

EXECUTIVE SUMMARY OF AGENDA ITEM 11
CABINET – October 4th 2015

REPORT TITLE: ACORN's Ethical Lettings Charter.

Ward(s) affected by this report: Citywide

Strategic Director: John Readman / Strategic Director People

Report author: Jonathan Mallinson Private Housing Manager & Jan Hamilton, Senior Projects and Policy Officer, Housing Policy and Contracts Team

Contact telephone no. 35 21807/ 35 21804

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RECOMMENDATION for the Mayor's approval:

1. Cabinet supports ACORN's work to improve the management and condition of homes in the Private Rented Sector in Bristol.
2. Cabinet note that ACORN intends to apply to be endorsed as an accrediting organisation under the West of England Rental Standard.
3. Cabinet note that the Council's Housing Delivery Service will abide by the relevant requirements in the ACORN Ethical Letting's Charter.
4. Cabinet agree that formal endorsement of the Charter and granting permission to use the BCC logo will be delegated to officers subject to conditions being met as set out in this report.
5. Cabinet agree that once the ACORN Charter has been formally endorsed this will be reported to full Council, demonstrating that the original motion which recommended endorsement has been fulfilled, and confirming the Council's support for improving property conditions and management for private tenants.

Key background / detail:

- a. Purpose of report:

To advise on the current position in relation to Scrutiny Commission's recommendation to endorse ACORN's Ethical Lettings Charter.

- b. Key details:

1. ACORN is a community based union which is campaigning for the voluntary reform of the private rented sector (PRS) in Bristol. ACORN promotes a scheme it calls "[The Ethical Lettings Charter](#)". Residential letting and managing agents or landlords can sign up to ACORN's Charter on a voluntary basis. The agents or landlords pledge that they will meet one of the three levels set out in the scheme – bronze, silver or gold.
2. A motion asking the Council to endorse ACORN's Ethical Lettings Charter was put to Full Council in March and was unanimously passed. The motion acted as a recommendation to the elected Mayor. Prior to his consideration of the motion he asked that it be considered by scrutiny.

The joint People and Neighbourhoods Scrutiny meeting on 13 April 2015 recommended that the elected Mayor endorse ACORN's scheme standing alongside the WoE Rental Standard.

3. The WoE Rental Standard was approved by Cabinet on 4th August 2015 and ACORN along with other Accrediting Organisations will be invited to apply to be endorsed by the WoE LAs once the scheme is launched this autumn. ACORN does not currently meet the WoE Rental Standard eligibility criteria.
4. Cabinet are asked to delegate formal endorsement by the Council of ACORN's Ethical letting's Charter and permission to use the BCC logo to the Service Director for Crime Reduction and Housing Solutions (Nick Hooper).
5. For formal endorsement to be given the delegated officer must be satisfied that ACORN's Ethical Lettings Charter entry level (Bronze) requirements must :
 - a) Set out clearly the standards landlords and agents need to meet.
 - b) Meet and exceed minimum legal requirements for landlords and agents.
 - b) Comply with Consumer Protection Law requirements in relation to "Charters".
6. If formal endorsement of the Charter by the delegated officer is given permission to use the Council's logo may also be granted by that officer. The use of the Council's logo will be subject to terms and conditions to protect the Council.
7. Officers support the aims of ACORN's campaign to improve the standards and management of privately rented properties and are working together constructively to allow formal endorsement of ACORN's Charter and to use the Council's logo.

BRISTOL CITY COUNCIL

CABINET

October 6th 2015

REPORT TITLE: ACORN's Ethical Lettings Charter.

Ward(s) affected by this report: Citywide

Strategic Director: John Readman / Strategic Director People

Report author: Jonathan Mallinson Private Housing Manager & Jan Hamilton, Senior Projects and Policy Officer, Housing Policy and Contracts Team

Contact telephone no. 35 21807/ 35 21804

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Purpose:

To consider endorsement of ACORN's Ethical Lettings Charter.

RECOMMENDATION for the Mayor's approval:

1. Cabinet supports ACORN's work to improve the management and condition of homes in the Private Rented Sector in Bristol.
2. Cabinet note that ACORN intends to apply to be endorsed as an accrediting organisation under the West of England Rental Standard.
3. Cabinet note that the Council's Housing Delivery Service will abide by the relevant requirements in the ACORN Ethical Letting's Charter.
4. Cabinet agree that formal endorsement of the Charter and granting permission to use the BCC logo will be delegated to the Service Director for Housing Solutions & Crime Reduction subject to conditions being met as set out in this report.
5. Cabinet agree that once the ACORN Charter has been formally endorsed this will be reported to full Council, demonstrating that the original motion which recommended endorsement has been fulfilled, and confirming the Council's support for improving property conditions and management for private tenants.

Background

1. The private rented sector (PRS) in Bristol is growing rapidly. The 2011 census reported the PRS accounted for 24.9% of all accommodation across the city, accounting for 45,571 properties. In certain areas the level of the PRS can be as high as 54% of all housing and in the case of properties in the discretionary licensing area, 75% of private rented accommodation have been found to be not decent. The demand for privately rented housing in Bristol and the surrounding area is very high, with demand outstripping supply. This means on the whole, that landlords and agents are in a strong position, with regard to what they offer the market.

ACORN's Ethical Lettings Charter – see Appendix 1

2. ACORN is a community based union which is campaigning for the voluntary reform of the private rented sector (PRS) in Bristol. ACORN promotes a scheme it calls ["The Ethical Lettings Charter"](#).
3. Residential letting and managing agents or landlords can sign up to ACORN's Charter on a voluntary basis. The agents or landlords pledge that they will meet one of the three levels set out in the scheme – bronze, silver or gold.
4. Currently two letting agents and three Housing Associations have signed up to the Charter. The Charter is supported by two MPs and other tenant's rights organisations.
5. A motion asking the Council to endorse ACORN's Ethical Lettings Charter was put to Full Council in March and was unanimously passed. The motion acted as a recommendation to the elected Mayor. Prior to his consideration of the motion he asked that it be considered by scrutiny.
6. The joint People and Neighbourhoods Scrutiny meeting on 13 April 2015 recommended that the elected Mayor endorse ACORN's scheme standing alongside the WoE Rental Standard.
7. The WoE Rental Standard was approved by Cabinet on 4th August 2015 and ACORN along with other Accrediting Organisations will be invited to apply to be endorsed by the WoE LAs once the scheme is launched this autumn. ACORN does not currently meet the WoE Rental Standard eligibility criteria.
8. Endorsed organisations must make an application and provide evidence of how they meet the WoE Rental Standard within their own schemes and includes not just minimum property conditions but also management standards; a monitoring and complaints procedure and the provision of regular training and updates of changes to legal requirements for their members. The organisation and LAs then sign a legal agreement if they wish to use the schemes badge to promote to themselves and their members as providers of good quality housing.
9. The two schemes are not in competition with each other as ACORN has the opportunity to operate along with other organisations with whom we are working to raise standards and good management practices within the private rented sector.

ACORN currently only operates in the Bristol boundary but the WoE Rental Standard will be adopted across the sub regional boundaries.

10. Officers advised in August they were in constructive dialogue with ACORN to explore how the Mayor might be able to formally endorse their scheme on the council's behalf.
11. Cabinet is asked to delegate formal endorsement by the Council of ACORN's Ethical Letting's Charter and permission to use the BCC logo to the Service Director for Housing Solutions & Crime Reduction.
12. For formal endorsement to be given the delegated officer must be satisfied that ACORN's Ethical Lettings Charter entry level (Bronze) requirements must :
 - a. Set out clearly the standards landlords and agents need to meet.
 - b. Meet and exceed minimum legal requirements for landlords and agents.
 - c. Comply with Consumer Protection Law requirements in relation to "Charters".

Further, that Silver and Gold requirements will incrementally build on Bronze requirements.

13. If formal endorsement of the Charter by the delegated officer is given, permission to use the Council's logo may also be granted by that officer. The use of the Council's logo will be subject to terms and conditions which set out the appropriate use of the logo.
14. The Council's Private Housing Service has advised landlords and agents of ACORN's Ethical Lettings Charter by including details of it in the Autumn edition of the "Landlords Newsletter" and in our newsletter for people in the Stapleton Road Licensing Area.
15. The motion to full Council asked the Council's own Housing Delivery Service to sign up to the same standards as in ACORN's Ethical Letting's Charter. Housing Delivery has already agreed to meet the same standards as in ACORN's Charter where they apply.
16. Many of the aims of ACORN for Private Rented Sector tenancies are already legal requirements that landlords have to meet. For example, tenancies in the council housing are secure, lifetime tenancies so are more secure than in the Private Rented Sector which are typically assured short-hold tenancies.
17. In summary, the outcome of the dialogue between the ACORN and the Council in this respect is that officers recommend that:
 - a. Cabinet support ACORN's work to improve the management and condition of homes in the Private Rented Sector in Bristol.
 - b. Cabinet note that ACORN intends to apply to be approved under the West of England Rental Standard.
 - c. Cabinet note that the Council's Housing Delivery Service will abide by the relevant requirements in the ACORN Ethical Letting's Charter.
 - d. Cabinet agree that formal endorsement of the Charter and granting permission to use the BCC logo will be delegated to the Service Director for Crime Reduction and Housing Solutions subject to conditions being met as

set out in this report.

Comments of the Trading Standards Service

18. Trading Standards protects the interests of consumers. In doing so it must consider how consumers would reasonably interpret the various documents associated with the 'Charter'.
19. Due consideration must be given to how consumers would interpret the words 'Charter' and "Accredited property professional".
20. The ordinary meaning of the word charter (as defined in the *Oxford English Dictionary Definition* is;
21. *"(Of an official body) give authority or sanction to (someone or something) when recognised standards have been met". A charter must define or mandate its function(s) and lay down rules for its conduct or governance.*
22. An essential feature of a 'Charter' is a clear set of standards and these must be measurable. The Charter as provided at Appendix 1 falls short of a set of Standards and is more akin to a set of principles and commitments (see Bronze, Silver & Gold standards).
23. In the absence of clear standards it therefore follows that this cannot be considered as an accredited process as there appears to be no initial or ongoing assessments as to the standards to be achieved by the signatory and crucially what those standards are.
24. Generally Codes, Charters or Accreditations aim to go above and beyond statutory law obligations or general normal professional practice within a sector and should look to set higher standards. Approval for a signatory is normally a rigorous and intensive process that continues throughout the accreditation or approval term with a clear, transparent and measurable set of standards above the legal minimum.
25. These standards should also be implemented prior to BCC committing its support through the use of its logo. Consumers will reasonably assume that prior to approval being given to the use of the logo that the Charter has been approved which of course is beyond the terms of use being offered.
26. The use of such terms is governed by Consumer Protection legislation and as such the current drafting of the Charter has the potential to mislead consumers which would fall to the Trading Standards Service to investigate.
27. None of this is insurmountable and Trading Standards will be able to provide guidance to ACORN to help implement the necessary standards before this can be considered a Charter.

Consultation and scrutiny input:

Internal liaison:

28. The Assistant Mayor for People was briefed on 3rd August 2015.

29. The Scrutiny Committee meeting 13th April 15 records the following minute:

“Standards and Management in the Private Rented Sector

30. *The People Scrutiny Commission met on the 13th April and considered a report on ‘Standards and Management in the Private Rented Sector’ as requested by the Mayor at the meeting of Full Council on the 17th March. The Neighbourhood Scrutiny Commission Members were invited to attend to participate in the discussion.*
31. *Following a presentation from the Officers the Commission Members agreed that the following recommendation be made to the Mayor;*
32. *That Bristol City Council endorse the ACORN Bristol Ethical Lettings Charter, committing to ensure Council owned and maintained properties meet the standards laid out in the Charter, and providing ACORN with the appropriate copyrighted logos or trademarks to allow ACORN to display this endorsement publicly’*
33. *‘That Bristol City Council invites ACORN to apply to have their Ethical Lettings Charter considered for approval under the WoE Rental Standard’.*”

External consultation:

ACORN said:

*“ACORN Response to "Cabinet Report ACORN - 4th October 15 v12.docx"
10.09.15*

34. *ACORN are delighted to have received the political support for our Ethical Lettings Charter of both the Bristol City Full Council Meeting in March 15 and the People & Neighbourhoods Scrutiny Committee Meeting in April 15.*
35. *Since then we have been pleased to continue constructive dialogue with Bristol City Council Officials with a view to implementing those decisions.*
36. *We are fully committed to meeting the conditions laid out in this report in order to allow Bristol City Council to formally endorse the Ethical Lettings Charter and release the use of the BCC logo for that purpose and - based on this report and the record of meetings between ACORN and BCC/Trading Standards officers on 04/09/15 and 10/09/15 - we are confident we will meet those conditions very shortly.*
37. *Further to that, while at this stage we cannot make a firm commitment on this for financial reasons, ACORN are very interested in working to meet the standards of the West of England Rental Standard and applying for our Ethical Lettings Charter scheme to be a member of that.*
38. *With the above in mind, we welcome and agree to the recommendations made to Cabinet as laid out in this report.*

Stuart Melvin, National Organiser, ACORN

39. Other options considered:

- a) Officers considered formal endorsement ACORN's Charter as per Appendix 1 but were unable to do so in its current format for the reason set out above.

40. Risk management / assessment:

FIGURE 1							
The risks associated with the implementation of the (subject) decision :							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	None if recommendations agreed to.	Low	Low	Cabinet agreed to recommendations	Low	Low	Nick Hooper – Service Director Housing Solutions and Crime Reduction.

FIGURE 2							
The risks associated with <u>not</u> implementing the (subject) decision:							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before		RISK CONTROL MEASURES Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	If the recommendations were not followed there is a risk that the Council sends a message it is not supporting tenants in the private rented sector.	High	High	Cabinet agree to the recommendations made.	Low	Low	Nick Hooper – Service Director Housing Solutions and Crime Reduction

Public sector equality duties:

41. A full Equality Impact Assessment was completed in June 2015 and it identified that tenants with protected characteristics are over represented in the private rented sector. Any scheme which encourages better accommodation and better management of the accommodation would therefore benefit people from equalities communities. The scheme will make it easier for vulnerable tenants and their support workers to identify landlords and letting agencies who meet the minimum standard.

42. Some private rented tenants are less settled within their communities than those in social housing or home owners. Some accommodation sees a high turnover of

tenants for example students. Poor quality accommodation can include severe overcrowding and result in a high turnover of tenants. High turnover can cause community cohesion issues with neighbours and creates additional strain on local services e.g. local schools. Public awareness campaigns and information on accredited and unaccredited landlords should be easy to find for neighbours to report concerns which will ease community cohesion tensions.

43. However, since June, there is new proposal to extend the lettings standard to include the in-house Estate Management processes. All the Estate Management policies and practices have been equality impact assessed. If any changes are required as a result of adhering to the ACORN's Ethical Lettings Charter, these would need equalities relevance check to ensure current high standards are not compromised.

Advice given by: Anne James – Equality and Community Cohesion Team Leader

Date: 12 August 2015

Eco impact assessment

44. We believe there is no significant impact arising from our proposal. There will in fact be some positive impact as both ACORN'S' Charter and the West of England Rental Standard encourages landlords to improve the energy efficiency of rented properties.

Advice given by: Giles Liddell, Environmental Project Manager, Bristol City Council Energy Service

Date: 7 August 2015

Resource and legal implications:

Finance

Financial (revenue) implications:

45. There are no specific financial implications contained within this report, however there may be minimal administrative costs arising from the management of the scheme which can be contained in the revenue budget for the service.

Financial (capital) implications:

46. None

Advice given by: Christie Fasunloye, Finance Business Partner (People)

Date: 7 August 2015

Comments from the Corporate Capital Programme Board:

47. N/A

Legal implications:

Decision making responsibility

48. The Executive, i.e. the elected Mayor and his cabinet, is responsible for ensuring the proper discharge of the duty imposed on the council as the Weights and Measures Authority to enforce consumer protection legislation. This part of the council is also responsible for the Council's work as local housing authority in related to regulating the private rented sector and for decisions under the Council's general power of competence. All of these statutory functions are relevant to this report.
49. It would not be a proper exercise of the Executive's power to act in a way that conflicts with or undermines its duty to enforce Consumer Protection law as summarised in the comments of the Trading Standards Service. The Executive has to ensure the council acts lawfully in respect of all areas of its work. In line with the council's enforcement policy for that area of work the Trading Standards Service has offered to provide guidance to Acorn to facilitate compliance in relation to the use of the description "charter" and the operation of an accreditation scheme.
50. It would not be a proper exercise of the Executive's power to act in a way that does not support minimum legal standards with regard to housing legislation. The charter does not always achieve this and work is being done with ACORN to ensure that this is corrected.
51. The council can do anything that an individual could do and can also act to help the performance of its statutory housing work. On this basis the elected Mayor may reasonably judge that the aims of Acorn should be supported and in due course, once Acorn have engaged appropriately to resolve the fair trading and legal minimum standard issues, can properly consider endorsement and permitting the use of the council's logo to evidence the same
52. The council should ensure that any agreement allowing the use of the logo (or any other intellectual property belonging to the council) can be rescinded at the council's option and with immediate effect.

Legal advice provided by: *Pauline Powell, Team Leader (Planning Transport and Regulatory legal team)* and Nancy Rollason for Service Director – Legal Services

Date: 19 August 2015

Land / property implications: *comments requested.*

53. Property implications will apply mainly to buildings owned and operated within the private sector.
54. In terms of the Council's housing stock it is confirmed within the report that the provisions contained within the Charter are already being met.

Advice given by Steve Matthews - Service Manager Asset Strategy
Date 13 August 2015

Human resources implications:

55. As there are no Bristol City Council employees affected by the proposal, there are no HR implications.

Advice given by Lorna Laing, People Business Partner
Date 14 August 2015

Appendices:

Appendix 1 – ACORN Ethical Lettings “Charter”

Access to information (background papers):

1. Full Council agreed motion March 2015
2. Scrutiny Commission Report April 2015

The Bristol Ethical Lettings
Charter: **From the houses we
have to the homes we need.**



Photo Credits:

<http://www.cse.org.uk/projects/view/1049>

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Introduction.

Reports produced by organisations as diverse as the Government, the United Nations, and Shelter, have drawn attention to the acute crisis facing the housing market in this country.

Extreme shortages of affordable housing, driven largely by lack of supply in the social rented sector and uncontrolled price rises in privately-owned housing have resulted in the rapid expansion of the Private Rental Sector (PRS) to the point that it now represents the second-largest tenure in England.

Bristol of course, is not unaffected by these trends. Indeed, some of the problems presenting nationally are felt more strongly here than elsewhere with the cost of fees charged to tenants by letting agents and the rise in homelessness both higher than the national average.

While barely a day goes by without the appearance of a news story or report on the state of the housing market and the serious consequences the current situation has on the millions of people renting privately there nevertheless remains a marked absence of the voices of those most affected: private tenants themselves.

ACORN the community union, is campaigning for the voluntary reform of the PRS in Bristol in order to highlight the often appalling and exploitative conditions to which private tenants are subjected and to identify key areas for improvement.

Between June and October 2014, ACORN gathered 1634 supportive responses to our call to letting agents to drop fees charged to tenants, ensure the use of recurring 12 month tenancy agreements in place of rolling periodic contracts and the promotion of 3-5 year tenancy agreements where possible. Taken from a small proportion of the overall number of private tenants in Bristol, our sample is testament to the widespread anger and desperation provoked by lax standards in this sector and the need for urgent remedial action.

Whilst ACORN's campaign is unashamedly motivated by the interests of renters, from which demographic we overwhelmingly draw our membership, we are convinced of the advantages of a partnership model between tenants, landlords,

letting agents and local authorities with a view to maximising the benefits to all. We see this as an opportunity to develop the basis for an innovative approach to letting and to sow the seeds of a progressive rental market in the city.

Tenant Voices.

“Just because we are not in positions to buy houses it doesn't mean we don't deserve homes.”

Since February 2014, ACORN has been listening to Bristolians' stories of renting, poor housing, tenancy fees and insecurity.

Between February and May, ACORN community organisers listened to approximately 2000 residents of Easton. As a result of this, 100 members of the Easton branch of ACORN unanimously voted in May to launch our campaign to improve the private rental sector.

Following that, our members have gained the support of 1634 people and surveyed tenants on street stalls and doorsteps, at meetings, demonstrations and surgeries and online using social media.

The statistics on these subjects are already well documented (not least of all by leading housing charity Shelter who are supporting our call for a Bristol Ethical Lettings Charter for that reason).

Yet it's the personal voices of Bristol's tenant families that are often missing. This is a sample of what they want to tell you.

Insecurity, lack of stability & community cohesion.

Instability in the overall housing market is particularly acute in the PRS and lies at the heart of many other problems in the sector.

Tenants are typically subject to a 6 or - at best - 12 month Assured Shorthold Tenancy agreement. After this time, they are often evicted or left on periodic "rolling" contracts under which they can be evicted with just 2 months notice.

Insecurity - especially coupled with the high cost of moving house - prevents tenants from complaining or campaigning to raise standards. As we go to print, a bill to ban "revenge evictions" has recently been defeated, sending tenants (and bad landlords) a clear message.

Amongst England's 9 million renters are 2 million children. Constant family upheaval and anxiety has detrimental effects on children's health, education and development.

This same lack of security also puts huge pressure on anyone wanting to start a family, or even commit to a job and/or a community.

"What most estate agents and landlords don't seem to realise – is that...your tenants...are people who are looking for a home, somewhere to feel safe, somewhere to grow with their families – somewhere to be the base for their lives"

"We have a decent landlord now, but still there is a sense of total insecurity. Inability to call a place home. Constantly at the whim of someone else..."

"Our little family was evicted from a mouldy house with a 7 month-old baby so the landlord could rent the rooms out separately"

"I would like to put down more permanent roots in my community as opposed to feeling like it is possible that I will be kicked out as soon as my contract is up."

"I would feel more comfortable in my own home, I'd take better care of the property and I'd feel more confident in putting down roots in the community."

This has clear knock on effects on community cohesion and democracy. ACORN is not technically a tenants' union, rather we are a community organisation, aiding residents to participate in democracy and improve their neighbourhoods.

We - along with tenants, home owners and landlords alike - are finding that constant transience is making this impossible. Tenants are 2/3 less likely to vote than home owners and as one respondent to our survey has stated, "you work hard to care about things less".

While it's clear that the unfortunate increase of temporary work and "zero-hours" contracts means some tenants are unable to commit to longer or recurring tenancies, many more would benefit from greater security and as with any industry and the ability to make that choice themselves.

70% of landlords are amateurs, often inexperienced and anxious. Reduced supply as house prices rise is exacerbating the problem. Letting agents and the Residential Landlords Association have enormous potential influence. For ethical standards to be possible, professional standards must be improved.

"I would feel a lot more secure and be able to think about perhaps having a family, as well as becoming more involved in long-term community initiatives."

"We would feel much more settled and be able to put down roots. Don't think we'll ever be able to get a mortgage!"

"Over the last six years, my wife and I have lived in four different properties, sharing to keep costs down despite being a newly-married couple."

"Every time I had to relocate it cost me more (taxi, moving van eg) and in friends time and energy. It's draining. It costs similarly in storage. It's like renting twice. More expensive. And your possessions get easily damaged. You have to change your whole mindset. You work hard to care about things less. Not just material things either. It holds you back in a lot of ways"

Tenancy fees & costs.

60% of lettings nationwide involve a letting agent and the industry has exploded in recent years.

Letting agents advertise properties to let and conduct reference and credit checks on tenants on behalf of landlords. Some also manage the properties on a daily basis.

For this, they charge the landlords a fee. Yet, in a move that is illegal in every other sector, they also charge the tenants.

Shelter research shows that 54% of tenants feel they have been charged unfair tenancy fees.

Bristol's £251 average fees are the highest in the country, approaching the cost of 3 months of food shopping for the average person.

Bristol has sizeable pockets of deprivation and high levels of inequality with child poverty at 27%. Yet that figure drops to 17% when housing costs are excluded.

Letting agents often justify these fees on the basis that they pay for legitimate costs like credit checks. Yet these

"Rental prices are at an all time high. The gap between the amount we earn and the cost of living in Bristol is second only to London. I feel stupid putting £750 in the Agency's bank every 4 weeks – we are paying nearly £30 a night to stay in this house! It is crazy."

"When you have to pay a deposit and a month's rent in advance already, the agency fees can just make it totally unaffordable"

"I have remained in a house which has many problems just because I can't afford to pay the tenancy fees etc to move again "

"unreasonable, was simply unnecessary, and the agency did nothing for the fee...and shrugged when confronted. They cared not a jot"

"I've been stuck, unable to move house because I couldn't afford the agency fees on top of the deposit and rent. I was forced to stay with friends for 3 months until I could save up enough to pay the fees"

costs are for services to landlords, not tenants, and for services which cost tens of pounds, not hundreds.

Letting agents also claim that an end to this practice would lead to increased rents as they pass the costs on to landlords. Even if this was realistic, spreading the cost across several months is better for most tenants than an unaffordable upfront fee. This possibility however remains speculative as evidence from Scotland where tenancy are illegal demonstrates no link between this rising rents.

“It makes the move, which is already difficult nearly impossible!”

“They made it very difficult to buy things like furniture when we moved in. It's a lot of money and for the first few months we couldn't afford anything to sit on.”

“It makes me feel ripped off and scared to move house”

“A combination of rising living costs and stagnating wages forced us into significant debt. If we had had savings, we may have been able to move and house share again but as it is at the age of 35, my wife and I were left with no other choice but to move back in with my parents.”

Quality, maintenance, health & safety.

Cold, damp and mould from ill-maintained properties lead to a host of health hazards, some severe. Of concern to all and always unacceptable, they are particularly detrimental to the young, infirm and elderly. Knock-on effects are not only poor health, but include decreased academic performance, work absence and associated treatment costs. Landlords duty of care toward their tenants must be taken seriously

Unfortunately, the reverse is common: hundreds of thousands suffer eviction for complaints. For the 61% of renters that Shelter found with unacceptable disrepair a more worrying statistic is the 1 in 12 enduring poor conditions for fear of retaliatory eviction.

Despite the factors militating against them, complaints continue to rise. With much-reduced budgets, Local Authority expenditure on enforcement is considerable. Landlords that flout the law not only cause harm, hardship and distress to tenants but drain already-stretched resources. In the spirit of the Localism Act and where community organisations such as ACORN exist, Local Authorities may be interested to

“We have just had to leave our current property due to an extreme mould problem that caused respiratory problems for both myself and my partner, a 20 month long problem which both the landlord and agency were fully aware of and made little effort to fix despite us involving environmental health.”

“I'm due to give birth this month and I'm stuck in a damp and mouldy top floor flat, my landlord is blaming me for the damp, he says that I'm causing condensation and has suggested that I constantly leave the windows open this winter. I can't afford to move house on SMP, I'm 500th on the waiting list for social housing and I feel hopeless - I'll never have £2000 to move to a new rental property...I despair. Rental agencies are getting away with daylight robbery.”

“I've lived here three years and told them the first year about damp and mould, in autumn 2013 i told them the bathroom roof was leaking... it is still a waterfall when it rains. my partner has moved in as he can no longer live on his own due to his

consider the benefits of a collaborative approach on enforcement issues.

Poor property upkeep affects not only the individual inhabitants, but also has a major impact on energy-efficiency. Failure to upkeep the exterior of properties, ensure adequate insulation or update appliances all have a significant environmental impact. Cold, draughty and damp houses require levels of heating far in excess of adequately-maintained ones. Given Bristol's status as European Green Capital 2015 it seems appropriate that it take a lead and set standards for energy efficiency nationwide.

Ultimately, tenants are entitled to certain standards. The law provides for a certain minimum, but ACORN and millions of private tenants contend that this is inadequate and that tenants deserve better. Disrepair and neglect unacceptable in any other industry are commonplace. Tenants should be afforded a similar level of professional service that paying customers receive from other service providers.

Private renters are not second-rate, second-class citizens and should not be treated as such by poor landlords and letting agents. We deserve to live with dignity.

terminal brain tumour, but the mould is making his illness worse. I have M.E/CFS which is why we haven't moved before as i don't have the energy to deal with it and when i do have energy it is spent cleaning mould or caring for my partner. I know this is similar for other people i know in the area."

"I'm not vengeful and the last thing I want is to put anyone into trouble. I waited patiently for 2.5 years for the necessary repairs to be done but it will never be done, unless someone reminds my landlord what responsibility means. Can someone help? It's just not right not to have any rights!"

"Not having to worry about not having hot water or heating throughout the winter. That 'white goods' would be replaced quickly if broken and regular gas and electrical check ups were done so wouldn't fear a possible avoidable gas leak of electrical fault."

**"Renters feel like
second class
citizens"**

Help us make a change >>

The Charter.

The Bristol Ethical Lettings Charter is a declaration of decency and a statement of intent, to help create a fair, professional and ethical private rental sector in our city.

This declaration will be brought to life by the forward-thinking Landlords and Letting Agents who endorse it, pledging to implement the staged improvements in our approach to lettings.

The commitments that follow have been arrived at in consultation with Tenants, Landlords and Letting Agents.

Endorsing Landlords and Letting Agents will be awarded a Gold, Silver or Bronze accreditation, reflecting the commitments they make (the meaning of these levels is contained within the charter).

As the voice of private renters in Bristol, ACORN commits to publicising and supporting accredited Landlords and Letting Agents to our members and beyond.

To endorse the Ethical Lettings Charter and become an accredited property professional please contact ACORN today. See www.acorncommunities.org.uk for details.

The points contained herein constitute minimum and not maximum standards. This Charter should not be used to prevent landlords and letting agents from exceeding these standards.



Make a household smile >>

BRONZE

SECURITY

I will use recurring Assured Shorthold Tenancies as default, in place of periodic tenancies (except where the tenant requests a periodic tenancy).

I will ensure that repairs are carried out in accordance with legal obligations and commit to not serve notice as a result of my tenants requesting repairs.¹

I will publicise ACORN and other tenant advocates to my tenants.

COST

I won't ask for a deposit of more than 6 week's rent, I will place the deposit in one of the three accredited tenancy deposit protection schemes and I will provide my tenants with the relevant documentation as defined in statute.

QUALITY

I will carry out statutory gas and electric safety checks at the start of each new tenancy and make the documentation available to my tenants.²

I will provide (and maintain) smoke detectors and carbon monoxide alarms where required and make the documentation available to tenants.³

I will carry out any improvements recommended (not merely those required) by any Council Improvement Order and I will ensure that all repairs are carried out within a reasonable time frame and to a proper professional standard.⁴

OTHER

I will apply for any Landlord License required for my property by any local authority.⁵

And I will commit not to discriminate against any potential tenants due to their belonging to any protected group and/or being welfare recipients and/or being parents/carers with dependents.

SILVER

SECURITY

I will commit to increasing notice period to a minimum of 3 months and a maximum of 6 months for each year the tenant has lived in the property.

COST

I will commit to not using a letting agent to let my property to tenants.

To prevent unwarranted deductions from the tenant's deposit, I will supply the tenant with a copy of the professional inventory at the commencement of the tenancy.

QUALITY

I will carry out all improvements recommended by any Council Improvement Order (required by) any Council Improvement Order.

OTHER

Taking account of restrictions set by the Equality Act 2010, I will be working with ACORN and the Tenant's Union to prevent discrimination against potential tenants who are a protected group and/or being welfare recipients and/or being parents with dependents. I will promote the Lettings Charter v

Where I engage a Letting Agent to market my property, I will commit to making the nature of the contract clear to the tenant and I will commit to using a Letting Agent that is a member of the Lettings Charter v

Ethical Landlord...

VER

SECURITY

periods for repossessions by one
has lived in the property up to a
of 6 months

JUSTICE

agent that charges unfair fees to
tenants.⁶

from deposits, I will undertake a
renewal of each tenancy and will
provide this free of charge.

QUALITY

recommended by (not merely those
Local Improvement Orders.

ACCESS

mortgage lenders, I will commit to
Local Authority to eliminate
barriers due to their belonging to any
vulnerable recipients and/or parents/carers
to ensure equal access to lettings.

manage any property, I will commit
to ensure that it is available to my tenants and I will
act as a signatory to the Ethical
Landlord Code where possible.⁷

GOLD

SECURITY

I will commit to using Assured Shorthold Tenancies of 12 months or
longer as default, using break clauses to protect an initial 6-month
probationary periods.⁸

To ensure the security of each tenant in the event that a property is
shared by people unknown to each other, I will provide each tenant
with an individual Assured Shorthold Tenancy to avoid responsibility for
an entire property falling on the shoulders of a single person.

COST

In order to aid housing market stability and avoid unwarranted or unfair
rent increases, landlords will educate themselves about property
investment from an ethical and investment perspective.

QUALITY

I will commit to ensuring a minimum EPC rating of E in all my
properties.⁹

...and we're your Ethical

BRONZE

SECURITY

We will promote the advantages of recurring Assured Shorthold Tenancies to our clients and encourage their use as much as possible.¹¹

We will promote ACORN and other tenant advocates to tenants.

COST

We will commit to providing recurring Assured Shorthold Tenancies at no extra cost to landlords or tenants.

We will commit to full transparency of our fees, including the costs used to justify them.¹²

We will promote reasonable deposits of not more than 6 week's rent, place these in one of the three accredited tenancy deposit protection schemes and provide tenants with all relevant documentation as defined in statute.

QUALITY

We will advise client landlords of their statutory obligations regarding gas and electrical safety checks at the start of each new tenancy and will make every effort to see that the law is upheld.¹³

We will actively promote the provision (and maintenance) of smoke detectors and carbon monoxide alarms where required and encourage that documentation is made available to tenants.¹⁴

We will encourage landlords to carry out all improvements recommended (not merely those required) by any Council Improvement Order and will ensure that repairs in all managed properties can be carried out within a reasonable time frame and to a proper professional standard.¹⁵

OTHER

We will commit to maintaining up to date information on any Landlord Licensing schemes in our area of operation and promoting compliance from landlord clients

SILVER

SECURITY

We will commit to promoting the benefits of recurring Assured Shorthold Tenancies of 12 months or longer and encourage the use of clauses to protect initial 6-month tenancies.

We will encourage landlord clients to offer a 12-month tenancy for each year the tenant has lived in the property, with a maximum of 12 months.

We will ensure that repairs are carried out in a timely manner, in line with the landlord's legal obligations and comply with the requirements of tenants requiring repairs.

COST

To prevent unwarranted deductions from the tenant's deposit, we will supply a professional inventory at the commencement of the tenancy and supply the tenant with a copy of the inventory.

QUALITY

We will commit to supporting the implementation of Council Improvement Order (whether recommended or not) and refuse to work with landlords who fail to comply with the order.

OTHER

Restrictions set by mortgage lenders and local authorities with ACORN and the Local Authority Improvement Order against potential tenants due to their credit rating and/or being welfare recipients and/or being in receipt of housing benefit. We will work with ACORN and the Local Authority to ensure access to the information.

Local Letting Agents :)

VER

SECURITY

Benefits of longer Assured Shorthold Tenancies for landlord clients, using break clauses and 6 month probationary periods.¹⁶

We will increase notice periods by one month for tenants who have lived in the property, up to a maximum of 6 months.

We will carry out repairs in accordance with a schedule of works and will not serve notice as a result of necessary or emergency repairs.¹⁷

COST

From deposits, we will undertake a full inspection at the commencement of each tenancy and will provide a copy of this without charge.

QUALITY

We will ensure that all properties meet the requirements detailed in any Council Housing Standards (recommended or required) and shall ensure that all properties meet a reasonable standard.

OTHER

As well as the above, We will commit to working with the Local Authority to reduce landlord discrimination against tenants belonging to any protected group or parents/carers with dependents. We will also work with the Local Authority to promote equal opportunities in lettings.

GOLD

SECURITY

To ensure the security of each tenant in the event that a property is shared by people unknown to each other, we will encourage landlord clients to provide each tenant with an individual Assured Shorthold Tenancy to avoid responsibility for an entire property falling on the shoulders of a single person.

COST

We will commit to a 6 month trial period during which tenancy fees will not be charged.

In order to aid housing market stability and avoid unwarranted or unfair rent increases, we will educate potential landlord clients about property investment from an ethical and investment perspective.

QUALITY

We will not let or manage properties without a minimum Energy Performance Certificate rating of E.¹⁸

Notes.

Landlords.

1. Landlords commit not to serve any Section 21 notice within 6 months, if (a) before the section 21 notice was given, the tenant made a relevant complaint about the property to the landlord or the relevant local authority, and (b) if a section 21 notice was given, the relevant local authority has served a relevant improvement notice in relation to the property. Landlords may serve notice if they can demonstrate that they intend to put the house on the market, occupy it themselves or otherwise dispose of their interest in the property. Utilisation of section 8 notices will remain unaffected, as will proceedings relating to notice served for rent arrears.

2. Should a letting agent contracted by a landlord to manage their property refuse or otherwise fail to comply with these legal obligations, landlords shall terminate the relationship without unreasonable delay. ACORN will maintain a list of signatory letting agents on its website to allow landlords to make an informed decision when seeking an agent.

3. Where a boiler or gas appliance is in the same room as a bedroom, provision will be a requirement. Where this is not the case landlords are nevertheless advised that it is best practice to fit carbon monoxide alarms in all rental properties with gas installations and/or appliances.

4. Inclusive of but not limited to: faulty entrances/exits/windows, white goods, gas or electrical failure, structural damage and or environmental health hazards. If this is not possible and/or the nature of the problem necessitates the tenant vacating the premises on either a temporary or permanent basis, the landlord shall assist them to find alternative

accommodation and/or pay any reasonable and unavoidable associated costs incurred by the tenant through no fault of their own

5. <http://www.bristol.gov.uk/page/housing/property-licences>

6. ACORN will maintain a list of all such agents on its website to allow landlords to make an informed decision.

7. ACORN will maintain a list of signatory letting agents on its website to allow landlords to make an informed decision when seeking an agent.

8. Government Model Tenancy Agreement: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353166/Model_Agreement_for_an_Assured_Shorthold_Tenancy_and_Accompanying_Guidance_-_Print.pdf

9. <https://warmupbristol.co.uk/>

<http://www.bristol.gov.uk/page/housing/get-energy-performance-certificate>

Letting Agents

11. Where letting agents have a default recommendation of periodic tenancies, this should be replaced in favour of recurring AST's. This seeks to address insecurity as a default condition of renting. Where one or more parties require flexibility this should be available as an option on a case by case basis.

12. ACORN will publish details of costs, charges and reasoning on its website to allow potential tenants to make an informed choice.

13. Should a landlord refuse to comply with or otherwise avoid meeting their legal obligations, letting agents shall cease to represent them.

14. Where a boiler or gas appliance is in the same room as a bedroom, provision of a carbon monoxide alarm will be a requirement for an agent to represent a landlord. Where this is not the case agents will nevertheless advise landlords that it is best practice to fit carbon monoxide alarms in all rental properties with gas installations and/or appliances.

15. Inclusive of but not limited to: faulty entrances/exits/windows, white goods, gas or electrical failure, structural damage and or environmental health hazards. If a landlord refuses to engage a contractor found for them by their agent, to contract one of their own or otherwise refuses to make necessary repairs, then agents should cease to represent them and assist the tenants to find alternative accommodation.

16. Model Tenancy Agreement:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353166/Model_Agreement_for_an_Assured_Shorthold_Tenancy_and_Accompanying_Guidance_-_Print.pdf

17. Letting agents managing a property will refuse to serve any Section 21 notice within 6 months, if (a) before the section 21 notice was

given, the tenant made a relevant complaint about the property to the landlord or the relevant local authority, and (b) if a section 21 notice was given, the relevant local authority has served a relevant improvement notice in relation to the property. A landlord may serve notice if they can demonstrate that they intend to put the house on the market, occupy it themselves or otherwise dispose of their interest in the property. Utilisation of section 8 notices will remain unaffected, as will proceedings relating to notice served for rent arrears.

18. <https://warmupbristol.co.uk/>
<http://www.bristol.gov.uk/page/housing/get-energy-performance-certificate>

**Landlord?
Letting Agent?
Get accredited
today!**

**Contact ACORN:
www.acorncommunities.org.uk**

ACORN is a community based social justice union, representing more than 80,000 low and moderate income families world-wide.

For more information on this and our other local, regional and global campaigns please see our website or contact us for details.



**ACORN, CWU Offices, 20 Church Road,
Lawrence Hill, Bristol, BS5 9JA
www.acorncommunities.org.uk
mail@acornbristol.org.uk**

a. Cllr Bolton (Green group) to move:

ACORN ETHICAL LETTINGS CHARTER

Council notes:

1. The Bristol Ethical Lettings Charter is a declaration of decency and a statement of intent, to help create a fair, professional and ethical private rental sector in our city.

It recognises the best practices of existing landlords and letting agents including the council itself, and encourages the adoption of those practices by all landlords and letting agents.

2. The Private Rental Sector has expanded considerably in recent years and the Council estimates that 24% of the 190,000 homes in the city are now in the Private Rental Sector – over 45,000 homes.

3. The sector is increasingly important to help relieve pressure on over-stretched social housing capacity, as recognised by the Private Housing Policy Statement:

“The Council must rely on the Private Rented Sector to play a key role in housing provision in the next few years. In an era of resource restraints, it will be important that we interact with the sector in the most effective ways possible and in partnership with landlords, tenants and others, if the strategic impact of the sector is to be optimised”

“...the Government has also moved to further increase the role of the PRS in preventing or resolving homelessness.”

4. There are, however, concerns surrounding cost, access, quality and security in some sections of the current Private Rental market. The Private Housing Policy Statement notes:

“Many new or inexperienced landlords continue to need guidance and information from the Council or associations representing them”

“The quality of performance and service of some agents is poor”

“Generally tenants have only a sketchy knowledge of their rights and some tenants never receive a basic Tenancy Agreement document”

“Those on lower incomes were already very concerned about affordability and their additional outgoings, in advance of the LHA reductions.”

5. The innovative approach of community organisation ACORN is educating tenants and mobilising the political and economic consumer power of our community, to highlight and encourage the best landlords and agents and move the market to work in support of improving standards. The Councils Private Housing Policy Statement says that “tenants as much as landlords need to be more widely engaged as

informed customers of housing in Bristol” and ACORN’s work supports the Council's objectives:

“All private tenants, landlords and agents to be will informed of their rights and responsibilities;

“Encourage and promote best practice and seek out and tackle unacceptable practices”

6. More than 1700 renters have already signed a petition in favour of ACORN’s campaign, a number that is increasing daily as we expand our campaign across the city.

7. ACORN have gained cross party support for the Ethical Lettings Charter, having received endorsement by the Liberal Democrat MP as well as the Labour and Green Party Parliamentary candidates for Bristol West, and the Liberal Democrat and Green Party Parliamentary candidates for Bristol South.

8. The Charter is also endorsed by the Students Union Council of the University of the West of England, the Citizens Advice Bureau, 1625 Independent People and United Communities Housing Association.

9. The first Letting Agent to endorse the charter (Piper Property) has endorsed the highest “Gold” standards of the Charter.

Council agrees to:

1. Endorse the ACORN Bristol Ethical Lettings Charter, committing to ensure Council owned and maintained properties meet the standards laid out in the Charter, and providing ACORN with the appropriate copyrighted logos or trademarks to allow ACORN to display this endorsement publicly.

2. Contact all Landlords and Letting Agents currently operating in the city, and any new entrants in the future, informing them of the Ethical Lettings Charter and encouraging them to endorse it.

3. Provide information to tenants regarding the Ethical Lettings Charter and it’s signatories via the Discretionary Licensing Newsletter and other available channels.

4. Work with ACORN to identify other practical steps the Council could take to encourage Landlords and Letting Agents to endorse the Ethical Letting Charter, and to provide awareness and education of its existence to tenants.

5. Report back to Full Council at a date no later than six months from the passing of this motion, updating members on progress made, including number of landlords and letting agents who have signed up to the charter. Report to include an addendum providing contact details of all landlords and letting agents who have signed up to the Ethical Lettings Charter.

b. Councillor Hickman (Labour group) to move:

(motion submitted on 6 March 2015)

ACORN BRISTOL ETHICAL LETTINGS CHARTER

Bristol City Council notes with real concern the ever increasing housing crisis in our city. As well as the individual human cost of this crisis, as shown by councillors' casework and surgery attendances, we view the relevant statistics with alarm.

These statistics show:

- over 14 000 applicants on the Council's HomeChoice waiting list.
- a dramatic increase in the number of homeless people.
- an ever-increasing affordability gap, between wage levels and house prices and private sector rents.
- and an increasing number of properties in the private rented sector not meeting the Decent Homes standard.
- fewer affordable homes being built.

Whilst Council wants to see much greater effort being made by the Mayor on significantly increasing the number of affordable homes being built, we recognise that the private rented sector will be a major supplier of homes for Bristol families for some time, and therefore supports the Council taking a much more pro-active role in driving up PRS standards.

Council applauds the work done on the Ethical Lettings Charter by Acorn and therefore:

Council agrees to:

1. Endorse the ACORN Bristol Ethical Lettings Charter, committing to ensure Council owned and maintained properties meet the standards laid out in the Charter, and providing ACORN with the appropriate copyrighted logos or trademarks to allow ACORN to display this endorsement publicly;
2. Contact all Landlords and Letting Agents currently operating in the city, and any new entrants in the future, informing them of the Ethical Lettings Charter and encouraging them to endorse it;
3. Provide information to tenants regarding the Ethical Lettings Charter and it's signatories via the Discretionary Licensing Newsletter and other available channels;

4. Work with ACORN to identify other practical steps the Council could take to encourage Landlords and Letting Agents to endorse the Ethical Letting Charter, and to provide awareness and education of its existence to tenants;

5. Report back to Full Council at a date no later than six months from the passing of this motion, updating members on progress made, including the number of landlords and letting agents contacted, and number of landlords and letting agents who have signed up to the charter. Report to include an addendum providing contact details of all landlords and letting agents who have signed up to the Ethical Lettings Charter and to which standard they have signed up to (Bronze, Silver, Gold);

6. To set up a cross-party working group to look in to the feasibility of setting up an independent complaints mechanism to resolve disputes between landlords and tenants without recourse to expensive and time consuming legal action.