

**Draft Private Rented Sector Strategy**

**Consultation Analysis and Response**

**INTRODUCTION**

**The consultation**

0.1 Birmingham City Council (BCC) conducted a public consultation exercise about its draft Private Rented Sector strategy for a period of four weeks between 12 November 2021 and 10 December 2021. The vision on the strategy is to “Achieve long term and sustainable improvements in the quality of private rented sector through engagement and regulation”

0.2 In total, 30 respondents responded to the 15 questions included in the BeHeard questionnaire, furthermore responses were received from Council staff and Shabana Mahmood, Member of Parliament for Ladywood ward

0.3 In this document, we analyse the main issues raised by respondents during the consultation and set out BCC’s considered response to them.

**ISSUES RAISED BY RESPONDENTS**

**1.0 Exempt Accommodation**

1.0.1 Concerns over the amount of Exempt Accommodation in the city was frequently mentioned. Respondents felt that not enough is currently being done to address the impact of Exempt Accommodation and that more needs to be done to regulate, control, and reform, this accommodation type.

1.0.2 Respondents were keen to separate the issues being caused by Exempt Accommodation and “normal” Houses of Multiple Occupation (HMO)

1.0.3 The possible implementation of the Exempt Accommodation Scrutiny Review Recommendations at full Council 7th December 2021 would have a significant impact on the supply of Exempt Accommodation in the city and on neighbourhoods where there are over concentrations. Multi-disciplinary working between the Private Rented Sector Team and other services such as waste management and the Exempt Accommodation pilot will be obligatory but is not mentioned in the strategy.

1.0.4 The Exempt Accommodation pilot needs to be reimplemented at a local level

**1.1 Response:**

1.1.1 Exempt accommodation is by its designation unable to be licenced through either Mandatory, Additional, or Selective Licensing. The strategy does cover Exempt Accommodation in terms of Priority 3 in that disrepair can be addressed through appropriate enforcement following a complaint.

- 1.1.2 The strategy seeks to clarify that issues related to Exempt Accommodation under Priority 2 which states:

“Develop and implement a supported housing strategy and work with exempt accommodation providers to improve management and support standards”.

## **2.0 Support for landlords**

2.0.1 Some respondents felt that the strategy does little to support landlords in keeping their properties to a high standard.

2.0.2 Some felt that landlords need protection from rogue tenants who fall behind with rent payments and cause damage to the property.

2.0.3 There are concerns that good landlords will be driven out and rogue, non-compliant, landlords will remain

### **2.1 Response:**

2.1.1 The Council accepts these comments and the strategy has been updated to reflect this.

2.1.2 The Council will develop a Charter of Rights which will now include landlords as well as tenants.

2.1.3 The Council will publicise and provide a “Call Before You Serve” service to enable landlords to develop alternatives to eviction with the city council.

## **3.0 Energy efficiency and reducing carbon emissions**

3.0.1 Respondents highlighted that legislation already exists in terms of minimum Energy Performance Rating (EPC) to ensure homes are energy efficient. The Council is asked why all homeowners are not to be supported with grants to make properties more efficient, and why just properties in the private rented sector.

3.0.2 A minority of landlords are starting to see improving energy efficiency as a priority, but there is little or no incentive for most landlords at this stage other than the Minimum Energy Efficiency Standard (MEES). The priority needs to be to start with those landlords who are most willing to improve the energy efficiency of their homes, give them access to expert advice, connect them to funding opportunities and use them as exemplars to convince other landlords of the business case for improving energy efficiency.

3.0.3 The consortium approach of the West Midlands Combined Authority (WMCA) is the best way of making this happen. We need to ensure that on forthcoming funding rounds, we identify private landlords in Birmingham who are willing to be part of consortium bids bought together by the WMCA.

### **3.1 Response:**

- 3.1.1 Grant funding to contribute towards the cost of home energy improvements is provided by central government for that purpose.
- 3.1.2 The draft strategy includes “Identify and bid for funds to promote energy efficiency and tackle fuel poverty, targeting interventions to those at most risk of falling into fuel poverty and the most energy inefficient homes.

## **4.0 Planning**

4.0.1 Planning are currently preparing a Supplementary Planning Document that will mean that Exempt Accommodation is included in the ‘10% calculation’ for new HMO planning applications. It is critical that this is approved, and that Planning Officers apply it consistently.

4.0.1 Respondents consider that the strategy lacks strategic coherence as there is no mention of the Council’s current planning priorities which commits to protecting the loss of single household family housing and ensuring that HMO accommodation does not become over concentrated. The strategy is silent on how the housing and planning functions will work together to achieve sustainable neighbourhoods.

### **4.1 Response**

4.1.1 The draft Supplementary Planning Document proposes that Exempt Accommodation will be taken into account when considering planning applications for new HMOs.

4.1.2 The Council accepts the comments made in relation to planning and has updated the strategy to reflect this as shown below:

“The Private Rented Service will work with Birmingham City Council’s planning team to support their approach to preventing harmful concentrations of HMO’s arising which negatively impact on the character, balance, and amenity of local communities. This approach will enable the concentration of Exempt Accommodation to be taken into account.

A city-wide HMO Article 4 direction requires planning permission to change from a residential house to an HMO. Policy DM11 Houses of Multiple Occupation within the Development Management in Birmingham Document sets out the Council’s local planning policy in relation to the development of new or extensions of HMOs which is supported by the proposed supplementary planning document”.

4.1.3 Under Priority 7 - Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation, the draft strategy includes:

“Lobby for better regulation of the exempt accommodation sector”

## **5.0 Partnership working**

5.0.1 Respondents felt that the strategy was unclear in terms of what it meant by partnership working.

**5.1 Response**

5.1.1 Comment accepted. The strategy has been updated to reflect this view and is now more explicit in setting out which agencies it would work in partnership with.

5.1.2 These include West Midlands Police and West Midlands Fire Service.