

APPENDIX B2 – Responses from written communication and free text comments from the survey forms during the consultations

The consultation on the proposal to introduce an additional licensing (of HMOs) scheme in Bedminster, Brislington West and Horfield wards and a selective licensing scheme in Bedminster and Brislington west wards drew 1,411 survey responses and 206 emails and 7 letters. 814 (58%) respondents also left free text comments about the scheme.

This report is not the answers from the set survey questions which can be found in Appendix B but are the summary of the free text comments that were provided by consultation respondents.

We have considered all representations made in the consultations and these are set out below.

Consultation comment 1: Support for Additional Licensing

176 (22%) of respondents who left a free text comment supported the proposal as a way of improving conditions in this sector and improving management practises that impact on tenants, neighbours and local communities. 46 (6%) said they were opposed to the proposal especially extending licensing to family accommodation.

BCC Response:

Noted although the outcomes from the consultation broadly support the proposal. 1,411 responses were received and of those 818 (58.65%) agreed or strongly agreed that the proposed licensing schemes would help to resolve poor management and poor conditions of private rented properties in the proposed three wards.

Consultation comment 2: Good landlords are being penalised because of the poor landlords

194 (24%) of respondents who left a comment said this scheme penalises good landlords for the sake of finding and dealing with poor landlords.

BCC Response:

Unfortunately, we don't know exactly who the good or bad landlords are when we look at the statistical evidence to introduce a licensing scheme. There is no register of landlords giving us contact details. However, the BRE report identifies areas where they predict there are properties which would not meet standards and our experiences from previous property licensing schemes suggest that we will find issues once a licensing scheme commences.

The licensing scheme will enable the local authority to proactively inspect every licensable property in the designated area to identify and deal with poorly managed and sub-standard accommodation. In previous licensing schemes instances of poor housing and poor management were higher than we had predicted.

Without a licensing scheme we do not have the powers of entry to inspect all the qualifying properties in the area. The suggestion that only bad landlord property(s) should be inspected, and not good landlords, is not a feasible option as until we visit we are unable to confirm which properties are compliant or non-compliant.

There are a significant number of landlords who without licensing will continue to manage unsatisfactorily without being brought to our attention through a tenant complaint.

The BRE undertook a comparison between their 2017 report and 2020 report looking at declared licensing areas and the numbers of hazards in those areas. They found that 43% of licensable properties were improved in that two-year period.

Consultation comment 3: Licensing scheme is unnecessary as they believed the council already had sufficient powers to deal with poor landlords

23 (3%) of respondents who left a comment suggested that licensing was unnecessary as we had existing legislation that we could use to deal with rogue landlords.

BCC Response:

The council have powers to deal with non-compliant landlords that have been brought to our attention, however only licensing powers give us the resources to proactively visit every licensable property to assess conditions. Licensing also allows us to set standards higher than just a legal minimum. In many cases, licensable properties have often been found not to meet minimum legal standards even where a landlord believed he/she had a good property.

Many tenants do not report problems for fear of their tenancy being ended but where there is a licensing scheme we can inspect every property which means tenants should not need to fear that their tenancy is at risk.

In our previous schemes the number of hazards found, and formal notices served indicates that a good proportion of poor housing conditions and management practices had not been reported to us and would not therefore had been dealt with outside of a licensing scheme. In the Eastville / St George scheme we found 787 (22% of properties) with serious hazards or management breaches. We would therefore expect to find similar issues in the proposed area.

See response 2 above also.

Consultation comment 4: For the proposal to be effective the council must ensure they have adequate resources in place to do the job properly

19 (2.3%) of respondents who left a comment said that we must ensure we had sufficient resources in the service to deliver this scheme and undertake the necessary level of enforcement action.

BCC Response:

Without a licensing scheme the council could not generate enough income to pay for the resources to address the issues found in the PRS in this area. Work has been undertaken to estimate the number of licences expected and the resources required to licence and inspect these properties. From this work we have calculated the number of officers we need to undertake this work within the time frame of the scheme.

Consultation comment 5: Additional burden on already under pressure landlords – could lead to smaller landlords selling up

132 (16%) respondents who left a comment said that licensing was an additional burden at a time when landlords were already under pressure and could lead to some landlords leaving the market.

BCC Response:

Improving the health and safety of tenants in these properties is the primary objective of the scheme. The BRE report identified the likelihood of issues in the area with standards. Licensing is a tool that allows the Council to tackle the issues in the PRS (private rented sector). We must follow the legal process in the administration of the scheme, and this may appear to be somewhat bureaucratic. However, in most cases where standards are not met the landlord will be given the opportunity to remedy this before any other action is considered.

Analysis of numbers in previous areas where licensing has been declared has not led to the numbers of PRS properties being reduced and the PRS continues to increase.

Comparison between the BRE reports 2017 and 2020 for Eastville and St George scheme wards shows that the number of PRS properties in these two wards in 2017 was estimated to be 3,260 and in the 2020 report this had risen to 3,778. An increase of 16%.

Comparison between the BRE reports of 2017 and 2020 for the Central Area scheme wards shows that the number of PRS properties in these twelve wards in 2017 was estimated to be 34,705 and in the 2020 report this had risen to 37,515. An increase of 8%.

Consultation comment 6: Lack of evidence to support proposal

18 (2%) of respondents who left a comment said there was not sufficient evidence to justify introducing an additional licensing scheme.

BCC Response:

Section 56 of the Act states that an area can be designated where: -

“A significant proportion of the HMOs ... are being managed sufficiently ineffectively as to give rise to, or likely to give rise to one or more particular problems either for those occupying the HMOs or for members of the public”.

We believe there is sufficient evidence. We have set out our reasons for this in the proposal document. Appendix A.

Consultation comment 7: Licensing not necessary

26 (3%) of respondents who made a comment said that they believed licensing schemes were totally unnecessary in their ward as all the properties were in good conditions etc. and that we should look elsewhere.

BCC Response:

See response 6 and proposal document Appendix A.

Consultation comment 8: There are already too many HMOs in their area

49 (6%) of respondents who made a comment said they didn't want licensing as there were already too many HMOs in their street / area which were having a detrimental impact on the community.

BCC Response:

This seems to be a misunderstanding of what licensing is for as several emails were also received on the same subject.

The numbers of HMOs cannot be controlled by this licensing proposal. The numbers of HMOs in an area are controlled by planning law, - the councils Article 4 directive which limits the number of new HMOs in given areas of the city or through Planning decisions to permit new or larger HMOs.

Only sections of each of the three wards come under Article 4 Directive but not the whole of each ward.

Introducing licensing schemes does not create new HMOs rather it regulates those existing HMOs to ensure that they meet appropriate standards not cause resident more problems.

Consultation comment 9: Fees are too high

72 (9%) of respondents who left comments, said the fee was too high and 53 (21%) of respondents who left comments said the fees were too high and could not be justified for what landlords get in return.

BCC Response:

The fees are calculated to reflect the resources required to deliver the scheme. The cost of the scheme is based on a 'break-even' basis and does not generate a surplus. They have been signed off by the council's Finance team and meet legal requirements. They are not subsidised from other resources or Council Tax payments.

Consultation comment 10: Fees are too low

20 (2%) respondents who left a comment thought the fee level was too low and did not represent enough of a penalty for rogue landlords.

BCC Response:

See response 9. The licence fees can only cover the costs of the scheme.

Consultation comment 11: The fees will be passed onto tenants as higher rents

191 (23%) of respondents who made a comment said they were concerned that the fee charged to landlords will in turn be passed onto tenants in the form of higher rents.

BCC Response:

The licensing fees charged cover the costs of processing applications, administration of the scheme and its enforcement. Fees are calculated on a break-even basis (not for profit). We are aware that the cost to the scheme will need to be paid for by the landlord and that it may or may not be passed onto the tenant.

However, this must also be considered with the overall aims and objectives of the scheme and what it will achieve in raising standards of living conditions for many tenants living in the PRS as well as improved management and raise awareness of the landlord's legal responsibilities.

The demand for housing in Bristol is very high but the PRS continues to grow. Naturally market rents continue to rise as a result, and this is totally outside of our control and is generally due to market forces rather than licensing. An example of the high demand is the reported numbers of Bristol university students being housed in Bath because they could not find accommodation in Bristol.

Over the life of the five-year scheme the fee payable for an additional licence with discounts is £1,000 which equates to £16.66 per month / £3.85 per week per property which if it was passed on to each occupant would on average cost £5 per calendar month. For a selective licence fee, the cost with discounts is £499 which equates to £8.31 per month / £1.92 per week.

Rents outside London have risen by 3% year on year by March 2021 and the rents are rising fastest in the South West and North East due the high levels of tenant demand and a shortage of homes to rent. (source: [Zoopla](#)).

In Bristol in February 2020 the average rent for a 3 bed house was £1,279pcm and for a 3 bed flat £1,613pcm. By September 2021 those rental prices have risen to £1,533pcm and £1,631pcm respectively. (Source: [Zoopla](#)) an increase of 20% on the rent for a house and 1.1% on the average rental for a 3 bed flat.

Consultation comment 12: Council money making scheme

70 (9%) of respondents who left a comment said that this scheme was being driven by the need for the council to raise funds.

BCC Response:

The Housing Act 2004 allows local authorities to charge a fee for licensing. Each local council sets its own fees for licensing. The fees are required to only cover the costs of licensing and cannot be used to subsidise other local council work. See response 9.

Consultation comment 13: Would lead to landlords changing to let to families only rather than pay the higher HMO fee

39 (5%) of respondents who commented said that landlords of HMOs in Bristol are evicting their tenants and would rather let to families to avoid paying the Additional

licence fee making it difficult for people who can only afford to live in a shared house to find accommodation.

BCC Response:

We have had reports that in a small number of cases this has happened. However, we have undertaken analysis of existing areas where we have introduced licensing schemes to see what impact licensing was having on the numbers of HMO available. We have found that the PRS has continued to grow and the number of HMO licence applications we expected have been received. We are only halfway through the Central Area Licensing scheme that number may still increase and certainly some landlords appear to have increased occupancy in their HMOs to increase rental income.

The shortage of housing in Bristol is well documented and demand is already high. There is no evidence that this shortage has been as a result of the introduction of licensing as appears to be a national issue.

Consultation comment 14: Discounts proposed for providing certificates

48 (6%) of respondents who made a comment asked why discounts were being given where there is a legal obligation for landlords to provide various safety certificates i.e., for gas and energy performance anyway.

BCC Response:

Landlords have a legal obligation to ensure that the relevant gas and other safety certificates are current and satisfactory.

A discount for those landlords who are members of the Rent with Confidence scheme has been included as these landlords have actively engaged with this voluntary code of practice and therefore have demonstrated commitment to the management of their properties.

The discount for providing the relevant certificate is based on previous experience and expediency. As part of the licence conditions the council needs to ensure these certificates are satisfactory and up to date. Licensing conditions requires the landlord to provide evidence. The administration cost of chasing landlords for certificates is time consuming. Offering a discount has proved extremely effective for both landlords and the council. Sanctions will also be considered for those landlords who do not comply with licence standards and conditions, this can lead to further financial penalties for landlords who do not comply with requirements to provide the required certification.

Consultation comment 15: The Council should give discounts for those with Managing Agents

17 (2%) of respondents who made a comment said that we should include discounts for any approved accreditation schemes not just Rent with Confidence scheme. Also

they should not have to pay a fee where they have a managing agent who is looking after their property.

BCC Response:

Rent with Confidence scheme is a West of England scheme with seven approved accreditation providers who have been approved as meeting the standards set out by the West of England local authorities.

Membership of other accreditation schemes or having a managing agent does not necessarily mean that the same level of standards is met or that the properties are adequately monitored or have an acceptable complaints procedure etc. for tenants.

Although some landlords have paid managing agents to manage their properties, it does not replace the checks made by qualified council officers regarding housing standards. It would not be appropriate to delegate the legal enforcement of licensing standards to a managing agent who themselves may not meet standards we would expect.

Managing agents outside the Rent with Confidence Scheme benefit from the discount available if they join one of the Council approved accreditation providers.

Consultation comment 16: Alternative Suggestions to Licensing schemes

44 (5%) of respondents who left a comment offered alternatives or improvements to licensing schemes such as:

- the fee should be based on number of occupants.

BCC response: The number of occupants in an HMO makes a small difference to the amount of work required by the Council and there is a small additional charge in these circumstances.

- there should be regard to a maximum number of cars per property especially in HMOs.

BCC response: The law governing property licensing does not give the council the power to allow us to include this restriction as a condition of the licence

- that new or building built less than ten years ago should not be included in the scheme.

BCC response: Newer properties are likely to be as a whole be better insulated and constructed to higher standards than older properties. However, licensing is not just about the structure of the property but also the way it is managed, whether it has been kept in good repair and the facilities provided for the number of people occupying the property.

- more regard to improving energy efficiency.

BCC response: We require the minimum energy efficiency to be met which is an EPC of E or higher.

- all student properties should pay council tax.

BCC response: Separate legislation applies the rules for when council tax is applied and is outside the Housing Act 2004 which is the law under which this

scheme is proposed. This is not a power available under the law governing property licensing.

- All tenants should be protected therefore schemes should be introduced citywide.

BCC response: We continue to look at licensing on a ward-by-ward basis where the area meets the legal criteria for designation and is not our current proposal to introduce a citywide scheme.

- Why isn't social housing included?

BCC response: Social housing is excluded under the Housing Act legislation from licensing schemes. It has its own governing body

The format for discretionary licensing is set in legislation including what properties can and cannot be included in the scheme and what reasonable standards can be included in the licensing conditions and what can be included in fee setting.

Consultation comment 17: Comments on the consultation process

8 (0.9%) respondents who made comments said that the consultation was biased and did not give people the opportunity to say whether they agreed with it.

BCC Response:

The consultation has followed due legal process, has been checked by our legal team that all documentation meets the required criteria and then overseen and checked by the council's Consultation Team who have a huge amount of experience in this area.

We received 1,411 completed survey responses and of those 818 (58.65%) agreed or strongly agreed that the proposed licensing schemes would help to resolve poor management and poor conditions of private rented properties in the proposed three wards.

814 respondents also left free-text responses which are being responded to in this document.

Letters received from Landlord and Agent Organisations

In addition to the survey and emails, we also received letters from Safe Agent and National Residential Landlords Association (NRLA) be found in full in the consultation reports B. Our responses to them appear below.

18. Safeagent

18.1 Discounts

The letter from Safeagent covered many issues but the main one being that they felt their members should also be able to claim the same discounts as those approved under the West of England (WoE) Rent with Confidence scheme and gave full details about their schemes and what benefit it is to both their members and to licensing.

*“It seems to us that many of the licencing requirements in the Bristol City scheme highlight how important it is for landlords to work with reputable agents such as **safeagent** members. Offering a discount to licence holders who work with a **safeagent** accredited agent would help to promote this.*

***safeagent** would welcome a collaborative approach with Bristol City Council, based on shared objectives. We believe that agents who are members of a recognised body are more likely to embrace Selective and Additional Licensing and less likely to generate complaints or breaches of their licence. Discounted fees for **safeagent** members would be a significant incentive to positive engagement by agents. In return, the Council would experience reduced administration and compliance costs.”*

BCC Response:

The Rent with Confidence scheme was introduced to encourage all accrediting bodies to meet similar standards set by the 4 West of England local authorities. Those who have applied to become approved providers of accreditation schemes are vetted by the 4 WoE LAs and pay a fee to join the scheme.

SafeAgent have previously been invited to apply but decided not to complete their application. We are aware of Safeagent’s business aims to improve how properties are managed in the Private Rented Sector and repeat we welcome them to apply to join the scheme, which if approved would give their clients access to the discount. If approved, the small cost of applying would be soon be recovered by refunds on any applications to agents under their membership.

18.2 Anti-social Behaviour (ASB) - conditions

SafeAgent also had concerns about licensing conditions including a requirement for landlords to monitor ASB and to make quarterly inspections of the property to assess. They state that the PRS tenants are not the only perpetrators of ASB in a neighbourhood and the council should not align private landlords with social housing landlords who have responsibility to the wider community that private landlords do not.

BCC Response:

The Council does expect landlords to take responsibility for the management of their properties to make sure as far as is reasonably possible the behaviour of their tenants or their tenants visitors in the vicinity of the property. This is a legal requirement under the Housing Act relating to licensing and does set higher standards than where licensing does not apply.

This condition reflects that expectation that landlords / agents issue new tenants with a tenancy or written agreement that include clauses that will allow the licence holder to take reasonable steps to tackle anti-social behaviour.

This includes responsibilities to ensure they have provided sufficient space for the receptacles that meet the Council's refuse and recycling requirements. . It is important also that landlords and agents make their tenants aware of Bristol's recycling / waste collection days and requirements.

Landlords and residents have access to other council departments whose duty it is to handle ASB issues and who can work with landlords to ensure tenants have respect for their neighbourhood.

We appreciate that there are some circumstances where landlords cannot be held responsible for a tenant's behaviour, and the Council provides information and advice in those circumstances..

18.3 Measuring the success of the scheme

We would urge the council to:

- Ensure consistency, in advice given about and implementation of, license conditions, especially during inspections. Agents tend to pick up on any inconsistencies amongst LA staff, for example in advising on smoke alarm requirements
- Avoid heavy handed communications, sometimes threatening fines and criminal proceedings, where these are disproportionate to the breach in question
- Avoid processing delays and slow responses to inquiries. If the LA is demanding actions from agents and landlords within set time scales, it should feel obliged to be equally timebound.

We believe that regular information on implementation of the scheme should be made available in a clear and consistent format. Reports to local landlord and agent forums, representative bodies and other stakeholders should include at minimum:

- The estimated number of private rented properties that require licensing under the Additional and Selective licensing schemes
- The number of applications received in respect of these properties
- Progress in processing (granting, querying or refusing) the licence applications received
- Analysis of the reasons for any queries or refusals and the extent to which remedial action is identified and taken as a result
- Analysis of the outcomes of ongoing inspections and the extent to which remedial action is identified and taken as a result
- Progress reports across the whole 5-year period covered by the scheme.

This should help to enable the Council to work in partnership with landlords, agents, representative bodies and other stakeholders to ensure the success of the scheme.

BCC response:

We thank Safeagent for their constructive remarks. A review is generally undertaken halfway through a scheme and reported to Cabinet member, but some key details are shared in the Landlord Newsletter and which includes all licensed landlords in the mailing. Updates on outputs are also provided in the WoE Landlord Forum meetings. This can be expanded so regular updates are given on scheme progress as necessary.

19. NRLA (National Residential Landlords Association)

The NRLA stated their opposition to the proposal to introduce licensing scheme. Their main objections are:

19.1 Waste management in the PRS

NRLA say that LAs need to consider a strategy for collecting excess waste at the end of a tenancy in place of selective licensing.

BCC Response:

The key objective of selective licensing is to improve housing conditions for the tenants. There is already in place a scheme in Bristol for removal of bulk items that either landlords or tenants could access to remove waste items at the end of a tenancy.

Bristol Waste generally provide extra resources at the end of student year to help with the removal of waste items and encourage students to donate items in good condition to local charities rather than binning them at the end of their tenancy.

Please see link to information for students to waste and recycling – [Student Move Out – Bristol Waste Company](#)

19.2 Criminal Activity with PRS properties

Among the criminals' activities, rent to rent is a significant issue that the council should consider a barrier to selective licensing effectiveness. Criminals will always play the system. For instance, there is no provision for landlords who have legally rented out a property that has later been illegally sublet.

A landlord will tell a tenant how many people are permitted to live in the property and that the tenant is not to sublet it or allow additional people to reside there. Excessive monitoring and contact from the landlord could impede the tenant's right to quiet enjoyment.

The licence holder can end the tenancy (of the superior tenant, the subtenants have no legal redress) and support the local authority in criminal prosecution. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened? Will the council support an accelerated possession order?

BCC Response:

In our experience, rent-to-rent has not been a significant barrier to selective licensing effectiveness. There are licence conditions in place which require landlords to regularly inspect their properties to assess if there is evidence of anti-social behaviour, and this together with other landlord checks should provide the landlord with evidence of how the property is occupied and enable them to take action to reduce occupation where necessary.

Where a tenant has sub-let a property and is receiving the rent they can be subject to enforcement action by the Council using licensing powers.

In terms of supporting landlords where they are victims of rent-to-rent, we have Tenancy Relations Officers who can offer advice to landlords about their rights and responsibilities.

19.3 Antisocial Behaviour

NRLA state: "As part of the licence conditions, the council has identified that ASB is a prominent issue, focusing on noise complaints, fly-tipping and neighbour disputes, which forms the main criteria for the continuation of licensing in these areas.

Landlords are usually not experienced in managing antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or substance dependency. Suppose there are allegations about a tenant causing problems, and a landlord ends the tenancy. In that case, the landlord will have dispatched their obligations under the property licensing scheme, even if the tenant is suffering from any of the above issues.

At the commencement of a tenancy, the landlord outlines the tenant's obligations concerning noise (and other matters such as waste disposal, compliance with relevant legislation, and consideration for surrounding neighbours). The landlord can manage a tenant only to the extent of their mutually signed and agreed contract for living in the property- not for a tenant's activities beyond this.

Bristol City council has many existing enforcing powers that can rectify the identified problems as part of the council's housing strategy."

BCC Response:

We do not understand NRLA's comments as we have not identified ASB as the main criteria for licensing in these areas.

ASB is one of the issues found in the PRS and Licence conditions are included which place obligations on licence holders regarding ASB, as permitted under the Housing Act 2004. This includes at the start of a tenancy and during tenancies and are applied to all licensed properties.

Landlords do have capacity to deal with some issues by ensuring they have provided waste facilities etc. and that tenants are aware of Bristol's recycling / waste collection procedures.

Landlords and residents have access to other council departments whose duty it is to handle these issues and who can work with landlords to ensure tenants have respect for their neighbourhood.

We appreciate that there are some circumstances where landlords cannot be held responsible for a tenant's behaviour, and the Council provides information and advice in those circumstances.

19.4 NRLA Conclusions

"The NRLA advocates using council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary

licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar and continuing to provide a low standard of housing.

It would be a more effective method of targeting these criminals and rooting them out of the sector using existing enforcement powers granted by the Housing Act and the Housing and Planning Act 2016 and generate funds for the council via this method instead of licencing fees. The NRLA believes that local authorities need a healthy private rented sector to balance the other housing areas. This provides a variety of housing types and can be flexible around meeting the needs of both residents and landlords in the area.

The sector is regulated, and enforcement is an essential part of maintaining the sector from criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who use others and create a level playing field. It is essential to understand how the sector operates as landlords can often be criminal activity victims with their properties exploited for illicit purposes. “

BCC Response:

The council already uses council tax records to try to identify the PRS and where possible the responsible landlords. Without licensing we would not have the resources to deal with the issues at the scale we are presented with in Bristol. Council tax only has a duty to record the details of the bill payer (usually the occupant) and other information including tenure and ownership is not always up to date or collected so is no replacement for the powers licensing schemes can bring to require landlords to come forward and apply for a licence. We use council tax records to contact as many landlords as possible to participate in consultation and to update on the outcome of the Cabinet decision. The process of creating a record of properties in the PRS and contacts of landlords is time consuming and is an ever-changing database which we do not have the resources to keep totally updated throughout the 18 month process of preparing for a potential new licensing scheme declaration.

19.5 Furthermore, the council should consider if the scheme is approved, providing an annual summary of outcomes to demonstrate to both tenants and landlords' improvements of behaviour and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall.

BCC Response:

A review is generally undertaken halfway through a scheme and reported to Cabinet member, but some key details are shared in the Landlord Newsletter and which includes all licensed landlords in the mailing. Updates on outputs are also provided in the WoE Landlord Forum meetings. This can be expanded so regular updates are given on scheme progress as necessary.

19.6 The NRLA has a shared interest with Bristol City Council in ensuring a high-quality private rented sector but disagrees that the further introduction of selective and additional licensing is the most effective approach to achieve this aim.

BCC Response:

Noted. The alternative proposed by NRLA will not in our view allow the Council to deal with the issues of poor standards of rented accommodation and management in the areas within this proposal.

