reason:

- The current standards for licensable 'shared' HMOs require a space for dining, which may be in the kitchen, a lounge or dining room. A separate lounge is not a requirement.
- Some landlords have changed rooms used as a lounge and separate dining room in traditional 'family' homes into bedrooms and allocated space for dining in the kitchen. This has increased the number of occupiers in the house.
- The small increases in the room sizes proposed above will ensure that tenants have adequate space for safety in the kitchen.
- Where the kitchens are too small, a dining room will need to be provided. .
- The new proposed table of room sizes clarifies the requirements and is more user friendly.
- Where conservatories have been created and used as the only shared living and / or dining space issues of thermal comfort have arisen for occupiers and noise and light issues have been reported by neighbours. It is therefore proposed that only conservatories which fully comply with Building Regulations, including suitable fixed heating and thermal insulation, will be considered as meeting the room standards for HMO licensing purposes. This will avoid excess cold issues for the tenants and insulation may also provide a noise barrier for neighbours.

PART 2 – BEDSIT / NON-SELF CONTAINED UNITS

Shared Bathrooms

Amenity Standards in Relation to Number of Persons	
Up to 4 occupiers	At least 1 bathroom and 1 WC (the bathroom and WC may be combined) Wash hand basin required in bathroom and in separate WC (if provided)
5 occupiers	1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom)
6 - 8 occupiers	2 bathrooms with 2 WCs and wash hand basins
Current 6-10 occupiers	1 wash hand basin required where practicable in each sleeping room plus 2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms).
<i>Reason</i>	<i>Some smaller houses with 6, 7 and 8 occupiers cannot accommodate the separation of two WC compartments</i>
9 – 10 occupiers	2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms)

11 -15 occupiers	3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms)
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Individual Bathrooms

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

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation.

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

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

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

All bathrooms should be suitably & adequately heated & ventilated (see heating section above- adequate mechanical ventilation in accordance with Approved document F of the Building Regulations 2006.)

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

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

Kitchens

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

- (a) Adequate appliances & equipment for the cooking of food;
- (b) A sink with an adequate supply of cold (from rising main) & constant hot water;
- (c) A work top for the preparation of food;
- (d) Sufficient electrical sockets;
- (e) A cupboard for the storage of kitchen utensils & crockery;
- (f) A refrigerator;
- (g) A slip resistant, impervious and easily cleansable floor covering.

Current: Not included

Reason: To improve standards

FACILITY	MINIMUM STANDARD	EACH UNIT
a sink with an adequate supply of cold & constant hot water;	A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and a adequate supply of constant hot water	Per unit
adequate appliances & equipment for the cooking of food;	A cooker with at least two rings with an oven and a grill. Rings should be at a height level with adjacent worktops.	Per unit
sufficient electrical sockets;	Points should be set at a convenient height & safe position.	4 sockets (2 doubles) Additional dedicated sockets are required for a cooker & refrigerator.
a work top for the preparation of food;	The worktop should be secure, fixed & of an impervious material	Minimum size 600mm X 1000mm (in useable sections – do not include area underneath microwave or cooker) Current: Not included <i>Reason: microwaves and cookers have been placed on worktops and the area is unusable.</i>
a cupboard for the storage of kitchen utensils & crockery;	Standard floor or wall mounted cupboard. The space below the sink unit is not acceptable to comply with this standard.	
a refrigerator	A standard refrigerator	A refrigerator with a minimum capacity of 0.15m ³

Room Sizes

(1) a child (regardless of age) will be considered as a separate occupant in terms of these standards

(2) the minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space:

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

Conservatories which do not have suitable fixed heating and thermal insulation in accordance with current Building Regulations, will not be counted as a bedroom, lounge, dining room or kitchen.

Current: Not included

Reason: See above

PART 3 – ALL HMOS

HEATING

Each unit of living accommodation in an HMO shall be equipped with adequate means of space heating capable of reaching and maintaining 21°C **regardless of the weather**.

Current: heating capable of reaching and maintaining 21°C when the external temperature is +5°C.

Reason: The current requirement is confusing to landlords and tenants

- Adequate fixed space heating to be provided in every room including bathrooms and (where space allows) kitchens.
- The heating should be provided with controls to allow the occupants to regulate the temperature within each individual letting room.
- Heating systems should be designed to be of adequate size for the dwelling.
- Adequate structural thermal insulation should be provided to the building. This would include minimum 270mm of mineral wool insulation material in any loft or accessible eaves area, **or equivalent insulation value if alternative material is used, e.g. ridged insulation board.**

Current: Not included

Reason: To provide an alternative

GAS SAFETY

If gas is supplied to the property, the licence holder must provide the Council with a copy of the current gas safety certificate(s) to cover the common ways and all rented parts of the property. This certificate should state that the full gas installation, covering the supply pipes, flues and gas appliances are safe for operation.

The annual inspection must be carried out by a **Gas Safety Registered Engineer**. (No longer 'CORGI' in the regulations). The Gas Safety and Use Regulations 1998 (as amended) require an inspection to be carried out annually.

A safety certificate must be retained for at least two years following its issue. The safety of the gas installation and appliances must be constantly maintained.

ELECTRICAL SAFETY

All electrical appliances made available by the licence holder should be in a safe condition. Declarations as to the safety of the appliances should be provided.

The licence holder must provide the Council with a copy of Form 6 produced by the Institute of Electrical Engineers for a periodic inspection and report based on Appendix 6 of BS 7671 which is used when carrying out routine periodic inspection and testing of existing electrical installations. The report must cover the whole installation. The inspection must be carried out by a competent electrical engineer to show that the installation is safe and satisfactory and may have been obtained within the last 5 years. Further information may be obtained from the Institute of Electrical Engineers (website www.iece.org.uk). **As a minimum requirement carry out all work required to rectify recommendations by the report classified as 1- 'requires urgent attention', 2 'Requires Improvement' and 3 'Requires further investigation'.**

Current: Not included in standards

Reason: To provide more information to landlords on the safety requirements

FIRE PRECAUTIONS

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. **For guidance see the Local Government Regulation publication: LACORS Housing - Fire Safety Guide, (website www.lacors.gov.uk).**

Current: Not included in standards

Reason: To provide more information to landlords on the safety requirements

TESTING OF FIRE ALARMS AND EMERGENCY LIGHTING

When a fire alarm and emergency lighting system have been installed, the licence holder must provide the logbook for inspection by the council. This logbook will need to demonstrate that correct maintenance of the systems has been carried out. Correct maintenance will include annual tests and periodic checks, in accordance with British Standard 5839 Part 6 & Part 1. The applicant must make provision for future inspections to be carried out.

FURNISHINGS

All soft furnishings supplied by the landlord to tenants must comply with the relevant safety tests (as prescribed under the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)).

All furniture will be labelled to show that it complies with these tests. These labels must not be removed.

Advice on fire and furnishings may be sought from Trading Standards, telephone 08454 040506.

LANDLORD AND TENANT RIGHTS AND OBLIGATIONS

There is a need to ensure that tenants are aware of their rights and also their obligations and that these will be enforced. The council requires that the licence holder should provide tenants with a written statement of their tenancy rights and obligations to include a clause on anti-social behaviour. This may be displayed in a suitable position and be readily visible to residents in the house. Tenants will be required to take reasonable care to avoid causing damage in the property and any nuisance to their neighbours and that if these requirements are disregarded the licence holder may instigate possession proceedings.

The licence holder should undertake to inform tenants about rubbish collection, causing excessive noise and other potential causes of conflict and about their responsibility to comply with any reasonable arrangements made in respect of the means of escape from fire and anything provided by way of fire precautions. All occupiers regardless of tenure should recognise their responsibility with regard to these matters. The licence holder should ultimately bear some responsibility for any **continuing** nuisance caused by tenants and should undertake to discuss complaints from neighbours with tenants and, **when**

asked to do so by the council, should produce evidence to show that they are taking appropriate action to enforce tenancy conditions relating to nuisance prevention.

Current: Not included in standards

Reason: When neighbours of HMOs complain of noise, some landlords do not take appropriate action to try and prevent noise nuisance and the inclusion of the above will highlight that they have responsibility to do so.

A licence holder may seek help from the council's Housing Options Team in relation to difficulties with tenants arising from drug and alcohol misuse. This Team can help support private sector landlords by helping vulnerable tenants to meet their tenancy obligations and retain their accommodation.

The manager or licence holder must display a visible notice in a suitable position in the house containing the name and address and telephone number of the person managing the house including an emergency contact number and ensure that necessary amendments are regularly made to this notice.

DISPOSAL OF RUBBISH

The Local Authority requires that the licence holder or manager of the HMO should ensure that refuse is not allowed to accumulate in the house except where properly stored pending disposal. There must be:

1. Suitable **and appropriately sited** refuse containers provided which are on a scale adequate to the requirements of the residents;
2. Supplementary arrangements for the disposal of refuse from the house as may be necessary having regard to any service provided by the local authority.

Other than in areas of the city where communal street bins are provided for use by residents, the local authority undertakes to collect the refuse from properties on a certain day once per week **and recycling once per fortnight.** **The licence holder should notify the tenants of the collection days for refuse and recycling.**

If there is no adequate space to store rubbish within the boundaries of the house from week to week and no way of providing extra space, the licence holder / Manager may have to make arrangements for extra collections.

The Licence Holder should ensure that at the end of each tenancy any rubbish or unwanted household goods left behind should be removed and disposed of appropriately before the start of the next tenancy. In particular, any rubbish or goods left in front or back gardens or the pavement in the front of the HMO should be removed immediately.

Current: Not included in standards

Reason: To improve the areas in front of the HMOs where rubbish is stored and to avoid unsightly accumulations of rubbish which are a nuisance to neighbours and attract vermin.

ENERGY PERFORMANCE CERTIFICATES

Energy Performance Certificates (EPCs) give information on how to make your home more energy efficient and reduce carbon dioxide emissions. All rented homes require an EPC. The Local Authority requires that the licence holder or manager of the HMO must

provide a copy of the most recent EPC for the property, including the recommendation report with suggestions on how to reduce energy use and carbon dioxide emissions.

Current: Not included in standards

Reason: Advice on new legislation

ADVICE

The license holder / Manager should comply with all the requirements of the Housing Act 2004 and relevant regulations, which relate to the Housing Health & Safety Rating System and the management of HMOs. There is more information available on these matters on the Private Sector Housing pages of the council's website www.brighton-hove.gov.uk.

Current: Not included in standards

Reason: To provide advice on legislation.

At the start of a tenancy, each unit of accommodation must be in a clean condition and good repair before the tenants move in. The manager must ensure the common parts of the house are repaired and maintained in a clean condition and in good order.

In shared properties it is recognised that the cleaning of shared facilities is usually the tenants' responsibility. However, it is the licence holder's responsibility to ensure this is monitored and addressed should any problems arise. Where the tenants have separate tenancies, it is the responsibility of the Manager to ensure that all common parts and shared facilities are cleaned on a regular basis, e.g. by employing a cleaner.

Current: Not included in standards

Reason: To improve conditions for tenants. Some landlords/letting agents do not adequately clean the property prior to new tenants moving in and also promise that repairs will be carried out but do not so.

The current regulations relating to the management of Houses in Multiple Occupation are The Housing (Management of Houses in Multiple Occupation) Regulations 2006. For help and advice telephone (01273) 293156 or email psh@brighton-hove.gov.uk.

For help and advice on fire and furnishings telephone 08454 040506 or email trading.standards@brighton-hove.gov.uk.

For help and advice on noise or other nuisances telephone: Hove Area (01273) 292424, Brighton Area (01273) 292400 or email EHL.environmentalprotection@brighton-hove.gov.uk.

For help and advice about the Tenancy issues telephone (01273) 294400 or email housing.advice@brighton-hove.gov.uk.

For help and advice on storage and collection of waste telephone (01273) 274674 or email at cityclean@brighton-hove.gov.uk.

If the HMO comprises of bedsits and or self-contained flats you may be required to carry out a Fire Safety Risk Assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005. Further information can be obtained from the East Sussex Fire and Rescue Service on 0845 130 8855 or www.esfrs.org. Detailed written guidance can be found in the Government's guide to fire safety in buildings where there are "sleeping risks". This can be obtained from bookshops, The Stationery Office Online (www.tsoshop.co.uk) or see the Government web site <http://www.firesafetyguides.communities.gov.uk> for details of how to download it.

For advice on Energy Performance Certificates see the website www.direct.gov.uk

Current: Not included in standards

Reason: To provide advice on new legislation.

Subject:	Decent Homes & Adaptations		
Date of Meeting:	20 June 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Glyn Huelin	Tel: 29-3306
	Email:	glyn.huelin@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. The council is currently part way through an extensive modernisation programme designed to ensure all council housing properties meet the Decent Homes Standard (DHS) by 31st December 2013. The Decent Homes Standard is the government standard for improving the condition of housing stock.
- 1.2. There is a locally agreed specification for carrying out refurbishment works to properties which is called the Brighton & Hove Standard.
- 1.3. On 22nd March 2012 full Council carried the Labour & Co-Operative Group's Notice of Motion on "Tenants with disabilities and the Brighton & Hove Standard". This motion asked for a report on the subject to be brought to Housing Committee.
- 1.4. This report sets out proposed changes to the delivery of the council's Housing Investment programme and the Brighton & Hove Standard in relation to properties where disabled adaptations have been carried out for the current tenant.

2. RECOMMENDATIONS:

- 2.1. That Housing Committee agrees a change to the Brighton & Hove Standard and the surveying process for Decent Homes whereby adaptations to the kitchen or bathroom carried out for the current tenant do not affect the eligibility of the property to have a replacement kitchen or bathroom installed.
- 2.2. That Housing Committee agrees the HRA capital budget will fund this change by carrying out any additional installations through the existing kitchens and bathrooms budgets in 2012/13.

- 2.3. That Housing Committee agrees that refurbishment works to those properties that have already been surveyed are phased over the financial years 2013/14 and 2014/15.
- 2.4. That Housing Committee agrees a review of the Brighton & Hove Standard will be started in 2012/13 for implementation after the planned achievement of decency in December 2013.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1. Joint working with Housing Adaptation
Strong partnership working is in place between the Housing Adaptations team and the council's Repairs & Improvement Partner Mears. The adaptations team check all new referrals with the programme to ensure replacement work and adaptations are done together. At the point of survey Mears ask the resident if they have any difficulties with bathing or using a standard kitchen and they can be referred to Housing Adaptations as a result. All necessary adaptations subsequently identified, whether kitchen or bathroom or both are acted upon so that the property meets the long term needs of the resident.
- 3.2. Where a resident has a permanent and substantial disability and an Occupational Therapist recommends adaptations to the kitchen and/or bathroom the necessary and appropriate adaptations are carried out by the Housing Adaptations team.
- 3.3. Current situation
A key element of the council's investment programme is the replacement of kitchens and bathrooms. Where a property has a kitchen and bathroom that both fail the Decent Homes Standard (DHS) residents are given a choice of which they would like to have replaced. The DHS only requires that one of the two rooms passes the assessments and therefore the council's investment strategy is that only one is currently replaced.
- 3.4. Currently, if a property has a bathroom that has already been substantially adapted and now meets the DHS the resident would not be offered a replacement kitchen. This is in line with the policy set out above in 3.3.
- 3.5. In some cases the resident may request a referral to Housing Adaptations after they have had their kitchen or bathroom replaced which could result in adaptations to the home in order to meet their needs.
- 3.6. This can mean that disabled residents receive different outcomes depending on whether their needs are identified before or after a kitchen or bathroom replacement. Where needs are identified before a

survey, significant adaptations may be carried out to a bathroom or kitchen. These adaptations may mean that the property meets the DHS and no further works would be undertaken to bring that property up to the standard. If a residents needs were identified after a replacement kitchen or bathroom was installed and those needs meant the property would need significant adaptations to a kitchen or bathroom then those adaptations would be undertaken and may result in both rooms being substantially replaced.

3.7. Proposed change

It is proposed that this process is modified so that when adaptations have been made to a property for a current tenant they are not taken into account when assessing whether the property meets the DHS. For example, with this change if a property has had a substantial adaptation to the bathroom and the kitchen fails the DHS then the kitchen will be replaced.

3.8. Analysis of the council's stock condition data indicates that this change will affect 112 dwellings; this may alter as individual properties are surveyed and detailed information is collected.

3.9. If agreed this change will be made to the surveying process with immediate effect. In addition, for properties that have already been surveyed and would be eligible for decent homes works under this changed process the partnership will programme kitchen or bathroom replacements over 2013/14 and 2014/15.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. The change proposed in this report was discussed with the Repairs & Improvement Partnership Core Group made up of Council Officers, Mears and resident representatives on 28/05/12. Following this a meeting of the Tenant Disability Network and the Repairs and Maintenance Monitoring Group considered and supported the changes on 30/05/12.

4.2. The Brighton & Hove Standard is a key part of the council's local offer to residents and has been developed with residents from the Asset Management Panel and approved through Housing Management Consultative Committee.

4.3. This report proposes that a full review of the standard is undertaken for implementation after the achievement of the DHS, the target for this is December 2013.

4.4. This review would be undertaken with involvement of residents and would reflect their priorities as well as ensuring adequate asset management of the council's housing stock. This will be supported by a full equalities impact assessment.

- 4.5. It is envisaged that this work will commence in early 2013 and be completed by autumn 2013 for implementation on the 1st January 2014.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The additional capital costs arising from this change to the current policy are estimated to be £250,000. This will be funded through the use of the existing 2012/13 Housing Revenue Account Capital Programme budgets for kitchens and bathrooms. The kitchen and bathroom replacements already surveyed with replacements to be phased over 2013/14 and 2014/15 will be included in the Housing Revenue Account Capital Programme budget strategies for these financial years.

Finance Officer Consulted: Susie Allen Date: 31/05/12

Legal Implications:

- 5.2 The Housing Committee has the necessary authority to agree the recommendations set out in section 2 above.

Lawyer Consulted: Liz Woodley Date: 08/06/12

Equalities Implications:

- 5.3 The current policy and process has been reviewed by both Housing & Social Inclusion and the Housing Adaptations team. There is evidence of good partnership working and the Housing Adaptations team carry out their statutory duty to adapt properties to meet resident's needs. This policy treats all residents consistently and enables support of residents who have additional needs within their homes.
- 5.4 The body of this report outlines a change to the current policy and process so that assessment against the DHS does not take into account any adaptations made to properties.
- 5.5 Initial work has been undertaken on an equalities impact assessment for this work area. This will be completed and published as part of the review detailed in section 4.

Sustainability Implications:

- 5.6 A new contract of this size has potential to impact on the city's environment and carbon emissions. The partnership will aim to minimise its impact on the environment by reducing waste and minimising carbon emissions from its operations.

- 5.7 The partnerships current business plan includes a number of sustainability activities including undertaking an assessment of the carbon impact of operations.

Crime & Disorder Implications:

- 5.8 None envisaged.

Risk and Opportunity Management Implications:

- 5.9 This change will mean that there are additional properties to refurbish with associated costs. Analysis of existing data indicates that this will affect 112 dwellings; this may change as individual properties are surveyed and detailed information is collected. Where a need to undertake work is identified it will be programmed into the appropriate year.

- 5.10 There are further opportunities to simplify and update the local investment standard. These will be considered in the full review of the Brighton & Hove Standard which will be started in 2013 and will be carried out in full consultation with residents.

Public Health Implications:

- 5.11 None envisaged.

Corporate / Citywide Implications:

- 5.11 The contract has the potential to bring significant benefits to the city and its residents. It is also important that a contract of this size does not have a negative impact on established local businesses.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None considered

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To address inconsistencies in the implementation of decent homes work for disabled residents who have had adaptations carried out and to set out the strategy for review of the Brighton & Hove Standard.

SUPPORTING DOCUMENTATION

Appendices:	None
Documents in Members' Rooms	None
Background Documents	None

