**Licensing Schemes for private rental properties**

# **Brighton and Hove City Council licensing scheme consultations**

(closing on 3 Jan 2024):

Brighton & Hove City Council are seeking resident feedback on their proposals to bring in private sector landlord licensing with the aim of improving the management and safety standards of private rented accommodation in Brighton & Hove.

Because of legislation the way they advertise these proposals has to be very formal and it had to open two separate licensing scheme consultations; however, the impact of those schemes were they to be approved by the Government would be very similar.

We have developed this briefing as an easy, quick guide to which consultation you should respond to and what the impact of the scheme would be to you as a tenant.

If you live in an HMO (a House in Multiple Occupation which means 3 or more adults sharing one property) you should answer the consultation questions here: <https://consultations.brighton-hove.gov.uk/housing/citywide-additional-licensing-scheme/>

If you live by yourself, with a family or as two adults in private rented accommodation then you should answer the selective licensing scheme consultation questions here: <https://consultations.brighton-hove.gov.uk/housing/selective-licensing-schemes-consultation/>

# **What is a licensing scheme?**

* It means private landlords who own properties in a licensing area are required to obtain a local authority licence
* Under the scheme, licensing will be compulsory - no landlord can rent out a property without a licence.
* Landlords have to pay for a licence under the scheme; the fee will be set by BHCC.
* Under the Licensing Schemesinspections are to be carried out to the properties: the inspections can occur before a licence is granted and/or after licensing in critical cases to ensure compliance with standards.

# **What standards do landlords have to meet through the schemes?**

According to the schemes, landlord should:

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

Before issuing a licence BHCC will:

1. Check that adequate management arrangements are in place
2. Check that there are adequate kitchen/ bathroom facilities for the number of tenants in the property
3. Check that fire precautions are put in place
4. Check that gas & electrical & fire alarm certificates are up to date
5. Assess HHRS hazards

# **The two new property licensing schemes in brief**

BHCC is currently proposing 2 licensing schemes: an Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) and a Selective Licensing Scheme for other private rented homes. Each scheme is proposed to run for up to five years.

Additional HMO Licensing Scheme is proposed to cover any HMO across the whole city. The scheme will apply to HMOs occupied by three or four people who are not from the same family and share a kitchen, bathroom or toilet. For example, a two-storey shared house or flat in a converted house, occupied by three or four people, with a shared kitchen, bathroom or toilet would require a licence.

Selective Licensing Scheme will cover other private rented properties, occupied by a family, couple or two unrelated tenants (sharers). For example, a family, couple or two sharers in a single or two storey house or flat are properties that would require a licence. It is proposed to cover 17 wards in the city where the council has the evidence it needs to show the government there is an issue with the quality of accommodation and its management.

Failure to licence a property could result in legal proceedings before a Court.

# **Are there any drawbacks to these Licensing Schemes?**

Although the Licensing Schemes are a step forward for safe and well managed housing, they aren’t a silver bullet fixing all the issues tenants face.

* Landlords might see their properties’ investment value decrease and say that they might seek to sell these properties.
* Tenants might run the risk of bearing most of the burden in terms of any additional costs being added to their rent.
* The schemes are by no means a cure for all housing issues and it won’t address the cost and supply issues the city has with private sector housing nor improve security of tenants from no-fault evictions which is an issue that was tabled in the House of Commons earlier this year but which has stalled. Please find more information in the following link: <https://www.insidehousing.co.uk/news/no-abolition-of-section-21-without-court-reform-government-reveals-83606>
* The schemes will only be effective if properly resourced in order to promptly respond to tenant complaints and take action accordingly. The fees charged for licences will be solely used to resource the scheme itself.

# **What are we asking residents to do?**

Citizens Advice Brighton and Hove is calling for residents living locally to provide evidence to the committee about their experiences with the private rented housing sector.

**We are asking people to provide their views by completing the online surveys created by the Council.**

The consultation is open now and will close on the 3rd of January 2024 so it is pivotal that it gets shared across residents’ networks and contacts to reach as many people as possible.

* People renting alone or with one other adult and/or as a family: To take part in the Selective Licensing Scheme survey please check this link here: <https://consultations.brighton-hove.gov.uk/housing/selective-licensing-schemes-consultation/consultation/subpage.2023-09-28.5781730281/>
* It is worth noting that this survey should be filled in by students that live as: single occupants or couples living together or students living with their families.
* People living in shared houses: To take part in the Additional Licensing Scheme Licensing Scheme survey please check this link here: <https://consultations.brighton-hove.gov.uk/housing/citywide-additional-licensing-scheme/consultation/subpage.2023-09-28.5781730281/>
* It is worth remembering that this survey needs to be filled in by students living in Houses in Multiple Occupation.

# **What happens next:**

At the end of the consultation, responses will be considered and a further report will be presented to the Housing & New Homes Committee in March 2024. Members would then decide on whether to proceed with their application to the Secretary of State for the new property licensing schemes.