

# Communities Scrutiny Commission

November 2018



**Report of: Director of Homes & Landlord Services**

**Title: Private Rented Sector update**

**Ward: Citywide**

**Officer Presenting Report: Tom Gilchrist**

**Contact Telephone Number: 0117 352 1975**

**Recommendation: Update only for information only.**

**The significant issues in the report are:**

Outline the growth of private rented sector and the work being undertaken to improve housing conditions and poor property management in this sector.

The impact that property licensing schemes and other interventions can have on tackling issues in the Private Rented Sector.



## 1. Context

### 1. Background of PRS (Private Rented Sector)

1.1 Privately rented housing accounts for 28.9% (58,093) of the city's housing stock (Building Research Establishment (BRE) Bristol Housing Stock Report, August 2017) - a growth of 4% since the Census 2011 and 9% above the national average of 20%. 20 out of 34 wards in Bristol have a percentage of private rented sector dwellings in excess of the national average. The sector continues to grow as house prices have increased and access to social housing remains difficult as demand far outstrips supply. Appendix 1 shows the tenure profile in Bristol and Appendix 2 gives a comparison of market rent levels across the core cities. Bristol has the highest of the entire core Cities and licensing is unlikely to be an influence on rent levels in the City.

1.2 The private rented sector (PRS) offers flexibility enabling people to move their accommodation to meet their requirements e.g. changes to employment, personal circumstances, access to schools and moving closer to family and friends.

1.3 Although many landlords provide a good standard of accommodation to their tenants, there are a substantial number who do not. Given the demand for housing in the city, unscrupulous landlords take advantage of those who have least choice in the market and offer substandard and poorly managed accommodation.

1.4 The Government recognises that problems of poor management and housing conditions are not just confined to larger HMOs (Houses in Multiple Occupation) and they introduced powers to Councils to declare areas where landlords are required to licence other rented properties in their areas, under the Housing Act 2004.

1.5 The BRE recently reported that "HMOs in the private rented sector in Bristol are generally in poorer condition than non-HMOs. The levels of serious hazards are notably higher for HMOs especially for fall hazards. Levels of disrepair are also higher for HMOs compared to non-HMOs)".

### 2 Conditions in the PRS - BRE Integrated Dwelling Level Housing Stock Modelling and Database for Bristol City Council

2.1 The Housing Act 2004 requires local housing authorities to review housing information and statistics in their district. The council commissioned the BRE in 2017 to undertake a stock condition report with particular focus on the private rented sector.

2.2 The primary tool to assess property condition is the Housing Health and Safety Rating System. The Housing Health and Safety Rating System (HHSRS) is a risk-based evaluation tool to help local authorities identify potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the Housing Act 2004 and applies to residential properties in England and Wales. The HHSRS assesses 29 categories of housing hazard. Each hazard has a weighting which will help determine whether the property is rated as having a category 1 (serious) hazard (Bands A-C) or category 2 hazards (Bands D-J).

2.3 In Bristol Bands A-D are considered actionable hazards under Bristol's enforcement policy, and enforcement action is taken when these are found.

2.4 BRE Headline results for Bristol – HMOs and licensing:

2.4.1 Overall the percentage of dwellings in the private rented sector across Bristol is 28.9% compared to the national average of 20%. The private rented sector is generally considered to be in the poorest physical condition and suffer from variable property management standards. The combination of a transient

population with little or no connection with an area can lead to an increase in anti-social behaviour and crime.

2.4.2 There are an estimated 12,559 HMOs in Bristol. In terms of concentration of HMOs, 62% of all HMOs in Bristol are contained within the central area of the City. A public consultation as recently been completed on whether to introduce a new licensing area (see map in Appendix 2). More detail on this proposal is covered in section 5.

2.4.3 Just over 2,500 HMOs in Bristol are licensable under the current national mandatory licensing scheme. Under the revised definition of mandatory licensing criteria the BRE estimated number of HMOs in Bristol which must have a mandatory licence will increase to 2,831, and action is underway to find these unlicensed properties.

2.4.4 HMOs in the private rented sector are generally in poorer condition than non-HMOs. It is estimated that there are higher levels of serious hazards in HMOs compared to non HMO's The Levels of disrepair are also 50% higher for HMOs than for non-HMOs.

Table 1: BRE stock modelling database outlining property defects in HMO's and non HMOs

Table 1		Private Rented Stock			
		HMOs		Non HMOs	
		No	%	No	%
<b>Number of dwellings</b>		<b>12,559</b>	<b>22%</b>	<b>45,480</b>	<b>78%</b>
<b>HHSRS Category 1 Hazards</b>	<b>All Hazards</b>	<b>2,738</b>	<b>22%</b>	<b>5,827</b>	<b>13%</b>
	<b>Excess Cold</b>	<b>500</b>	<b>4%</b>	<b>1,200</b>	<b>3%</b>
	<b>Fall Hazards</b>	<b>1,941</b>	<b>15%</b>	<b>2,111</b>	<b>5%</b>
<b>Disrepair</b>		<b>1,176</b>	<b>9%</b>	<b>2,793</b>	<b>6%</b>
<b>Fuel poverty (10%)</b>		<b>2,269</b>	<b>18%</b>	<b>5,704</b>	<b>13%</b>
<b>Fuel poverty (Low income / High costs)</b>		<b>2,066</b>	<b>16%</b>	<b>4,683</b>	<b>10%</b>
<b>Low income households</b>		<b>1,839</b>	<b>15%</b>	<b>6,743</b>	<b>15%</b>

2.4.5 There will be properties in the table above that have multiple hazards, however the box 'All hazards' is the total number of dwellings with at least one hazard.

2.4.6 Given the numbers of serious hazards (category 1) it is reasonable to assume that there will also be a significant percentage of high category 2 hazards present as well which will require inspection to determine if action was necessary to resolve these.

2.4.7 The levels of management problems dealt with by the Private Housing Service are shown in Table 2 below.

The proposed Additional (HMO) licensing area are shown in Appendix 2

<b>Table 2: Private Housing complaints received in the five-year period to December 2017</b>	<b>Citywide Total</b>	<b>HMOs citywide</b>	<b>HMOs in Proposed area</b>
<b>Private housing complaints received</b>	<b>8,244</b>	<b>2,768 (34%)</b>	<b>1,470 (18%)</b>
<b>Actions against poor management</b>	<b>1,678</b>	<b>1,481 (88%)</b>	<b>1,206 (72%)</b>

<b>Actions to resolve poor housing conditions</b>	<b>2,787</b>	<b>602 (22%)</b>	<b>427 (15%)</b>
---	--------------	------------------	------------------

## 2.5 Summary of BRE evidence

2.5.1 BRE recommendation: “Potential areas for investigation within Bristol – additional HMO licensing.” The BRE have identified that wards with high levels of HMOs and with high proportions of hazards or in disrepair may be a starting point when considering areas which could be suitable for Additional HMO licensing. These wards are mainly in the central Bristol wards as identified in Appendix 2

2.5.2 Bristol City Council’s evidence shows that in the last five years (see table 2 above) the area proposed for Additional Licensing received more than half of the Private Housing complaints than outside the area and 18% of these relate to HMOs.

## 3 Property Licensing

3.1 Bristol City Council undertakes reactive work across the city to tackle the problems in private rented sector. Over the last 5 years 34% of all complaints have been about HMOs, with 88% relating to poor management and 22% poor condition (NB some property complaints are about both issues). The majority of complaints relate to properties in the proposed additional licensing area which we are hoping to bring to Cabinet early in 2019.

3.2 Under the Housing Act 2004 property licensing was introduced to deal with issues in the private rented sector. There are different types of property licensing for different types of rented accommodation.

**3.3 Mandatory Licensing:** Part two of the Housing Act 2004 introduced mandatory licensing, covering large Houses in Multiple Occupation (HMOs) with 5 or more people, from 2 or more households over three or more storeys. Bristol City Council has operated a mandatory licensing scheme since 2006, licensing ~1,500 larger HMOs every five years. From the 1st October 2018 mandatory licensing was extended to include all HMOs with 5 or more people in 2 or more households irrespective of the number of storeys, except for purpose built self-contained flat(s) in blocks of 3 or more self-contained flats.

3.4 965 extended mandatory applications were received by the 1<sup>st</sup> of October with a further 300 properties that appear to meet criteria and for which no application was received. These properties will be subject to licensing investigation. It is an offence to operate a licensable property without a licence. The penalty for not licensing is an unlimited fine or Civil Penalty up to £30,000.

3.5 Part 3 of the Housing Act 2004 introduced discretionary property licensing which can be used by local authorities to designate the whole area or parts of an area as subject to either Additional licensing of HMOs or Selective licensing of other privately rented accommodation.

3.6 **Additional Licensing** : The Housing Act 2004 enables a LA to designate the whole of Bristol or a particular area to be subject to Additional licensing relation to a description of HMO’s specified in the designation i.e. all other HMOs not covered by mandatory licensing criteria.

3.7 In order to do so the council must consider that:

- a significant proportion of those HMOs described in the recommendation are being managed sufficiently ineffectively to give rise to (or be likely to give rise to) one or more particular problems either for the occupying tenants or to members of the public;
- the proposal must seek to adopt a coordinated approach;
- there must be consistency with the Council’s overall current housing strategy;

- The council must consider whether there are any other courses of action available to it of whatever nature that might provide an effective method of dealing with the problems and that the designation will significantly assist the council in dealing with the problems identified.

**3.8 Selective Licensing:** If certain conditions are satisfied the Council has the power to designate the whole of Bristol or a particular area to be subject to Selective licensing.

Selective licensing applies to privately rented accommodation other than those properties licensable under mandatory or additional licensing scheme and would require them to apply for a license to operate. This would include family accommodation. Area based selective licensing schemes cannot exceed:

- either a geographical area of 20% of the City
- or would affect more than 20% of privately rented homes in the local authority area. If a proposal exceeded this limit, approval must be sought from the Secretary of State.

3.9 The conditions to be considered in designating a selective licensing scheme are:

- (a) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;
- (b) that those properties are occupied under assured tenancies or licences to occupy;
- (c) that one or more of the following conditions are satisfied:
  - (i) low housing demand;
  - (ii) a significant and persistent problem caused by anti-social behaviour;
  - (iii) poor property conditions;
  - (iv) high levels of migration;
  - (v) high level of deprivation or
  - (vi) high levels of crime.

310 We have approved two discretionary licensing schemes in Bristol since 2013:

#### **3.10.1 Stapleton Road scheme:**

- Both Additional and selective licensing scheme were approved under the anti-social behaviour criteria
- Covered 1,226 properties (1,023 Selective licensed and 203 Additional licensed).
- It ran for five years and was completed in April 2018.
- 845 (70%) of properties required improvements to meet licensing conditions
- 517 formal and informal notices were served requiring improvement
- 32.3% of licensable properties had a category 1 or 2 hazard present that were resolved in 396 properties (Category 1 hazards – 266, Category 2 hazards- 179)
- 481 referrals were made to various agencies to tackle a series of ASB issues. These referrals related to 439 properties.

### 3.10.2 Eastville and St George

- Both additional and selective licensing scheme and approved under poor property conditions criteria
- Covers approximately 2,800 properties
- Came into force on 1 July 2016 and will run until 30 June 2021.
- 2,454 licenses have been issued so far (selective 2,284 and Additional 170)
- So far 1496 properties have been inspected and 646 (43%) have required improvements to meet licensing conditions
- So far 221 properties have had a category 1 or 2 hazard resolved (Category 1 hazards – 81, Category 2 hazards – 140)
- 381 formal and informal notices have so far been served requiring improvements to property conditions.
- 192 referrals have so far been made to various agencies to tackle a series of ASB/nuisance issues. This referral related to 136 properties in the licensing area.

### 4. How could licensing be improved?

4.1 The Ministry of Housing, Communities and Local Government has announced that it will review Selective licensing sometime in 2018, although an announcement has not yet been made. Bristol City Council would like to see the following changes introduced to reduce an overly bureaucratic process and the costs of operating a scheme. Our suggested changes to licensing are outlines in Appendix 4

### 5 Proposal to introduce additional licensing to 12 central Bristol wards.

5.1 Recently consulted on a proposal to introduce another additional licensing scheme in 12 wards in the Central Bristol area covering the wards in appendix 3.

5.2 The area has been chosen based on the recommendation of the BRE report (see Section 9 later in this report) and on other data that we have considered to rank areas which we believe would most benefit from licensing intervention. See table in Appendix 4.

5.3 The licensing consultation ran for 12 weeks from 19th February to 13th May 2018. Analysis has been completed and a Consultation Report will shortly be published on the Consultation Hub pages of the Council's website. A report is planned to come before Cabinet on 2nd April 2019 with our findings and recommendations.

5.4 Response to the consultation. We received:

- 2,746 responses (2,679 online, 67 paper copies) –
- 1,095 residents,
- 808 Landlords/Agents,
- 607 private tenants living in area and
- 244 others (including councillors, landlord and tenant organisations and landlords who do not own property in the area).
- 739 emails and 65 letters

5.5 107,346 letters were sent to residential addresses in the proposed area and to relevant known private landlords and agents; 5,136 emails to landlords and agents on the Landlord Liaison database; 20,000 postcards distributed and 203 paper copies were sent by post or collected from public buildings.

## 6 Consultation Results

### 6.1 The key survey outcomes:

- 69.6% strongly agreed or agreed with the proposal
- 8.33% neither agreed nor disagreed with the proposal
- 22.08% strongly disagreed or disagreed with the proposal
- 12.38% thought the unlicensed fee (£1,660) was too low
- 45.75% thought the licensing fee with no reduction (£1,660) was about right
- 41.88% thought the fee with no reduction (£1,660) was too high
- 12% thought the compliant licensing fee without discounts (£1,085) was too low
- 47% thought the compliant licensing fee without discounts (£1,085) was about right
- 41% thought the compliant licensing fee without discounts (£1,085) was too high

### 6.2 Other consultation comments included:

- 24% of landlords /agents had experienced damage to their rented properties
- 36.2% of tenants said their landlord did not respond to requests for repairs
- 19% of tenants said there were inadequate amenities in their rented property
- 8% of tenants have no written tenancy agreement
- 10% of tenants have suffered harassment from their landlord
- 22% of tenants had no emergency contact details for their landlord
- 35% of residents had made a complaint about noise from an HMO in the area
- 35% of residents had made a complaint about rubbish/waste from an HMO in the area

6.3 Since the consultation was completed a recent case *Gaskins v Richmond LBC* heard in the High Court clarified the rules for setting licensing fees. From 1st August 2018 fee for application, enforcement and other scheme costs must be in two parts. We are reviewing our proposed fee structure and re-calculating. The new fees will be released later this year and the revised fee will become payable on all license applications made since 1st August.

6.4 The new fees will apply to the proposed new additional licensing area. We have been advised to undertake a further six week consultation just on the new fee structure only.

6.5. The consultation responses will feed into the next stage of the decision making process when a decision will be taken on whether the original proposals need to be changed. It is proposed to take a cabinet report on the licensing consultation in April 2019 where a decision will be made on whether to proceed or not with a new property licensing scheme.

6.6 If Cabinet approval is given, the new scheme cannot begin any earlier than three months after the Cabinet decision date and the intention is to write to those who have participated in the consultation and those we believe may require a licence.

## **7 Enforcement**

7.1 There is a Private Housing Enforcement Policy on how the organisation will respond to property standards and poor management and for tenancy relations. Enforcement is pursued when landlords fail to comply with their responsibilities of licensing conditions, poor property standards or tenancy relations breaches.

7.2 The full range of enforcement powers in the Housing and Planning Act 2016 have been introduced including Civil Penalties and Rent Repayment Orders

<https://democracy.bristol.gov.uk/ieDecisionDetails.aspx?AllId=8684>

7.3 Residential Letting and Managing Agents are required to be members of a Government approved redress scheme if not they are liable to a penalty charge of up to £5000. We have reviewed compliance with this requirement in Bristol and a number of final notices have been served on agents who are not members of the scheme. 7.4 The Ministry of Housing, Communities and Local Government are currently considering introducing a wide range of other powers to manage the rented sector. Potential new powers currently being considered include:

- Five yearly checks on electrical installations in private rented accommodation;
- Letting agents fees bill: will ban letting fees being charged at the start of a tenancy;
- Review of the Deregulation Act 2015 powers on retaliatory eviction;
- Requirement for landlords to be part of an ombudsman service;
- Private members bill called: Homes Fitness for Human Habitation (and liability for housing standards) bill: enabling tenants to take action themselves against their landlord for poor property standards;- the Introduction of a new ‘specialist’ housing court

## **8 Rogue landlords**

8.1 Bristol has made two successful bids for funding to pay for action to target poor landlords Bristol and a further bid in 2017 for funding to tackle issues of migration impact fund in the PRS. A further outline bid has just been made for funding in 2019.

8.2 The project has targeted rogue landlords who let properties above poor quality cafes, restaurants and takeaways in poor condition and badly managed.

8.3 The team has also dealt with problems of antisocial behaviour, Council Tax and Housing Benefit fraud, criminal activity, nuisance, undocumented immigrants, human trafficking and child sexual exploitation and have worked in partnership with the police, the South West Immigration, Compliance and Enforcement team, HMRC and other council departments including planning, trading standards and benefits.

8.4 Inspections and raids have been carried out with partner organisations at times when we’d expect to gain access, including evenings and weekends.

8.5 A social media campaign has been running at the same time. Targeted Facebook advertisements, in a variety of languages, has informed communities of the work we’re doing and give tenants and local residents the opportunity to engage with us and help as tackle rogue landlords.

8.6 Community development organisations and groups will be informed of our work, and given information on the work we do. As part of this campaign the public would be given the opportunity to anonymously report rogue landlords to us.



8.7 As a result of this we would expect that tenants would be aware of their rights and landlords their responsibilities.

## 2. Consultation

### a) Internal

*not applicable*

### b) External

Consultation a proposal to introduce additional licensing to 12 central Bristol wards was undertaken 19th February to 13th May 2018.

## 3. Public Sector Equality Duties

- 3a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.
- 3b) This report is for information only. A full EQIA will be undertaken before a formal proposal is taken to Cabinet in April 2019.

**Appendices:**

**Appendix 1: Bristol City Council – Tenure profile**

**Appendix 2: Market rents across the core cities**

**Appendix 3: Map of the proposed additional licensing area**

**Appendix 4: Table of analysis by ward of issues in the PRS**

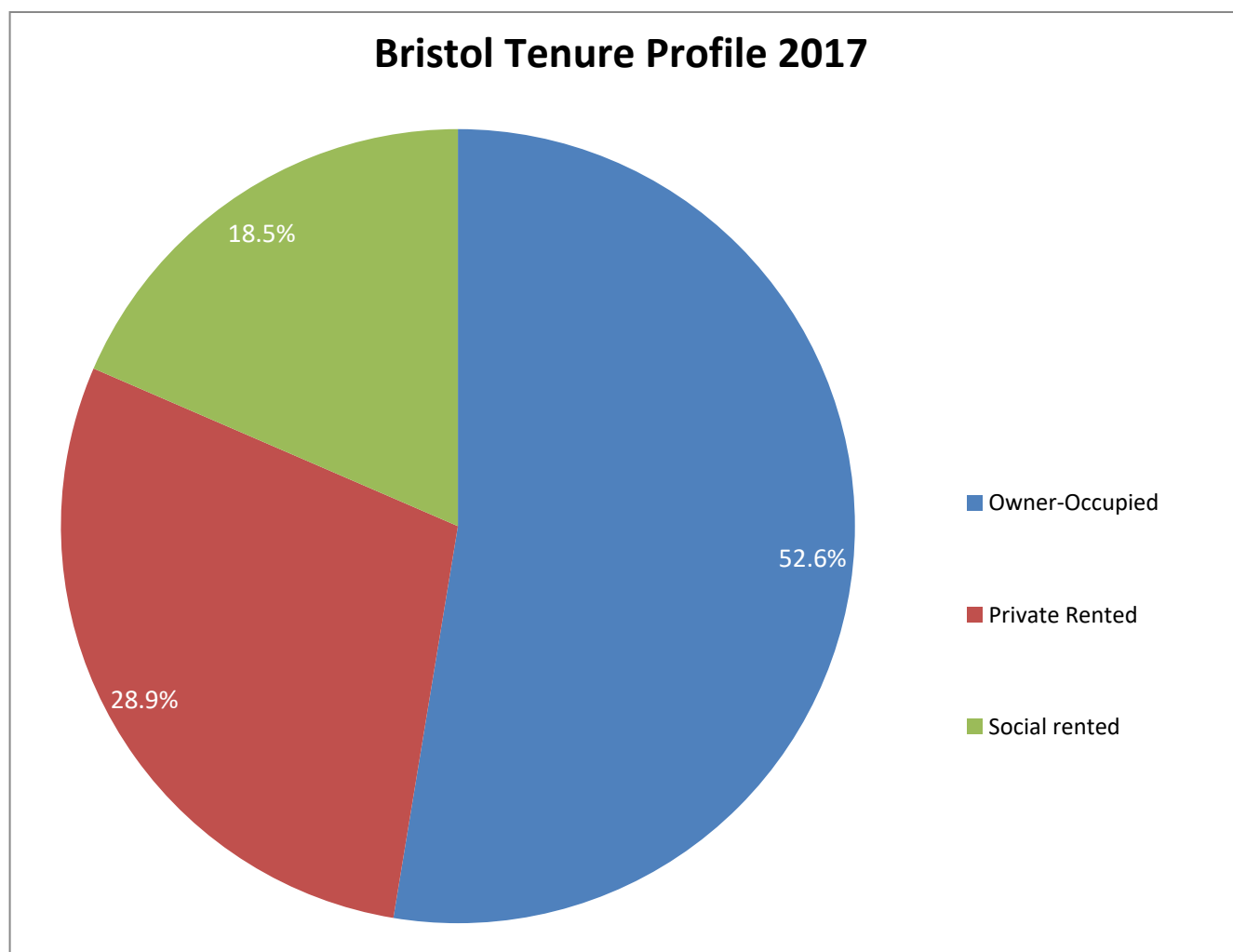
**Appendix 5: Our suggested changes to licensing**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

*None*

## Appendix 1: Bristol City Council tenure profile from BRE report 2017



## Appendix 2: Market rent levels across the core cities.

Average property rent by number of bedrooms (source: [Home.co.uk](http://Home.co.uk) 18.10.18)

	Birmingham	Bristol	Cardiff	Glasgow	Leeds	Liverpool	Manchester	Newcastle	Nottingham	Sheffield
<b>1 Bedroom</b>	638	799	601	560	574	494	713	526	613	525
<b>2 bedrooms</b>	856	1038	846	747	745	599	892	648	764	705
<b>3 bedrooms</b>	862	1210	974	990	865	700	1038	797	862	733
<b>4 bedrooms</b>	1170	1611	1233	1506	1156	966	1315	1162	1335	836
<b>5 bedrooms</b>	1333	2875	1528	1851	1509	1590	1612	1519	1657	1086

### Appendix 3: Proposed licensing area

## Proposed Additional Licensing Scheme 2018 Wards from May 2016



## Appendix 4: Analysis of evidence by ward for potential licensing schemes.

### Table Legend:

Pink = Highest concentration of PRS and recommended by BRE for licensing scheme

Green = Next highest level of PRS and recommended by BRE for licensing scheme

Blue = Consider as a 2<sup>nd</sup> priority area for licensing by BRE

White = Areas not suitable for HMO licensing

PRIVATE RENTED SECTOR Wards (May 2016)	Private Housing - Civica records											HMO Enforcement										
	Ward Code (2016)	Dwellings - All Stock	Dwellings - Private Sector	% PRS	ALL HMOs	% HMOs	Mandatory Licensable HMOs	ML Already Licensable (Civica)	Potential Additional Licensable HMOs	AL Already Licensable/Exempt (Civica)	Potential Selective Licensable Property	SL Already Licensable/Exempt (Civica)	HFRS Category 1 Hazard	Disrepair Complaints	PRS Complaints	..of which were HMO complaints	Breach in Mgt conditions H88	% Mgt Cond in AL	Hazards Resolved H88/HQ3	% Hazards in AL	PRS Domestic Noise	PRS Domestic Waste
Clifton Down	W10	5291	5196	3575	68%	684	13%	177	186	507	2891	14%	9%	230	148	23.19%	73	14.40%	73	14.40%	31	24
Central	W08	9325	7935	6111	65%	696	7%	155	139	541	5415	12%	7%	447	98	18.11%	70	12.94%	70	12.94%	49	7
Cotham	W11	4740	4570	2878	61%	839	18%	334	265	505	2039	16%	9%	282	194	38.42%	56	11.09%	56	11.09%	150	20
Clifton	W09	6484	6062	3874	60%	442	7%	140	90	302	3432	13%	8%	213	71	23.51%	69	22.85%	69	22.85%	28	19
Hawells & Harbourside	W21	3094	2881	1637	53%	213	7%	80	64	133	1424	9%	4%	68	46	34.59%	12	9.02%	12	9.02%	30	4
Southville	W27	5880	4941	2397	41%	711	12%	72	54	639	1686	17%	8%	205	43	6.73%	71	11.11%	71	11.11%	0	14
Ashley	W01	8278	6740	3149	38%	843	10%	187	134	656	2306	18%	8%	452	116	12.21%	185	28.20%	185	28.20%	333	15
St George West**	W30	3318	2878	1254	38%	205	6%	9	10	196	1049	16%	7%	283	55	28.06%	82	41.84%	82	41.84%	1	5
Bishopston & Ashley Down	W04	5043	4945	1870	37%	858	17%	150	103	708	1012	17%	8%	235	78	11.02%	54	7.63%	54	7.63%	139	21
Redland	W25	5421	5313	1953	36%	408	8%	132	115	276	1545	15%	7%	167	67	24.28%	53	19.20%	53	19.20%	46	4
Easton *	W12	6188	5580	2189	35%	626	10%	26	22	600	1563	21%	10%	820	178	27.64%	401	66.83%	401	66.83%	62	32
Lawrence Hill *	W23	8411	4935	2948	35%	684	8%	40	34	644	112	12%	5%	796	178	27.64%	455	70.65%	455	70.65%	67	19
Windmill Hill	W34	6220	5405	2124	34%	576	9%	58	33	518	1548	20%	9%	159	33	6.37%	66	12.74%	66	12.74%	0	2
Eastville **	W13	6269	5454	2006	32%	594	9%	124	103	480	1422	14%	7%	790	163	35.42%	208	45.22%	208	45.22%	74	30
Beckinster	W03	5918	5223	1762	30%	356	6%	21	17	335	1406	16%	6%	101	17	5.07%	53	15.82%	53	15.82%	106	8
Horfield	W20	5465	4366	1655	28%	682	12%	101	51	581	873	16%	6%	167	43	7.40%	70	12.05%	70	12.05%	28	10
St George Central**	W28	5880	5154	1545	26%	288	5%	14	14	274	1257	17%	7%	323	30	10.95%	120	43.80%	120	43.80%	10	8
Erington West	W07	5246	4678	1143	22%	187	4%	14	9	173	956	15%	7%	99	12	6.94%	54	31.21%	54	31.21%	15	3
Frome Vale	W15	5638	4657	1054	22%	367	6%	66	34	301	887	16%	6%	155	34	11.30%	66	21.92%	66	21.92%	20	10
St George Troopers Hill	W29	2628	2560	953	21%	75	3%	0	0	75	478	10%	4%	51	1	1.33%	13	17.33%	13	17.33%	4	1
Hillfields	W19	5149	4222	993	18%	232	5%	17	12	215	761	16%	7%	280	17	7.91%	90	41.86%	90	41.86%	21	10
Erington East	W06	5281	4375	952	18%	163	3%	9	7	154	789	13%	4%	109	5	3.25%	33	21.43%	33	21.43%	15	8
Lockleaze	W24	5280	3735	963	18%	319	6%	18	11	301	644	16%	5%	152	7	2.33%	47	15.61%	47	15.61%	33	2
Knowle	W22	5469	4624	913	17%	189	3%	23	15	166	724	16%	6%	116	11	6.63%	40	24.10%	40	24.10%	21	10
Westburton Trym & Herleaze	W23	8414	817	1662	16%	196	2%	31	18	185	1166	14%	6%	84	17	10.30%	15	9.09%	15	9.09%	3	2
Behnsworth	W05	5322	4563	812	15%	99	2%	1	0	98	713	10%	4%	64	4	1.02%	24	24.49%	24	24.49%	7	4
Herbury & Brently	W17	5199	4054	835	14%	112	2%	5	8	107	723	11%	3%	94	0	0.00%	41	38.32%	41	38.32%	17	2
Southmead	W26	5513	3254	770	14%	189	4%	7	4	162	581	16%	5%	134	2	1.10%	47	25.82%	47	25.82%	0	4
Avermum & L Weston	W02	9284	6981	1213	12%	282	3%	17	16	265	931	18%	6%	162	11	4.15%	43	16.23%	43	16.23%	162	24
Filwood	W14	5503	3057	724	13%	143	3%	1	0	142	581	18%	5%	153	0	0.00%	47	33.10%	47	33.10%	21	13
Stoke Bishop	W32	4507	3914	570	13%	69	2%	0	1	89	501	14%	5%	26	1	1.45%	11	15.94%	11	15.94%	1	1
Hergrave & Whitchurch Park	W18	7790	6592	95	12%	128	2%	1	1	127	787	13%	4%	123	4	0.79%	56	44.09%	56	44.09%	16	4
Stockwood	W21	5100	4116	539	10%	79	2%	4	1	75	460	12%	3%	71	4	5.33%	23	30.67%	23	30.67%	0	2
Herblife & Wilford	W16	8017	3721	1691	8%	83	1%	0	0	83	608	13%	4%	96	0	0.00%	41	49.40%	41	49.40%	20	3
<b>BRISTOL TOTAL</b>		<b>200945</b>	<b>163758</b>	<b>58039</b>	<b>29%</b>	<b>12607</b>	<b>6%</b>	<b>2034</b>	<b>1671</b>	<b>10573</b>	<b>45432</b>	<b>16%</b>	<b>62%</b>	<b>7726</b>	<b>1621</b>	<b>15.33%</b>	<b>2789</b>	<b>26.36%</b>	<b>2789</b>	<b>26.36%</b>	<b>1650</b>	<b>345</b>

## Appendix 5: Our suggested changes to licensing

1. Bureaucracy: On declaration we have a duty to publish a notice of designation in a specified manner. The notice must be published in two local papers over a period of 12 weeks. The initial advert must be in print within 7 days of the confirmation of the designation and repeated a further 5 times in the same publications with an interval of no less than 2 weeks and no more than 3 weeks apart. The whole advertising process is very expensive, problematic to get right and hard to do as there are no longer 2 local papers that cover the Bristol area. The whole thing is very prescriptive of what needs to be put in the notice and its publication.
2. The cost of publishing the designation notices in our first area based scheme in Stapleton Road was £18K and £11K for the second area based scheme in Eastville and St George West and there is a question mark on whether you can recover these costs in the license fee.
3. The length of time from initial idea to a scheme coming into force can be up to 18 months in Bristol's experience. The steps we have to go through to declare a new area are:
  - i. Initial political decision to consult....you need to collect evidence and prepare the case to take to Cabinet lead to approve consultation as well as legal and financial sign off;
  - ii. Developing the consultation paperwork and marketing strategy;
  - iii. Consultation needs to be carried out for a minimum 10 week period - all other consultations in Bristol are held for 6 weeks;
  - iv. Analyse the consultation report. The time taken can depends on the level of responses and number of free text responses. We received 2,700 separate responses from our last licensing consultation;
  - v. Then we have to take a report to Cabinet - the reporting process for in Bristol can take 12 weeks;
  - vi. Then there is a 12 week statutory period between declaration and the start of scheme.
4. Application information - if the prescribed information required to make a license application could be streamlined to issue a licence this could reduce the whole process and make it easier for landlords to apply for a licence. In Bristol we have done a lot of work on this with our on-line processes but this has been time consuming and costly but the old paper application form was 56 pages long with 20+ advisory notes on completing the form.
5. The information needed to collect to produce a licence is significant However it would be beneficial if the prescribed information on a licensing application could be reduced to the following:
  - The owner/landlord name and address details;
  - Details of those with a legal interest;
  - The property address with the number of occupiers and household composition;

- Equalities information and the signed declaration.
6. Evidence to meet criteria - the evidence base needed for a declaration is significant and there is no guidance on what is acceptable.
  7. For our latest proposal we commissioned the Building Research Establishment (BRE) to produce a stock analysis report on conditions in the private rented sector. This cost £47k. There is also an annual update charge to keep the data relevant for future schemes of £32k.
  8. We also used information on the PRS from Council Tax, Housing Benefit, our own complaints records, Energy performance data, Tenancy Deposit Protection Scheme information and yet we have still been challenged on our evidence base, many of which end up at the LG Ombudsman and take a huge amount of officer time to justify and there is still a possibility of receiving a Judicial Review.
  9. If we could have clear guidance from The Ministry of Housing, Communities and Local Government (MoHCLG) on what would be acceptable evidence for all of the possible areas of declaration, and this would help enormously.
  10. Fee structures - the whole issue about what can be included into the fee structure is questionable. There are significant costs just to work up proposed schemes and there are question marks about whether these can be recovered. The recent Richmond v Gaskin case has raised questions about whether the preparation costs for a licensing scheme can be incorporated into the licensing fee along with all of the officer time to analyse the results, undertake the consultation and prepare the licensing reports. This is an enormous deterrent to LA's to consider implementing licensing schemes unless they are able to underwrite all of these initial upfront costs. Clarification from MoHCLG on whether these costs can be incorporated in the licensing fees would be extremely helpful.
  11. Issuing the license - The time involved in sending copies of proposed and then full licences to all interested parties is considerable. This will require a change to the legislation, but it would be less bureaucratic if we could just serve a proposed licence with the 14/28 day representation period, and if no representation received, the licence is deemed to be served. This would mean most licence paperwork (5 separate documents – notice, licence, letter, schedule and conditions) is only issued once. It is extremely rare to receive representations that need to be considered before the full license is granted.
  12. This is similar for revocations and variations of licences, where proposed documents have to be sent before the formal revocation/variations can be served on all interested parties.