

BIRMINGHAM CITY COUNCIL

CABINET

TUESDAY, 01 MARCH 2022 AT 10:00 HOURS
IN SPECIAL CABINET MEETING BMI MAIN HALL, [VENUE
ADDRESS]

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

4 EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

a) To highlight reports or appendices which officers have identified as containing exempt information within the meaning of Section 100I of the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.

b) To formally pass the following resolution:-

RESOLVED – That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting

during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.

- 3 - 54**
- 5 **PRIVATE RENTED SECTOR STRATEGY**
- Report of Managing Director - City Operations
- 55 - 208**
- 6 **PROPOSED SELECTIVE LICENSING SCHEME**
- Report of the Managing Director - City Operations
- 209 - 232**
- 7 **EXTENSION OF KING'S NORTON CEMETERY**
- Report of the Managing Director of City Operations
- 233 - 244**
- 8 **REFURBISHMENT OF YARDLEY CREMATORIUM**
- Report of the Managing Director City Operations
- 245 - 254**
- 9 **CONTRACT AWARD FOR THE PROVISION OF REPAIRS AND
MAINTENANCE, GAS SERVICING AND CAPITAL IMPROVEMENT 2022-
24**
- Report of Managing Director - City Housing
- 10 **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

Birmingham City Council

Report to Cabinet



1 March 2022

Subject: Private Rented Sector Strategy

Report of: Managing Director of City Operations

Relevant Cabinet Member: Councillor Shabrana Hussain, Cabinet Member for Homes and Neighbourhoods

Relevant O &S Chair(s): Councillor Carl Rice – Co ordinating Overview and Scrutiny Committee
Councillor Kate Booth – Housing and Neighbourhoods overview

Report author: Sajeela Naseer, Head of Licensing, Markets, Registration Services and Private Rented Sector
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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009258/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 Birmingham City Council is responsible for regulation and enforcement of private rented sector residential property. This includes the protection of tenants from harm, be that in terms of the condition of their homes or potentially treatment by landlords.
- 1.2 These duties and powers are set out in a range of legislation including the Housing Act 2004, Landlord and Tenant Act 1985 and the Protection from Eviction Act 1977.
- 1.3 In addition, the Council is afforded powers to bring empty properties back into use, using a range of tools including as a last resort empty dwelling management orders and compulsory purchase orders.
- 1.4 The Private Rented Sector Strategy (the “Strategy” appendix 1) clarifies how the Council will support tenants and landlords to ensure the best outcomes for safe and secure housing and how we will influence the supply of privately rented accommodation of a suitable standard. The Strategy links in both the Council Plan and Birmingham’s Housing Strategy priorities.
- 1.5 To ensure the Strategy can be delivered the Private Rented Sector team require a new operating model with additional staff resources.

2 Recommendations

- 2.1 That Cabinet approves the proposed Private Rented Sector Strategy contained in appendix 1.
- 2.2 That Cabinet approve the use of £191,000 of the New Burdens grant allocation (£2.46million) for 2022/23 to fund extra staff in the Private Rented Sector Team to support the delivery of the Strategy.

3 Background

- 3.1 The total number of residential properties in Birmingham across all tenures is estimated to be 468,048. The private rented sector estimated to be 104,941 properties, a 50% increase since the 2011 census and now the second largest tenure after owner occupation (22.14%)
- 3.2 As part of the wider housing strategy it is important to ensure we identify our response to this growing private rented sector through an appropriate strategy. This will set out how as a Council we will ensure that it can create and sustain a diverse, high quality private rented sector that is safe, secure and energy efficient, in neighbourhoods that are diverse, sustainable and pleasant to live in.
- 3.3 The vision is to “Achieve long term and sustainable improvements in the quality of private rented sector through engagement and regulation”
- 3.4 The Strategy also seeks to clearly identify how it will build on the priorities of the City Plan and the Housing Strategy.

3.5 The key priorities are:

- **Increase the supply of safe and secure accommodation by bringing empty homes back into use** and delivery of our Empty Homes Strategy
- **Identify and implement local initiatives to address local issues** including consideration of selective and/or additional licensing, and issues relating to exempt accommodation
- **Tackle disrepair and criminality** – building on our partnership work, the role of the enforcement team, risk-based intervention (Housing Health and Safety Rating System), use of civil penalties, criminal prosecutions, proceeds of crime, rogue landlord database and providing private rented sector “Charter of Rights”
- **Prevent Illegal Eviction and Harassment** – to support the Councils early intervention and prevention priorities.
- **Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions** supporting grant schemes and advising/signposting both tenants and landlords to support organisations thus supporting improvements in some of the most energy inefficient homes in the city
- **Operate a high-quality mandatory Houses of Multiple Occupation licensing scheme** to ensure shared accommodation is safe and provides appropriate facilities to occupiers. Support a range of supportive accreditation, participate and facilitate landlord forums, offer training and website tools, tackling rogue landlords and joined up approach across the council and partners
- **Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation** by proactively engaging in the national conversation and seeking improvement to relevant legislation

The current operating model is shown in Appendix 4 and the proposed temporary operating model in Appendix 5. The proposed temporary operating model aligns teams with priorities within the Strategy and provides both frontline and managerial capacity to ensure adequate resources are in place for delivering the Strategy. The budget has been reviewed to ensure that a request to use the 2022/23 New Burdens grant allocation is made only where necessary.

3.6 The proposed additional resources required to deliver the Strategy are shown below:

- **HMO Mandatory Licensing Team** – an additional five x grade 4 Licensing Officers to provide new pre licence inspection visits, conduct compliance visits, identify illegal HMOs and take appropriate enforcement action.

Additional cost of £236,250 - to be met through a review of the licence fee which enables the cost of administering the licensing scheme to be recovered through the fee.

- **Private Tenancy Unit** – an additional four x grade 4 Private Tenancy Officers to protect tenants from illegal evictions and harassment and to provide the new “Call Before You Serve” function that will assist landlords to find solutions to financial and other disputes with tenants rather than pursuing eviction. In the last 2 years there has been a doubling of requests for assistance to this service and we believe there will be a significant increase in evictions as the backlog from the moratorium on evictions has ended.

Additional cost of £191,000 – funded for 2022/23 only through New Burdens Grant

- **Empty Homes** – an additional one x grade 4 Empty Homes Officer to fully utilise legislative powers to bring property back into use. The post will build on current work with Housing Solutions to enhance the supply of private rented accommodation for discharging duty relating to rehousing homeless people through schemes such as “Help to Rent” and Empty Dwelling Management Orders.

Additional cost of £47,300 – funding to be identified from 2023/24

- **Environmental Health Team** – an additional four x grade 5 Environmental Health Officers to provide a reactive response to complaints of disrepair, overcrowding and other areas of noncompliance with housing legislation. The interventions (including enforcement) of these officers may prevent people exhibiting as homeless due to disrepair within the private rented property.

Additional cost of £236,614 – to be met through existing budgets

- **Management** – an additional 1FTE grade 6 service manager to manage the expanded Environmental Health team (covering both Section 82, Environmental Protection Act 1990 activity and PRS duties and responsibilities) and the Private Tenancy Unit. This post will provide capacity for policy and strategy development to further link PRS functions with opportunities to use PRS accommodation for vulnerable or at-risk households to prevent them exhibiting as homeless. The post to also ensure partnership working with internal and external partners is maximised to prevent homelessness.

Additional cost of £76,000 – to be met through existing budgets.

- 3.7 The table below shows the proposed increase in staffing subject to consultation. This is a net realignment of existing budgets and additional posts from the New Burdens grant.

Grade* and Job Title	Current FTE budgeted	Current actuals (including vacancies)	Proposed FTE budgeted	Proposed grant funded 22/23 only	Difference in budgeted
GR6	1	1	2		+1
GR5	8	7.8	10.8		+3
GR4	14	14.23	19.23	4	+5
GR3	5	5	4		-1
GR2	0	0	0		0
Total	28	28.03	36.03	4	+8

3.8 Additional funding of £47,300 is required for one x grade 4 officer within the Empty Properties team. Without short term or base budget funding the elements of the Strategy relating to maximisation of bringing empty properties back into use will not be deliverable until 2023/24 (subject to funding being available). The Strategy has therefore been amended to ensure that the reference to the use of “empty dwelling management orders” is removed as it is not deliverable without an extra officer. There is no statutory duty for this to be delivered.

3.9 The PRS team will continue to pursue opportunities to access grants and other funds to provide resources to accelerate and maximise activities to deliver the priorities within the Strategy. Additional Member’s Priorities funding of £590,000 is subject to approval as part of the Medium Term Financial Plan (MTFP) and Financial Plan proposals to be brought before Cabinet and Full Council in February 2022. The funds to provide a one-year campaign to improve conditions of HMOs and Exempt Accommodation, as detailed below:

- **High Risk Unlicensed HMOs**
 - Joint exercises with West Midlands Fire Service/ West Midlands Police to prioritise inspection of suspected illegal HMOs particularly above shops
 - High risk includes fire safety and category 1 hazards (e.g. damp/mould/overcrowding/dangerous electrics/gas)
 - Enforcement action against offenders
- **Improve Landlord Knowledge**
 - Provide a free training modules/events to all licensed HMO landlords and exempt accommodation providers to make them aware of their responsibilities
- **Exempt Accommodation**
 - Tackle registered providers who are not adhering to consumer standards in relation to cleaner streets and anti-social behaviour

- To be done through additional inspections and appropriate enforcement
- Reinforce current exempt accommodation pilot to be extended into 2022/23
- **Lobby for Change**
 - Promote further the Overview and Scrutiny Committee recommendations in respect of pursuing powers in relation to exempt accommodation
- **Introduce Mandatory HMO rating scheme**
 - Develop a rating scheme similar to that of the food hygiene rating scheme.
 - Score based on the new pre licence visit inspection
- **Cross Service Approach**
 - Fund a street scene team to tackle issues associated with exempt accommodation and high-density HMO areas
 - Work with Planning to maximise use of all regulatory regimes to tackle issues related to high density private rented sector accommodation

4 Options considered and Recommended Proposal

- 4.1 It would not be reasonable to adopt a “do nothing” approach as it is essential that we ensure that landlords, tenants and all citizens are aware of where we will focus our resources to best improve accommodation in this sector and improve neighbourhoods.
- 4.2 This strategy could have formed part of the review of the overarching Housing Strategy, which is planned for review by 2022, however that would have led to an unnecessary delay. It is considered that this strategy will link into and enhance the current Housing Strategy (Birmingham- A Great Place to Live) and the future review.
- 4.3 It is proposed that Cabinet considers and approves this proposed strategy.

5 Consultation

5.1 Internal

- 5.1.1 Consultation work has been carried out with City Operations Directorate, City Housing Directorate, Inclusive Growth Directorate and Legal Services to ensure the strategy is compliant with all relevant legislation and reflects the corporate views of the administration and Directorates in both policy direction and complementing existing strategies.

Sharon Thompson, Cabinet Member for Vulnerable Children and Families including homelessness has been consulted on the use of funding from the 2022/23 New Burdens grant to support the delivery of this Strategy and has given her approval.

5.1 External

- 5.1.1 Whilst there is no statutory requirement to consult on a Private Rented Sector Strategy it is good practice to test our assumptions on the priorities for this sector and strategic direction for our work, with key stakeholders including the public.
- 5.1.2 The strategy was consulted on through BeHeard for a period of 4 weeks commencing on 12 November 2021 and ending on 2 December 2021. Key partners and stakeholders were emailed to make them aware of the consultation. These organisations were: Landlord Steering Group, Midland Landlord Accreditation Scheme, West Midlands Police, West Midlands Fire Service, National Residential Landlords Association.
- 5.1.3 30 responses were received via BeHeard. Those responses can be seen in appendix 2. The majority of responses were supportive of the vision and priorities of the proposed Strategy.
- 5.1.4 Appendix 3 shows Birmingham City Council's consultation analysis and response to the issues raised during the consultation.

6.0 Risk Management

- 6.1 The Private Rented Sector service has sought legal advice in respect of the proposed Private Rented Sector Strategy to ensure it is compliant with legislation and Birmingham City Council's constitution. Advice has been received confirming that compliance.

7 Compliance Issues

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
- 7.1.1 The proposals within the policy support the delivery of the Council Outcome "Birmingham, a great, clean and green city to live in" as set out in the Birmingham City Council Plan 2018 – 2022.
- 7.1.2 Specifically, the Strategy will contribute to priorities 2 and 3 of the eight priorities to achieve this outcome:
- Priority 2** - We will have the appropriate housing to meet the needs of our citizens
- Priority 3** - We will work with partners to tackle rough sleeping and homelessness.
- 7.1.3 The proposals within this policy support the delivery of the priorities of the Housing Strategy (Birmingham- A Great Place to Live) which are:
- A strong supply of new high-quality homes;
 - Citizens are able to find, access and sustain housing that meets their needs;

- Neighbourhoods are enhanced and the quality of existing housing is improved.

7.2 Legal Implications

7.2.1 The Council's main powers in relation to private rented sector properties are contained in the Housing Act 2004 and the Landlord and Tenant Act 1985. In relation to the protection of tenants from harassment and illegal eviction the Protection from Eviction Act 1977 applies.

7.2.2 The primary homelessness legislation – Part 7 of the Housing Act 1996 – provides the statutory underpinning for action to prevent homelessness and provide assistance to people threatened with or actually homeless. The Homelessness Reduction Act 2017 places duties on local authorities to intervene to prevent homelessness in their areas.

7.2.3 In addition to activities authorised expressly under the above legislation, the Council may also do whatever is reasonably incidental to that power. This is given statutory effect in Section 111 (1) Local Government Act 1972 which states:

- “Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.”

7.3 Financial Implications

7.3.1 Delivery of the proposed Strategy in appendix 1 will cost an additional £0.740m in 2022/23 increasing to £0.788m on an ongoing basis from 2023/24. Funding of the £0.740m is primarily within existing budgets however requires approval to utilise £0.191m of the New Burdens grant as per the report recommendation. Proposed increases to Mandatory HMO Licensing Fees account for £0.236m and are subject to approval by Licensing & Public Protection Committee 9th March 2022.

7.3.2 As the New Burdens funding of £0.191m is one year only and an additional £0.047m is required from 2023/24, ongoing funding arrangements will form part of the rolling MTFP process.

7.4 Procurement Implications (if required)

7.4.1 Not applicable

7.5 Human Resources Implications (if required)

7.5.1 Not applicable

7.6 Public Sector Equality Duty

7.6.1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment was conducted on 4 November 2021. The assessment does not show a need to proceed to full assessment.

8 Appendices

- Appendix 1 - Proposed Private Rented Sector Strategy 2022-2027
- Appendix 2 – Consultation Feedback
- Appendix 3 – Consultation Analysis and response
- Appendix 4 – Current Operating Model
- Appendix 5 – Proposed Operating Model

9 Background Documents

- 9.1 Housing Act 2004
- 9.2 Prevention from Eviction Act 1977
- 9.3 Birmingham City Council's Housing Strategy 2017 "Birmingham- A Great Place to Live"
- 9.4 Birmingham City Council Plan 2018 – 2022.

BIRMINGHAM

Private Rented Sector Strategy 2022-2027



Foreword

This Private Rented Sector Strategy embodies the promise we made on coming to power - to meet the needs of all Birmingham citizens with a range of housing types and tenures, and to create strong, cohesive communities and vibrant neighbourhoods. We hope that the action and activities contained here will support improvements in private rented sector housing in our City for the benefit of all our residents.

Our plans for the next five years set out where we focus our resources to have the biggest impact. We intend to work even more closely with the many conscientious landlords already providing truly viable housing options in the private rented sector, while tackling rogue landlords through an expanded programme of licensing, inspection and regulation. In this strategy, we also look further afield to support energy improvement and influence legislation. This is in addition to recognising the real problems that can arise from concentrations of certain tenure types in very small local neighbourhoods and looking for local initiatives for local issues.

We can't realise this vision alone, indeed this strategy acknowledges how very important our partnerships with the Police, the Fire Service and with landlords are to the transformations we want to see. Most of all, of course, this strategy depends on our residents and citizens, and their engagement as the fascinating and necessary project of shaping a new, vibrant, private rented sector in Birmingham.

It is my pleasure to introduce the Birmingham City Council Private Rented Sector Strategy.

Cllr Shabrana Hussain,

Cabinet Member for Homes and Neighbourhoods

8 February 2022

Executive Summary

The Private Rented Sector Strategy 2022-2027 sets out the strategic direction for the Council's Private Rented Sector service over the next five years. Its purpose is to highlight what we believe are the main priorities and what will be done to meet these.

With demand for social housing far exceeding supply, and owner occupation out of reach for many households, private rented accommodation performs a vital role in meeting housing need in the city. It is therefore essential that the Council works with landlords, tenants, and partners: to protect tenants from harm, to improve property conditions across the whole sector, raise management standards bring long term empty properties back into use, and support the Government's Net Zero strategy and the city's Carbon Roadmap.

We will work with private landlords to encourage and support them to improve standards and take robust enforcement action against those landlords who fail to manage their property properly. We will respond to reports of disrepair, overcrowding, illegal eviction and harassment quickly and in accordance with legislation and existing policies and procedures.

The Council recognises the benefit of joint working and will develop and improve its links with both internal and external partners. Through information sharing, the Council will develop its understanding of this housing sector, respond to concerns made on behalf of tenants, and increase awareness of the help available for both tenants and landlords.

It is generally accepted that poorly managed private rented accommodation can negatively impact individual residents, neighbourhoods, and the wider community – “the broken window” syndrome. Conversely, properly managed and maintained accommodation will help reduce environmental crime and increase community cohesion.

Introduction

Housing is one of the key determinants of health. The quality of people's homes is strongly related to economic prosperity and minimising the adverse effects of poor housing remains a major challenge for the Council. Living in a home which is in good condition, that the household can afford to heat and in an area in which they feel safe and well supported by the local community underpins the wellbeing of individuals and families.

The impact of poor housing in childhood can affect an individual for a lifetime and can affect physical, social and psychological development. In addition to daily activities such as the ability to cook and wash, overcrowding contributes to conflict within the family and for young people the ability to have space to do their homework and relax. Damp, cold and overcrowded conditions can lead directly to physical illness and there is also increasing evidence that poor housing conditions can seriously affect people's mental health and sense of wellbeing.

The private rented sector is growing fast with recent estimates indicating that the number of private rented sector units increased to 104,000 units or 22.4% of the city's housing stock in 2021. A large part of the sector is made up of Houses of Multiple Occupation (HMOs) with over 6000 across the city. The city has the largest Exempt Accommodation sector in the UK with over 22,000 units concentrated across 20 wards.

The Private Rented Sector Strategy identifies the key challenges facing Birmingham and sets out the Council's priorities for tackling them in the context of the priorities set out in Birmingham's overarching Housing Strategy which are:

- A strong supply of new high quality homes;
- Citizens are able to find, access and sustain housing that meets their needs;
- Neighbourhoods are enhanced and the quality of existing housing is improved.

This strategy supports the Council Plan 2018 – 2022. The Council Plan sets out six outcomes that the Council seeks to achieve:

- Birmingham, an entrepreneurial city to learn, work and invest in
- Birmingham, an aspirational city to grow up in
- Birmingham, a fulfilling city to age well in
- Birmingham, a great, clean and green city to live in
- Birmingham, a city whose residents gain the most from hosting the Commonwealth Games;
- Birmingham a city that takes a leading role in tackling climate change.

Achieving the priorities within this strategy will improve standards in the private rented sector and help meet 'Birmingham, a great, clean and green city to live in'.

Additionally, the strategy will contribute to priorities 2 and 3 of the eight priorities within the Plan to help achieve this outcome:

Priority 2 - We will have the appropriate housing to meet the needs of our citizens. The priorities within this strategy aim to ensure that all privately rented properties offer tenants a safe and stable home and helps with building cohesive communities. Tenants should be confident that homes can meet the minimum energy saving requirements which would contribute to the green city aspiration. The strategy will contribute to alleviating fuel poverty as measures to improve standards are implemented.

Priority 3 - We will work with partners to tackle rough sleeping and homelessness. The availability of and living in, improved housing conditions will contribute to the reduction in homelessness. An increased awareness of the private rented sector and wrapping around partner services will reduce homelessness from the private rented sector which is a major contributor to homelessness in Birmingham.

The number of residents being made homeless from the private rented sector has increased. There are a variety of reasons for this, including disrepair. By ensuring that disrepair is tackled it would be expected that there would be a reduction of homeless applications for this reason. This will support the aims and objectives of the Homelessness Prevention Strategy 2017+.

The Council's Empty Property Strategy aims to bring privately owned properties back into use. Empty properties adversely affect the lives of people in the vicinity. They attract vandalism and anti-social behaviour. In addition, empty properties have a negative impact on the surrounding living environment and drive down property values. There is great demand for family accommodation in the city and most of the empty properties reported are houses. Bringing these properties back into use will contribute to the supply of family accommodation.

Our vision is to “Achieve long term and sustainable improvements in the quality of private rented sector through engagement and regulation”

To achieve this vision, the Council has defined several priorities.

Priorities

1. Increase the supply of safe and secure accommodation by bringing empty homes back into use
2. Identify and implement local initiatives to address local issues
3. Tackle disrepair and criminality
4. Prevent illegal evictions and harassment
5. Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions
6. Operate a high-quality mandatory Houses of Multiple Occupation licensing scheme
7. Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation.

Priority 1 - Increase the supply of safe and secure accommodation by bringing empty homes back into use

There are approximately 9,900 empty properties across the city (2021) and this strategy sets out the actions we will undertake to bring empty properties back into use as quality housing accommodation and to raise awareness of the issues surrounding empty properties. The actions below support the Council's Private Sector Empty Property Strategy 2019-2024.

In order to meet this priority, we will:

- Proactively work with other services to identify and help bring back into use any long-term empty properties within the city.
- Bring 350 empty properties back into use each year.
- Work with owners of empty homes to bring back into use and prevent negative impact on neighbourhoods.
- Encourage owners to bring empty properties back into use as self-contained family accommodation where possible.
- Identify and prioritise bringing back into use those empty properties that are having the greatest negative impacts on the local community. This will include those vacant properties which are attracting criminality (fly tipping, drug use) and properties which are a visual blight on the community (broken windows, overgrown gardens).
- Provide support, advice, and information to homeowners to bring empty properties back into use.
- Use enforcement action when necessary and appropriate. Action will include the use of compulsory purchase orders. Legal action of this kind will typically be the option of last resort and used where the owner has failed to act on extensive advice and guidance given.
- Signpost landlords with vacant properties to the Council's private rented sector housing scheme (Help to Rent) for homeless families.

Priority 2 – Identify and implement local initiatives to address local issues

The conditions found within the private rented sector vary greatly across the city. In addition to the varying standard of accommodation, the proportion of private sector housing in each ward also varies greatly. In 2021 nearly half (49.3%) of the housing in the Bournbrook and Selly Park ward is made up of private rented housing, whilst in other areas it makes up only around 10% of the stock (Shard End 10.3%, Kings North South 10.1%, Frankley Great Park 10.3%, and Nechells 9.1%). It is therefore important that the Council's resources are targeted at those areas where housing conditions are at their worst and where the greatest benefits can be achieved.

In order to meet this priority, we will:

- Consult on the introduction of a selective licensing scheme by 2023 (subject, if appropriate, to Cabinet and Government approval).
- Undertake a review of the city's Houses of Multiple Occupation (HMO) and implement Additional Licensing if required.
- Develop and implement a supported housing strategy and work with exempt accommodation providers to improve management and support standards.
- Explore the potential to work in partnership with a Landlord Accreditation Scheme, reviewing and revising as necessary.
- Work with partners to publicise services offered by the Private Rented Sector team. These include domestic abuse and mental health services, as well as adult and children social services.
- Work in partnership with local communities and elected members to identify and address issues. This will include responding to enquiries quickly and accurately and developing agreed plans of action. Responses will be tailored to the housing conditions being experienced in each neighbourhood.
- Work with INReach (Birmingham City Council's wholly owned company) which was set up to provide high quality private rented homes) to explore opportunities to provide additional homes that are spacious, affordable and flexible to rent. The provision of market rent homes through INReach, provides an additional housing offer and housing growth for the City.

- Develop models to work with commercial developers/investors/landlords to increase private rented sector housing supply for the citizens of Birmingham including opportunities for homelessness prevention, nominations and other means to meet need.
- 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.

- Support the review of the Birmingham Development Plan and associated policies relating to the provision of good quality private rented accommodation.

Priority 3 - Tackle disrepair and criminality

Disrepair and deficiencies such as inadequate fire safety measures, dangerous electrical wiring, and uneven floors can lead to accidents and injury. Damp and mould, two of the most common hazards found in the private rented sector, have a major impact on respiratory conditions. Children are particularly susceptible to bad housing which is linked to debilitating and even fatal, illnesses and accidents.

The Council are authorised to act under a range of legislative provisions, the primary legislation being the Housing Act 2004 under which most offences are criminal. The Act includes the enforcement provisions related to housing standards and the identification of hazards under the Housing, Health and Safety Rating System.

To meet this priority, the Council will:

- We will publish a Private Rented Sector Charter of Rights to help tenants and landlords understand their responsibilities and give details of the support available and what to do if things go wrong.
- Help tenants living in poor quality private rented properties by responding to their concerns quickly and effectively.
- Undertake risk-based assessments using the Housing, Health and Safety Rating System and prioritise Category 1 hazards such as gas and electrical faults, excess cold, and damp and mould.
- Update the Government's database of rogue landlords and property agents. Section 303 Housing and Planning Act 2016 allows the Council to make entries for a person who has been convicted of a banning order offence and/or received two or more financial penalties in respect of a banning order.
- Publicise successful criminal prosecutions.
- Share information with Her Majesties Revenue and Customs (HMRC), West Midlands Police, West Midlands Fire Service and other local and central government departments.
- Use the full range of legislative tools available when taking action against negligent landlords. The Council will have regard to its Enforcement Policy when deciding the most appropriate course of action. This action could include the service of Civil Penalty Notices, action under the Proceeds of Crime Act 2002, and rent repayment orders.
- Establish joint protocols with other relevant statutory bodies such as West Midlands Police, and West Midlands Fire Service

Priority 4 – Prevent illegal evictions and harassment

The Council is authorised to act under the Protection from Eviction Act 1977 to respond to allegations of illegal eviction and harassment. The Act defines unlawful eviction and harassment of residential occupiers and creates a criminal offence for breaches which any person subsequently convicted of an offence may receive an unlimited fine and/or a term of imprisonment.

Residential Occupiers [tenants] occupying a privately rented property under the provisions of an Assured Shorthold Tenancy are entitled to exclusive possession of the property, to enjoy the property without interference to either their peace or comfort and not to be unlawfully evicted from it.

Any person with the intent to cause the residential occupier of any premises and any person who knows, or has reasonable cause to believe the conduct committed is likely to cause the residential occupier or members of their family to give up the occupation of the premises, to refrain from exercising any right in respect of the premises, or does acts calculated to interfere with the peace or comfort of the residential occupier or members of their household; or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, shall be guilty of an offence.

Whilst many landlords will manage their property in a lawful manner, some will not follow the prescribed procedures, either through ignorance or wilful disregard. To reduce eviction and harassment, the Council will:

- Ensure that help and advice is available to tenants and respond to alleged offences under the Protection from Eviction Act 1977 in a quick and timely manner. In doing so, the Council will have regards to its Enforcement Policy.
- Assist with physical reinstatement or injunctive action against the landlord when required
- Ascertain the reason for the landlord's actions and refer the tenant to the Council's housing advice service for assistance under the Homelessness Reduction Act 2017 as necessary
- Offer training and guidance to landlords to raise management standards and prevent offences from occurring
- Publicise and provide a "Call Before You Serve" service to enable landlords to develop alternatives to eviction with the city council. Hence preventing potential homelessness.
- Publicise successful prosecutions of landlords where tenants have been harassed or illegally evicted.

Priority 5 - Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions

A household is said to be in fuel poverty when it cannot afford to keep adequately warm at reasonable cost, given their income. The incidence of fuel poverty in the city is around 1 in 5 households, considerably higher than the national average of 1 in 10. A cold home is bad for health and increases the risk of cardiovascular, respiratory, and rheumatoid diseases. Many of the excess winter deaths each year are attributable to the coldest 25% of homes. Domestic energy is responsible for around a third of all carbon emissions.

Birmingham has an ambitious target of a 60% reduction in total carbon dioxide (CO₂) emissions by 2027, against 1990 levels. The most up to date government data indicates that in 2015 Birmingham's CO₂ emissions have decreased by 33.7% against the 1990 baseline.

- Provide advice and assistance on energy efficiency measures, alternative methods of heating and energy provider switching services to tenants.
- 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.
- Signpost residents to information and advice to resolve financial hardship.
- Integrate our energy improvement activity into the wider Financial Inclusion Strategy to maximise outcomes through partnerships and local support providers.
- Ensure landlords are compliant with all aspects of the Energy Act 2011 including compliance with the Minimum Energy Efficiency Standards
- Signpost landlords and tenants to grant funding opportunities for heating and insulation works. Heating homes more efficiently will not only make utility bills more affordable for the tenant but will also contribute towards the Government's Net Zero Strategy and the city's Carbon Roadmap.

Priority 6 - Operate a high-quality mandatory HMO licensing scheme

A high-quality mandatory HMO licensing scheme will ensure shared accommodation is safe and provides appropriate facilities to occupiers.

Houses of Multiple Occupation (HMOs) play a valuable role in the city's housing market as they provide accommodation for many low income, vulnerable people and those requiring short term housing. However, HMOs are not without their problems with the physical condition varying considerably and there are concerns from many residents and partners that the property and management standards are poor.

HMOs also create increased population density, leading to greater demand for infrastructure services, such as waste collections and on-street parking. They can also lead to a higher proportion of transient residents, potentially leading to less community cohesion and making the area less popular with local residents.

In order to address these issues, we will:

- Develop proactive initiatives to identify HMOs that require a mandatory licence. This will include working with the Council's planning and council tax departments, West Midlands Fire and Rescue Service, West Midlands Police, and UK Visas and Immigration service (previously UK Border Agency)
- Ensure that HMOs have adequate waste and recycling facilities and work with other departments to address fly tipping and other environmental crimes linked to these properties.
- Undertake regular inspections to ensure compliance with licence conditions and take action against landlords who fail to comply. In doing so, it will have full regard to the Council's Enforcement Policy.
- Protect tenants by ensuring that all mandatory HMOs are free from Category 1 hazards.
- Use any money recovered through civil penalties or proceeds of crime to develop enforcement activities and improve housing standards.

Priority 7 - Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation.

The City Council will use opportunities to influence the Government, other regulatory agencies, and partners to advocate for better standards in the private rented sector on behalf of its residents.

To that end the City Council will:

- Lobby for more effective legal provisions and better control of the private rented sector.
- Propose revised standards for control of all parts of the private rented sector.
- Lobby for better regulation of the exempt accommodation sector.
- Work in partnership with other local authorities and the voluntary sector to propose improvements in regulation.

Monitoring and review

The strategy is subject to change and will be reviewed after the first year of operation and/or in line with changes in legislation and guidance.

The first-year review will consider whether the Council is achieving its priorities, whether these remain valid, and whether the prescribed actions remain fit for purpose. It will also allow the City Council to consider whether any priorities need to be added to address new or worsening housing situations.

Monitoring will give the opportunity to update guidance on grants and other assistance available to landlord and tenants. Monitoring will include the agreement of key performance indicators and monitoring achievement against the targets.

Draft Private Rented Sector Strategy

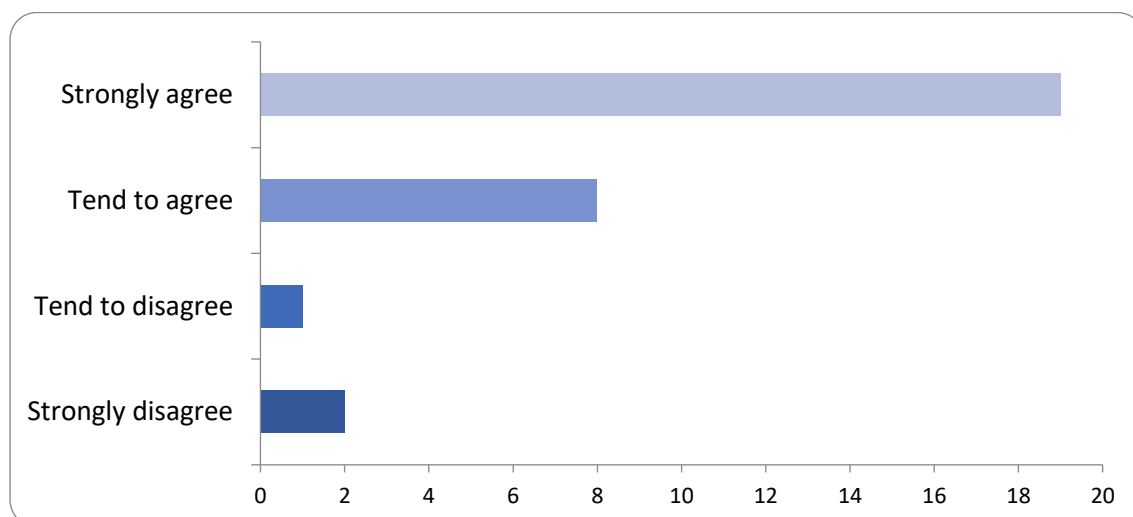
Consultation Feedback

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.

In total, 30 respondents responded to the 14 questions included in the Be Heard questionnaire. Further responses were received from Council staff and Shabana Mahmood, Member of Parliament for Ladywood ward.

We propose that the vision for the new Private Rented Sector Housing Strategy for Birmingham should be “Achieve long term and sustainable improvements in the quality of private rented sector through engagement and regulation”.

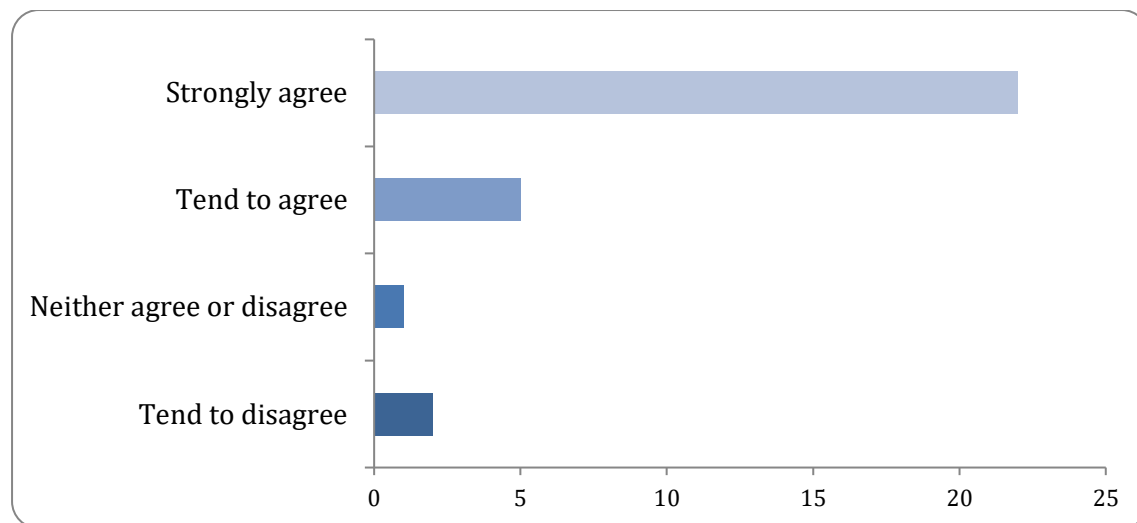
To what extent do you agree or disagree with this vision?



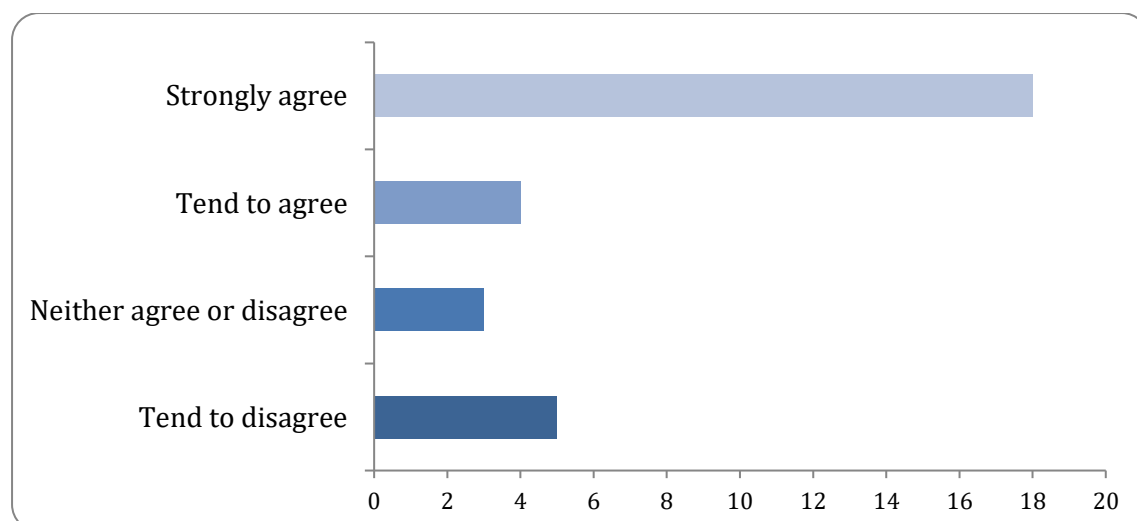
Respondents were asked to what extent they agree or disagree with the seven proposed priorities:

- 1) Increase the supply of safe and secure accommodation by bringing empty homes back into use
- 2) Identify and implement local initiatives to address local issues
- 3) Tackle disrepair and criminality
- 4) Prevent illegal evictions and harassment
- 5) Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions
- 6) Operate a high-quality mandatory Houses of Multiple Occupation licensing scheme
- 7) Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation.

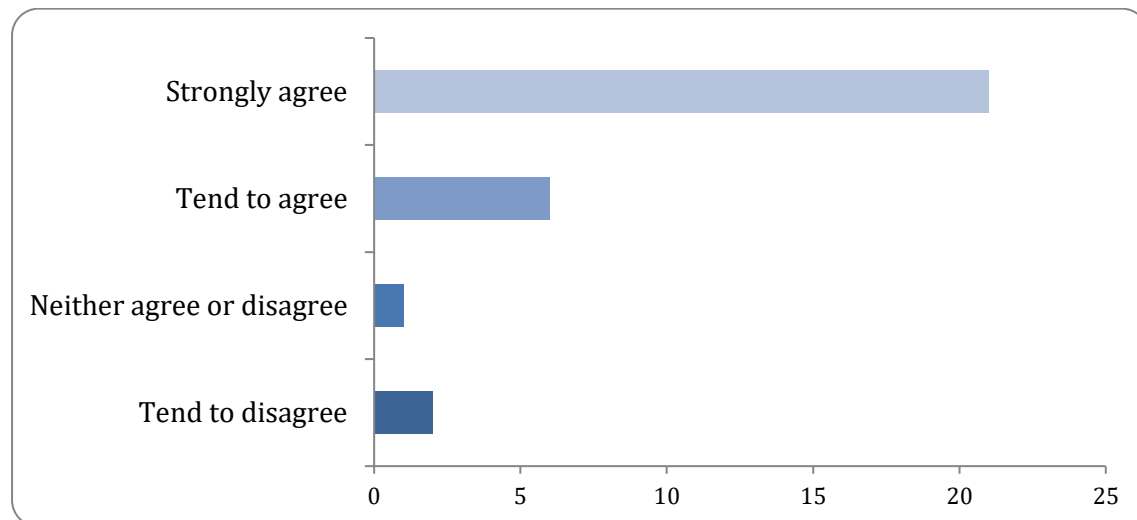
Priority 1 - Increase the supply of safe and secure accommodation by bringing empty homes back into use and delivery of our Empty Homes Strategy



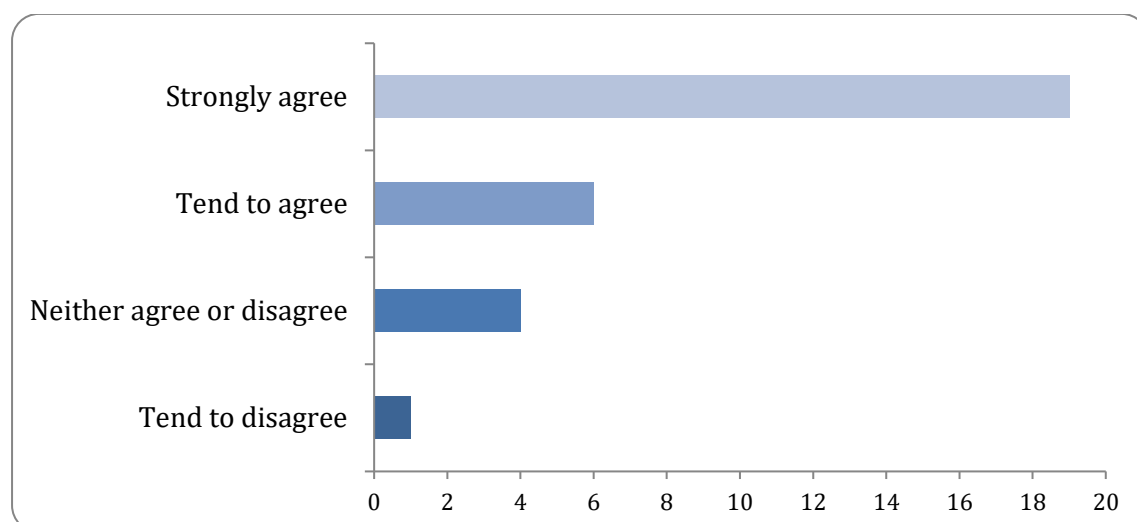
Priority 2 - Identify and implement local initiatives to address local issues including consideration of selective and/or additional licensing, and issues relating to exempt accommodation



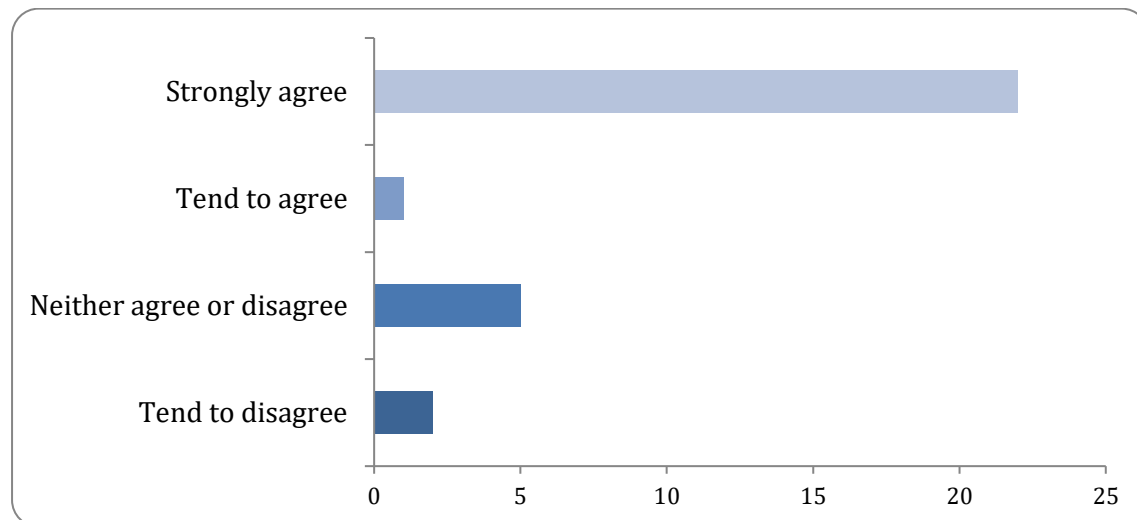
Priority 3 - Tackle disrepair and criminality – building on our partnership work, the role of the enforcement team, risk-based intervention (HHSRS), use of civil penalties, criminal prosecutions, proceeds of crime, rogue landlord database and providing a tenant’s “Charter of Rights”



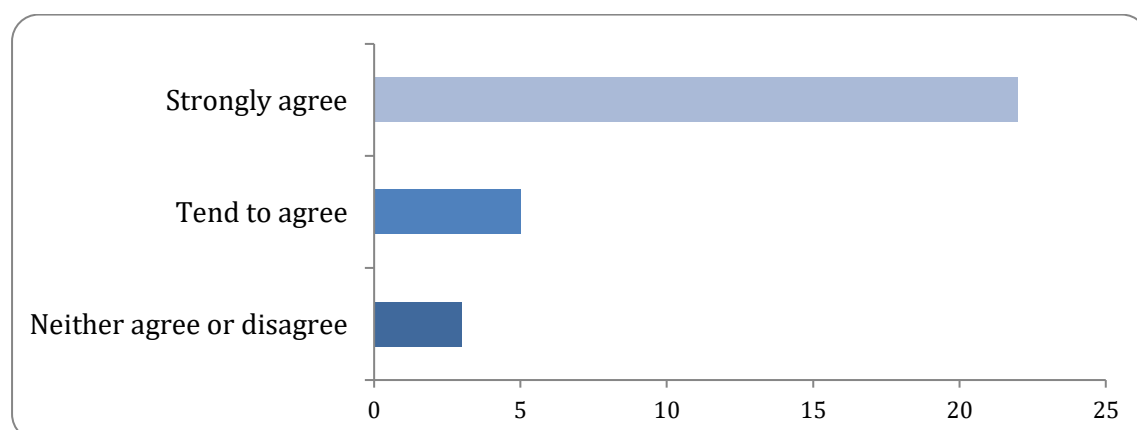
Priority 4 - Prevent illegal eviction and harassment – to support the Council's early intervention and prevention priorities.



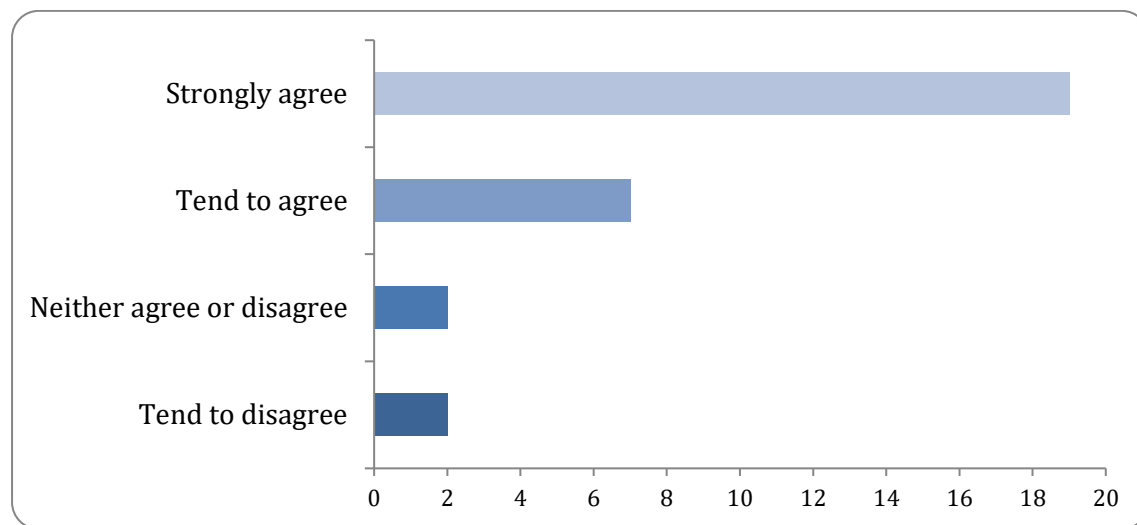
Priority 5 - Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions supporting grant schemes and advising/signposting both tenants and landlords to support organisations thus supporting improvements in some of the most energy inefficient homes in the city



Priority 6 - Operate a high-quality mandatory Houses of Multiple Occupation licensing scheme to ensure shared accommodation is safe and provides appropriate facilities to occupiers. Support a range of supportive accreditation, participate and facilitate landlord forums, offer training and website tools, tackling rogue landlords and joined up approach across the council other parts of council and partners



Priority 7 - Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation by proactively engaging in the national conversation and seeking improvement to relevant legislation



Respondents were given the opportunity to explain their answers to the questions above

There were 21 responses to this part of the question.

- All worthy aims, but (speaking as a conscientious landlord of 3 high quality properties in Northfield) I feel that great care should be taken to avoid alienating and disillusioning good landlords who are already leaving the sector due to increased legislation as well as higher taxes and rules that are becoming increasingly biased towards tenants. If you are talking to the government on a national level then it is imperative that the government invests more in social housing - most of the problems are as a consequence of problem tenants who would be better suited to social housing with none available.
- Landlords have been the wrong side of all the recent legislation. Red tape has increased and Covid has made it impossible to evict non-paying tenants. It is no wonder the good landlords are selling up. The rogue landlords never pay any attention to the rules anyway so they will carry on. So the private rented sector is shrinking and rents are increasing.
- What can you do in the face of these trends. Your objectives are laudable, but will they achieve anything?"
- Just fed up of awful housing I see in eg the B8 area. I walk past houses on college road by Ali shop. In an awful state. Tiles hanging off outside. Look in such bad repair. Then find out all the houses are on rent.
- Know loads of landlords and not one of them even pays tax. Cash in hand and tenants keep the houses and area so dirty.
- Fed up of it all in B8 as so many people have moved out and rent out the houses. The area has become so dirty.

- Want landlords to make sure the houses are kept clean by the tenants in same way. If they are not paying taxes on rent then they can sell houses and genuine people who need homes can buy.
- I am living in an area of very high hmo housing lots lots of problems drug drinking fighting I am fed up and scared to go out day or night
- Exempt accommodation needs to me properly controlled and thus I question what and why exactly they are "exempt". The potential for problems arising is significantly different between HMOs and Exempt accommodation. Don't tar both with the same brush!
- I understand that there already exists all the legislation you need without the need to add additional levels of complexity and cost. I don't want good landlords to have to bear the burden/cost of pursuing the bad ones.
- The new licensing proposals across Birmingham seem to offer no discount to accredited & qualified landlords. Why not when your intention is to incentivise the better landlord? Bad landlords always try to fly under the radar and will not be stepping forward any time soon, it is the good ones that will pay as is usual. We need targeted efforts not grand statements and a broad brush approach."
- Legislation already exists for you to ensure that illegal evictions do not take place. Is there any reason why the Council isn't enforcing this on rogue landlords?
- Legislation already exists in terms of minimum EPC ratings to ensure homes are energy efficient. Is there any reason why the Councils aren't already supporting the green agenda. Surely it should have been part of the strategy that all houses need to become energy efficient, not just rental property. Surely ALL home owners should be supported with grants etc to make all properties energy efficient. Focusing on rental properties will not help you achieve your targets.
- HMOs are already licensed, the quality of the licensing should be driven by your Officers currently.
- Increased legislation and licensing, leading to higher costs will drive the good landlords away who already comply and also increase the cost of renting. The tenants of Birmingham will suffer long term as there won't be sufficient private housing stock. There is already a lack of supply of social housing. Surely your proposals should be looking at how the Council will meet the shortfall of social housing.
- Whilst there is rhetoric about working with Landlords, there is nothing in the proposals that support Landlords in keeping their properties at a high quality and safety. By that I mean, how are you protecting landlords from rogue tenants who don't pay rent even when they are supported with housing benefit or those that cause substantial damage to property. Where is the protection for the landlord in being able to evict these rogue tenants quickly and efficiently. Where is there a proposal to pay rent direct to landlord for everyone who is claiming housing benefit, where is the proposal that the rent to the landlord will not be recalled if the tenant makes a fraudulent claim.
- Landlords need protection and support as well so they can focus their energies and funding on providing a safe and energy efficient rental property not spend months having to evict rogue tenants and financially subsidising a roof over their heads. When will the

Council fine tenants who don't pay rent, when will they fine tenants who damage property and ultimately make it unsafe. You will drive good Landlords out, the rogue non compliant landlords will still be there. They will be under the radar.

- Living next door to a HMO one of the issues is the lack of normal day to day maintenance for example maintenance of fences and hedges, access to the sides of our property for maintenance (I live in a semi detached). In addition not regular maintenance of the external walls of the property, guttering etc
- I think the seven key aims are good points but however there is more needed to be done like vetting landlords, regular compliance checks and other investigation in to the HMO's to make sure they are legal and within the rules of the law.
- More protection for private tenants who live peacefully and long term. With no damage or trouble. We recently had a landlord change and the first thing he tried to do was change our contracts (to our detriment) and put the rent up. I understand its business for you but for us it's our lives. Come and meet us, talk to us. 8 homes of professional people who never miss rent. Don't treat us like scum because we chose to rent!
- For priority 7 you require many more officers as the system is so very far behind in the licensing of current HMO there's no way it can catch up and review what is current let alone out of date or unworthy of a licence."
- "You already have a HMO licensing scheme
- You already have the powers to prosecute LL but dont seem to care whatsoever about rogue tenants who cause misery in neighbourhoods
- A tenant who will cause ASB is not going to consider their type of tenancy before causing ASB
- A national register of LLs would work like it does for the security industry SIA, because having each council have its own is unwieldy and there is no consistency which is required across the board
- BCC is a mess and has no joined up thinking
- Residents of our small community feel very strongly that not enough is being done to regulate and implement mandatory licensing related to exempt accommodation.
- We have one such property in our community which is an eyesore to the area. Property is disgusting and does not have assisted refuse collection, bags of rubbish build up attracting vermin, because tenants don't put refuse out for collection each week, gardens are unkempt and overgrown. We live in a cul-de-sac.
- It had a change of use May 2021 from a three bedroomed home to four bedsits. No planning approval or registered on Birmingham HMO register."
- "Urgent action is required and a strategy is key for bribing this about to deliver a string vision for the role of private rented housing alongside other tenures in meeting housing needs and supporting local economies.

- I opted for strongly agree in all cases as the proposals are all essential to realising the vision and priorities in the strategy.
- There is a need for a wider housing strategy and a fit of this one in that and a progressive alignment of partners including the local authority, registered providers and private rented sector providers.
- The exempt sector within the prs sector needs absolute reform. It can not be tamed or regulated. Spending 200m of public subsidy in support of profiteering and exploitation of vulnerable residents is Dickensian and should be driven out of the city. This needs to be at the forefront of the strategy.
- To enable the strategy to be delivered there is a need for a single housing directorate with all functions and statutory responsibilities of the housing authority under one roof."
- Birmingham is home from birth, I want Birmingham to be the best place to live better than London or Manchester as much as I also love those cities and wish them well. I'm delighted to see the council making positive steps forward and connecting with us.
- All Talks... for many years rogue landlords have played with people lives, Money is so great that most HMO providers are becoming complaisant in dealing with homeless people. It's about time to get this mess sorted.
- I am concerned by the number of single occupancy homes being converted into HMOS and the lack of regulation around these properties. People who are vulnerable and/or have additional needs must have those needs met appropriately. At the moment many of these properties are solely about profit not the needs of the people being housed. This impacts not just on the residents of the hmo but can also impact on neighbours and other residents nearby. It is imperative that there are limits to the numbers of HMOS in a given area as they change the demographic of a residential neighbourhood and it is also imperative that they are regulated and residents given all the support they need.
- "My Ward has a lot of hmos and exempt accommodation and the number is rapidly increasing to the detriment of the area. There is a loss of family homes to rent and buy. Residents are afraid to oppose planning applications for hmos as they are withdrawn and property turned into exempt housing. Police are regularly attending some of these premises because of anti social behaviour.
- It is difficult to take issue with any of the 7 priorities as a direction-setting private rented housing in Birmingham, and the direction is welcome. The challenges are in the implementation, and it is here that I wish to comment.
 - Priority 1 - Introduces recurring themes re. implementation:

the need for multi-disciplinary working based on shared values and perceptions, which reaches down into some of the best practice in the current EA pilot; disciplines like the Police and Fire Service seeing it as their business to use the breadth of their local contacts to inform Council services of issues and behaviours they need to be aware of and to act on re. local properties, and further extending that reach by using intelligence from local residents and volunteers like Streetwatch and Neighbourhood Watch groups.

This is a way of thinking in professionals which requires constant refreshment e.g. as the officers in local Police teams change.

- the need for continuity, which follows from the above: the use of constantly changing agency staff won't deliver on the priorities.

- the need for imaginative and genuine engagement of local residents' commitment and expertise at all levels; tokenistic, process driven, engagement, which tends to assume that only the professionals know what needs doing, won't deliver the outcomes - residents need to be talking to central government, not just their ward councillor.

- Priority 2

The Selective Licensing Scheme needs to consider areas at sub-ward level to ensure that all localities which meet the criteria have been taken into account, and that the potential impacts of 'displacement' have been thought through.

The potential for exempt accommodation (EA) to come within the Council's regulatory framework in approx. 2 years' time needs to be anticipated. In the meantime there needs to be recognition of the strong finding of the EA Review that the impacts of poor quality EA/HMOs are largely indistinguishable for local residents – in practice it will not be viable for localities to live with a rigid Council distinction between the two.

The impacts of existing over-concentrations of poorly managed EA and HMOs in particular neighbourhoods have to be reversed, and the priority given to family housing in the Birmingham Development Plan has to be reasserted. Local residents need to be partners in assessing the viability of new EA as they are in other local authorities such as Manchester and Hull - and this needs to be linked to the Regulator of Social Housing's concern for implementation of the Neighbourhood and Community Standard.

Planning are currently preparing a Supplementary Planning Document that will mean that EA 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.

The impacts of over-concentrations of poorly managed EA and HMOs in particular neighbourhoods have to be reversed, and the priority given to family housing in the Birmingham Development Plan has to be reasserted. Local residents need to be partners in assessing the viability of new EA as they are in other local authorities such as Manchester and Hull - and this needs to be linked to the Regulator of Social Housing's concern for implementation of the Neighbourhood and Community Standard.

An absence of joined-up working and local responsiveness in Planning led to EA being omitted from the '10% calculation' for new HMO planning applications. Planning has to be part of the kind of multi-disciplinary/locality-based approach to meeting housing need which will give local residents the sense that they can exert influence over the development of their area; currently they feel powerless.

The publicising of services needs to be integrated into every aspect of multi-disciplinary working, including local volunteers such as Streetwatch.

Speed of response has to be addressed or systems simply won't be used: it is a long time since the PRS reporting system has met its published timescales, and if this carries over into new systems they will fail.

- Priority 3

Need to check with other services such as Adult and Childrens Social Care, Health Visiting etc that they have sufficient awareness of health and social impacts of poor housing conditions, and of the referral systems outlined in the Strategy, to make referrals when needed and to uphold tenants' rights.

- Priority 4

As above.

- Priority 5

As above.

- Priority 6

As above - in particular consideration of areas at sub-ward level for Selective Licensing, engaging all disciplines and local residents in identification of issues like problematic waste disposal, ensuring accessibility and responsiveness of reporting systems.

- Priority 7

As well as seeking to influence, the Council needs an attitude of seeking to be influenced. The Co-ordinating Overview and Scrutiny Review of EA has shown the importance of looking at best practice elsewhere in order to challenge what can, in any organisation, become a habit of self-justification."

We do need to tackle rogue landlords and ensure private homes are safe, comfortable and energy efficient however you should not be looking to increase the amount of private rented homes. The increase in private rented homes pushes up the cost of housing (both to buy and to rent) and private homes are fundamentally precarious - even if Section 21 / no fault evictions were outlawed private contracts still tend to be short term, such as 1 year, after which a landlord can choose not to renew.

- I am a 25 year old renting a home in Harborne. Me and my partner have a combined salary of £70,000 but it's still not enough to buy a home as the houses here are ridiculously unaffordable. On the road I live on (Gordon Road) I would hazard that at least a quarter of the houses are owned by landlords. If you want people to stay in Birmingham and to have a connection with their local area then you need to tackle landlordism and create disincentives for more landlords buying up more properties. It has to stop! My house is full of mould and the letting agent won't do anything about it. I've never even met the landlord. It's a disgraceful situation and it most badly affects young people and those on low incomes. It is ruining the fabric of society."
- Too much anti social behaviour caused by residents of HMO's. Too many HMO's in inner residential areas where families live.
- Housing shortage in Birmingham so I fully support this proposal."
- Priority 1:

The Empty Properties Strategy needs to be joined up with the Council's Strategic Housing Market Assessment

https://www.birmingham.gov.uk/downloads/file/1211/strategic_housing_market_assessment_2013_housing_targets_2011_to_2031_technical_paper

which sets out the proportions of new homes by tenure and size. Which properties are prioritised, in which areas and of which size and tenure should be driven by the strategic housing needs of the city, as well as be focused on nurturing neighbourhood sustainability.

- Priority 2:

In terms of 'partnership' the model of multi-disciplinary working has already been used internally to a degree in the Exempt Accommodation Pilot. With its further development as a result of the review implementation (by including e.g. Adult Social Services in joint visits with HB officers, and making Waste Management part of the same team) the agreed Review Recommendations will develop this further. Best practice can be taken from here and elsewhere, such as including community safety and environmental health in a multi-disciplinary team.

However if 'partnership working' refers to external partners in the usual sense of the expression the Council needs to be much clearer as to who these are. At least they are not stated here.

- Priority 2 talks about working with exempt accommodation providers to improve management standards. BCC has now accepted in full the recommendations of the Scrutiny Committee report of Exempt Accommodation, so there should be resourced, joined - up working in this area from now on.

This final bullet point about working in 'partnership with local communities and elected members' is crucial. This cannot be done without functioning arrangements to address the needs of an area. Residents need to be able to engage genuinely in the development of planning policy, with a much greater effort being made by the Council to make planning law, regulation, policy and practice understandable to residents rather than a niche area accessible only to a few. Whilst planning decisions have to be made in line with the Council's Development Plan and SPDs, opportunities are being missed to engage with residents at the policy-making stage. This impacts both housing provision, and the wider character and amenity of the area.

Ward Forums are increasingly regarded as broken in some parts of the city. Councillor and community capacity can vary enormously with residents in some areas feeling that there is no response at all to their concerns either politically or from the Council. Ward Forums needs to be replaced or supplemented with workable and functioning structures to respond to the needs of residents across local areas.

- Priority 3

The link between building control and planning needs to be strengthened so that information is shared re new builds/conversions, especially in areas of high HMO concentration. A Tenants' Charter of Rights is essential along with strong enforcement against criminal and unsafe practices by landlords.

- Priority 6

It is surprising to see HMOs stated as 'potentially' leading to less community cohesion and making the area less popular with local residents' in priority 6. I suggest the deletion of this word as clearly the developments described – increased population density, greater demand on infrastructure services including waste management and parking DO lead to a reduction in community cohesion.

I would also suggest the following insertion:

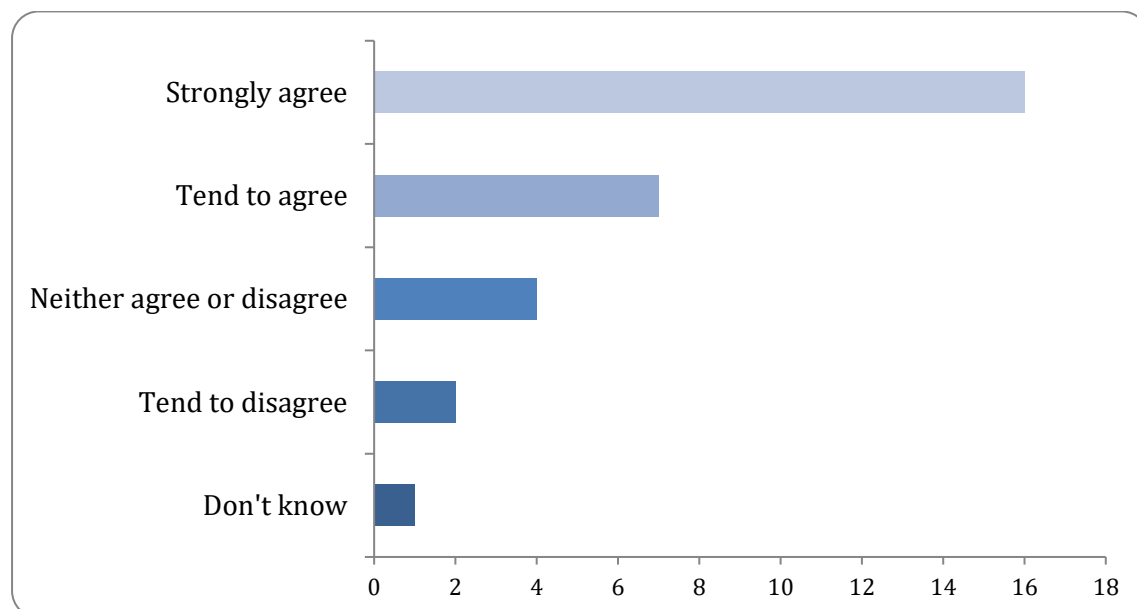
AFTER 'less popular with residents' ADD:

'The council introduced an Article 4 Direction to tackle the growing over concentration of HMOs within the city. This was to mitigate the risk of the continued growth of HMO accommodation, and in recognition that overconcentration of this type of accommodation destabilises areas. (Birmingham City Council Local Plan Development Management in Birmingham Development Plan Document Houses in Multiple Occupation Topic Paper October 2019)

One would not want to disagree with any of the 7 priorities. They are all much needed, but it's the implementation that will count. While some of the implementation strategies are fully outlined in the draft Private Rented Sector strategy document, there are some significant omissions in relation to engagement and regulation, especially in relation to planning.

Absent from the executive summary of the draft document is any mention of effect and impact of this (often poorly managed) sector on the wider neighbourhood. Neighbourhood impact, environmental crime and community cohesion figure subsequently in the priorities, so they should appear in the executive summary.

The proposed strategy has been informed by three Council wide themes, meaning that the actions developed through the strategy will reflect these wider objectives.



Who are our key partners in delivering this strategy?

- Landlords
- HMRC - Follow the money
- NRLA - They know our industry. True, they sometimes try too hard to please rather than standing up and shouting NO to government idiocy, but they are well placed to give good advice.
- Local council enforcement officers - They should have a better grasp of what is needed than some Whitehall Johnnie.
- Police - They must be logging all the antisocial reports.
- Landlords Forum - Already met with council staff to discuss issues of the day.
- Universal Credit Team - The process is broken. They need to be involved with any dialog if we are going to avoid more homelessness. You can't just expect landlord to engage with a system that prejudices against them when you have an eviction ban. Make sure rents are paid direct to landlords or permit them to evict tenants who don't pay. It's that simple!
- You seem to have omitted Landlords as your key partners. Agencies and Business but not all landlords are limited companies or businesses. We don't get treated as Businesses under S24 in respect of our operating costs.
- I'm all for having high quality rental property, but you need to support landlords and allow them to provide this without additional licensing schemes. There is already sufficient legislation for you to achieve what you are proposing.
- All citizens affected
- Universities
- Public Health
- Estate Agents
- Community groups
- Citizens Advice
- I think the key partner is the landlord and the associates with the landlords who may have all the information of the rented sector and should be transparent at all times otherwise imposed penalties for false information.
- The agencies are the biggest source of help to the sector to help those who may have problems living in this kind of setting and turning to crimes and other antisocial behaviour these people should be provided the provision of further help from the relevant authorities.
- The tenants, landlords and letting agents. Letting agents get away with murder! Illegal evictions, demanding additional rent raises etc when they shouldn't and bullying people into the threat of eviction. Some are cowboys like the one we have at the moment. Our new landlord clearly went for cheap. Which means cowboy tactics!
- Private landlords, of which your own forum didn't know this consultation was occurring. How can this possibly be acceptable?
- Private landlords house more families in Birmingham than any other sector, yet we are governed with increasing red tape even though the current laws are sufficient. Birmingham city council just does not have the manpower to manage.
- Private individuals / companies that know what they are doing and can deliver value for money which LSS fail to do time and time again
- Private Landlords
- Registered Providers
- Third Sector
- Private sector tenants

- Local authority particularly housing strategy, private sector team, regulatory and benefits teams.
- Landlords, tenants and other relevant internal and external partners
- Community led organisations
- Independent researchers
- The police, local residents, neighbourhood watch groups, housing associations, mental health and other support charities.
- Police, social services
- Landlords
- HMO management company
- Tenants
- Birmingham City Council
- Midland Housing and other such Housing Associations
- One key partner not mentioned is Building Control run by Acivico.
- Building Control information on properties needs to be shared with a robust planning department.

Are there any things you think are missing from the strategy and if so what are they?

- Maintaining the front garden and back garden must also be specified.
- If there is to be a rogue landlords database then it is only fair and reasonable that there should be a rogue tenants database too. It's far too easy for problem tenants to accumulate large debts (whilst protected by the system) and then move onto the next unsuspecting landlord with little or no consequence for them, but a huge debt for the landlord. I know personally of many good landlords who have quit, or are quitting, the sector as there's so little protection for good landlords. The current court system is massively inadequate and serves to offer no protection to good landlords from bad tenants and no protection to good tenants from bad landlords.
- A strategy for empty property that allows you to use them temporarily without preventing the future use of them by the owners, e.g. property for sale.
- Cleaner streets tackle student dumping rubbish.
- "Yes. See above universal credit is part of the problem. Absence of proper court facilities is part of the problem.
- Exempt accommodation is part of the problem.
- Citywide tax on on good landlords (licensing) is part of the problem.
- All of which disincentivise landlords which at the end of the day simply want to prove quality housing and be paid for their investment and not demonised for it.
- "A robust' advertising' strategy that informs tenants, landlords, estate agents, other citizens affected of what the expectations are of the rental sector.
- A hot line number for emergencies.

- Regulations of letting agents.
- Communication with landlords in an open and transparent way. Providing support and sensible offers of rent payment to engage landlords in providing housing for tenants who are in receipt of benefits.
- Joined up thinking.
- Link to wider housing situation
- Homeless prevention schemes
- There needs to be regulation about the number of HMOs in a given area or the risk is that a street can become largely multiple occupancy areas and because they tend to be transient occupants and the homes are not cared for adequately these streets lose a sense of neighbourhood.
- The housing sector is already highly regulated, and I don't believe adding more to this sector through policies and regulations would help at this point in time.
- I would propose that council should look at empowering good landlords to govern and improve their housings through grants and tax relief.
- No
- Preventing landlordism
- Too much anti social behaviour caused by too many HMO's in family residential areas. Too many drug users buying and taking drugs in inner city areas.
- A strategy based on the 7 priorities lacks strategic coherence as there is no mention of the Council's current planning priorities (Birmingham Development Plan 2031, passed at Full Council on 7th December) 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. It is imperative that the Council adopts a multidisciplinary approach if the lessons from the Exempt Accommodation Scrutiny Review are to be learnt. Comment should also be made about how the Council's Article 4 Direction will be used to ensure neighbourhood sustainability too.
- Missing from the strategy as previously stated, is any consideration of the role of planning in raising standards within the PRS. The Exempt Accommodation Scrutiny report recommendation that the Council should conduct a Scrutiny Review of planning may assist by strengthening planning practices which prevent the over concentration of HMOs, which is often linked to poor quality housing. I hope that this Review will improve the quality of the PRS in Birmingham.
- Also not mentioned is the need for the PRS Team to be better resourced to meet its growing role in the light of the proposed Tenants' Charter and roll out of the Selective Licensing Scheme.

- There is no evidence that the strategy is linked to considerations such as:

The priorities of the Birmingham Development Plan passed at Full Council on 7th December 2021 which includes a commitment to meet specific targets in terms of the growth of certain housing tenures and bedroom sizes including the growth in particular 3 and 4 bedroom properties occupied by single households : Council's Strategic Housing Market Assessment

https://www.birmingham.gov.uk/downloads/file/1211/strategic_housing_market_assessment_2013_housing_targets_2011_to_2031_technical_paper (see pg vi)

The Council's Article 4 Direction, DM11 and the draft new SPD which seeks to restrict the development of HMO accommodation where this will lead to loss of family housing

The Council's commitment to neighbourhood working

https://www.birmingham.gov.uk/downloads/file/11839/working_together_in_birmingham_neighbourhoods_white_paper

How will the Empty Properties Strategy be repurposed to deliver the Council's Strategic Housing Market Needs and neighbourhood working. In some areas interventions will be needed to reduce the concentration of HMOs not bring them back into use where areas have excessive concentrations of HMO and EA properties. How will the Selective Licensing Scheme be used to meet the SHMN targets too?

Impact and implementation of the EA Scrutiny Review Recommendations at Full Council 7th December 2021. If implemented this will have a massive impact on the supply of Exempt/Supported Accommodation in the city and on neighbourhoods where there are over concentrations. Multi disciplinary working between the PRS Team and other services such as waste management and the EA pilot will be obligatory but none of this is mentioned.

Housing policy and interventions need to be targeted towards specific areas in line with its Housing Strategy (cross tenure) which is entirely missing.

The PRS Strategy reads like a list of individual interventions devoid of strategy housing priorities and has little recognition of neighbourhoods

Please provide any other general comments you would like to make in regard to the proposed strategy

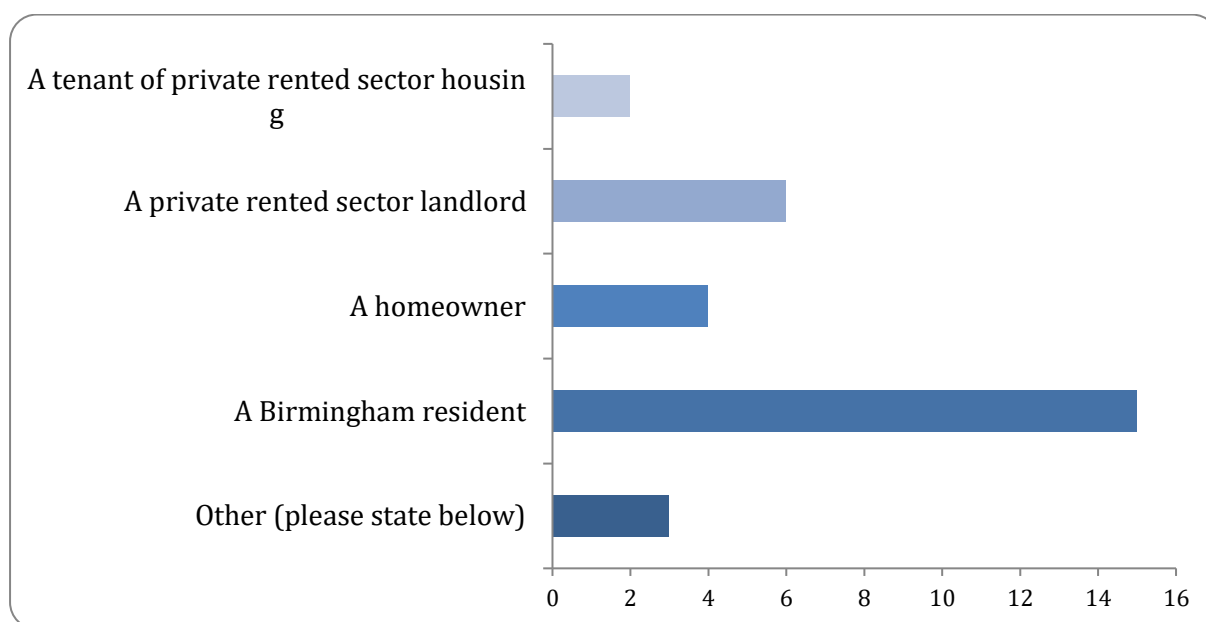
- On a local level, I believe that many problems are caused by landlords who advertise on Facebook, Gumtree etc, rather than through estate agents, physical or online. These are the kind of landlords who don't have meaningful contracts, don't maintain the property or carry out safety checks and who 'send their brothers round' if ever there's a problem from the tenant. If these landlords aren't allowed to advertise via these portals then they would be forced to do things the right way and a large part of the problem would disappear.

- It should be possible to have a low cost system to deal with disputes between neighbours, e.g. noise. For example, each resident chooses a person to be a judge. The two judges choose a third one. The 3 judges hear the evidence and make a decision. The two neighbours have to agree to abide by the decision. The judges would not be paid but would do it for the good of the community.
- Just please push for the areas to become more cleaner
- I hope it comes sooner than later
- I think Birmingham City Council is proposing this as a money making exercise. They are looking to introduce local licensing which Landlords will be charged for but there will be little or no improvement. The devil is in the detail.
- HMOs are already licensed but by your own admission they are not of a high quality. Why the heck not if your Officers are doing the job properly. The same will happen with selective licensing. You already have the ability to ensure that tenants are living in a safe environment by ensuring that environmental health enforce repairs etc by landlords. It is madness."
- I think further intelligence in to this sector is greatly required this could be the way the landlords might give out a wrong information which infact should be shared and the resident living at the HMO's have background to criminal behaviour and antisocial issues there matter need to be address and appropriate action taken and if possible impose penalties who fail regulation.
- There also needs to be a urgent provision of waste collections for these properties as they are a general cause left for flyipping.
- The most important point to raise is to sort of living accommodations should have real time information shared with the local authority or face fines as real time information help to see any issues.
- Those who fail to declare correct details or withhold information has breach in itself
- You have so much information that you as a department have not chosen to use. All that happens is another officer arrives and the previous information is not shared. They start from the baseline, meet with, and receive education from motivated landlords and then move on!!
- All the paperwork should be shared. This is a repeat."
- On energy efficiency in private rented housing, we are starting from a fairly low baseline. 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 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 e.g. LADS, and use them as exemplars to convince other landlords of the business case for improving energy efficiency. The consortium approach of the WMCA is in my view 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.

- Excellent work keep it up!!!
- Housing is the bedrock of social integration. People turn houses into homes, Unless their view are valued, their needs responded to in a appropriate manner, all the good intention and effort are most likely to fail. We need a different approach in tackling this revolving door syndrome.
- The housing sector is already highly regulated, and I don't believe adding more to this sector through policies and regulations would help at this point in time.
- This strategy does not go far enough to protect landlords, however it seems it goes too far for tenants which I believe it is not very reasonable and just.
- I would propose that council should look at empowering good landlords to govern and improve their housings through grants and tax relief.
- Number of HMO's needs to be restricted
- This consultation is much needed, but has been poorly publicised and not shared actively by councillors in affected areas. This is regrettable as it undermines the Council's stated commitment to "seeing communities as the source of solutions".
- I would suggest an extension to this consultation with a road show round the Ward Forums and Constituencies plus direct engagement with key housing partners if not already done.
- As well as a strategic approach, implementation is vital is this policy is to have an impact. Critical issues that require addressing include:
 - The current under resourcing of the PRS Team needs urgent addressing?
 - The EA Pilot needs to be resuscitated at local level - how will the PRS teams work alongside the local teams?
- Will the Council revitalise its housing strategy function so that individual initiatives are aligned to strategic goals and improve neighbourhoods not just properties.
- What plans are there to both target the worst areas and protect those areas which are becoming increasingly vulnerable? How is this being strategically planned?
- I would suggest that the PRS Team reviews best practice in other authorities.

Please tick which best describes your interest in this consultation



In addition to the feedback received via the Council's consultation hub "Be Heard" Shabana Mahmood MP, Member of Parliament for Birmingham Ladywood, submitted the feedback below.

Re: Consultation on the Private Rented Sector Strategy for the City.

Everyone deserves to live in a safe, warm and decent home. For thousands of people across Birmingham, that right hangs on the supply of suitable rented accommodation, managed and maintained properly by individual landlords and letting agencies. This response to the consultation on Birmingham's Private Rented Sector Strategy 2022-2027 is informed by ongoing casework and community campaigning in my role as the Member of Parliament for Birmingham Ladywood.

Priority 1 - Increase the supply of safe and secure accommodation by bringing empty homes back into use

I welcome the work to bring back into use any long-term empty properties within the city. Bringing empty housing stock back into use will reduce criminality, including fly-tipping and drugs use, and improve the appearance of our neighbourhoods. I support the target of bringing 400 empty properties back into use each year, and would request that the Council publish data outlining which wards and constituencies have the most empty property reports in order to inform their strategy.

Priority 2 - Identify and implement local initiatives to address local issues

Implementing a selective licensing scheme, which I have long called for, should be the main priority for the Private Rented Sector Strategy. Houses of Multiple Occupancy, which are a continued source of casework for my office, should also be considered for additional licensing requirements. I welcome ongoing work into the exempt accommodation sector,

which has grown significantly in my constituency and the wider city. Local initiatives should also include working with campaigning groups, such as Citizens UK and Shelter's Birmingham Campaign for Fair Housing, to identify systemic problems in housing provision in the city and work to tackle them.

Priority 3 - Tackle disrepair and criminality

I support the introduction of a tenant's Charter of Rights in order to help tenants and landlords understand their rights and responsibilities. However, it is crucial that any such charter is enforceable and not just a document set to collect dust on the Council's website. The Council should use the full range of legislative tools at its disposal to take action against rogue and negligent landlords, and be able to provide tenants with sound advice when considering action.

Priority 4 - Prevent illegal evictions and harassment

I would like the PRS strategy to further examine the link between withdrawal of enhanced housing benefit for exempt accommodation units and subsequent evictions. Where the supported exempt team at BCC are withdrawing enhanced housing benefit from a provider, there must be the right support systems in place to help vulnerable tenants transition out of that accommodation, during what is often a gap in provision of welfare benefits such as Universal Credit. There is a concern that there will be a rise in homelessness should this continue, as evictions increase due to withdrawal of enhanced housing benefit.

Priority 5 - Improve the energy efficiency of Birmingham homes, tackle fuel poverty, and reduce carbon emissions

I welcome the above priority, and consider that BCC should prioritise those who live in wards and constituencies most affected by fuel poverty.

Priority 6 - Operate a high-quality mandatory HMO licensing scheme to ensure shared accommodation is safe and provides appropriate facilities to occupiers

As per priority 2, I consider this to be of the utmost importance for Birmingham's Private Rented Strategy. Associated problems with HMOs such as litter and dumping, antisocial behaviour, and other criminality persists across the city, and a licensing scheme would go some way to addressing this issue. However, as always this must come with proper funding for enforcement and investigation, in order to have a net positive effect on our neighbourhoods.

Priority 7 - Seek to influence Government and national regulatory agencies to enhance relevant legislation and regulation

I welcome a continued partnership with Birmingham City Council to lobby the Government and regulators to improve conditions for those living in the Private Rented Sector. My ongoing work on the exempt accommodation sector will continue, as will calls for landlord licensing and stronger regulation of the private rented sector.

Appendix 3

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

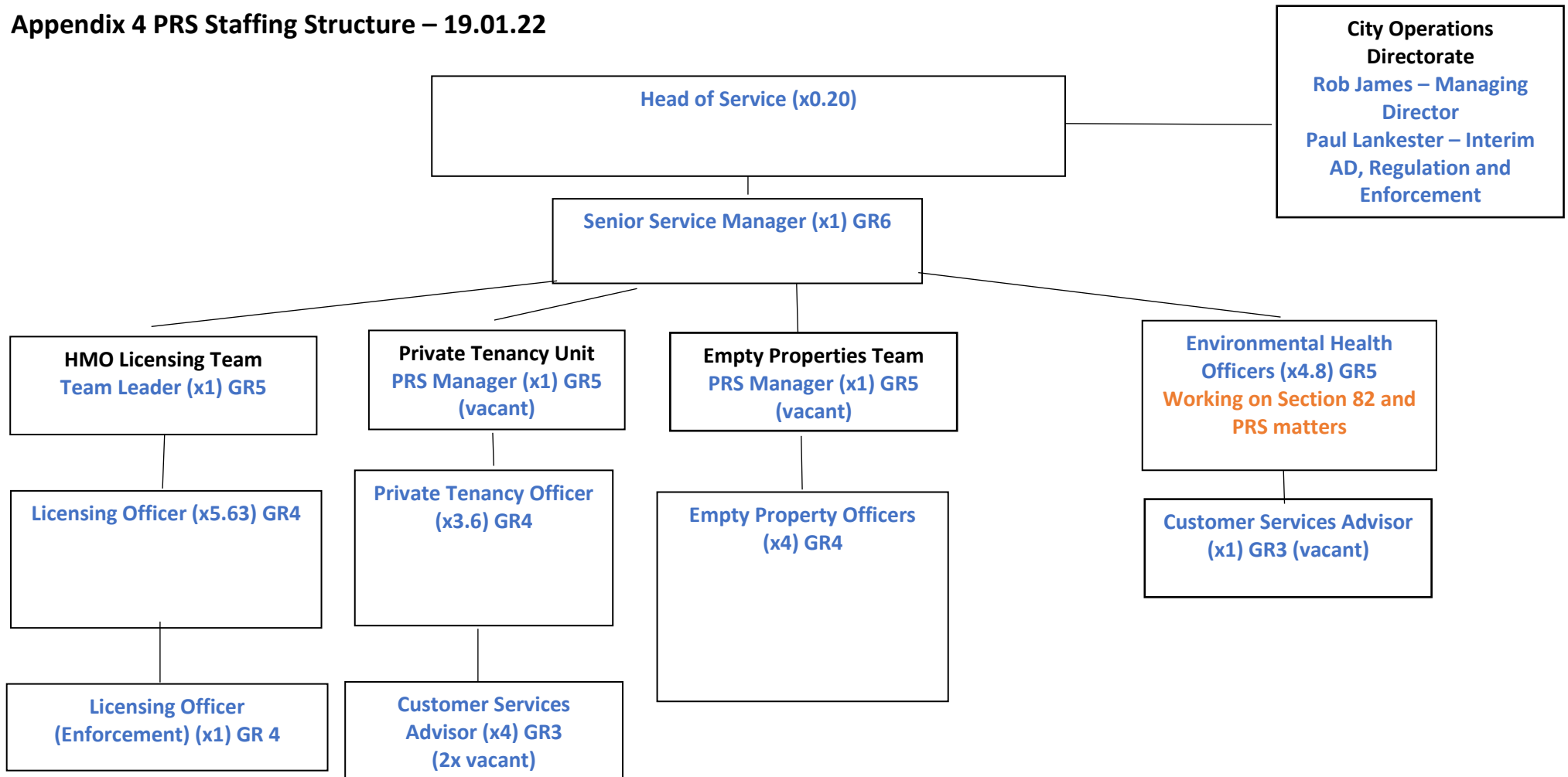
5.0.1 Respondents felt that the strategy was unclear in terms of what it meant by partnership working.

5.1 Response

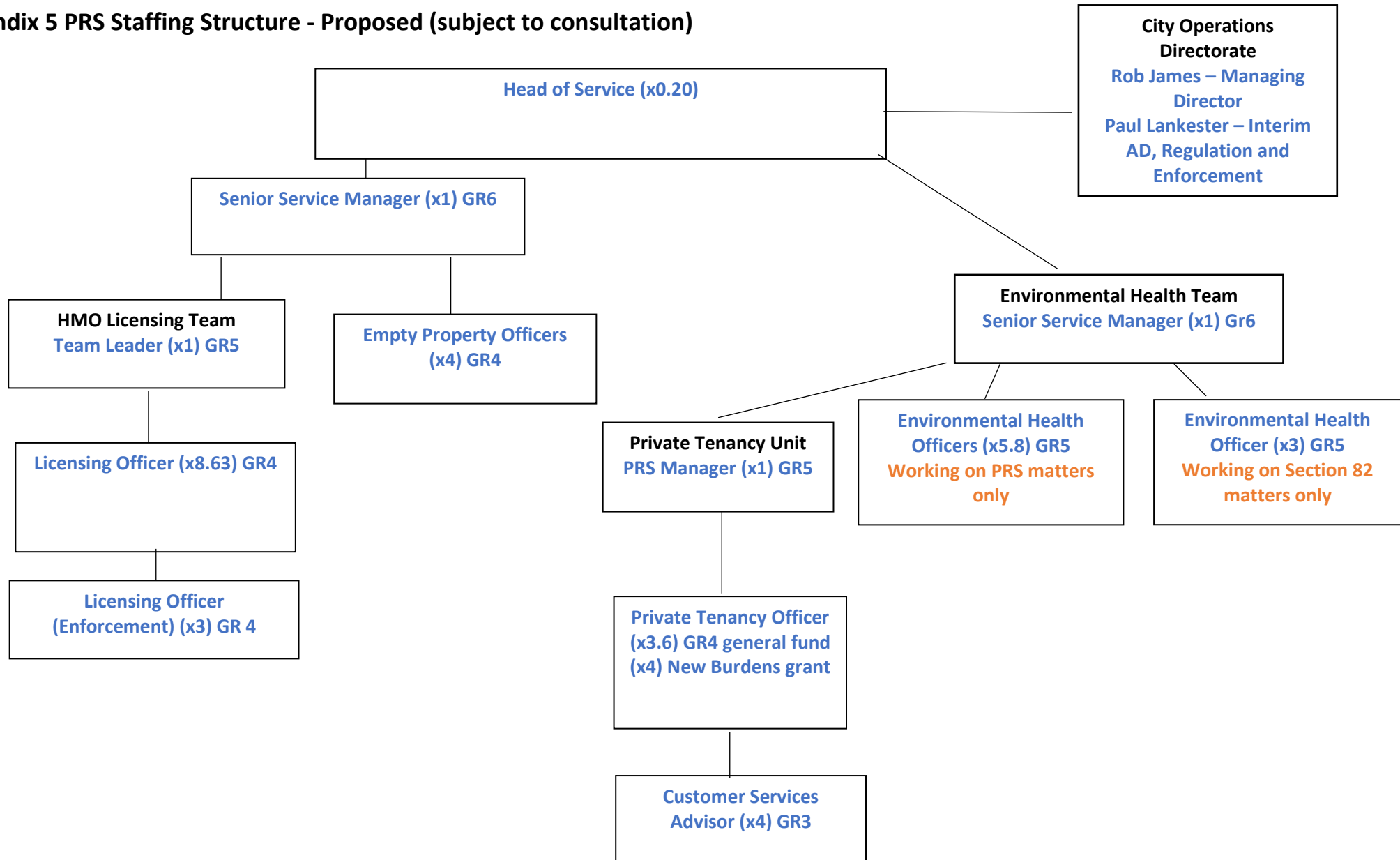
5.1.1 Comment accepted. The strategy has been updated to reflect this view and is now more explicit in setting out which agencies it would work in partnership with.

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

Appendix 4 PRS Staffing Structure – 19.01.22



Appendix 5 PRS Staffing Structure - Proposed (subject to consultation)



Birmingham City Council

Report to Cabinet

1 March 2022



Subject: Selective Licensing – Private Rented Sector

Report of: Robert James, Managing Director, City Operations

Relevant Cabinet Member: Councillor Shabrana Hussain, Homes and Neighbourhoods

Relevant O & S Chair(s): Councillor Kate Booth, Housing and Neighbourhoods
Councillor Mohammed Aikhlaq, Resources

Report author: Sajeela Naseer, Head of Licensing, Markets, Registration Services and Private Rented Sector

Tel: 07766924955

Email: sajeela.naseer@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Acocks Green, Alum Rock, Aston, Balsall Heath, Birchfield, Bordesley Green, Bordesley & Highgate, Bournbrook & Selly Park, Edgbaston, Gravelly Hill, Handsworth, Heartlands, Holyhead, Ladywood, Lozells, North Edgbaston, Small Heath, Soho & Jewellery Quarter, South Yardley, Sparkbrook & Balsall Heath, Sparkhill, Stockland Green, Tyseley & Hay Mills, Ward End, Yardley West & Stechford.		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009750/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 Two reports in respect of selective licensing have previously been submitted to Cabinet on 15 December 2020 and 18 May 2021. Following these reports Cabinet agreed that the conditions for selective licensing based on deprivation and crime have been met (for the 25 wards below) and that

consultation should take place regarding the pursuance of a selective licensing scheme in the stated wards;

Acocks Green, Alum Rock, Aston, Balsall Heath, Birchfield, Bordesley Green, Bordesley & Highgate, Bournbrook & Selly Park, Edgbaston, Gravelly Hill, Handsworth, Heartlands, Holyhead, Ladywood, Lozells, North Edgbaston, Small Heath, Soho & Jewellery Quarter, South Yardley, Sparkbrook & Balsall Heath, Sparkhill, Stockland Green, Tyseley & Hay Mills, Ward End, Yardley West & Stechford

- 1.2 A comprehensive consultation relating to the proposed selective licensing scheme was held between 25 October 2021 and 4 January 2022 (10 weeks)
- 1.3 This report details the outcome of that consultation and the Council's response to it.
- 1.4 This report seeks to progress the pursuance of a selective licensing scheme in Birmingham that covers the proposed 25 wards and seeks approval to submit an application to the Secretary of State for Levelling Up, Housing and Communities to that effect.
- 1.5 Additionally Officers will commence the gathering of city-wide data that will establish if there is evidence to support a city-wide or specified areas/wards Additional Licensing Scheme (ALS) that would further complement the proposed SLS.

2. Recommendations

- 2.1 That Cabinet notes and considers the outcome of the consultation in respect of the proposed Selective Licensing scheme.
- 2.2 That Cabinet approves the pursuance of a selective licensing scheme covering the proposed 25 wards.
- 2.3 That Cabinet approves the submission, to the Secretary of State for Levelling Up, Housing and Communities, of an application for a Selective Licensing Scheme in Birmingham covering the wards specified in paragraph 1.1 of this report.

3 Background

- 3.1 The private rented sector (PRS) is the second largest housing sector after owner occupation in the City. Within the Council's Housing Strategy there is a commitment to tackle issues within this sector. A selective licensing scheme (SLS) is one of the tools available to improve standards and ensure that all privately rented properties within the SLS meet a minimum housing standard, which gives the tenant a stable home and helps with building stable communities.

- 3.2 The Housing Act 2004 (Section 80) (“the Act”) allows local authorities to designate the whole or any part or parts of their area as subject to selective licensing. The introduction of selective licensing means that all private rented accommodation which is let or occupied is done so under a licence,
- 3.3 There are specific conditions set out in the legislation that must be met before a selective licensing scheme can be considered. A Selective Licensing (SL) designation may be made if the area to which it relates satisfies one or more of six conditions. Where the designation is to be based on property conditions, migration, deprivation or crime, the local authority may only make a designation if the area has a higher proportion of property in the private rented sector than the England average.
- 3.4 A local housing authority must apply to the Secretary of State for confirmation of any scheme which would cover more than 20% of their geographical area or that would affect more than 20% of privately rented homes in the local authority area. “Selective licensing in the private rented sector.: A Guide for local authorities (March 2015)” referred to as “the Guidance” in this report refers to the fact that a selective licensing designation may be made if the area to which it relates satisfies one or more of six statutory conditions detailed in the Act, namely:
- Low housing demand (or is likely to become such an area)
 - A significant and persistent problem caused by anti-social behavior (ASB) – attributable to the private rented sector
 - Poor property conditions
 - High levels of migration
 - High level of deprivation
 - High levels of crime
- 3.5 When considering whether to make a selective licensing designation, a local housing authority must first identify the objective or objectives that a designation will help it achieve (i.e. it must identify which of the above conditions are said to apply) and what it expects the designation to achieve. It must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. The Guidance provides that it is only where there is no practical and beneficial alternative to a designation that a scheme should be made and that the local housing authority must be satisfied that the scheme will significantly assist it in achieving its objective or objectives , with other actions the local housing authority may be taking .
- 3.6 The Guidance states that selective licensing is not a tool that can be used in isolation. The local housing authority will have to show how such a designation will be part of the overall strategic borough wide approach and how it fits with existing policies. Any such scheme must;
- be done in conjunction with other activities to resolve issues in the private rented sector
 - be consistent with other related strategies e.g. Housing Strategy, Homelessness Prevention Strategy, Empty Properties Strategy etc.

- have clear objectives of what the scheme will achieve – “only where there is no practical or beneficial alternative to a designation should a scheme be made “
- be the subject of a full consultation (of at least 10 weeks if the designation does not require the confirmation of the Secretary of State) and the results must be published.

3.7 If the local housing authority decides there is no practical and beneficial alternative to the scheme, the local housing authority must show:

- It has considered whether there are any other courses of action available to them that might provide an effective method of achieving the objectives that the designation is intended to achieve, and
- How the making of the designation will significantly assist the local housing authority in achieving its’ objectives (whether or not in conjunction with those other measures).

4.0 Related Strategies and their consistency with a Selective Licensing Scheme.

The Guidance requires that any SLS must be consistent with other related strategies. The following information evidences that a SLS would be consistent with the Council’s related strategies.

4.1 Council Plan 2018 - 2022

The Council Plan sets out six outcomes that the Council seeks to achieve;

- Birmingham, an entrepreneurial city to learn, work and invest in
- Birmingham, an aspirational city to grow up in
- Birmingham, a fulfilling city to age well in
- Birmingham, a great, clean and green city to live in
- Birmingham, a city whose residents gain the most from hosting the Commonwealth Games; and
- Birmingham a city that takes a leading role in tackling climate change.

A SLS is one of the tools available to improve standards in the PRS. Such a scheme would fit within the fourth outcome, ‘Birmingham is a great, clean and green city to live in’. Specifically, the implementation of a SLS will contribute to priority 2 of the 6 priorities to achieve this outcome, as follows:

4.2 Priority 2

We will have the appropriate housing to meet the needs of our citizens.

A selective licensing scheme will ensure that all privately rented properties within the designated area meet a minimum housing standard, which gives the tenant a stable home and helps with building stable communities. Tenants would be confident that homes meet the minimum energy saving requirements which would contribute to the green city aspiration.

A SLS will also contribute to alleviating fuel poverty as measures to improve standards will ensure that heating appliances are properly checked, maintained

and working efficiently. Improvements in the housing standards should also make properties more secure which should assist with minimising crime, particularly burglary.

4.3 Priority 3

We will work with partners to tackle rough sleeping and homelessness. The availability of and living in improved housing conditions should contribute to a reduction in homelessness.

4.4 Housing Strategy

The proposals within this policy support the delivery of the priorities of the Housing Strategy (Birmingham- A Great Place to Live) which are:

- A strong supply of new high-quality homes;
- Citizens are able to find, access and sustain housing that meets their needs;
- Neighbourhoods are enhanced and the quality of existing housing is improved.

4.5 Homelessness Prevention Strategy 2017+

Since March 2018, the number of customers being made homeless from the PRS has increased. There are a variety of reasons for this, including disrepair. By ensuring that landlords meet a set housing standard it would be expected that there would be a reduction in homeless applications for this reason.

4.6 Empty Properties Strategy

The Council's Empty Property Strategy aims to bring privately owned properties back into use. Empty properties adversely affect the lives of people in the vicinity. They attract vandalism and ASB. In addition, they have a negative impact on the surrounding living environment and those that live in it as well as driving down house values.

By raising the standard of PRS properties within the area of the SLS this will prevent premises falling into disrepair and becoming vacant i.e. an empty property. This will prevent properties becoming unavailable for housing purposes and such properties having a negative impact on the neighbourhood.

4.7 Private Rented Sector Strategy (subject to Cabinet approval on 1 March 2022)

This strategy will (if approved) identify the following priority:

- **Identify and implement local initiatives to address local issues** including consideration of selective and/or additional licensing, and issues relating to exempt accommodation

The proposed strategy recognises that there is a disparity between the standards of accommodation and the density of private rented sector properties in different wards and the need to ensure the Council's resources are targeted where the greatest benefits can be achieved such as in areas where housing conditions are

at their worst and/or issues such a significant deprivation or crime are having a negative impact.

5.0 Required Conditions and Evidence

The analysis of data has established that in respect of the areas noted in Paragraph 1.2. two of the six conditions referred to in paragraph 3.4 have been established.

These conditions are deprivation and crime. The data behind the conditions was presented in the Cabinet report of 18 May 2021. The Council produced a comprehensive evidence report (appendix 1) as part of the consultation process. This report clearly identifies the % PRS, crime, and deprivation levels for each ward in the city and the reasons for pursuing selective licensing in those 25 wards.

Inclusion in the proposed scheme requires that a ward:

- Contains a high proportion of PRS compared to the national average (greater than 20%)
- The ward is experiencing levels of crime higher than the Birmingham average
- The ward is experiencing higher levels of deprivation amongst its population than the Birmingham average

The crime and deprivation conditions are described below and in more detail in pages 14 to 29 of the Evidence Report found at appendix 1.

5.1 Crime

The data relating to crime was taken from the West Midlands Police open crime data base. The crime ranking for England is **179.41** and for Birmingham **203.7**. Any ward with a ranking greater than **203.7**, can be interpreted as experiencing high levels of crime.

5.2 Deprivation

In deciding whether to make a designation because the local authority considers the area suffers from a high level of deprivation a ranking score was used to compare the deprivation levels of Birmingham compared to the national average. A rank of 1 means that the area is the most deprived. The average rank for England is **16,422** and for Birmingham it is **7,752**.

Any ward with a ranking lower than **7,752**, can be interpreted as experiencing greater than average levels of deprivation for Birmingham.

6.0 Current activities to Improve Standards in Neighbourhoods and the Private Rented Sector

The Guidance states that a SLS should complement other measures being taken to resolve issues in the PRS. Below are the existing activities that the Council currently undertakes to improve standards in the PRS.

6.1 HMO (Mandatory) Licensing

The Council currently delivers and enforces a mandatory licensing scheme for certain types of House in Multiple Occupation where a property is;

- rented to 5 or more people who form two or more households and
- tenants share toilet, bathroom and/or kitchen facilities

There are currently 2,937 mandatory HMOs that are licensed. This doesn't include any exempt accommodation and smaller HMOs as they are excluded from licensing under the legislation.

6.2 Use of Housing Act 2004 enforcement powers

The Council's enforcement powers in respect of the private rented sector are largely provided by the Housing Act 2004, with other public health legislation being applied where necessary and appropriate.

Under the Act, formal notices can be served that require improvements to be carried out. Should these improvements not be carried out, the Council can carry out works in default. Landlords also risk being prosecuted if they do not comply with a notice or the breach of legislation is significant.

6.3 Civil Penalties

The Housing and Planning Act 2016 section 126 and Schedule 9 amended the Housing Act 2004 and introduced the ability for Local Housing Authorities to impose financial penalties (civil penalties) of up to £30,000 per offence.

Civil Penalties are an alternative to prosecution for the following offences under the Housing Act 2004:

- failure to comply with an Improvement Notice (Section 30);
- offences in relation to licensing of Houses in Multiple Occupation (Section 72);
- offences in relation to licensing of houses under Housing Act 2004 Part 3, (Section 95);
- offences of contravention of an Overcrowding Notice, (Section 139(7));
- offences of failure to comply with management regulations in respect of HMOs. (Section 234);

The Council seeks to impose Civil Penalties in accordance with its Enforcement Policy for the Regulation of Housing Standards and the Licensing of Houses in Multiple Occupation.

6.4 Private Tenancy Enforcement

There is a specialist Private Tenancy Team that provides specialist advice on renting in the private rented sector. They will intervene to prevent unlawful eviction and harassment and pursue, in appropriate cases, criminal prosecutions for offences under the Protection from Eviction Act 1977 and other relevant legislation.

6.5 Empty Properties

It is estimated that there are approximately 10,000 empty properties in Birmingham. The majority of these are family accommodation which if brought back into use would add to the supply of family accommodation; a valuable contribution to the housing crisis in the city and it could contribute to reducing the number of households in temporary accommodation, especially Bed and Breakfast.

Bringing these properties back into use will reduce the likelihood of nuisance, blight, devaluation of homes and crime in the local community.

6.6 Article 4 Direction

Planning legislation allows certain types of development to take place without planning approval; known as 'permitted development rights'. Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows local authorities to remove these permitted development rights.

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.

This approach prevents 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.

7.0 **Potential further activities**

7.1 Additional Licensing

The Housing Act 2004 allows for additional licensing to help deal with the problems associated with HMOs that are not already covered by mandatory licensing and would be an extension only applicable to smaller HMOs and would not cover the majority of the PRS sector.

It relates to properties where 3 to 4 people who are not related share accommodation e.g. smaller privately rented houses, flats or substandard conversions.

Officers will commence the gathering of city-wide data that will establish if there is evidence to support a city-wide or specified areas/wards Additional Licensing Scheme (ALS) that would further complement the proposed SLS.

An ALS requires approval from Birmingham City Council Cabinet and not Government.

8.0 Proposed Selective Licensing Scheme

Full details of the proposed scheme across 25 wards are set out in the evidence report shown in appendix 1.

8.1 Proposed area for designation

Conditions for selective licensing based on deprivation and crime have been met in the following stated wards:

Acocks Green, Alum Rock, Aston, Balsall Heath, Birchfield, Bordesley Green, Bordesley & Highgate, Bournbrook & Selly Park, Edgbaston, Gravelly Hill, Handsworth, Heartlands, Holyhead, Ladywood, Lozells, North Edgbaston, Small Heath, Soho & Jewellery Quarter, South Yardley, Sparkbrook & Balsall Heath, Sparkhill, Stockland Green, Tyseley & Hay Mills, Ward End, Yardley West & Stechford

These 25 wards are proposed for inclusion in the selective licensing scheme

8.2 Proposed objectives and outcomes

The key objectives of the proposed scheme are to:

- Reduce deprivation in conjunction with other key Council strategies. These include the Homelessness Prevention Strategy 2017+ and Corporate Plan.
- Reduce crime linked with the private rented sector in conjunction with the Police and community safety team.
- Improve the condition of privately rented housing in the City and thereby the wellbeing of residents from that sector.

The targeted outcomes for the proposed scheme over the five-year period are:

- Ensure that at least 75% of licensable properties are licensed
- In at least 95% of licensed properties, compliance with licence conditions and improved property conditions has been achieved or enforcement action taken or in progress
- Reduce incidents of home burglary and non-domestic violent crime.

- Improve 1000 properties in the Private Rented Sector per annum as a result of the Local Authority's intervention
- Reduce the deprivation gap between that found in the 25 proposed wards and that of the city's other wards
- Reduce the number of wards within the selective licensing area that are designated as the 10% most deprived Super Output Areas nationally

8.3 Proposed property licence conditions

Pages 41 to 46 of appendix 1 state the proposed conditions for property licences within the Selective Licensing Scheme.

8.4 Proposed Selective Licensing Fees

The fee for a selective licence is proposed as £700. This is an increase on the proposed fee of £670 stated within the consultation. This increase reflects a review of proposed staffing and the view that extra staffing needs to be provided within the enforcement team to deal with landlords/properties that are operating without an appropriate licence. The fee is split into two parts:

- Part A (application fee) £295
- Part B (licence fee) £405

A local authority may recover "reasonable costs" for administering a licensing scheme. The fees proposed in this report are calculated to recover the full cost of carrying out the scheme. This includes all costs related to administration of the scheme and processing the licences, as well as compliance with those licences and enforcement (except prosecution costs) against landlords operating without a licence in the designated area.

Members will note that the fees are split into a non-refundable application fee and a licence fee. This split is required further to case law set by R. (Hemming and Others) vs Westminster City Council and R. (Gaskin) v. Richmond-upon-Thames LBC [2018].

Each fee takes account of salary costs, overhead costs, and processing and activity times.

The time taken to process and administer (including compliance and enforcement) each licence has been calculated using forecast costs.

9.0 Selective Licensing team structure

If approved Birmingham's proposed selective licensing scheme will be the biggest scheme in the UK. The structure proposed in appendix 2 seeks to ensure that there is adequate capacity in each of the five years of the scheme to ensure it can be delivered efficiently and that outputs and outcomes are delivered. The structure may be revised as part of the process for implementation but will remain within the budget envelope of the fee income.

10.0 Options Considered and Recommended Proposal

- 10.1 The body of the report details the alternative options that are in place to improve standards in the private rented sector. It is considered that singularly or collectively they are insufficient to adequately improve standards within the private rented sector.

The powers available to the local authority in the absence of a SLS are predominantly reactive. The neighbourhoods within the wards proposed for inclusion in the SLS are clearly the most deprived or suffer higher crime levels than average for Birmingham as well as having over 20% private rented property. It may be that tenants in these properties are wary of complaining or may not know their rights or the responsibilities of their landlords. A SLS would mean that the Council could proactively ensure that a framework is created for landlords to be actively required to manage their properties and ensure that they meet adequate standards. The Council can monitor this compliance. Landlords are required to sign up to mandatory conditions and to engage with the local authority.

- 10.2 The proposed SLS will enable the local authority to proactively plan interventions using a wide range of powers as detailed in section 6. This ability to co-ordinate activity within the city council and with partners will support a holistic approach to tackling deprivation and crime in these wards. There are limited opportunities to explore these improvements without the information that would be available through a licensing scheme.
- 10.3 An additional licensing scheme alone would not achieve the objectives outlined in section 7.2 as it would only apply to non-mandatory HMOs rather than the PRS as a whole. It would therefore be less impactful in tackling deprivation and crime in these wards.
- 10.4 Housing and related data has been analysed and assessed against the six criteria for selective licensing. There is insufficient data to assess the condition for selective licensing due to ASB attributable to the PRS, Migration, Low Housing Demand and Property Conditions. However, the data indicates that 25 of the 69 wards meet the conditions due to deprivation and/or crime.
- 10.5 The Guidance states that a local authority must apply to the Secretary of State for confirmation of any scheme that would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area.
- 10.6 In each of the 25 wards identified, the private rented sector is greater than 20% and combined they represent 36% of the local authority area. Consequently, any proposed scheme will have to be submitted to the Secretary of State for confirmation.
- 10.7 This report is seeking Cabinet's agreement that the conditions for selective licensing based on Deprivation and Crime have been met and that an application should now be submitted to the Secretary of State for Levelling

Up, Housing and Communities in the pursuance of a selective licensing scheme in the stated wards.

11.0 Consultation

11.1 Section 80 (9) of the Housing Act 2004 states that, when considering designating an area as subject to selective licensing the council must take reasonable steps to consult persons who are likely to be affected by the designation e.g. local residents, landlords, businesses within the proposed designation etc. and all representation must be considered. The consultation period should be for a period of at least 10 weeks and the local authority is required to conduct a full consultation.

11.2 The consultation exercise on the Council's proposal to introduce a selective licensing scheme across 25 wards within Birmingham ran for a period of ten weeks from Monday 25 October 2021 to Tuesday 4 January 2022. The Council was supported with the consultation by Opinion Research Services, an independent company that carries out research for Local Government and other organisations.

11.3 The consultation ensured that specific groups such as landlords, tenants and residents and businesses were consulted with regard to the proposals. However, the consultation was not limited to these groups and consultation was presented as a featured consultation (front page) on Birmingham City Council consultation hub "Be Heard. News of the consultation was also reported in local media outlets. Specific feedback shown in 11.6 clearly demonstrates that residents outside the proposed SLS wards were aware of and participated in the consultation.

11.4 The consultation activities included:

Written notifications to:

- National Residential Landlord Association who have in turn shared details with their members
- Midland Landlord Accreditation Scheme
- Birmingham Landlord Forum attendees
- Landlord Steering Group Chair who have in turn shared with their members
- St. Basils – youth homelessness and advice
- Shelter
- Citizens Advice Bureau
- Birmingham Solihull Women's Aid
- Cranstoun – housing advice/support charity including domestic abuse
- Birmingham City Council Community Safety Team
- West Midlands Police
- West Midlands Fire and Rescue
- Chief Executives of neighbouring Local Authorities - Walsall, Sandwell, Dudley, Lichfield, North Warwickshire, Solihull, Bromsgrove – and nearest city – Wolverhampton.

In addition to the above:

- Landlord focused consultation events (x4)
- Tenant consultation events (x 6)
- 125,000 flyers delivered to homes and business across the proposed designation
- Press releases (which then appeared in local newspapers and landlord forums)
- Featured consultation (front page) Birmingham City Council consultation hub “Be Heard”. Link at <https://www.birminghambeheard.org.uk/place/selective-licensing-consultation/>
- Evidence report and questionnaires available at public facing Council offices around the city
- Two presentations and FAQs provided to Elected Members in the proposed wards

11.5 Appendix 3 shows the full response to the consultation and appendix 4 shows our response to the themes raised within the consultation. These themes included some views that there may be potential negative impacts to implementing a SLS. These have been addressed in full in appendix 4.

11.6 Of particular note is the desire for additional wards or lower super output areas to be included in the proposed scheme. It is not possible to add additional wards into the proposed scheme as the additional wards have not met the original thresholds set for % PRS per ward, deprivation and crime. It is not possible to include additional lower super output areas as the city’s original proposals were based on wards only.

However, the Council will seek to provide local initiatives for local issues and as such will work with partners and communities to establish effective interventions where problems relating to private rented sector properties are evident. This may include establishing whether further selective licensing or additional licensing schemes should be pursued.

11.7 Changes made as a result of consultation

- Following feedback from the consultation: the proposed fee for a variation of a licence has been removed. The cost for variations will now be subsumed within the overall licence fee.
- The Council will consider if possible support or signposting for arbitration between landlord and tenant disputes can be delivered.
- The Council will investigate providing online annual updates on the delivery of outcomes for the selective licensing scheme.

12.0 Risk Management

12.1 Implementing a SLS is human resource intensive. The administration of the scheme can be fully covered by resulting licence fees and be self-financing. However, costs related to prosecution related enforcement for landlords who do not have a licence cannot be recovered via SL fee. If a scheme is implemented the main risk is that there is a low take up by landlords, which would increase the

cost of compliance and recovery of enforcement costs through the courts (related to prosecution). This risk is mitigated by the fact that operating without a licence is a criminal offence and landlords will need to consider if non-compliance, that may result in a criminal conviction, is a valid option.

- 12.2 The scheme could also be susceptible to legal challenge (judicial review) if, for example, there was a challenge as to whether the statutory conditions were met or whether appropriate consultation had been undertaken.
- 12.3 The Secretary of State will need to confirm any scheme proposed. The approval system is concerned with ensuring that the local housing authority has carried out the requirements imposed on it through the legislation before seeking to make the designation and can sufficiently demonstrate, where a scheme will impact on a large geographical area or number of privately rented properties, that there is robust evidence to support the reasons for making the designation.
- 12.4 There is a lack of consistency across Selective Licensing Schemes regarding the inclusion of non-mandatory HMOs' within such schemes. Approximately 50% of the current schemes (circa 45) in England have included this tenure while the others have licensed these premises under an ALS running concurrently with their SLS. Officers have been meeting regularly with DLUHC and have informed them of our intention to include non-mandatory HMOs in Birmingham's proposed SLS. No issues have been raised in this regard and we are not aware of any legal challenge to date regarding their inclusion in a SLS

13. Compliance Issues

- 13.1 How are the recommended decisions consistent with the council's policies, plans and strategies?
 - 13.1.1 The Council's vision is to be a City of growth where every child, citizen and place matters – It wants to make a positive difference, every day, to people's lives. This aim underpins everything we do, whether that's setting our priorities, making decisions or delivering services. There are eight outcomes to achieve that vision.

Outcome 4 - Birmingham is a great, clean and green city: A SLS is one of the tools available to improve standards in the PRS. Such a scheme would contribute to priority 2 of this outcome.

A scheme will also be consistent with the council's Homelessness Prevention, Empty Properties, and Private Rented Sector Strategies as it would bring about improvements in the PRS, help to sustain and stabilise communities, thereby contributing to the reduction in approaches to the council for homelessness assistance.

13.2 Legal Implications

- 13.2.1 The legal framework in respect of selective licensing is set out in Section 79-100 of the Housing Act 2004. It allows the local authority to introduce selective licensing of privately rented homes across the whole or part of the local authority

area, if the area to which it relates satisfies one or more of the conditions stipulated in the legislation. In considering whether to designate an area, Guidance provides that the local authority must first identify the objective or objectives that a designation will help it achieve. Secondly, it must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives without the need for the designation to be made. Only where there is no practical and beneficial alternative to a designation should a scheme be made.

13.2.2 If the local housing authority decides there is no practical and beneficial alternative to the scheme, it must only make the designation if it is satisfied that the scheme will significantly assist it in achieving its objective or objectives, with other actions the local housing authority may be taking. The local housing authority will have to show how such a designation will be part of the overall strategic borough wide approach and how it fits with existing policies.

13.2.3 When considering designating an area as subject to a selective licensing scheme, the local housing authority must conduct a full consultation. They must take reasonable steps to consult persons who are likely to be affected by the designation and consider any representations made in accordance with the consultation (Section 80 (9) of the Act). Such consultation should be over a period of at least 10 weeks. Once the consultation has been completed the results should be published and made available to the local community.

13.2.4 An application to the Secretary of State for confirmation of Selective Licensing designations must be made where the designation is for more than 20% of the local authority's geographical area or affects more than 20% of privately rented homes in the area. Documents and information in support of a designation must be provided. The final decision whether to confirm or refuse to confirm a designation will be made. There is no appeal against the Secretary of State's decision, although it can be subject to judicial review.

13.2.5 The extent and application of Selective Licensing Schemes differs throughout local authority areas as detailed in Paragraph 12.4 and is a matter of legal interpretation. There is no case law on this specific point and, whilst the risk of legal challenge is noted, it is further noted that DLUHC is satisfied with our proposed application of the scheme.

13.3 Financial Implications

13.3.1 The Selective Licensing Scheme is to be self- financing over the five-year lifetime of the scheme. This is achieved with a full licence fee of £700 for 40,000 properties generating income of £28m. This income is to meet all the costs associated with the scheme.

13.3.2 Detailed financial modelling has been undertaken. If the scheme is implemented costs will be recovered through the charging policy and fee setting

mechanism. The scheme expenditure and income has been profiled over a six-year period, with year zero covering set up costs for the scheme and employment and training of staff. The scheme will be managed through a ring-fenced budget with appropriation to / from reserves to manage in-year surpluses or deficits. Any expenditure for project management relating to the submission of the application to the Secretary of State will be included within the costs related to the scheme. Should the application not be successful then these costs will be met through existing budgets.

13.4 Procurement Implications

13.4.1 To process the number of licences expected under the SLS it is likely that a new IT software system will be required. The scope and specification of such a system will be progressed with IT &D and the required procurement processes will be followed.

13.5 Human Resources Implications

13.5.1 If a selective licensing scheme is introduced it is expected that it will be self-financing through the fee charging mechanism. Any recruitment will be done in accordance with the council's recruitment and selection procedure.

13.6 Public Sector Equality Duty

An initial equality impact assessment has been completed (See appendix 5). This does not show an adverse impact on any specific protected characteristic.

14 Appendices

Appendix 1 – Selective Licence Evidence Report October 2021

Appendix 2 – Proposed Team Structure

Appendix 3 – Report of Consultation Findings

Appendix 4 – Response to Consultation Themes

Appendix 5 – Equality Assessment

Selective Licensing Evidence Report

October 2021



Contents

Contents	Page Number
Introduction	1
Housing Profile	5
Legislative framework	7
Desired Outcomes	8
Related Strategies and their Consistency with a Selective Licensing Scheme.	8
Proposed Selective Licensing Areas	11
Justification for Designating Areas for Selective Licensing	14
Alternative Options Considered	29
Licence Fee	32
Licence Conditions	34
Data Summary	36
Appendix – Proposed licence conditions	39

Introduction

Birmingham City Council is consulting on a proposal to designate parts of the city as subject to a licensing scheme for private rented properties. It is proposed, subject to legislative requirements, that this would come into effect in the financial year 2023/24.

Selective licensing is an additional tool that local authorities can seek approval to use alongside their normal enforcement powers in order to target specific issues that are affecting the local authority and its communities. Selective licensing would allow the Council to regulate private landlords to manage this housing sector more effectively.

Licensing enables a privately rented property to be easily identified and as such for organisations and regulators such as the Council, the Police, Her Majesty's Revenue and Customs (HMRC) and others to be able to advise and support tenants and landlords alike. It provides a clearly defined offence in that a property is either licensed or unlicensed. It clarifies ownership and responsibility which simplifies enforcement and makes it more effective. Where a landlord is intentionally operating without a licence it is possible the inspection process will uncover further offences. Licensing also provides a clear driver for effective engagement between landlords and local authorities, and drives up landlord awareness of their responsibilities.

Selective licensing encourages the development of effective intelligence gathering mechanisms to support compliance by identifying unlicensed properties and then targeting those problematic properties. It promotes joint working within the Council and other agencies – fire and rescue services, police, border control/immigration, social services and HMRC.

The proposal is to designate an area of selective licensing which will cover 25 wards of the city. The designation would regulate the management, use and occupation of

privately rented properties that are not Houses in Multiple Occupation (HMO). The Council has reviewed the evidence available to understand the conditions in the private rented sector in the city and considers that the proposed scheme meets the statutory criteria for selective licensing based on the evidence of high levels of crime and deprivation. The designation will last for five years and will include statutory and general conditions aimed at ensuring licensed properties are safe, meet basic standards and they are managed in a satisfactory way.

The Housing Act 2004 gives powers to local authorities to require other HMOs outside of the mandatory scheme to be licensed in specific circumstances. The Council has considered if it is appropriate to include a proposal for additional licensing as part of this consultation, however, it is considered that any potential additional licensing areas are likely to overlap with those proposed for selective licensing. The Council would therefore intend to review the impact of the proposed selective licensing scheme prior to making a decision (based on evidence) on whether any proposal for additional licensing schemes would be appropriate.

The selective licensing designation will help the Council to:

- Reduce deprivation in conjunction with other key Council strategies. These include the Homelessness Prevention Strategy 2017+ and Corporate Plan.
- Reduce crime linked with the private rented sector in conjunction with the Police and community safety team.
- Improve the condition of privately rented housing in the City and thereby the wellbeing of residents from that sector.

The Council proposes the targets below in order to achieve these outcomes over a five year period:

- Ensure that at least 75% of licensable properties are licensed

- In at least 95% of licensed properties, compliance with licence conditions and improved property conditions has been achieved or enforcement action taken or in progress
- Reduce incidents of home burglary and non-domestic violent crime.
- Improve 1000 properties in the Private Rented Sector per annum as a result of the Local Authority's intervention
- Reduce the deprivation gap between that found in the 25 proposed wards and that of the city's other wards
- Reduce the number of wards within the selective licensing area that are designated as the 10% most deprived Super Output Areas nationally

The Council has historically used existing enforcement powers to deal with property conditions and management. This is predominantly as a reactive response to complaints, with the Council relying heavily on the information from tenants and neighbours to identify which properties are privately rented and are in poor condition, overcrowded and are being badly managed. The continuing increase and high number of service requests from tenants living in the private rented sector indicates current enforcement measures are not sufficient on their own. However, the number of complaints received cannot be relied upon as an absolute indicator of dissatisfaction or risk. The nature of tenants in private rented sector properties within the 25 wards identified clearly points to a deprived community who may well be reticent to make complaints for fear of losing their homes or indeed may not know their housing rights. The Council cannot solicit complaints by virtue of "marketing" its services or door knocking. It is therefore limited in proactively seeking out those tenants that may be living in poor or high risk accommodation.

Selective licensing would be beneficial in identifying all private rented properties and ensuring a minimum standard. In addition, it would allow landlords operating illegally to be identified and enable those properties to be targeted for inspection and to be brought into compliance. This would help to raise standards and improve conditions in the sector. It would provide a level playing field for legitimate landlords and reduce the risk of exploitation of tenants. Selective licensing provides clear guidance for landlords on the expected standards for property conditions and management.

The evidence shows that the 25 proposed wards have a higher than average number of private rented properties and the issues associated with properties in the private rented sector cannot continue. We believe that a selective licensing scheme is necessary and the most effective means by which we can address the current issues.

Where the proposed designation covers either 20% of the total geographic area of the authority or 20% of the total privately rented stock, the designation requires approval by the Department for Levelling Up, Housing and Communities (LUHC) (previously the Ministry of Housing, Communities and Local Government). Selective licensing applications require local authorities to first demonstrate the evidence for their concerns as well as look at alternative approaches and consult widely. Due to the size of the area to be designated in terms of geography and the size of the private rented stock in Birmingham to be included, the implementation a selective licensing scheme does require the approval of the Secretary of State for Levelling Up, Housing and Communities.

Housing is a key priority for Birmingham residents and the City Council, and it plays a significant part in all our lives. The location, type, and quality of the homes in which we live has a major impact on the rest of our lives including how children perform at school, the employment we can access and how long we can expect to live. Without

question the human need for food, water and shelter are the highest priorities in life. We therefore urge you to consider our proposals carefully.

This evidence report outlines our proposals and approach. The consultation questionnaire seeks your views about these proposals, our objectives, our proposed licence conditions, our proposed licensing fees, and the alternatives that you think we should consider. We will listen carefully and consider the results of the consultation before making a decision about how to proceed.

The consultation questionnaire can be accessed by visiting the Council's consultation hub "Be Heard" at www.birminghambeheard.org.uk/place/selective-licensing-consultation or by visiting Opinion Research Services at www.opinionresearch.co.uk/Birmingham

Housing Profile

The total number of residential properties in Birmingham across all tenures is estimated to be 468,048, of which the private rented sector is now estimated at 104,941 properties, an increase of more than 50% since the 2011 census. This includes 6121 HMOs, of which around half are currently licensable. It is the second largest tenure after owner occupation and represents 22.14% of housing tenure. The proposed designation is estimated to contain 54,000 private rented properties which accounts for around 51% of this housing type in the city.

Given the demand for housing in the city, it is becoming the main route to suitable accommodation for households who are homeless or on limited income.

As of April 2021, Birmingham has the third highest number of households (3316) in temporary accommodation in England, and the highest number when London councils are excluded.

Around a third of the households approaching the Council's housing advice team each year are private tenants at risk of losing their home. Although the Council will endeavour to prevent homelessness where possible, many situations will result in homelessness.

With around 18,500 households on the Council's housing waiting list, and average waiting times running to many years, particularly for larger, family sized accommodation, the importance of good quality, private sector rented accommodation cannot be underestimated.

Whilst most temporary accommodation is exempt from licensing, this form of control does allow the Council to set a standard that will help to ensure that the temporary accommodation utilised in the private rented sector is suitable. Currently private rented sector housing accounts for nearly 900 properties used as temporary accommodation. The selective licensing scheme would mean that new private rented properties that are utilised for this purpose are already at the required standard.

One of the Council's aims is to work with landlords to sustain tenancies and to reduce the prevalence of evictions, leading to a more stable private rented community. Any new licensing scheme will be aligned with Birmingham Homelessness Prevention Strategy 2017+. The strategy can be viewed at:

www.birmingham.gov.uk/downloads/download/598/birmingham_homelessness_prevention_strategy_2017

In implementing a selective licensing scheme, the Council not only wants to tackle non-compliant landlords, but also work with all landlords to address tenancy issues at the earliest opportunity. The eviction and reletting process can be costly for landlords, and will have a range of negative impacts on tenants including moving costs and a possible move away from an existing support network and/or children's schooling

Legislative Framework

Legislation allows for six different reasons for the introduction of selective licensing, they are that the area:

- is, or is likely to become, an area of low housing demand
- is experiencing a significant and persistent problem caused by anti-social behaviour
- is experiencing poor housing conditions
- has experienced, or is experiencing, an influx of migration into it
- is suffering from high levels of deprivation
- is experiencing high levels of crime

In Birmingham, the Council feels that selective licensing will contribute toward reducing deprivation and crime. The legislative context for these factors can be found in The Selective Licensing of Houses (Additional Conditions) (England) Order 2015, articles 6 and 7. The detail of this Order can be found on the Government website at www.legislation.gov.uk

Local authorities must also seek confirmation from the Secretary of State for Levelling Up, Housing, and Communities for any selective licensing scheme that covers more

than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area.

A local authority may only make a designation after they have considered if there are any other available courses of action to them and if these would produce the intended outcomes that the designation would achieve; and if making the designation will significantly assist them to achieve the objectives.

Desired Outcomes

The targeted outcomes for our scheme over the five year period are:

- Reduce the deprivation gap between that found in the 25 proposed wards and that of the city's other wards
- Reduce the number of wards within the selective licensing area that are designated as the 10% most deprived Super Output Areas nationally
- In at least 95% of licensed properties, compliance with licence conditions and improved property conditions has been achieved, or enforcement action taken or in progress
- Ensure that at least 75% of licensable properties are licensed
- Reduce incidents of home burglary and non-domestic violent crime
- Improve 1000 properties in the Private Rented Sector per annum as a result of the Local Authority's intervention

Related Strategies and Their Consistency with a Selective Licensing Scheme

The guidance requires that any selective licensing scheme must be consistent with other related strategies. The following information evidences that a selective licensing scheme would be consistent with the Council's related strategies.

Council Plan 2018 - 2022

The Council Plan sets out six outcomes that the Council seeks to achieve:

- Birmingham, an entrepreneurial city to learn, work and invest in
- Birmingham, an aspirational city to grow up in
- Birmingham, a fulfilling city to age well in
- Birmingham, a great, clean and green city to live in
- Birmingham, a city whose residents gain the most from hosting the Commonwealth Games; and
- Birmingham a city that takes a leading role in tackling climate change.

The Plan is currently being refreshed, but good quality housing for all is an important aspect of the City Council's goals.

A selective licensing scheme is a one of the tools available to improve standards in the private rented sector. The proposed scheme would fit within the fourth outcome - 'Birmingham, a great, clean and green city to live in'. Specifically, the implementation

of a selective licensing will contribute to priorities 2 and 3 of the eight priorities to achieve this outcome:

Priority 2 - We will have the appropriate housing to meet the needs of our citizens

A selective licensing scheme will ensure that all privately rented properties meet a minimum housing standard, which gives the tenant a stable home and helps with building stable communities. Tenants would be confident that homes meet the minimum energy saving requirements which would contribute to the green city aspiration.

A selective licensing scheme will also contribute to alleviating fuel poverty as measures to improve standards will ensure that heating appliances are properly checked, maintained, and working efficiently. Improvements in the housing standards should also make properties more secure which should assist with reducing crime, particularly home burglary.

Priority 3 - We will work with partners to tackle rough sleeping and homelessness.

The availability of, and living in improved housing conditions, should contribute to the reduction in homelessness.

An awareness of all private rented sector property in the relevant 25 wards and engagement with both tenants and landlords will ensure all parties are aware of the protections in place under the tenancy. It is hoped that this will prevent illegal evictions and help support landlords by resolving tenant disputes. Enabling security of tenure and wrapping around partner services will hopefully reduce homelessness from the private rented sector which we are aware is a major contributor to homelessness in Birmingham.

Homelessness Prevention Strategy 2017+

Since March 2018, the number of customers being made homeless from the private rented sector has increased. There are a variety of reasons for this, including disrepair. By ensuring that landlords meet a set housing management standard it would be expected that there would be a reduction of homeless applications for this reason.

A landlord who is required to have a licence but does not, loses the right to automatic possession of the rented property under an assured shorthold lease under Housing Act 1988, s.21 (as amended s.75). Thereby offering extra protections from illegal evictions.

With a licence the Licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property. This is usually a tenancy or licence agreement. This ensures the tenants understand their commitment and that of their landlord, but also the agreement in terms of length of tenancy and notice periods. This adds that protection of occupying under a legal framework.

Empty Properties Strategy

The Council's Empty Property Strategy aims to bring privately owned properties back into use. Empty properties adversely affect the lives of people in the vicinity. They attract vandalism and anti-social behaviour. In addition, empty properties have a negative impact on the surrounding living environment and drive down property values.

There is great demand for family accommodation in the city and most of the empty properties reported are houses. Bringing these properties back into use will contribute to the supply of family accommodation. A selective licensing scheme will assist with ensuring that the standards are maintained and reduce the likelihood of the property

becoming void/empty. This stability in a reasonable standard of accommodation should influence and reduce housing related crime and deprivation whilst ultimately contributing to the improvement of life outcomes.

Proposed Selective Licensing Areas

Government regulations and guidance for the introduction of selective licensing requires local authorities to meet strict criteria before a selective licensing scheme can be implemented in an area/s. Based on the research the Council has undertaken, we have decided to consult on a proposal to introduce selective licensing on the following statutory grounds:

A significant proportion of the stock is privately rented and that this stock is in:

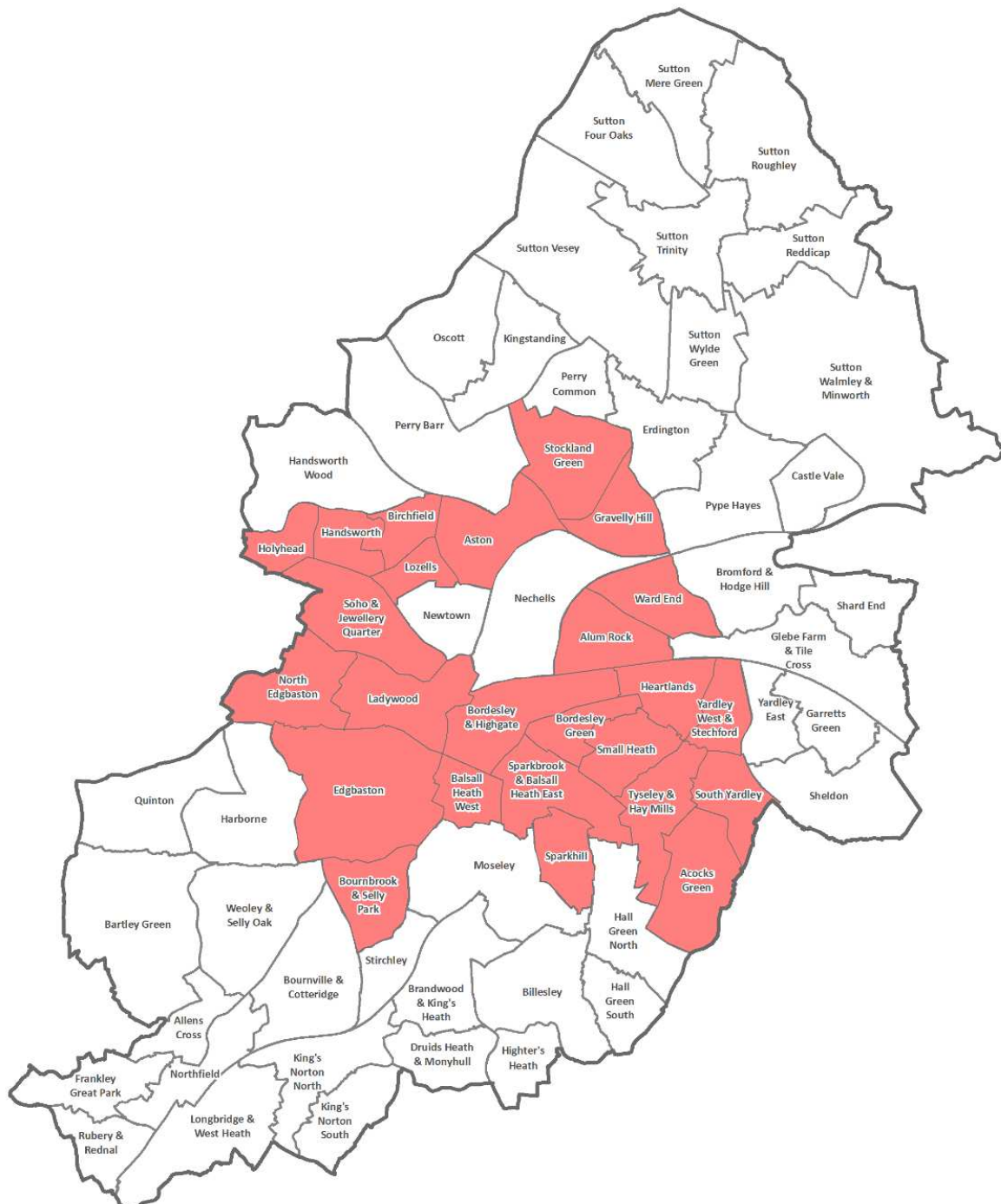
- an area that experiences high levels of deprivation
- an area that experiences high levels of crime

The data shows the proposed designation meets the criteria for selective licensing in that:-

- It contains a high proportion of privately rented homes compared to the national average (greater than 20%)
- The area is experiencing levels of crime higher than the Birmingham average
- The area within the designation is experiencing higher levels of deprivation amongst its population than the Birmingham average

A list along with a map of the proposed wards to be designated for selective licensing can be found on page 13.

- Acocks Green
- Alum Rock
- Aston
- Balsall Heath West
- Birchfield
- Bordesley Green
- Bordsley & Highgate
- Bournbrook & Selly Park
- Edgbaston
- Gravelly Hill
- Handsworth
- Heartlands
- Holyhead
- Ladywood
- Lozells
- North Edgbaston
- Small Heath
- Soho & Jewellery Quarter
- South Yardley
- Sparkbrook & Balsall Heath
- Sparkhill
- Stockland Green
- Tyseley & Hay Mills
- Ward End
- Yardley West & Stechford



Justification for Designating Areas for Selective Licensing

1) An area experiencing high levels of private renting

One of the requirements of designating an area for selective licensing scheme is that it must contain a high proportion of privately rented homes compared with the national average (currently 19%). The table below shows the percentage of the housing in each ward that is made up of the private rented sector. Each of the 25 wards identified for inclusion in the selective licensing designation have a high (greater than 19%) percentage of private rented property and are highlighted. Wards where the proportion of private sector housing stock is lower than average could be included as long as the overall designation is greater than 19%, however it is felt that the priority at this time is to focus on those areas which exceed the national average.

Ward	Percentage of private rented accommodation
Acocks Green	26.0
Alum Rock	24.00
Balsall Heath West	23.59
Billesley	15.46
Bordesley Green	28.67
Brandwood & Kings Heath	21.24
Bournville & Cotteridge	19.05
Castle Vale	12.77
Edgbaston	25.51
Frankley Great Park	10.27
Glebe Farm & Tile Cross	17.59
Hall Green North	20.37
Handsworth	27.07
Harborne	29.77

Ward	Percentage of private rented accommodation
Allens Cross	12.28
Aston	25.67
Bartley Green	11.09
Birchfield	25.52
Bordesley & Highgate	31.82
Bournbrook & Selly Park	49.28
Bromford & Hodge Hill	15.66
Druids Heath & Monyhull	11.98
Erdington	25.16
Garretts Green	12.44
Gravelly Hill	34.13
Hall Green South	19.0
Handsworth Wood	23.87
Heartlands	25.36

Ward	Percentage of private rented accommodation
Highters Heath	15.33
Kings Norton North	12.03
Kingstanding	17.74
Ladywood	38.63
Moseley	35.54
Newtown	12.63
Northfield	15.45
Perry Barr	21.61
Pype Hayes	17.05
Rubery & Rednal	14.62
Sheldon	14.65
Soho & Jewellery Quarter	40.11
Sparkbrook & Balsall Heath	29.27
Stirchley	25.64
Sutton Four Oaks	13.56
Sutton Reddicap	14.05
Sutton Trinity	22.39
Sutton Walmley & Minworth	13.12
Tyseley & Hay Mills	27.09
Weoley & Selly Oak	19.64
Yardley West & Stechford	21.33

Ward	Percentage of private rented accommodation
Holyhead	34.26
Kings Norton South	10.07
Longbridge & West Heath	14.44
Lozells	20.15
Nechells	9.13
North Edgbaston	47.47
Oscott	18.97
Perry Common	14.10
Quinton	16.40
Shard End	10.29
Small Heath	30.66
South Yardley	22.98
Sparkhill	34.77
Stockland Green	28.97
Sutton Mere Green	11.65
Sutton Roughley	11.94
Sutton Vesey	14.99
Sutton Wylde Green	14.87
Ward End	25.24
Yardley East	15.29

2) An area experiencing high levels of deprivation

Deprivation is the consequence of a lack of income and other resources and can be measured and evidenced in various ways. Council's should consider the following factors when comparing to other similar neighbourhoods in the local authority area or within the region:

- the employment status of adults
- the average income of households

- the availability and ease of access to education, training and other services for households
- the health of households
- levels of crime
- living environment – both internal and external

All the above factors are combined in the Index of Multiple Deprivation (IMD) which has been used to assess the level of deprivation in Birmingham. A ranking score was used to compare the deprivation levels of Birmingham compared to the national average. A rank of 1 means that the area is the most deprived. The average rank for England is 16,422 and for Birmingham it is 7,752.

Using the rank of average scores measure, Birmingham is ranked the 7th most deprived local authority in England (of 317). The city is also the most deprived authority in the West Midlands Metropolitan area. Birmingham is ranked the third most deprived English Core City after Liverpool and Manchester. While there are pockets of deprivation in all parts of the city, deprivation is most heavily clustered in the wards surrounding the city centre.

In June 2016, Birmingham Child Poverty Commission, published an independent report on deprivation and its impact. A copy of the report can be viewed at www.birmingham.gov.uk/downloads/file/7881/child_poverty_commission_report

It detailed how the significant levels of deprivation and poverty in the city, impact on the growth, development and aspirations of residents, especially young people. Given the shortage of social housing, vulnerable households and those on limited income are having to rely on private sector housing more and more.

A selective licensing scheme would mean that private sector landlords would have to adhere to any licence standards. This would include ensuring that the property is in a good state of repair, there is adequate heating, making properties secure, ensuring space standards are adequate, taking reasonable steps to prevent or reduce unacceptable behaviour by tenants and persons visiting the property, and the provision of adequate refuse disposal facilities. In addition, a landlord/managing agent would need to be a 'fit and proper person' and competent to manage the property.

During the period of the licence, there would be an inspection of properties to ensure that the licence is being adhered to and complaints would also be investigated.

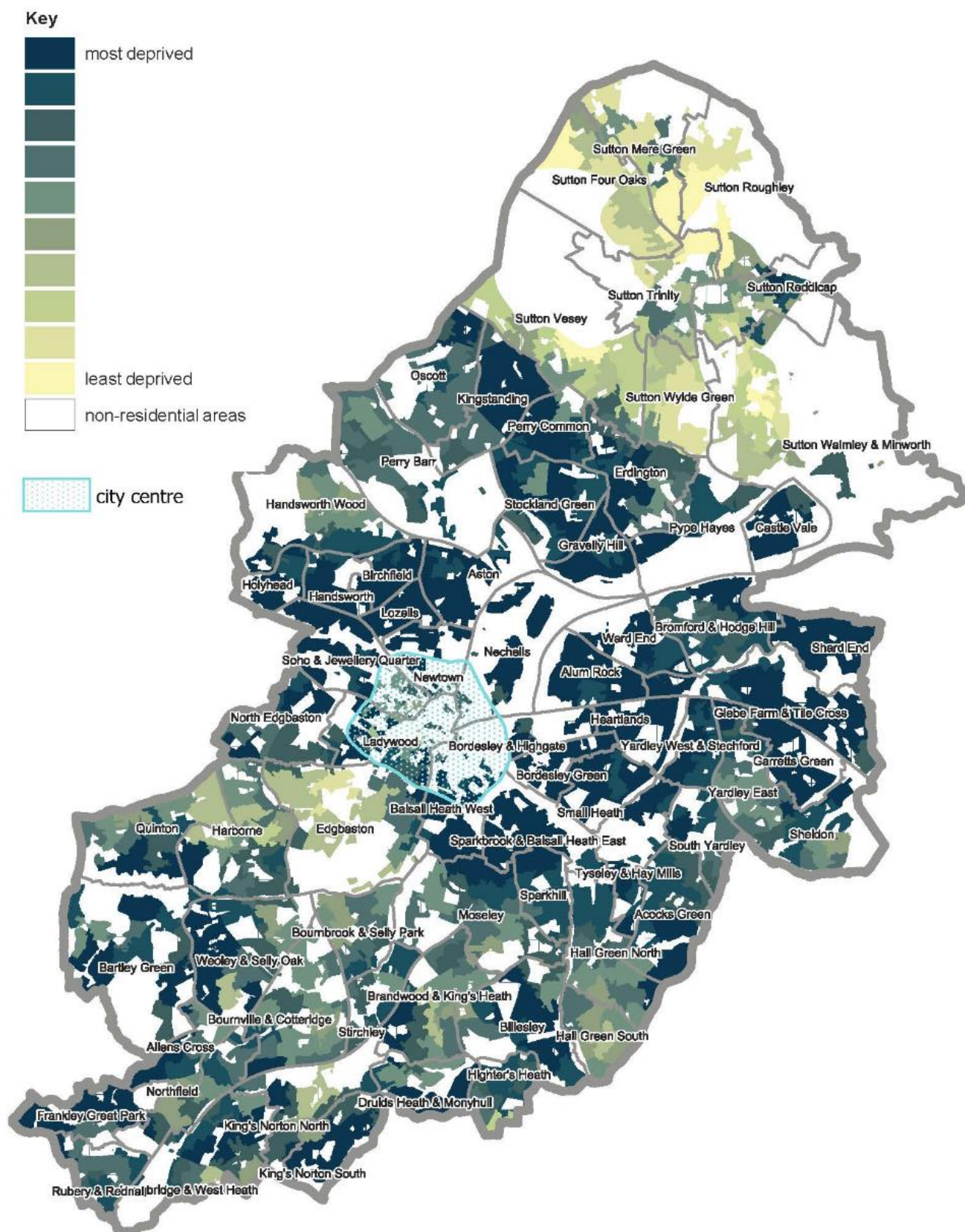
Where it was identified that licensing conditions were not being adhered to, enforcement action could be taken in compliance with the City Council's adopted enforcement policy. This policy can be viewed at the link below and emphasises a "necessary and proportionate" (7.2.1) response depending on the type of infraction, ranging from no action or informal advice through to proceedings in Court (7.1.1).

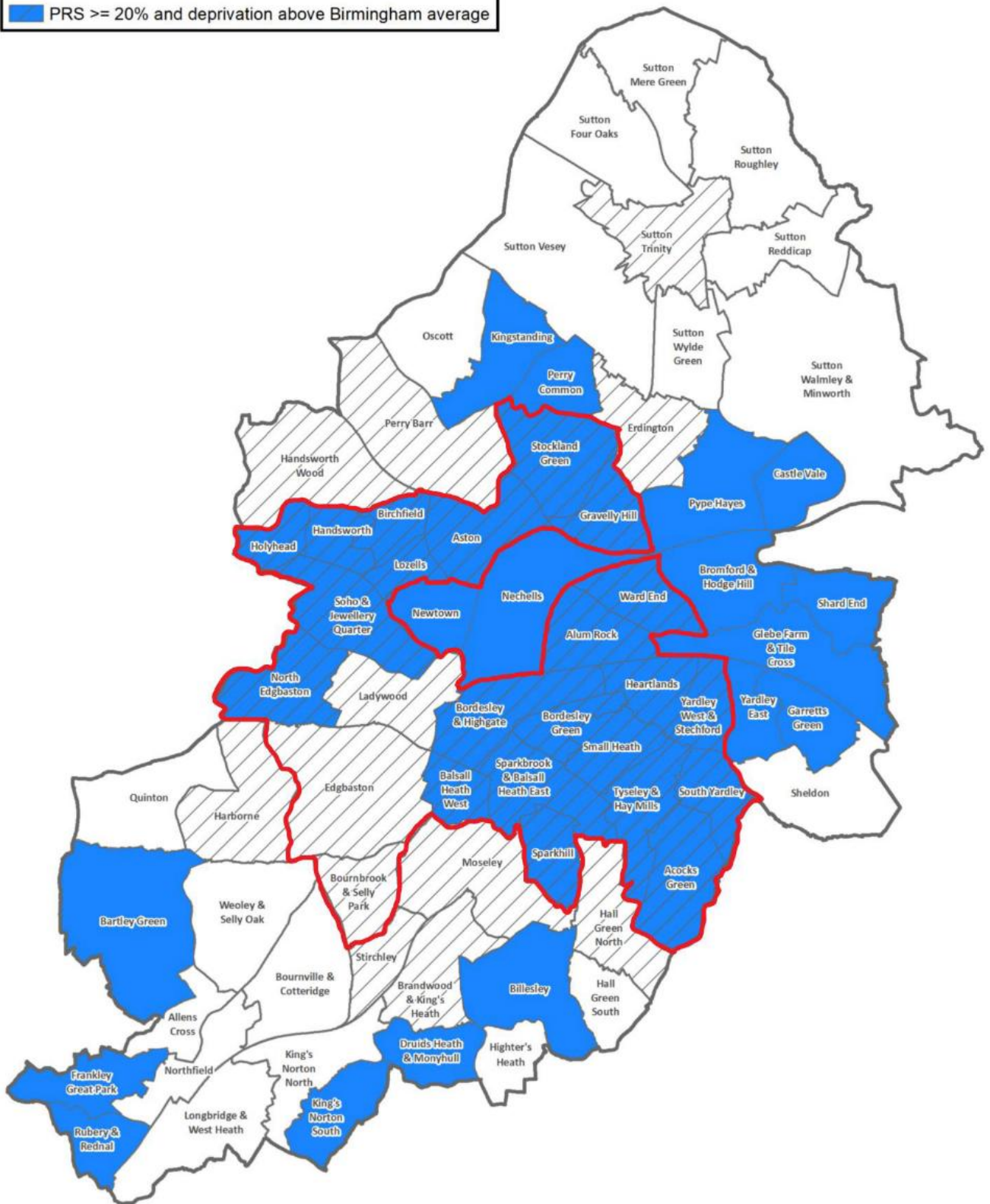
[www.birmingham.gov.uk/downloads/file/405/regulation_and_enforcement -
enforcement policy](http://www.birmingham.gov.uk/downloads/file/405/regulation_and_enforcement_-_enforcement_policy)

It is expected that a selective licensing scheme will aid in alleviating some of the elements that cause deprivation, particularly the internal living environment and the external physical environment

The map on page 18 shows the wards which are the most deprived in Birmingham. The darker the colour the more deprived the area. It is important to note that these levels of deprivation will not apply to every person living in these areas. Many non-deprived people live in deprived areas, and many deprived people live in non-deprived areas.

The further map on page 19 shows the wards where the deprivation ranking is greater or less than the city average, and where deprivation rankings are higher than the average and also have high levels (greater than 20%) of private rented housing. The boundary of the proposed designation is marked by the red line.





The table on page 22 and continued on pages 23 and 24 shows Birmingham's 69 wards ranked by their aggregate IMD score from 1 being the most deprived to 69 the least deprived. The table also highlights where each wards IMD score would rank it nationally in terms of IMD decile with 1 being in the most deprived 10% of areas nationally, 2 in the top 20% of deprived areas and so on.

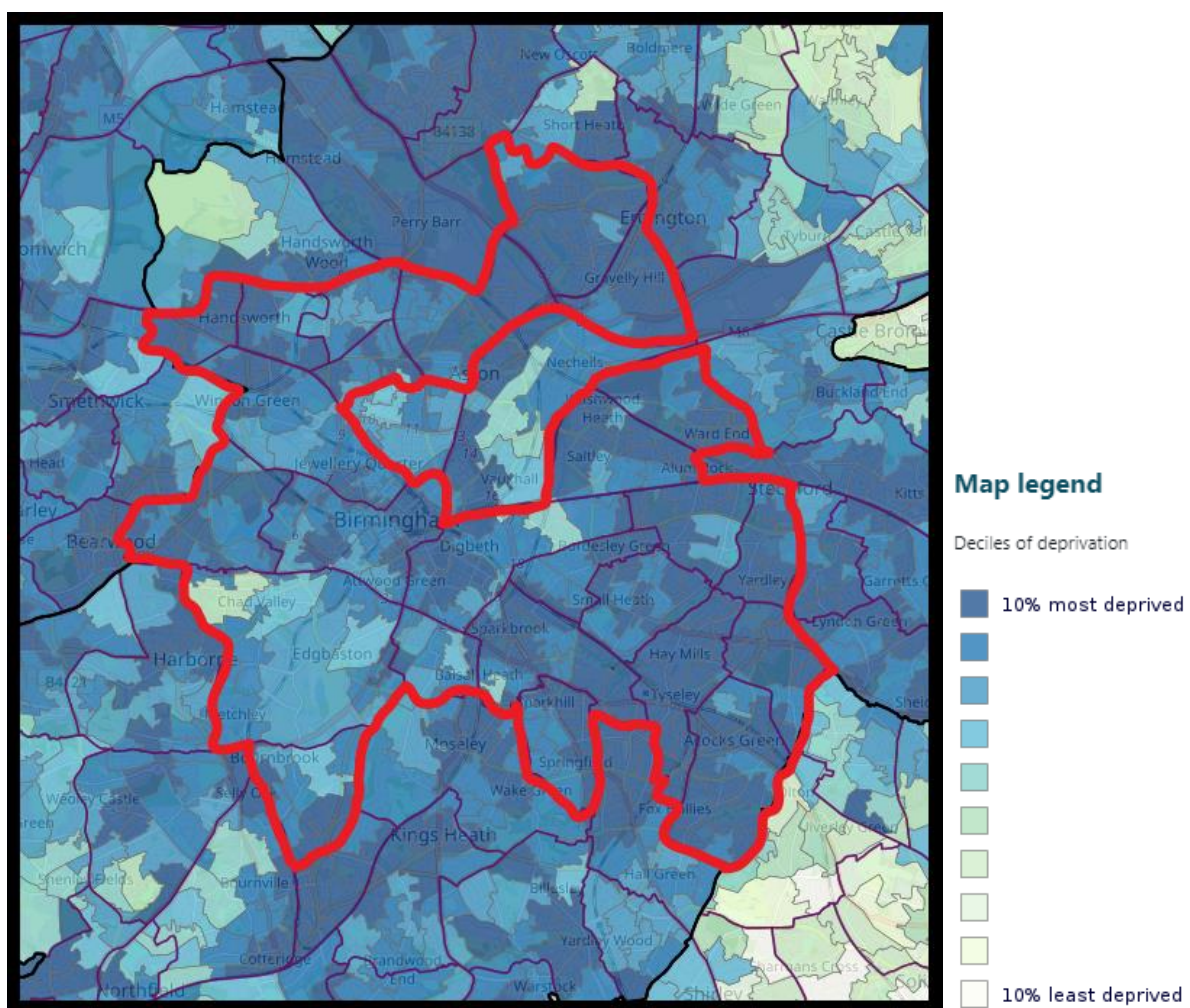
Sparkbrook & Balsall Heath East is the most deprived ward in the city. The top 10 most deprived wards are mainly comprised by inner city areas but also include some more deprived outer city and suburban areas. 27 of Birmingham's 69 wards have deprivation scores that rank them in the 10% most deprived areas nationally. 61 of the city's wards are in the top 50% of deprived areas with only eight wards being in the least deprived 50% of areas; these eight wards are comprised of Hall Green South and seven Sutton Coldfield wards

The wards which are proposed to be included in the selective licensing designation are highlighted. Readers will note that there are wards which rank highly in terms of deprivation but are excluded from the proposed designation. Equally, there are wards that are ranked relatively low in the ranking which are included in the proposed designation. As stated earlier in this report, areas with a lower than average percentage of private rented could be included within the designation, however it is felt most appropriate to focus the resources available on those areas with the highest levels of private rented accommodation and where licensing will see the greatest number of tenants benefited.

The Council recognises that the introduction of selective licensing will primarily aim to impact the living environment domain element of the IMD. This domain makes up 9.3% of the total and measures the quality of the local environment and the indicators fall into two sub-domains - the 'indoors' living environment measures the quality of

housing; while the 'outdoors' living environment contains measures of air quality and road traffic accident. The domain tells us that there are areas of the city which rank relatively low in terms of deprivation but rank highly in terms of a poor living environment. It is therefore important to recognise that whilst areas of the city may rank lower in terms of deprivation, the living environment may rank significantly higher.

The map below shows the living environment domain for the proposed designation. Large swaths of the wards are in the top 10% most deprived areas in England, with a significant proportion in the top 50%. The lighter coloured areas with the proposed designation on the map are predominantly made up of commercial or green areas.



It is the indoor living environment which the Council will aim to address with the introduction of the proposed designation. It is expected that by addressing poor living conditions that wards within the designation will show improvements in their deprivation ranking when compared to other wards over the period of the proposed scheme.

Ward	2019 Birmingham Ward Rank	2019 Decile (where 1 is 10% Most Deprived Nationally)
Sparkbrook & Balsall Heath East	1	1
Bordesley Green	2	1
Lozells	3	1
Castle Vale	4	1
Alum Rock	5	1
Newtown	6	1
Heartlands	7	1
Gravelly Hill	8	1
Balsall Heath West	9	1
Birchfield	10	1
Shard End	11	1
Kingstanding	12	1
Garretts Green	13	1
Aston	14	1
Glebe Farm & Tile Cross	15	1
Handsworth	16	1
Kings Norton South	17	1
Ward End	18	1
Bordesley & Highgate	19	1
Tyseley & Hay Mills	20	1
Small Heath	21	1
Frankley Great Park	22	1
Holyhead	23	1
Nechells	24	1
Druids Heath & Monymhull	25	1
Stockland Green	26	1
Yardley West & Stechford	27	1
Perry Common	28	2
Soho & Jewellery Quarter	29	2
Sparkhill	30	2

Ward	2019 Birmingham Ward Rank	2019 Decile (where 1 is 10% Most Deprived Nationally)
Bartley Green	31	2
Allens Cross	32	2
Bromford & Hodge Hill	33	2
Billesley	34	2
Weoley & Selly Oak	35	2
Acocks Green	36	2
Rubery & Rednal	37	2
Erdington	38	3
Pype Hayes	39	2
Longbridge & West Heath	40	2
North Edgbaston	41	2
Ladywood	42	2
Moseley	43	2
Kings Norton North	44	2
Sheldon	45	3
Stirchley	46	3
Highter's Heath	47	3
South Yardley	48	3
Yardley East	49	3
Hall Green North	50	3
Quinton	51	3
Oscott	52	3
Brandwood & King's Heath	53	3
Handsworth Wood	54	3
Harborne	55	3
Perry Barr	56	4
Bournville & Cotteridge	57	4
Sutton Reddicap	58	4
Northfield	59	4
Bournbrook & Selly Park	60	5
Edgbaston	61	5
Hall Green South	62	6
Sutton Trinity	63	6
Sutton Walmley & Minworth	64	7
Sutton Vesey	65	7
Sutton Mere Green	66	7
Sutton Wylde Green	67	7
Sutton Four Oaks	68	8
Sutton Roughley	69	9

3) An area experiencing high levels of crime

The 2015 report “Safe as Houses? Crime and changing tenure patterns” by the independent think tank, The Police Foundation, found that there was a correlation between levels of burglary and the proportion of private rented housing in an area. There are two possible reasons for this. One, that the quality of security measures in place in some properties is poor which makes unlawful entry easier, and two, that areas with poor housing environments will experience a higher rate of resident churn or movement. This churn can make it harder for areas to come together as a community and challenge unlawful activity.

The report also found that opportunities for local partners to undertake positive action to address crime problems linked to the private rented sector are greater in places where a firmer regulatory grip has been achieved through licensing and related measures.

The data relating to crime was taken from the West Midlands Police open crime data base. The crime ranking for England is 179.41 and for Birmingham 203.7. Any ward with a ranking greater than 203.7 can be interpreted as experiencing high levels of crime. In 2020/21 there were 123,488 recorded crimes across the city with 57,607 or 47% being recorded within the 25 wards proposed to be included in the designation. Over this period, home burglary across these wards was a significant contributor to total crime and in many wards it is was the highest reported crime.

The guidance states that when assessing if an area suffers from a high level of crime, the local authority may wish to have regard to whether the area has displayed a noticeable increase in crime over a relatively short period, whether the crime rate in

the area is significantly higher than in other parts of the local authority area, or that the crime rate is higher than the national average. The crime rankings across the 69 wards have been compared with the average crime ranking for the city (203.7). The ranking for each ward is shown in the table below with the 25 wards proposed to be included in the designation highlighted.

Ward	Crime Ranking (Birmingham Average Crime Ranking = 203.7)
Acocks Green	181
Alum Rock	209
Balsall Heath West	206
Billesley	127
Bordesley Green	254
Brandwood & Kings Heath	174
Bournville & Cotteridge	171
Castle Vale	215
Edgbaston	287
Frankley Great Park	248
Glebe Farm & Tile Cross	201
Hall Green North	133
Handsworth	267
Harborne	203
Highters Heath	145
Kings Norton North	142
Kingstanding	178
Ladywood	692
Moseley	151
Newtown	345
Northfield	180
Perry Barr	152
Pype Hayes	215
Rubery & Rednal	185
Sheldon	162
Soho & Jewellery Quarter	251
Sparkbrook & Balsall Heath	574
Stirchley	159

Ward	Crime Ranking (Birmingham Average Crime Ranking = 203.7)
Allens Cross	194
Aston	222
Bartley Green	181
Birchfield	261
Bordesley & Highgate	590
Bournbrook & Selly Park	204
Bromford & Hodge Hill	159
Druids Heath & Monyhull	180
Erdington	175
Garretts Green	186
Gravelly Hill	284
Hall Green South	80
Handsworth Wood	170
Heartlands	199
Holyhead	215
Kings Norton South	209
Longbridge & West Heath	157
Lozells	260
Nechells	484
North Edgbaston	251
Oscott	135
Perry Common	153
Quinton	158
Shard End	205
Small Heath	196
South Yardley	196
Sparkhill	194
Stockland Green	210

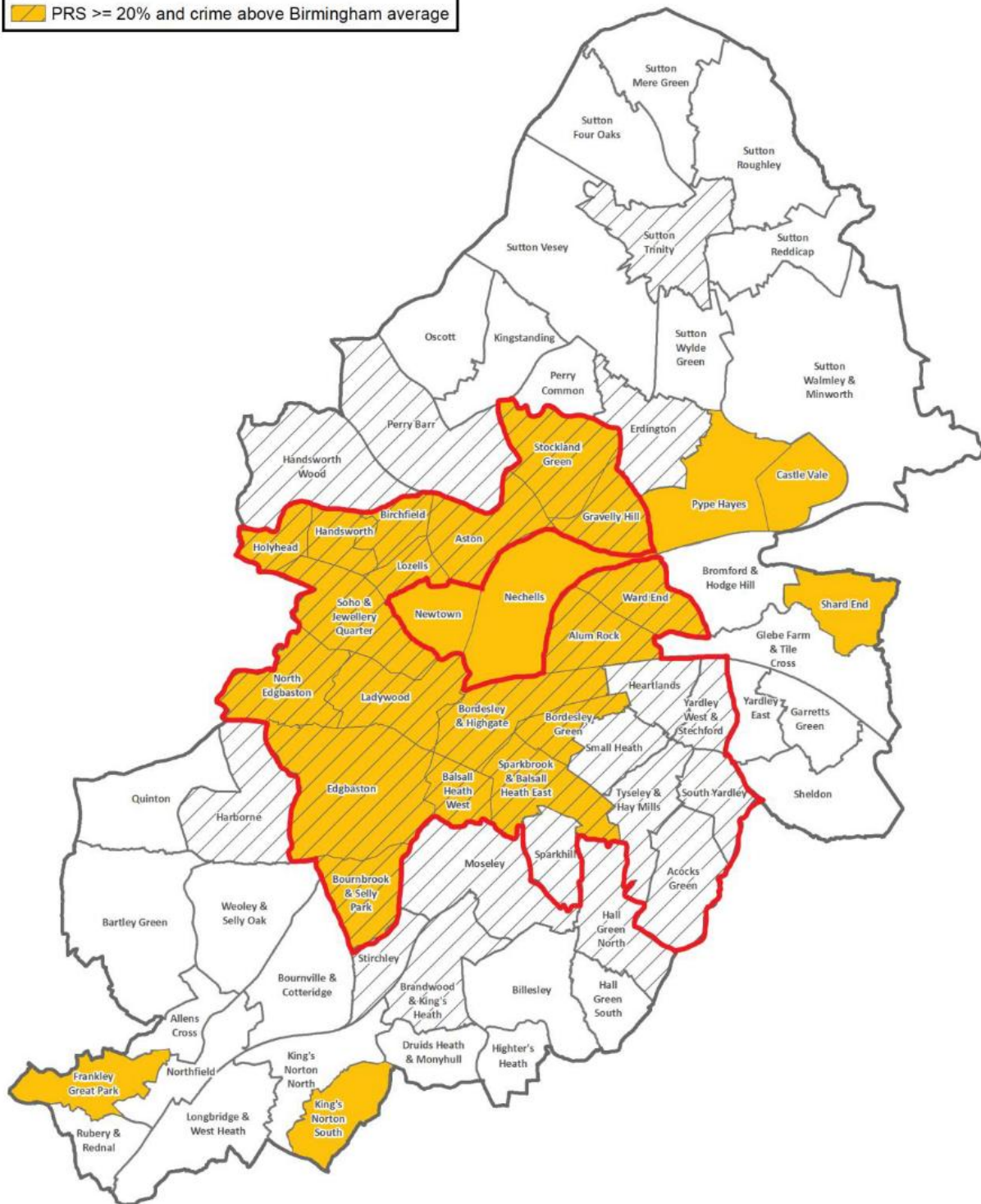
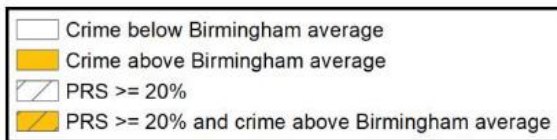
Ward	Crime Ranking (Birmingham Average Crime Ranking = 203.7)
Sutton Four Oaks	90
Sutton Reddicap	131
Sutton Trinity	150
Sutton Walmley & Minworth	92
Tyseley & Hay Mills	166
Weoley & Selly Oak	193
Yardley West & Stechford	197

Ward	Crime Ranking (Birmingham Average Crime Ranking = 203.7)
Sutton Mere Green	78
Sutton Roughley	88
Sutton Vesey	121
Sutton Wylde Green	149
Ward End	236
Yardley East	140

As already detailed in this report, in addition to having high levels of crime, an area must also have high levels of private rented housing to be designated for selective licensing.

The map on page 28 shows the wards where the crime ranking is greater or less than the city average, and where crime rankings are higher than the average and also have high levels (greater than 20%) of private rented housing. The boundary of the proposed designation is marked by the red line.

As with the proposal to introduce selective licensing to address deprivation, the Council acknowledges that there are wards within the city that have high levels of crime that are not included in the proposed designation. The proposed designation will allow the Council to focus selective licensing resource on those areas with the highest levels of private rented with the goal of reducing crime linked to this sector.



Through selective licensing, the Council aims to:

- Reduce incidents of environmental crime by ensuring the provision of appropriate waste and recycling facilities at the property.
- Reduce incidents of home burglary. Across the proposed designation, home burglary is a significant, and in many cases the most significant, element of total reported crime. By ensuring that entry points are secure, the Council believes that incidents of home burglary will reduce.
- Ensure that the licence holder is a “fit and proper” person. This test is designed to ensure that those responsible for operating the licence and managing the property are of sufficient integrity and good character to be involved in the management of the property and that as such, they do not pose a risk to the welfare or safety of persons occupying the accommodation. This will also hopefully limit illegal evictions.
- Reduce tax avoidance by private landlords. A report released by the HMRC in 2019 found that Birmingham had the highest concentration of buy-to-let landlords across the UK admitting to rental income tax avoidance, with 494 landlords admitting to rental income tax avoidance in 2018/19. This avoidance places an unfair financial burden on us all and through lawful information sharing, the Council will work with the HMRC in reducing this.
- Reduce benefit fraud. The Department of Works and Pension estimate that £6.3 billion were overpaid in benefits in 2020/21 due to fraudulent benefit claims. Selective licensing will enable the Council to gather and share information with the Council’s Corporate Fraud Team and benefit agencies with the aim of reducing levels of fraud

Alternative options considered

We have considered several other courses of action to address the issues described in this report. However, we do not believe that either individually, or collectively, that they would prove sufficiently effective, or be as an effective means of tackling deprivation and crime in the city. Below are the alternative approaches that we have considered and explains why we do not believe they are not sufficient to meet the city's objectives.

Use of Housing Act 2004 enforcement powers

The Council's enforcement powers in respect of the private rented sector are largely provided by the Housing Act 2004, with other public health legislation being applied where necessary and appropriate.

Under the Act, formal notices can be served that require improvements to be carried out. Should these improvements not be carried out, the Council can carry out works in default if a notice is not complied with. Landlords also risk being prosecuted if they do not comply with a notice.

Using the range of tools at its disposal, the Council will decide on the most appropriate action on a case by case basis. Formal action is generally a slow process with appeal provisions against most types of notices served, which can significantly delay the time for compliance. These powers do not place any obligation on landlords to be proactive in improving conditions. Work in default can be effective but is expensive and time consuming for the Council, with the risk that costs will not be recovered without significant delays. Whilst it is a powerful tool, it is still reactive,

Lastly, successful prosecutions do not themselves secure improvements in property conditions and the Council's prosecution costs will not always be met in full.

Voluntary landlord accreditation schemes to facilitate improvement in property conditions and management standards

The Council supports landlords in being members of accreditation schemes and recognises the benefits it can bring to both landlord and tenant in the successful management and sustainment of tenancies. However, accreditation requires voluntary landlord engagement and rogue landlords are unlikely to actively engage in these initiatives, and a relatively low number of landlords have joined the Midland Landlord Accreditation Scheme (MLAS) in comparison to the overall number of private rented properties across the City. There are currently around 650 landlords accredited with MLAS, with Birmingham landlords making up approximately 75% or 487 of total.

There is no single intervention that will achieve an overall solution to reducing crime and deprivation, and each measure will have its limitations. Selective licensing will provide a mechanism which allows for a co-ordinated approach for strong effective partnerships, which will link agencies and services together for the benefit of tenants and the communities they live in.

Licence Fee

The Council will exercise its powers to charge under Section 87(3) and (7) of the Housing Act 2004 and does so taking into account the Provision of Services Regulations 2009.

Section 87 of the Act permits the Council to require any application for a licence under Part 3 is accompanied by a licence fee and that this fee may cover all costs incurred by the Council in carrying out its function. The first part (Part A) of the licence fee is for the assessment and processing of the application to the stage of issuing the decision notice and, where applicable, the draft licence. The first part of the fee is payable when the licence application is submitted and covers the cost of . The second part (Part B) of the licence fee is due following the issue of a draft licence but prior to the licence being issued.

The fee must be paid in full in order for the licence application to be considered as having been duly made and, if it is not, then the application will not be considered, and a licence cannot be granted. If an application is unsuccessful the Part B fee will not be required.

In calculating the fee, the Council has set out the process for handling a licence application. This process includes the costs relating the set up costs, the administrative process involved in handling an application, the legal processes involved in proposing the licence and conditions and finally making the decision to either grant the licence or refuse it. The fee covers the entire period of the scheme.

Each part of the process has been assessed on the average amount of time each stage will take. The amount of time, in minutes, is then calculated against the total cost of administering the scheme.

This process has identified that the costs incurred to carry out the function of selective licensing to be £670 per licence application. This is split between a Part A fee which is due on application and covers the processing costs, and a Part B fee which covers compliance and enforcement, and must be paid before granting a licence.

The Council is not proposing to have a discounted fee structure for membership of a landlord accreditation scheme, nor an “early bird” discount. It is felt that the administration of two separate fee structures would increase the standard fee and place an additional burden on those landlords who are either existing members of accreditation schemes elsewhere in the country. Additionally, the administration of a multiple fee structure would take resources away from the team and detract from the main purpose of the scheme. The Council intends to deliver online resources and training to landlords in the future to raise awareness of property management standards.

Individual Property Licence Fee(s)	Standard Fee
Total Licence Fee	£670
Part A – Application Fee	£375
Part B - Fee on approval	£295

Other fees

Change of licence holder	Standard fee (Part A & B)
Variation of licence – <ul style="list-style-type: none"> • Change of property owner, freeholder, mortgagee, or leaseholder • Change of property manager • Change of address details • Agreed change in number of occupiers • Increase in number of rooms or changes in room size and/or amenities 	£80
Licence variation instigated by the Council	No fee
Licence application following revocation	Standard fee (Part A & B)
Licence application refused	Part A fee
Property ceases to be licensable during application process	Part A fee
Application withdrawn by applicant	Part A fee
Application made in error	No fee

Licence Conditions

The licence conditions will include the mandatory conditions set out in schedule 4 of the Housing Act 2004 as well additional licence conditions designed to assist in meeting the objectives and desired outcomes of the scheme. The proposed conditions can be found in Appendix 1 on pages 38 to 43

Consequences of not having a selective licence

The following are some of the consequences of not having a licence:

- a landlord who is required to have a licence but does not, loses the right to automatic possession of the rented property under an assured shorthold lease under Housing Act 1988, s.21 (as amended s.75)
- face a Civil Penalty Notice of up to £30,000
- prosecution including an unlimited fine and a criminal record
- being put on the National Rogue Landlord Database
- being banned from working as a landlord (and losing the licence to rent anywhere in England) for at least 12 months, and in some cases indefinitely
- tenants may make an application to a Residential Property Tribunal for a Rent Repayment Order if the landlord has been convicted of the offence of operating a licensed property without a licence. This could end up with 100% of a year's worth of rent being paid back to the tenant or the Council.
- it is a criminal offence to obstruct the Local Authority in carrying out their functions under Parts 1 to 4 and sections 239 and 240 and is liable upon conviction a fine not exceeding level 4 on the standard scale.

Defences for not having a licence

There are three defences available to someone who does not have the requisite licence:

- when there is a reasonable excuse for his failure (section 95(1))¹
- a notification had been duly given in respect of the house under section 62(1)² or 86(1)³ (Temporary Exemption)
- an application for a licence had been duly made in respect of the house under section 63⁴, and that notification or application was still effective

However, the Council acknowledges that there may be situations beyond the landlord's control that prevent them from submitting an application. Should selective licensing be introduced, it is important that any problems are communicated to the Council as soon as possible so that agreement can be reached.

Exemptions from Selective Licensing

There are several exemptions to a selective licensing scheme including:

- properties licensable as a House of Multiple Occupation
- properties let by a local authority or a Registered Provider (traditionally known as a not-for-profit Housing Association)
- properties already subject to a management order
- properties subject to a temporary exemption notice
- owners who reside in property they own as their main residence

¹ www.legislation.gov.uk/ukpga/2004/34/section/95

² www.legislation.gov.uk/ukpga/2004/34/section/62

³ www.legislation.gov.uk/ukpga/2004/34/section/86

⁴ www.legislation.gov.uk/ukpga/2004/34/section/63

- holiday lets; and tenancies under a long lease and business tenancies
- any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering
- student accommodation directly managed by educational institutions, e.g. halls of residence.
- properties managed by a charity registered under the Charities Act 2011 and which is a night shelter, or consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse, or a mental disorder.

and any other exemptions as specified by the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006

Data Summary

The table below and continued on pages 37 and 38 provides a summary of the main data referred to in this report. The wards have been ranked in order of deprivation with the most deprived ward at the top. The 25 wards which are proposed to be included in the selective licensing designation are highlighted.

Ward	Percentage of private rented accommodation	Birmingham Ward Deprivation Rank 2019 (1 = most deprived)	2019 Decile (where 1 is 10% Most Deprived Nationally)	Crime Ranking (higher numbers = more crime) Birmingham Average Crime Ranking = 203.7
Sparkbrook & Balsall Heath	29.27	1	1	574
Bordesley Green	28.67	2	1	254
Lozells	20.15	3	1	260
Castle Vale	12.77	4	1	215
Alum Rock	24	5	1	209
Newtown	12.63	6	1	345
Heartlands	25.36	7	1	199
Gravelly Hill	34.13	8	1	284
Balsall Heath West	23.59	9	1	206
Birchfield	25.52	10	1	261
Shard End	10.29	11	1	205
Kingstanding	17.74	12	1	178
Garretts Green	12.44	13	1	186
Aston	25.67	14	1	222
Glebe Farm & Tile Cross	17.59	15	1	201
Handsworth	27.07	16	1	267
Kings Norton South	10.07	17	1	209
Ward End	25.24	18	1	236
Bordesley & Highgate	31.82	19	1	590
Tyseley & Hay Mills	27.09	20	1	166
Small Heath	30.66	21	1	196
Frankley Great Park	10.27	22	1	248
Holyhead	34.26	23	1	215
Nechells	9.13	24	1	484

Ward	Percentage of private rented accommodation	Birmingham Ward Deprivation Rank 2019 (1 = most deprived)	2019 Decile (where 1 is 10% Most Deprived Nationally)	Crime Ranking (higher numbers = more crime) Birmingham Average Crime Ranking = 203.7
Druids Heath & Monyhull	11.98	25	1	180
Stockland Green	28.97	26	1	210
Yardley West & Stechford	21.33	27	1	197
Perry Common	14.1	28	2	153
Soho & Jewellery Quarter	40.11	29	2	251
Sparkhill	34.77	30	2	194
Bartley Green	11.09	31	2	181
Allens Cross	12.28	32	2	194
Bromford & Hodge Hill	15.66	33	2	159
Billesley	15.46	34	2	127
Weoley & Selly Oak	19.64	35	2	193
Acocks Green	26	36	2	181
Rubery & Rednal	14.62	37	2	185
Erdington	25.16	38	3	175
Pype Hayes	17.05	39	2	215
Longbridge & West Heath	14.44	40	2	157
North Edgbaston	47.47	41	2	251
Ladywood	38.63	42	2	692
Moseley	35.54	43	2	151
Kings Norton North	12.03	44	2	142
Sheldon	14.65	45	3	162
Stirchley	25.64	46	3	159
Highters Heath	15.33	47	3	145
South Yardley	22.98	48	3	196
Yardley East	15.29	49	3	140
Hall Green North	20.37	50	3	133
Quinton	16.4	51	3	158
Oscott	18.97	52	3	135
Brandwood & Kings Heath	21.24	53	3	174
Handsworth Wood	23.87	54	3	170
Harborne	29.77	55	3	203
Perry Barr	21.61	56	4	152

Ward	Percentage of private rented accommodation	Birmingham Ward Deprivation Rank 2019 (1 = most deprived)	2019 Decile (where 1 is 10% Most Deprived Nationally)	Crime Ranking (higher numbers = more crime) Birmingham Average Crime Ranking = 203.7
Bournville & Cotteridge	19.05	57	4	171
Sutton Reddicap	14.05	58	4	131
Northfield	15.45	59	4	180
Bournbrook & Selly Park	49.28	60	5	204
Edgbaston	25.51	61	5	287
Hall Green South	19	62	6	80
Sutton Trinity	22.39	63	6	150
Sutton Walmley & Minworth	13.12	64	7	92
Sutton Vesey	14.99	65	7	121
Sutton Mere Green	11.65	66	7	78
Sutton Wylde Green	14.87	67	7	149
Sutton Four Oaks	13.56	68	8	90
Sutton Roughley	11.94	69	9	88

Appendix - Proposed licence conditions

Mandatory conditions under Part 3 Housing Act 2004

Condition 1 – Gas

If gas is supplied to the house, the licence holder must provide Birmingham City Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter on demand.

Condition 2 – Electrical Appliances

The licence holder must keep electrical appliances made available by them in the house in a safe condition and supply the authority (at the time of the application and on demand thereafter) a declaration by the licence holder as to the safety of such appliances.

Condition 3 – Furniture and Furnishings

The licence holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.

Condition 4 - Smoke Alarms

i) The licence holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation. A declaration as to the positioning of such alarms must be provided to Birmingham City Council on demand.

ii) The licence holder must ensure that the smoke alarms are kept in proper working order. A declaration as to the proper working order of the alarms must be supplied to the Council on request.

Condition 6 - Carbon Monoxide Alarms

The licence holder must ensure that a carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel combustion appliance. A declaration as to the positioning of such alarms must be supplied to the Council on demand. Note: Room includes a hall or landing. A bathroom or lavatory is to be treated as a room used for living accommodation. The Licence holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Council on demand.

Condition 7 - Tenant references

The Licence Holder must obtain references from all persons who wish to occupy the house. Where references cannot be obtained, the Licence Holder must provide evidence of efforts made for reference checks. Copies of references or evidence of efforts made must be made available to the Council upon demand.

Condition 8 - Terms of Occupation

The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property. This is usually a tenancy or licence agreement. A copy of the terms will be provided to the Council on demand.

Prescribed Conditions

Condition 9 – Change of Circumstances

The Licence Holder must notify the Council within 14 days of any material change in circumstances that may affect the validity and terms of the licence. This would include

- i) a change of address
- ii) change of manager, management arrangements, or property ownership
- iii) any change in the licence holders and, if appropriate, a person on whom restrictions or obligations under the licence are imposed, or any associate's circumstances that may affect their status as a fit and proper person under the Housing Act 2004
- iv) any proposed changes to the house, including its layout.

Condition 10 – Energy Performance Certificate

Each new tenant must be issued with a valid Energy Performance Certificate

Condition 11 – Occupancy

The licence holder must ensure that the occupancy of the property does not exceed the level set within the Licence, and that no rooms other than bedrooms are used for the purposes of sleeping.

Condition 12 – Security

The licence holder must:

- ii) Carry out a lock change prior to a new tenant taking up occupation when the previous tenant has not returned all keys.
- iii) Ensure that provisions for securing access to the premises are maintained in good working order at all times, and sufficient to prevent reasonable attempts of forced entry.
- iv) Ensure occupiers have access to the necessary keys to access the security provisions, including window locks if fitted.
- v) Where a burglar alarm is fitted to the Property, the Tenant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed.
- vi) So far as reasonably practicable, any works necessary to protect the security of the property are undertaken within 24 hours of notification e.g. damage to windows/entry points to the property.

Condition 13 – Crime and Anti-Social Behaviour

The Licence Holder must:

- i) ensure that all reasonable and practical steps are taken to prevent or reduce criminality or anti-social behaviour by the occupants of, and visitors to, the Property.
- ii) where complaints of criminality or anti-social behaviour are made to the Licence Holder, the Licence Holder shall investigate them and take appropriate action to resolve them. Copies of the complaint shall be kept together with notes arising during the course

of the investigation and how the matter was resolved; and the Licence Holder must keep them for the duration of the Licence. Where the Licence Holder has reason to believe that criminal activity is taking place at the property or the curtilage of it, the Licence Holder must ensure that the appropriate authorities e.g. Police, are informed.

iii) There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly intermittently over several months. In such circumstances the Licence Holder shall, as far as is reasonably practicable, take all steps required to ensure that it is effectively dealt with, up to and including eviction.

Condition 14 – Refuse and recycling

The Licence Holder must:

i) Provide suitable and sufficient provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. No waste or waste receptacle must cause obstruction.

ii) Ensure that the occupiers of the house are given the information in writing about waste and recycling within 7 days of the start of their occupation

Ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items, bedding, furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

Condition 15 – References

The licence holder must demand references from persons who wish to occupy the house.

No new occupiers should be allowed to occupy the property if they are unable to provide a suitable reference. When referencing, consideration must be given to the prospective

tenant's previous tenancy history, and right to rent checks. The licence holder must provide evidence of such reference and checks carried out when requested by the Council.

Condition 16 – Inventory

The Licence Holder must arrange to carry out a detailed inventory to be agreed with each tenant at the start of their occupation of the house. The Licence Holder must provide the tenant with a copy of the agreed inventory and keep their own copy.

Condition 17 – Rent Payments

The licence holder must ensure that there is a record of all rent payments received in respect of the property. All occupiers should be given a rent book or similar receipt for payments made, such as a rent statement. If rent is due weekly, this should be provided to the tenant each week. If rent is due monthly, this should be provided to the tenant at monthly intervals as a minimum.

Condition 18 - Emergency Arrangements

The Licence Holder must have in place appropriate emergency and other management arrangements in the event of their absence. The name and contact details of the alternative contact must be provided to the occupant/occupiers.

Appendix 2

Selective Licensing Service – Structure at Year 1

Head of Service -
X 0.2 FTE

Service Manager,
Selective Licensing –
Grade.6
x 1.0 FTE

Service Manager –
Compliance and
Enforcement - Grade 6
x 1.0 FTE

Service Manager –
Compliance and
Enforcement - Grade 6
x 1.0 FTE

Service Manager –
Compliance and
Enforcement - Grade 6
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Licensing -
Grade 5
x 1.0 FTE

Team
Leader -
Compliance
Grade 5
X 1.0 FTE

Team
Leader -
Compliance
Grade 5
X 1.0 FTE

Team
Leader -
Compliance
Grade 5
X 1.0 FTE

Team
Leader -
Compliance
Grade 5
X 1.0 FTE

Enforcement
Officer
Grade 5
X 10.0 FTE

Enforcement
Officer
Grade 5
X 10.0 FTE

Licensing
Officers
Grade 3
X 8.0 FTE

Licensing
Officers
Grade 3
X 8.0 FTE

Licensing
Officers
Grade 3
X 8.0 FTE

Licensing
Officers
Grade 3
X 8.0 FTE

Licensing
Officers
Grade 3
X 9.0 FTE

Licensing
Officers
Grade 3
X 9.0 FTE

Licensing
Officers
Grade 3
X 9.0 FTE

Licensing
Officers
Grade 3
X 9.0 FTE

Compliance
Officers
Grade 4
X 6.0 FTE

Compliance
Officers
Grade 4
X 6.0 FTE

Compliance
Officers
Grade 4
X 6.0 FTE

Compliance
Officers
Grade 4
X 6.0 FTE

Summary

Head of Service x 0.2 FTE

Service Manager x 4.0 FTE

Team Leader – Licensing x 8.0 FTE

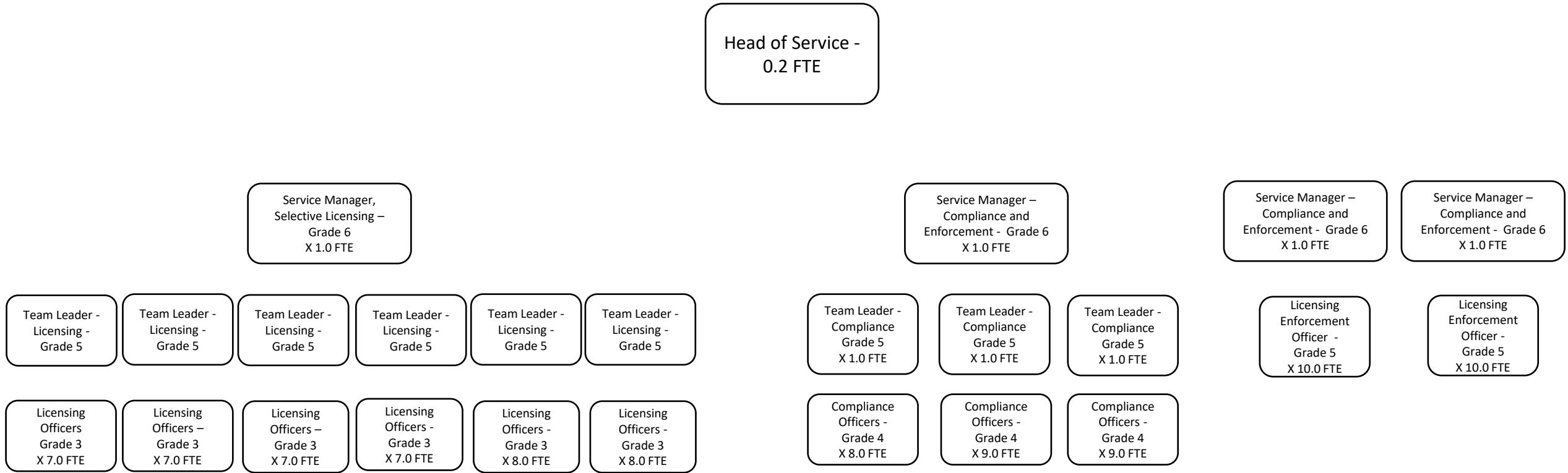
Team Leader – Compliance x 4.0 FTE

Enforcement Officer x 20.0 FTE

Compliance Officer x 26.0 FTE

Licensing Officer x 68.0 FTE

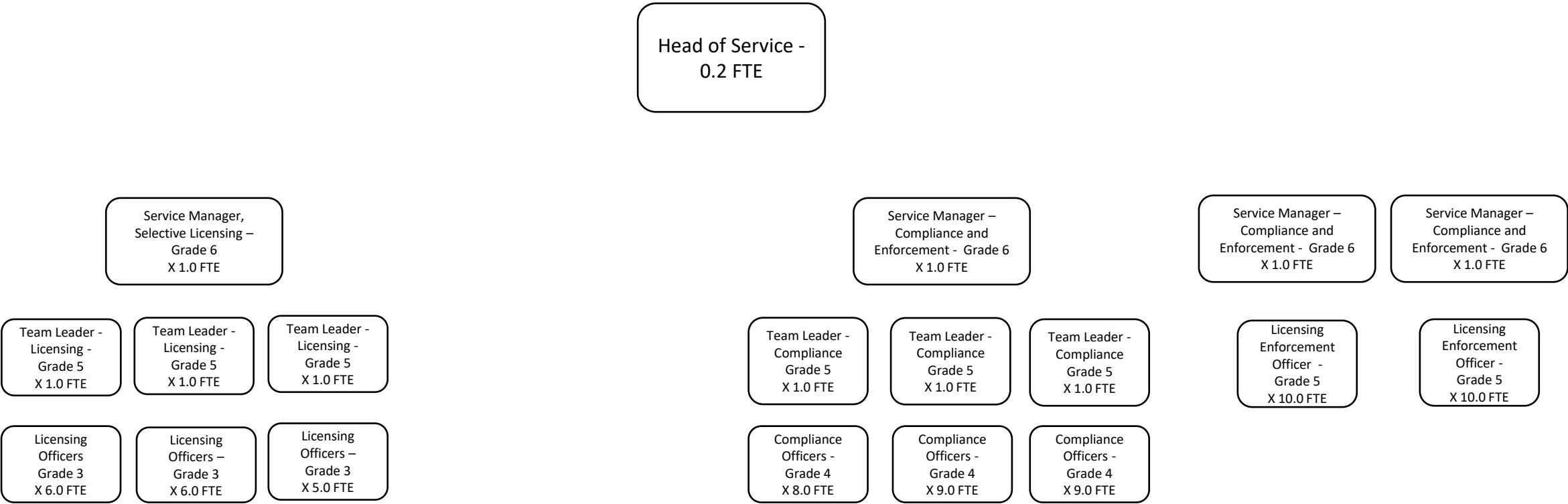
Selective Licensing Service – Structure at Year 2



Summary

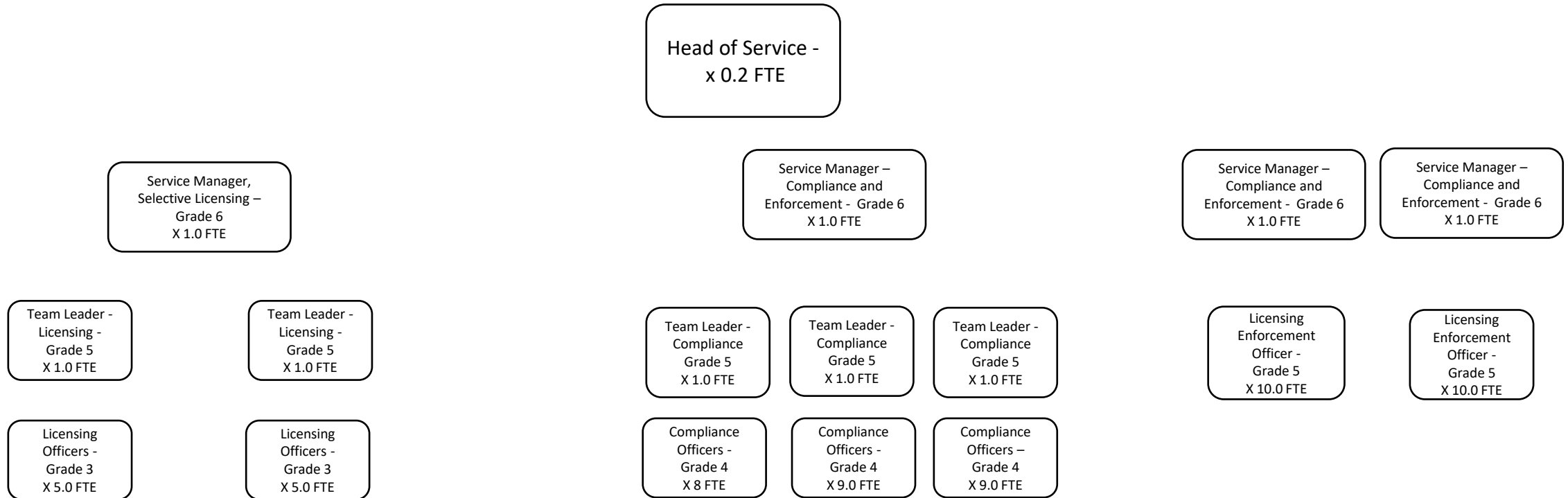
- Head of Service x 0.2 FTE
- Service Manager x 4.0 FTE
- Team Leader – Licensing x 6.0 FTE
- Team Leader – Compliance x 3.0 FTE
- Enforcement Officer x 20.0 FTE
- Compliance Officer x 26.0
- Licensing Officer x 44.0 FTE

Selective Licensing Service – Structure at Year 3



Summary
Head of Service x 0.2 FTE
Service Manager x 4.0 FTE
Team Leader – Licensing x 6.0 FTE
Team Leader – Compliance x 3.0 FTE
Enforcement Officer x 20.0 FTE
Compliance Officer x 26.0
Licensing Officer x 17.0 FTE

Selective Licensing Service – Structure at Year 4 & 5



Summary

Head of Service x 0.2 FTE

Service Manager x 4.0 FTE

Team Leader – Licensing x 2.0 FTE

Team Leader – Compliance x 3.0 FTE

Enforcement Officer x 20.0 FTE

Compliance Officer x 26.0

Licensing Officer x 10.0 FTE

Appendix 3

Birmingham City Council

Consultation on Selective Licensing in the Private Rented Sector in Birmingham

Report of findings - FINAL

Opinion Research Services

January 2022

Birmingham City Council:

Consultation on Selective Licensing in the Private Rented Sector in Birmingham

Report of findings - FINAL

Opinion Research Services

January 2022

Opinion Research Services

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As with all our studies, findings from this report are subject to Opinion Research Services' Standard Terms and Conditions of Contract.

Any press release or publication of the findings of this report requires the advance approval of ORS. Such approval will only be refused on the grounds of inaccuracy or misrepresentation

This study was conducted in certification of ISO 20252:2019 and ISO 9001:2015.

This version of the report will be deemed to have been accepted by the client if ORS has not been informed of any amendments within a reasonable period of time (1 month)

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Contents

1. The Consultation Process.....	4
Background to the project & the commission	4
Quantitative engagement	5
Qualitative engagement.....	5
Written submissions.....	5
Accountability.....	6
Interpreting the outcomes	6
The report.....	6
2. Consultation Questionnaire	7
Introduction.....	7
Respondent profile.....	7
Organisations in the consultation questionnaire	8
Local issues	11
The Proposed New Licensing Scheme	14
The proposed licensing fee and licence conditions.....	17
3. Landlords’ Forums.....	19
Introduction.....	19
Summary of key findings	20
General thoughts and concerns about the proposals.....	22
Views on the scheme’s potential ability to reduce crime and deprivation	24
Views on the areas that would be affected by the licensing scheme	25
Views on the cost of the licensing fee.....	26
Views on the conditions of the licence	27
4. Tenants’ & Residents’ Focus Groups	29
Introduction.....	29
Summary of key findings	30
Detailed findings.....	30
5. Written Submissions	39
Introduction.....	39
Summary of key findings	39
Landlords and associated organisations	42
Residents and associated organisations.....	48
Local Politicians	53
Other organisations.....	53
List of Tables	55
List of Figures.....	56

1. The Consultation Process

Background to the project & the commission

- 1.1 Birmingham City Council (henceforth “BCC” or “the Council”) is proposing a private rent sector (PRS) licensing scheme for 25 wards in the city of Birmingham that would last for five years before being assessed; the purpose of the scheme is to address problems in the city associated with crime and deprivation by improving the quality and management of the private rented sector. If the scheme were to come into place as proposed, it would likely commence in 2023.
- 1.2 To inform its decision, BCC commissioned Opinion Research Services (ORS), a spin-out company from Swansea University with a UK-wide reputation for social research and major statutory consultations, to undertake an extensive programme of consultation activities and independently report on the findings.
- 1.3 With the Welsh Government advising workers to work from home throughout 2021 due to the Covid19 pandemic, and rising concerns that would eventually lead the British government to give the same advice in England in December, the consultation process did not include any face-to face events. Instead, forums with landlords / letting agents and deliberative focus groups with tenants and other residents all took place online, using videoconferencing software (Zoom). The consultation questionnaire was available online, as it would have been regardless of the pandemic (although paper copies of the questionnaire were available on request).
- 1.4 Birmingham City Council advertised the consultation and events to stakeholders in the following ways:
 - ❖ Emails were sent to:
 - » The regional contact for National Residential Landlord Association (NRLA)
 - » Birmingham City Council Landlord Forum
 - » Private Landlord Steering Group
 - ❖ Residents/organisations were directed to the Council’s consultation hub “Birmingham BeHeard” where details of the events and the consultation questionnaire were available
 - ❖ Flyers advertising the consultation were sent to 125,000 addresses across the proposed designation, and where residents rented their home from a private landlord, they were encouraged to pass the details on to their landlord
 - ❖ Posts were made on Birmingham City Council’s Facebook and Twitter sites
- 1.5 The formal consultation period of 10 weeks began on 25th of October 2021 and ended on the 4th of January 2022. During this period, tenants, and other residents were invited to provide feedback through the following:
 - » An “open” consultation questionnaire available for any interested part to complete, which attracted almost 900 responses
 - » Four events for landlords and representatives of letting and managing agents, for which 43 places were reserved, and around 24 attended. All of these events took place online, using videoconferencing software (Zoom), across late November and early December 2021
 - » Five deliberative focus groups with a total of 47 local tenants and other residents. Like the landlords’ forums, these were held online using Zoom and took place over late November and early December 2021
 - » 23 written submissions: stakeholders were able to provide their views to by writing or emailing BCC or ORS

Quantitative engagement

- 1.6 The Council produced a consultation document outlining the issues, proposals and evidence under consideration; using the document as a foundation, ORS and BCC then designed a questionnaire which combined “closed” multiple choice questions regarding different aspects of the proposals, with opportunities for “open text” responses in which participants could: provide additional information to explain the reasons for their responses; raise concerns; suggest changes or alternatives to the proposals; or otherwise comment on the proposals of the consultation.

Qualitative engagement

- 1.7 ORS conducted a total of 9 forums: 4 with landlords and letting agents, 4 with residents of the wards that would be covered by the proposed designated area, and 1 with residents of wards adjacent to the proposed designation. Taken together all of these meetings are best understood as ‘deliberative’ meetings in which the Council’s proposals for a new selective licensing scheme covering a number of wards in the city for five years were ‘tested’ against landlords’ and other stakeholders’ opinions – in order to see the extent to which the proposals were acceptable or otherwise, and to explore the reasons for different views on each aspect of the proposals

Deliberative events with landlords and letting agents

- 1.8 The deliberative forums with landlords and letting agents (henceforth “landlords’ forums”) were held online, using videoconferencing software (Zoom). Each forum comprised several short presentations about the proposed selective licensing scheme, each followed by opportunities for attendees to ask questions of BCC officers for clarifications and to give feedback. The presentation and feedback slots covered: an introduction defining selective licensing, the potential benefits and risks of the scheme; evidence in support of the proposed designation area, the proposed fee levels; and the proposed licence conditions.

Deliberative events with residents

- 1.9 Five online focus groups were held with PRS tenants and other residents in the city (henceforth “residents & tenants’ focus groups”), using the Zoom videoconferencing. The groups were recruited to ensure that tenants living in properties which would be covered by a new scheme were represented, including HMO tenants, with the addition of some owner-occupiers to ensure their views were also heard.
- 1.10 Overall, four of the focus groups were held with residents living the wards that would have licensing introduced through the proposals and one was held with residents in adjacent wards to those. Participants were diverse by area of residents – albeit focussed on wards which might be covered by a new scheme – as well by age, gender, ethnicity and working status. Therefore, taken together, the five focus groups included a reasonable cross-section of Birmingham residents living in the areas covered by the proposed designations.

Written submissions

- 1.11 During the formal consultation process, 23 organisations and individuals provided written submissions. Some of these were from organisations representing landlords and agents, or tenants and residents (including vulnerable groups or individuals). Others were received from stakeholder bodies and organisations, as well from local councillors, private companies, individual landlords, and local residents.
- 1.12 ORS has read all the written submissions and summarised them in a later chapter, highlighting the main issues raised; none have been disregarded even if they are not expressed in a ‘formal’ way.

Accountability

- 1.13 Accountability means that public authorities should give an account of their plans and take into account public views: they should conduct fair and accessible engagement while reporting the outcomes openly and considering them fully.
- 1.14 This does not mean, however, that the majority views should automatically decide public policy; and the popularity or unpopularity of draft proposals should not displace professional and political judgement about what is the right or best decision in the circumstances. The levels of, and reasons for, public support or opposition are very important, but as considerations to be taken into account, not as factors that necessarily determine authorities' decisions. Above all, public bodies have to consider the relevance and cogency of the arguments put forward during public engagement processes, not just count heads.
- 1.15 ORS does not endorse any opinions reported here but seeks only to portray the feedback received from consultation participants accurately and clearly. While offering guidance on the consultation methodology and its interpretation, we seek to profile the opinions and arguments of those who have responded; but we make no recommendations on the decisions to be taken by BCC.
- 1.16 The following chapters in this report provide detailed analysis and reporting of feedback received through all consultation channels. ORS has brought together the main findings from across the consultation into headlines from each strand and a thematic summary.

Interpreting the outcomes

- 1.17 Importantly, the different consultation methods cannot simply be combined to yield a single point of view on the future of licensing that reconciles everyone's differences and is acceptable to all stakeholders involved. There are two main reasons why this is not possible. First, the engagement methods differ in type: they are qualitatively different, and their outcomes cannot be just aggregated into a single result. Second, different areas and sub-groups will inevitably have different perspectives on the proposals and there is no formula in the consultation process that can reconcile everyone's differences in a single way forward.
- 1.18 It is also important to recognise that the outcomes of the consultation process will need to be considered alongside other information available about the likely impact of BCC's proposal. Whilst the process highlights aspects of this information that stakeholders consider to be important, appropriate emphasis should be placed on each element. In this sense there can be no single 'right' interpretation of all the consultation elements and other information in the decision-making process.

The report

- 1.19 This report summarises the feedback on the Council's private rented sector (PRS) licensing proposals. Verbatim quotations are used, in indented italics, not because we agree or disagree with them – but for their vividness in capturing recurrent points of view. ORS does not endorse any opinions but seeks only to portray them accurately and clearly.
- 1.20 ORS' role is to analyse and explain the opinions and arguments of the many different interests participating in the consultation, but not to 'make a case' for any proposal. In this report, we seek to profile the opinions and arguments of those who have responded to the consultation, but not to make any recommendations as to how the reported results should be used. Whilst this report brings together a wide range of evidence for the council to consider, decisions must be taken based on all the evidence available.

2. Consultation Questionnaire

Introduction

- 2.1 Birmingham City Council developed a consultation document outlining the issues under consideration, and also worked with ORS to develop a consultation questionnaire that any interested party could complete to share their feedback.
- 2.2 The questionnaire consisted of closed questions intended to elicit views on the various aspects of the proposals, while also allowing respondents to make any further comments. It also captured information about the type of response being submitted and (where relevant) respondents' demographic information. Respondents were encouraged to read the detailed accompanying information before providing their responses; however, shorter summaries of the issues under consideration were also provided at relevant points within the questionnaire.
- 2.3 The consultation information and open questionnaire were available online via a dedicated Council webpage between 25th October 2021 and 4th January 2022, and respondents could also request a paper copy by contacting the Council. In total, 839 responses were received.

Respondent profile

- 2.4 The open consultation questionnaire could be completed by anybody with an interest in the proposals e.g. landlords and agents, local residents or those responding on behalf of organisations.
- 2.5 Respondents were asked to state what connection(s) they had to Birmingham and the full breakdown of responses by stakeholder type is provided in Table 1. Many respondents would have had more than one connection to the city; however, for analysis purposes respondents have been classified into single categories e.g. any respondent identifying as a landlord or a letting or managing agent has been classified as such in the profiling tables below, even if they happened to also live in the city – and so on.
- 2.6 It can be seen that half of the responses received were from local residents, while around two-fifths were from private landlords and letting and managing agents, and the remainder were a mixture of businesses, organisations and others (i.e. respondents with another connection to Birmingham such as working in the city, and other interested parties with no real connection to the area, plus one case that did not specify their connection to Birmingham).

Table 1: Consultation questionnaire completions by type of respondent (Note: Percentages may not sum to 100% due to rounding)

Stakeholder type	Count	% Valid responses
Letting or managing agent with properties in Birmingham	33	4%
Private landlord in Birmingham	292	35%
Own or manage a business in Birmingham	28	3%
Represent an organisation based in/covering Birmingham	37	4%
Live in Birmingham	415	50%
Other respondents	35	4%
Total responses	839	100%

- 2.7 Landlords and agents were asked follow-up questions based on the number of rented properties they own or manage (most declined to answer; of those that did: 36% owned/managed just a single property, 23% owned/managed two properties, and the remaining 42% owned/managed three or more properties).
- 2.8 All other individual respondents (primarily Birmingham residents, but also those who work in the city, business representatives, and those with another connection etc.) were asked to provide some basic demographic information. A summary of this demographic information provided is included below (in Table 2):

Table 2: Questionnaire respondent demographics, for those types of stakeholder who were asked to provide this information (i.e. all except those who claimed to be responding as landlords or agents, or on behalf of an organisation)

Characteristic	Count	% Valid responses
BY AGE		
Under 35	95	25%
35 to 44	98	25%
45 to 54	87	23%
55 or over	105	27%
Total valid responses	385	100%
<i>Not known</i>	93	-
BY GENDER		
Male	162	43%
Female	201	54%
Other	12	3%
Total valid responses	375	100%
<i>Not known</i>	103	-
BY ETHNIC GROUP		
White	244	67%
Mixed or multiple ethnic groups	20	6%
Asian or Asian British	68	19%
Black, African, Caribbean or Black British	22	6%
Other ethnic groups	9	1%
Total valid responses	363	100%
<i>Not known</i>	115	-
BY TENURE		
Own (outright or with a mortgage)	215	57%
Rent privately from a landlord	94	25%
Rent privately through a letting agency	35	9%
Rent from the Council or a housing association	19	5%
Other	14	4%
Total valid responses	377	100%
<i>Not known</i>	101	-

Organisations in the consultation questionnaire

- 2.9 Those responding on behalf of organisations were asked to provide further details about the group or capacity in which they were responding. The following organisations identified themselves as part of their response to the questionnaire:

Arden Property Centre
 Ashiana Group For Men In Sparkbrook
 Birmingham City Council - Flood Risk Management Team
 Birmingham Fair Housing Campaign

Hinstock Philip Victor Residents Association
 Community Partnership For Selly Oak (CP4SO)
 Countrywide
 Cranstoun Support Services
 Fatima House
 Fellowship Of Faiths For One Race
 Friends Of Small Heath Park
 Genie Homes
 George Road Group: Stockland Green Action Group
 Global Property Management
 HMO Action Group
 Hodge Hill Support Group for the Homeless
 North Summerfield Residents Association
 Sandwell Metropolitan Borough Council
 St Basil's Homeless Charity
 Unnamed group of residents
 Windswept Workshops CIC
 Women's Group in Spark Hill Library.

- ^{2.10} Some respondents indicated that they were responding as a private landlord and/or a letting or managing agent, in addition to representing an organisation. The names of their organisations have still been listed above for completeness; however, these respondents have been included in the 'Landlords/Agents' group for analysis and reporting purposes
- ^{2.11} In addition, a small number of responses were received from members of the tenants' rights group ACORN; however, none of these was clearly a response *on behalf of* the organisation as a whole (with most of the respondents' comments indicating that they were responding as individual members). A few responses were also received from within specific departments at the Council (including Homelessness and Supported Housing) and other organisations such as the Department for Work and Pensions, although again, these appeared to be the views of individuals rather than a wider group.
- ^{2.12} It should be noted that open questionnaires are, by their nature, self-reported, and this can create some ambiguity: for example, there were some instances where respondents identified as responding on behalf of organisations but did not provide further information as to which group they were representing. Others provided very limited (or no) text comments, so it is very difficult to confirm that their response was genuinely on behalf of the entire organisation or group, as opposed to being the response of a single individual. However, in the absence of any clear information to the contrary, ORS has opted to treat the ways in which these respondents classified themselves in good faith, so their feedback has been included alongside that of the named organisations above.

Duplicated and co-ordinated responses

- ^{2.13} It is important that engagement questionnaires are open and accessible to all, while being alert to the possibility of multiple completions (by the same people) distorting the analysis. Therefore, while making it easy to complete the questionnaire online, ORS monitors the IP addresses through which questionnaires are completed. A similar analysis of "cookies" is also generally undertaken – where responses originated from users on the same computer using the same browser and the same credentials (e.g. user account).

- 2.14 There can be valid reasons where duplicate cookies might occur, e.g. where two or more respondents have used the same device to complete their questionnaires, in which case all responses are included in the data analysis and reporting. However, it can also occur when the same user has part-completed the questionnaire and then returned later, starting again from the beginning and completing it in full. After a careful review of the raw dataset, a very small number responses were not included in the final analysis, on the basis of having been identified as a partially completed duplicate of response that was subsequently submitted in full.

Interpretation of the data

- 2.15 The data from the consultation questionnaire has not been combined to produce “overall” findings because the size of the stakeholder groups, and the numbers of their respective responses, are quite different – and, moreover, they have distinctive views; they cannot, therefore, simply be merged. The views of different types of stakeholders are reported separately, to show where there are distinctive points of view e.g. between landlords and general residents, etc.
- 2.16 Landlords and agents have been grouped together for the purposes of reporting, as have businesses with other organisations. The final, largest group comprises general residents (including privately renting tenants) and all remaining stakeholders e.g. with another connection to the city (plus one respondent whose connection is unknown).
- 2.17 As explained above, for analysis purposes respondents have been classified into single categories even if they have more than one connection to the city e.g. any respondent identifying as a landlord or a letting or managing agent has been classified as such in the reporting of the questionnaire results, even if they happened to also be a Birmingham resident – and so on.
- 2.18 Results are presented in a largely graphical format, while colours used on the charts have been standardised with a ‘traffic light’ system in which:
- Green shades represent responses that ‘tend to agree’ or ‘strongly agree’
 - Beige shades represent those who ‘neither agree nor disagree’
 - Red shades represent responses that ‘tend to disagree’ or ‘strongly disagree’
- 2.19 A few other colours, such as blues and oranges, have been used on charts where the ‘traffic light’ system is less applicable.
- 2.20 The numbers on the stacked bar charts are percentages indicating the proportions of respondents agree/disagree on a particular question. The number of valid responses recorded for each question (base size) are reported throughout. As not all respondents answered every question the valid responses vary between questions (‘don’t know’ responses have been treated as invalid).
- 2.21 Please note that for some categories, percentages ought to be interpreted with some caution due to low base sizes (e.g. particularly responses from businesses and organisations).
- 2.22 The commentary generally quotes ‘grouped’ percentages (i.e. the collective proportions who agreed – whether ‘strongly’ or ‘tend to’, and the same for disagreement).

Local issues

To what extent do you believe each of the following to be a problem in some areas of Birmingham?

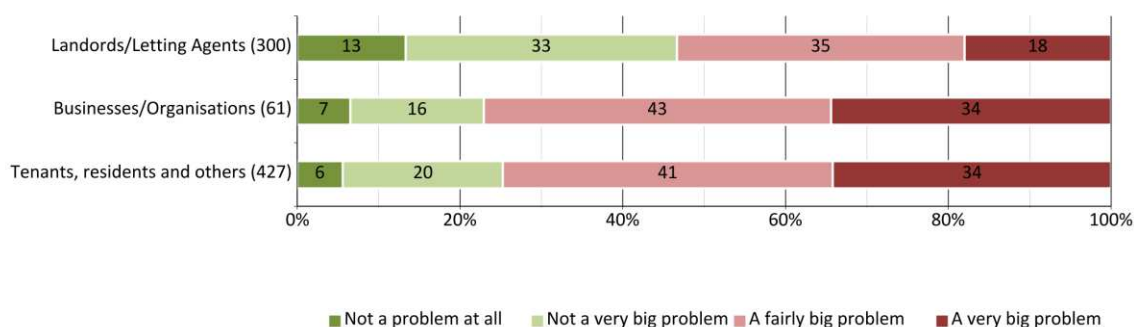
- 2.23 Perceptions around the extent to which certain issues are a problem in parts of Birmingham vary according to the nature of the issue and the type of stakeholder. The summary table below (Table 3) provides an overview of the proportions of respondents feeling that each potential issue is either 'a very big' or 'a fairly' big problem.
- 2.24 Just over half of landlords and letting/managing agents identified homelessness and rough sleeping (55%), anti-social behaviour (55%), crime (53%) and deprivation (51%) as being either a fairly big or very big problem, while just under a third perceived that there is a problem with poor property conditions (30%).
- 2.25 Each of the issues above was identified as being a fairly/very big problem by more than three quarters of businesses/organisations. In particular, at least four fifths felt that poor property conditions (84%) anti-social behaviour (83%) and deprivation (81%) are a very/fairly big problem.
- 2.26 There was a very similar picture for tenants, residents and other stakeholders: four fifths or more felt that anti-social behaviour (83%) and deprivation (80%) are a very or fairly big problem, while at least three quarters indicated that there are problems with homelessness/rough sleeping (76%), crime (75%) and poor property conditions (75%).
- 2.27 On the whole, respondents of all types were less likely to perceive that there are issues with vacant and empty properties; nonetheless, nearly half of tenants, residents and other stakeholders felt this is a fairly/big problem in parts of Birmingham (46%), as did two-fifths of businesses and organisations (40%), and nearly a fifth of landlords and agents (17%).

Table 3: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Summary Table
(based on proportions answering 'a fairly big' or 'a very big' problem)

Stakeholder type	Crime	Deprivation	Poor property conditions	Anti-social behaviour	Vacant / empty properties	Homelessness / rough sleeping
Landlords and agents	53%	51%	30%	55%	17%	55%
Businesses and organisations	77%	81%	84%	83%	40%	77%
Individual tenants, residents, others	75%	80%	75%	83%	46%	76%

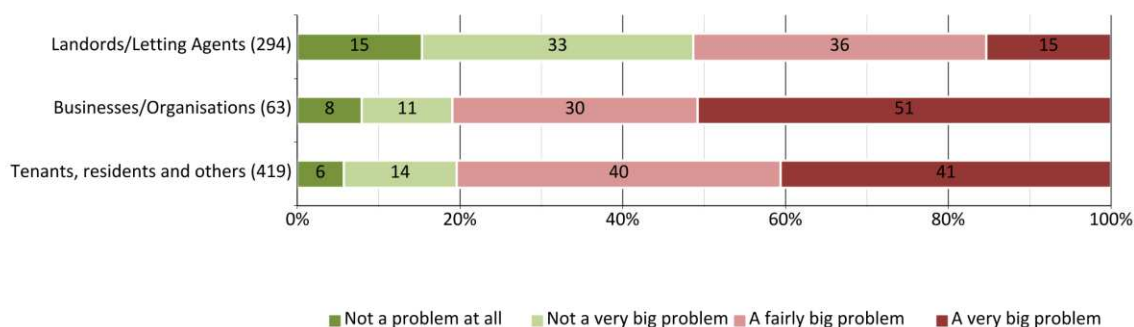
- 2.28 A more detailed summary, showing the proportions of respondents selecting each response option, is provided by through to Figure 6 starting overleaf.

Figure 1: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Crime e.g. burglary



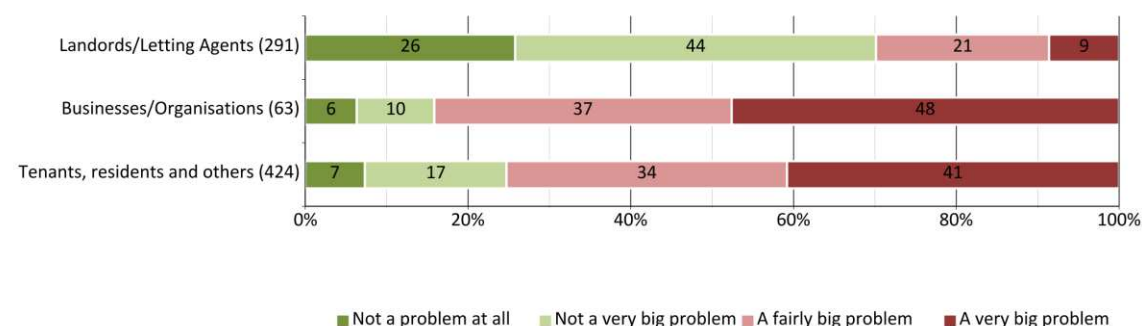
Base: All Respondents (number of respondents shown in brackets)

Figure 2: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Deprivation



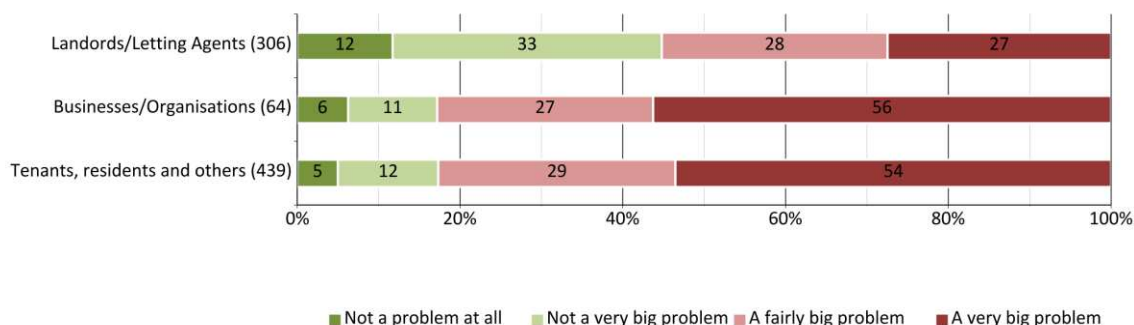
Base: All Respondents (number of respondents shown in brackets)

Figure 3: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Poor property conditions



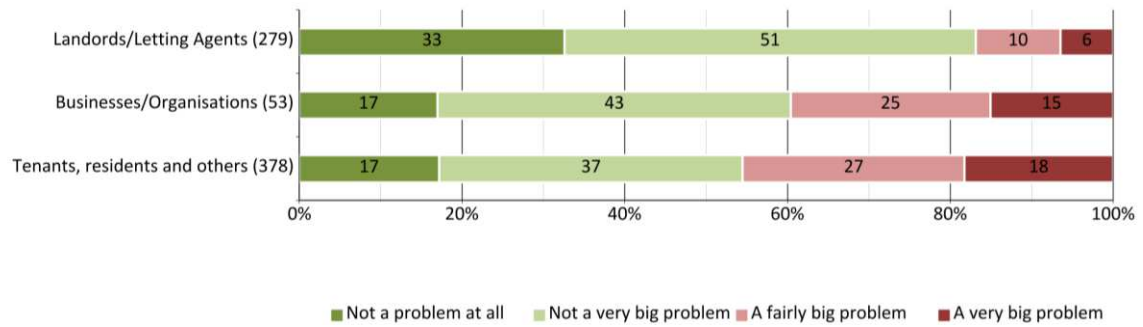
Base: All Respondents (number of respondents shown in brackets)

Figure 4: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Antisocial behaviour e.g. noise, rubbish, vandalism



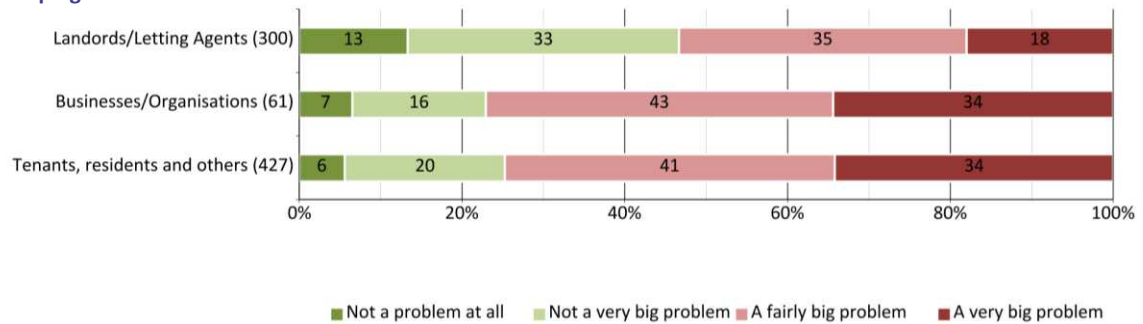
Base: All Respondents (number of respondents shown in brackets)

Figure 5: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Vacant/empty properties



Base: All Respondents (number of respondents shown in brackets)

Figure 6: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Homelessness and rough sleeping



Base: All Respondents (number of respondents shown in brackets)

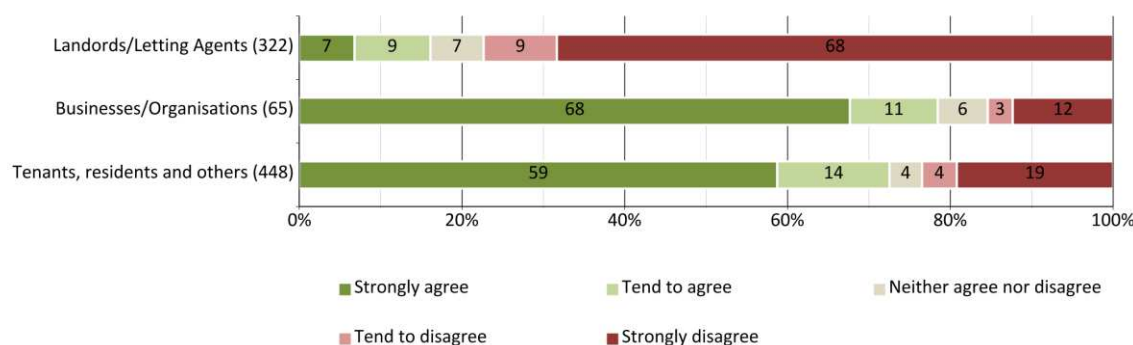
The Proposed New Licensing Scheme

The principle of introducing a selective licensing scheme

Do you agree or disagree with the principle that the Council should introduce some form of selective licensing scheme?

- 2.29 Fewer than a fifth of landlords and letting/managing agents agreed with the principle of introducing a selective licensing scheme (16%), while over three quarters (77%) disagreed (moreover, around two thirds disagreed *strongly* (68%)).
- 2.30 On the other hand, majorities among the remaining stakeholders agreed: 78% of businesses and organisations and 72% of the tenants, residents and other stakeholders.
- 2.31 Moreover, most of these respondents (68% of businesses/organisations and 59% of tenants, residents and other stakeholders) agreed *strongly* with the principle of introducing a selective licensing scheme.

Figure 7: Do you agree or disagree with the principle that the Council should introduce some form of selective licensing scheme?

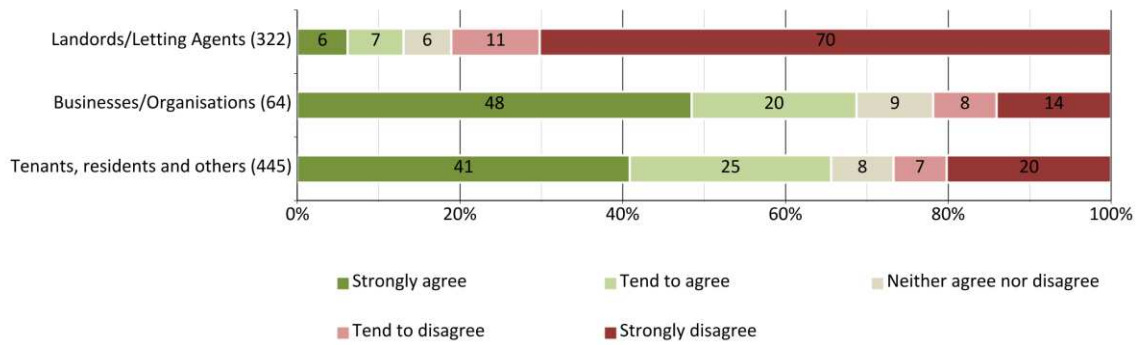


Base: All Respondents (number of respondents shown in brackets)

Using a selective licensing scheme to address the Council's objectives

Do you agree or disagree that a selective licensing scheme would contribute towards the Council's objectives of reducing crime and deprivation?

- 2.32 Only a minority of landlords/agents (13%) agreed that a selective licensing scheme would help to address crime and deprivation; around four-fifths (81%) disagreed (with seven-in-ten disagreeing *strongly*).
- 2.33 Elsewhere, however, respondents' views were more positive: just over two thirds of businesses and organisations (69%) and a similar proportion of tenants, residents, and other stakeholders (66%) agreed that a selective licensing scheme would contribute towards the Council's objectives of reducing crime and deprivation.

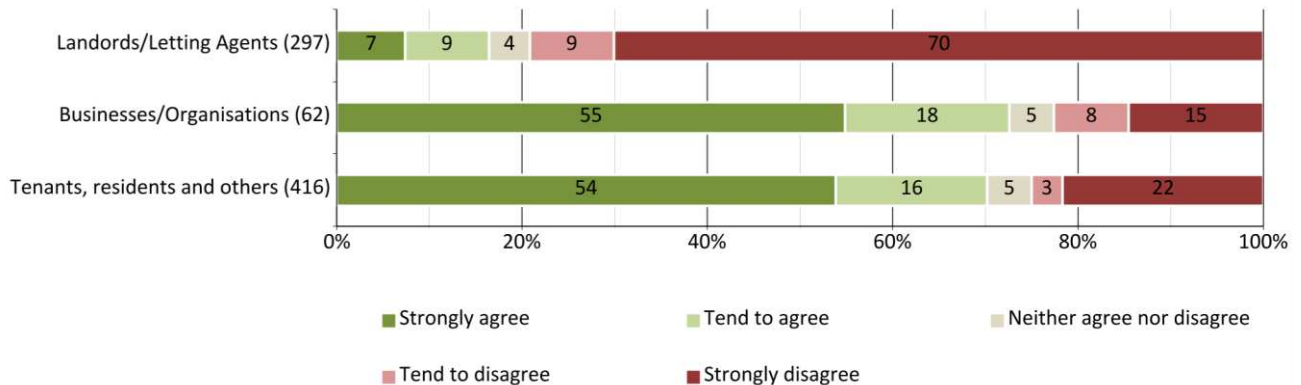
Figure 8: Do you agree or disagree with the principle that the Council should introduce some form of selective licensing scheme?

Base: All Respondents (number of respondents shown in brackets)

The proposal for a selective licensing scheme covering 25 wards

To what extent do you agree or disagree with the Council's proposal to introduce a new selective licensing scheme covering this area/these 25 wards?

- 2.34 Fewer than a fifth of landlords/agents (16%) agreed with the specific proposal for a scheme covering the identified 25 wards, whereas nearly four-in-five disagreed (81%).
- 2.35 On the other hand, almost three-quarters of businesses and organisations agreed with the proposal (73%), as did seven-in-ten tenants, residents and other stakeholders (70%).
- 2.36 Around a quarter of respondents from these two groups (23% of businesses/organisations and 25% of tenants, residents and other stakeholders) disagreed with the proposed selective licensing scheme.

Figure 9: Do you agree or disagree with the Council's proposal to introduce a new selective licensing scheme covering this area/these 25 wards?

Base: All Respondents (number of respondents shown in brackets)

Please use the space below to provide any comments about the area that any new licensing scheme should cover, and explain any alternative approaches that you think the Council should consider (i.e. alternative approaches to reducing deprivation and crime associated with privately rented properties, and/or improving their condition and management).

- 2.37 Respondents were invited to comment on the area that should be covered by any new licensing scheme, as well as to provide details of any possible alternatives to the proposal; however, many of the actual comments were more generally about respondents' views on licensing.

2.38 Among landlords and agents, the comments most commonly related to the following (percentages based on 211 respondents who provided comments):

Claims that the proposals will not reduce crime; crime is too high and/or needs to be addressed through more policing and enforcement of existing laws etc (27%);

Suggestions that the proposals punish 'good' landlords (e.g. as 'bad' landlords just won't comply), and/or that the scheme should be more targeted towards landlords or agents who are subject to complaints or are known to have caused issues (27%);

A risk of increased costs to tenants (rent rises etc) (25%);

Reduced profitability for landlords, meaning that letting will cease to become worthwhile, properties will be sold etc (20%);

The proposal is just a money-making scheme, a 'tax' etc (20%);

There is sufficient legislation already in place to deal with the issues and the Council should enforce this before implementing a licensing scheme (18%);

There will be less housing available (due to landlords choosing not to let properties out etc) (18%);

Proposals might negatively impact on those with lower incomes, won't reduce deprivation etc (13%).

2.39 Among businesses/organisations, the main themes were as follows (percentages based on 44 respondents who provided comments):

That the Council should direct more efforts at addressing problems in HMOs, and/or should license HMOs (30%);

All wards should be included/it should be a citywide approach (23%);

The proposals might negatively impact on those with lower incomes, won't reduce deprivation and may increase homelessness etc (11%)

2.40 Among tenants, residents and other stakeholders, the main themes were as follows (percentages based on 265 respondents who provided comments):

The Council should direct more efforts at addressing problems in HMOs, and/or should license HMOs (20%);

The proposed scheme is needed due to problems with poor quality landlords, substandard properties etc (17%);

The proposals will not reduce crime; crime is too high and/or needs to be addressed through more policing and enforcement of existing laws etc (16%);

All wards should be included/it should be a citywide approach e.g. to ensure a level playing field (14%);

Proposals will need to be properly managed/enforced efficiently: inspections will need to be made, landlords will need to be vetted etc (13%);

Proposals might negatively impact on those with lower incomes, won't reduce deprivation and may increase homelessness etc (11%)

Concerns about costs being passed on to tenants (through increased rents) (10%).

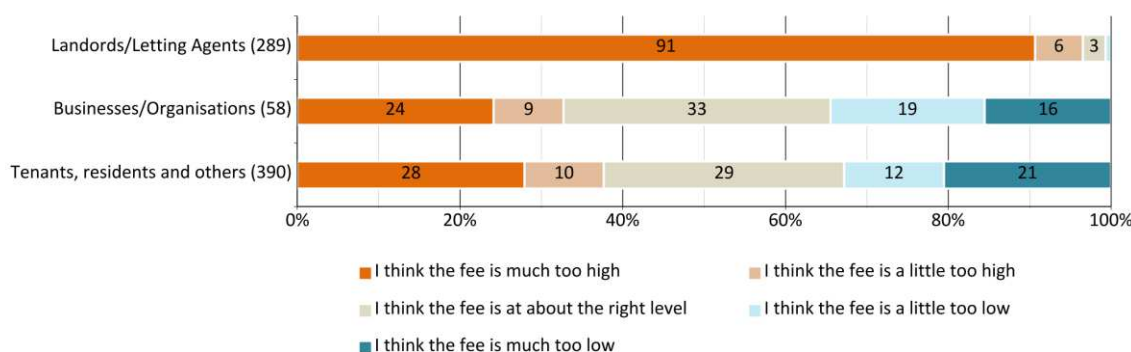
The proposed licensing fee and licence conditions

The proposed licence fee

What are your views on the proposed fee of £670 (for a licence lasting for the duration of the scheme i.e. up to 5 years)?

- 2.41 Almost all (97%) of the landlords and letting/managing agents who responded felt that the proposed licence fee was too high (including around nine-out-of-ten overall who felt it was *much* too high).
- 2.42 In contrast, the views of the remaining stakeholder groups were quite evenly split. Among businesses and organisations, a third felt the proposed fee was about right (33%), a third felt it was too high (33%) and the remaining third or so (34%) felt it was too low.
- 2.43 Similarly, around three-in-ten tenants, residents and other stakeholders felt the proposed fee was about right (29%). Nearly two-fifths (38%) felt it was too high, whereas a third (33%) felt it was too low.

Figure 10: What are your views on the proposed fee of £670 (for a licence lasting for the duration of the scheme i.e. up to 5 years)?



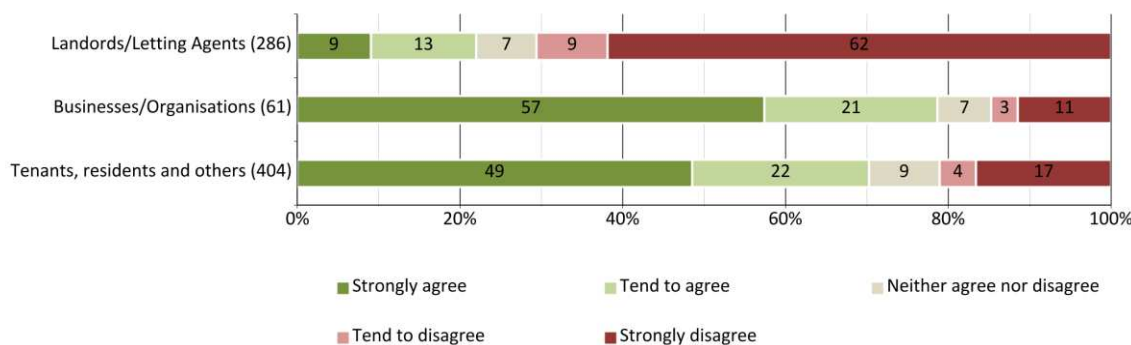
Base: All Respondents (number of respondents shown in brackets)

The proposed licence conditions

Do you agree or disagree with the proposed licence conditions?

- 2.44 Just over a fifth of landlords and agents agreed with the proposed licence conditions (22%), with the majority disagreeing (71%).
- 2.45 On the other hand, most businesses/organisations (79%) and most tenants, residents and other stakeholders (70%) agreed with the proposed conditions.

Figure 11: Do you agree or disagree with the proposed licence conditions?



Base: All Respondents (number of respondents shown in brackets)

Are there any other things you think the Council should consider to help improve crime, deprivation, and the quality and management of privately rented properties in Birmingham? Are there any other comments that you would like to make about any aspect of the licensing proposals?

- ^{2.46} Respondents were invited to provide further comments on things the Council might consider to address the issues, or about any other aspect of the proposals on which they would like to share their views in more detail. However, many of the comments covered very similar grounds to those points made in relation to the earlier question.

3. Landlords' Forums

Introduction

- 3.1 Several deliberative forums were facilitated by ORS research staff to provide the opportunity for landlords and letting agents to hear more about the Council's proposals and, most importantly, to provide feedback on the selective licensing scheme under consideration.
- 3.2 In November and December 2021, four online forums were held, each attended by five to ten local landlords / letting agents and facilitated by two members of ORS.
- 3.3 To find the participants for the forums Birmingham City Council advertised the events to suitable stakeholders in the following ways:
- ❖ Emails were sent to:
 - » The regional contact for National Residential Landlord Association (NRLA)
 - » Birmingham City Council Landlord Forum
 - » Private Landlord Steering Group.
 - ❖ Residents/organisations were directed to the Council's consultation hub "Birmingham BeHeard" where details of the events were available
 - ❖ Flyers were sent to 125,000 addresses across the proposed designation, asking tenants to pass them on to their landlord
 - ❖ Posts were made on Birmingham City Council's Facebook and Twitter sites.
- 3.4 It should be noted that, with the online format, participants joined and left the forums at different times during the sessions. The attendance figures below should therefore be viewed as "minimums", with more landlords and agents potentially being involved at times.
- 3.5 The four landlords' forums were held on the following dates in 2021:

Forum Number	Date	Registered Attendees	Actual Attendees
Forum 1	23/11/21	14	10
Forum 2	01/12/21	18	7
Forum 3	10/12/21	7	5
Forum 4	15/12/21	4	2

- 3.6 A total of 24 landlords / letting agents attended the events. The attendees were diverse by age, ethnicity and are of the city and included a mixture of smaller private landlords and representatives of larger portfolio landlords and management companies. It is ORS' view, therefore, that when taken together, the meetings

were broadly representative of Birmingham landlords. Just as importantly, the discussions in the landlords' meetings were robust and detailed, providing a thorough examination of the Council's proposals through robust questions and feedback.

- 3.7 Each event lasted between 1.5 and 2.5 hours and comprised several short presentations about elements of the proposed selective licensing scheme, followed by opportunities for attendees to ask questions of Council Officers for clarification and give feedback. In larger groups, attendees were split into "breakout rooms" to discuss the proposals freely and then reconvened as one group to share feedback to the whole meeting. Smaller groups remained as one group throughout, discussing their thoughts and feedback together.
- 3.8 In deliberative discussions at events such as these landlords' forums, it is the nature and strength of arguments that matter rather than simply the numbers in support of or against options. ORS has, therefore, prepared this chapter as a thematic account and explanation of the feedback received, accompanied by verbatim quotes to illustrate the points being made. Our inclusion of specific quotes does not indicate that ORS considers them as more or less important than other statements made – ORS has simply sought to use examples which:
- » Either succinctly or particularly vividly capture views or concerns shared by many attendees;
 - » Demonstrate different perspectives or opinions to those voiced by the majority;
 - » Address specific elements of the proposals, including the geographic areas covered by each option and the basis for them;
 - » Present alternative evidence or cogent arguments in contrast to those put forward by the Council;
 - » Specifically address potential impacts of the proposals on landlords and tenants – including those related to vulnerable persons or groups with protected characteristics under the Equality Act 2010; or
 - » Suggest mitigations, adaptations, or alternative proposals which the Council might consider before moving forward.
- 3.9 It is not ORS' role to check and verify the accuracy of statements made in the feedback, but rather to ensure that the views of those present are heard. The Council will wish to consider carefully the issues raised alongside all of the consultation feedback and other evidence available.
- 3.10 All the forums followed the same format, with a short introduction by ORS about the consultation process followed by presentation, discussions and feedback covering:
- » Benefits and risks of selective licensing
 - » Evidence supporting the selection of the designation area
 - » Proposed fees
 - » Proposed licensing conditions.

Summary of key findings

Many landlords said that the licensing cost would be passed onto tenants by raising the price of rents

- 3.11 Whilst some said that the cost of the license was not unreasonable compared to other areas in the UK, it was very widely believed that that the cost of the licence would most likely be handed down to tenants in the form of increased rent.
- 3.12 This was seen as very problematic since many tenants are already struggling financially. Therefore, some participants suggested that this could create further deprivation as tenants in the licensing areas would have

less disposable income, potentially being displaced from licenced wards or having to rent with illegally unlicensed landlords.

- 3.13 It was also said that if the fees resulted in higher rent, it could move existing crime and deprivation into unlicensed wards, rather than solving the issues at their source.

Risk of landlords selling their property

- 3.14 Many participants said that landlords with fewer properties (such as those who gained their rental property through inheritance rather than through investment) may be likely to sell their property to avoid the cost and difficulties caused by the new licensing scheme.
- 3.15 Again, it was suggested that this could force tenants into deprivation since there could be fewer rental properties available as a result. It was also said that demand for rental properties could see rent costs inflate.

General scepticism over the licence's ability to reduce deprivation

- 3.16 There was a significant amount of scepticism around the suggestion that the licensing scheme would reduce crime and deprivation. Instead, it was said that the fees could increase these issues for the reasons already discussed.

Concern over selected areas for licensing

- 3.17 Many participants were unhappy that only certain wards in Birmingham had been selected for the licensing fees, saying that it felt 'discriminatory'.

Views on licensing conditions

- 3.18 Generally, the licensing conditions were seen as reasonable, and many participants said that they already upheld them. This did, however, lead to some participants to suggest that there is a significant amount of unnecessary duplication of conditions.
- 3.19 Additionally, a number of landlords stressed the fact that it can be difficult to uphold conditions that rely on the behaviour of tenants. Examples that were given included contributing appropriately to waste collection and ensuring that working batteries are kept in fire alarms.

Need to address issues with the exempt sector

- 3.20 It was widely argued by participants that exempt properties should have their exemptions re-evaluated and, in many cases, removed. This was because of very numerous accounts of antisocial behaviour being linked to exempt housing and landlords often failing to provide the services to tenants that they should be providing.

Lack of trust in the Council's ability uphold the licensing

- 3.21 Many participants expressed a general lack of trust in BCC and therefore doubted the effectiveness of the proposed licensing scheme. In particular, participants were worried that the Council would not be able to identify and police unlicensed landlords, meaning that compliant landlords would be unfairly penalised.

General thoughts and concerns about the proposals

The need for a Private Rent Sector licensing scheme

- 3.22 Levels of support for the proposals varied, however many participants made a point of voicing their belief that there is a need within Birmingham for some form of PRS licensing scheme. The reasons given for this included the issue underhanded landlords allowing overcrowding and poor housing conditions, and for the general need to ensure that landlords are regulated appropriately.

“There's a real crime issue with too many people being crammed into cheap poorly maintained housing ... This scheme is needed”

“I totally understand the need. It's a shame not all landlords are behaving. It's just like paying taxes. We do this for roads, health, and education”

- 3.23 Whilst some of these participants said that they agreed with the proposals and would welcome their implementation, others said that whilst they supported the need for a scheme, the proposals should be reassessed before being implemented. This was due to concerns that the proposed scheme could have knock-on effects. The most clearly stressed concern was that the licensing costs could be passed on to tenants in the form of increased rent and therefore making housing less affordable. Other concerns were voiced throughout the forums, which will be discussed further throughout the chapter.

“I agree there is an issue. It shouldn't be so easy for landlords to set up without any controls, but I worry about it impacting affordable housing”

Distrust in the Council and their ability to implement the licensing scheme effectively

- 3.24 Many participants displayed a lack of trust in the Council's ability to implement the licensing scheme in an effective way. Much of this was said to be based on past and ongoing experiences with BCC, including issues related to mandatory HMO licensing and waste collection. The statements given seemed to show a distrust for the Council from a significant number of the participants.

“There has been serious incompetence in the HMO system. I've had applications completely lost in the system. Is the selective license going to be run from the same department as the HMO?”

“There's an issue of trust with Birmingham council. The council can't even collect my bins. I can't trust the council to deliver this scheme and do it properly”

- 3.25 Some participants displayed a more general curiosity as to how the Council would be able to police the policy.

“How is this going to work? I.e., how are you going to capture all of the rented properties in Birmingham? I assume that there's a lot of them... so, how do you go out and make sure that everybody has got a licence?”

Concern that licensing costs will be passed down to tenants by increasing rent

- 3.26 One of the most consistently raised concerns about the introduction of a PRS scheme was the concern that the costs of the licence would be passed down to tenants as increased rent. Many of the participants said that this was a major concern because many tenants are already struggling to afford their rent as it is.

“The landlords are just going to pass the cost onto the tenants, so it’s just going to increase the rent”

Risk of “rogue” landlords avoiding the licence and going undetected

- 3.27 The next most consistently discussed concern was that “rogue” landlords that already participate in illegal practices such as overcrowding would be likely to continue doing so, undetected. A significant number of participants discussed this throughout each forum, expressing their concern that such landlords would avoid paying the licence fees without the Council’s knowledge.

“I don’t think this is going to wheedle out the bad landlords because they won’t register. I don’t know how you will get round all the properties”

“The people that do things properly are going to apply for it, but it’s the people who don’t do things properly that won’t apply for it”

- 3.28 As a result of this wide-held concern, the potential effectiveness of the scheme was questioned. Some participants suggested that if underhanded landlords could avoid the fees and then simply pay a fine if they got caught, then it would likely be ineffective at removing such landlords from the sector.

“I’m a very compliant landlord however, non-complaint landlords don’t have the time of day for this type of consultation and will just not pay the fee and then pay the penalty when they get caught”

“The good landlords will take part and pay the fees while the bad landlords won’t and try to avoid the scheme. This broad-brush approach is mistargeted and not equitable”

- 3.29 It was stressed by a number of participants that it would be critically important to ensure that such landlords were not allowed to get away without paying the licensing costs, as it would undermine the principles of having more reputable landlords comply with the fees and conditions.

“I don’t want it to be the case that we follow rules and other bad landlords don’t and go unpunished and don’t pay the money”

Likelihood of rental properties being sold as a result of the fees and conditions

- 3.30 Some participants throughout the forums suggested that landlords with fewer properties, such as those who acquired it through inheritance rather than investment, may be likely to sell their them due to the fees and conditions associated with the licensing. It was said that this could happen because they could either be discouraged by the increased costs and conditions or because it could become more difficult to rents out if rents are raised as a result of the costs.

“There will be fewer good landlords, and there will be a need for the Council to look for more houses for people evicted from homes that have been put up for sale”

Dissatisfaction with having to pay for the policing of bad landlords

- 3.31 Some participants disagreed with the measures because they did not believe that they should have to pay for the costs of policing landlords that do not operate within the law. One participant suggested that they would sell their property if the scheme came in because of their dissatisfaction with the scenario.

“I am quite deflated that good landlords would pay to catch the bad ones and I am umming and arring at selling my property and I will sell it if it comes in”

- 3.32 Another participant suggested that it would be more appropriate to directly target landlords that operate illegally, rather than introduce a licensing scheme to help police them.

“Why not only apply the scheme to houses and landlords with lots of complaints rather than a broad-brush approach?”

Views on the scheme’s potential ability to reduce crime and deprivation

The need to tackle crime and deprivation in Birmingham

- 3.33 Although most participants did not comment on the need to tackle crime and deprivation in Birmingham, those who did comment agreed that it was a significant issue in need of addressing. Overcrowding, poorly maintained housing, and incidents of crime and antisocial behaviour were said to be genuine concerns and that the Council is right to want to tackle the issues.

“I strongly support the measures to target antisocial behaviour and crime. We have a lot of local residents who become extremely distressed at some of the incidents of crime and anti-social behaviour”

“The numbers speak for themselves. I grew up in inner city Birmingham and can speak for a number of these issues... too many people being crammed into cheap poorly maintained housing... This scheme is needed”

Scepticism about the link between private rented properties and crime / deprivation

- 3.34 Some participants felt some scepticism about the link between private rented properties and crime / deprivation, leading some ask where the evidence for the crime and deprivation rates used in the forums had come from and how private rented properties were related to the issue.

“Is there evidence that deprivation in Birmingham is linked to private rented housing?”

“Is there any research showing a correlation between housing conditions and crime?”

“What evidence is there that this scheme is going to work?”

- 3.35 This led to a small number of participants to question how the scheme was supposed to tackle crime and deprivation in Birmingham. It was also questioned if the scheme might move crime and deprivation to unlicensed parts of the city, rather than solve the problems.

“How is this going to help areas of deprivation? We are all good landlords here so how are you going to wheedle out the wrong ‘uns?”

“Is this scheme moving problems to other areas of the city?”

Feeling that landlords should not be expected to tackle crime and deprivation

- 3.36 A very small number of participants expressed the feeling that they, as landlords, were not responsible for tackling crime and deprivation in Birmingham. Instead, it was said that the Government and the Council pursue other means of addressing the problem.

“I’m not going to say there aren’t deprived areas. I know there are I also grew up in Birmingham... My concern is that landlords are being asked to deal social problems like deprivation and crime which is a little unfair we can’t be expected to police tenant behaviour... There needs to be an acknowledgment that we aren’t here to solve social problems of the inner city that is the job of the Council and Government”

Possibility of higher rent creating more deprivation

- 3.37 During one of the focus groups, the risk of rent being increased as a result of the licensing costs was brought up again when discussing crime and deprivation. It was suggested that if rent was to increase in price following introduction of the licensing scheme then deprivation could be increased as a result, since many tenants are already struggling to afford rent at its existing cost.

“I work in a women’s centre – many women already struggle to pay rent. I’m concerned it will increase rent for tenants which is already very high in Birmingham”

Views on the areas that would be affected by the licensing scheme

Feeling that the chosen wards do not accurately represent pockets of crime and deprivation

- 3.38 One participant argued that the chosen areas for the licensing scheme do not accurately represent where crime and deprivation exist. Instead, they said that it would be better to use a “neighbourhood-based” approach that targets select areas that are worst affected by deprivation.

“Ward boundaries are just political and arbitrary. The boundaries don’t follow deprivation boundaries. Within each ward there are areas of prosperity and deprivation... A more neighbourhood-based approach is needed to include some of the worst areas of deprivation...Government could do something more nuanced in its approach”

Argument that the licence should cover a larger area

- 3.39 There was a small number of participants throughout the forums who suggested that the licensing scheme should cover a larger area of Birmingham. The reasons given for this were that it would be unfair to only license a smaller area or that the scheme would be more effective at tackling crime and deprivation if it covered a larger area.

“Slightly discriminatory on landlords who just happen to have brought properties in these areas but end up paying increased fees”

“The maps show there are a lot of deprived areas outside of the wards covered by the scheme. I worry that by concentrating on certain areas we move focus away from areas that are potentially as poor... I’m not against selective licensing but if we’re going to do this properly. We need it to cover other areas”

Possibility of displacing people from their homes in licensed areas

- 3.40 A number of participants expressed concern that people could become displaced from the areas under the licensing scheme. This was said to be a potential knock-on effect of rents rising as a result of the licence, leading to unaffordable rent and thus displacing lower-income tenants across the city.

“...a real possibility for displacement because of the license. Government requires a plan to manage displacement – I don’t see one. Not about fairness but about its impact on the housing market”

Views on the cost of the licensing fee

Approval of the licensing cost

- 3.41 Responses to the cost of the licensing fee were mixed, however there were some participants that agreed with the fees, stating that they were not unreasonable compared to similar schemes across the country.

“The fees are not unreasonable compared to others I’ve seen around the country... I’m disappointed, however, that there is no discount for accredited landlord organisations who cover most of these measures anyway”

Concern over licensing costs

- 3.42 A number of participants expressed concern over the cost of the licensing fees – particularly for landlords with multiple properties whereby the total costs would increase dramatically. As a result, some participants suggested that landlords should receive discounts or part reimbursements for part of the licensing costs if they are compliant with the conditions and behave well.

“Maybe money could be given back to compliant landlords if inspections don’t find any issues”

- 3.43 One participant said that it would be fairer to vary the fees based on landlords’ income, whilst another questioned if there would be discounts for those in Landlords’ Associations.

“Where does the fee compare to the average income? Landlords have had a hard time recently with other government measures. If you want people involved the fee needs to be nominal”

- 3.44 Other participants expressed their disapproval of having to pay the full cost for their licence if they were to enter into the scheme late. It was suggested that it was an unfair disadvantage to new landlords to have them pay the full cost of the fee when they would be covered for less time.

“I was perplexed by the licensing being 5 years and if you decided in the 2nd year of the scheme to get one then it’s a lot of work to stagger it and do it again in 3 years’ time”

Concern over the calculation of the costs

- 3.45 One participant questioned how the costs had been calculated and how the issue would be mitigated if the cost of the scheme was to be either higher or lower than predicted.

"I have some concerns over the costs and how it is calculated. I've done some calculations based on the fact you think this scheme will cover 75% of privately rented property in this area. For me this gives a total income of £26 million. This seems like a lot of money for just the occasional inspection... I can't see any evidence as to how this figure was reached. Also, what happens if the cost of the scheme is higher or lower will we face an additional bill or reimbursement?"

Views on the conditions of the licence

Agreement with the conditions

- 3.46 Many participants agreed that the licensing conditions were fair and appropriate. As a result, numerous participants felt that they already meet the conditions that the licensing scheme would introduce. However, some viewed this as unnecessary duplication.

"I do most of this anyway so not an issue for me"

"Most things on list then reputable landlords are doing them anyway. Nothing on list particularly onerous, but how are you going to target those who do not adhere to the list?"

Concern over landlords' ability to carry out conditions

- 3.47 Whilst some participants had expressed their approval of the conditions, others wanted to make it clear that certain conditions are difficult to enforce. Conditions relating to the behaviour of tenants were said to be particularly difficult to enforce.

"They're standard for when the tenant moves in, but it's not for the landlord to check the batteries in the smoke alarm and things like that..."

"Landlords can't be expected to police tenants for things like bins. I explain at the start of the tenancy how the bins operate but I can't go around and instruct them on how they use the bin on a regular basis"

"One potential problem condition is with regard to ensuring tenants are behaving. It's not my place to tell people how they should be living. My views on what is reasonable and proportionate may differ from that of the council"

Views on notification period for material change in circumstances affecting the validity and terms of a license

- 3.48 One participant expressed their dissatisfaction with the condition to notify the Council within 14 days of any material change in circumstances that may affect the validity and terms of the license. Instead, they suggested that 21 days' notice would be more appropriate in order to allow for more time for landlords that may be away at the time.

Views on the condition of requiring emergency arrangements

- 3.49 One participant stated that the condition concerning putting in emergency arrangements would pose difficulty to landlords that work alone whenever they are on holiday or similar. It was suggested that this could potentially be more of an issue for less professional landlords, such as those who have inherited their property, and could create additional hassle or cost that could be passed onto the tenant.

Views on inspections

- 3.50 It was said that most inspections focus on compliant landlords and find little or no issues. Therefore, it was suggested that inspections should be risk-based, focusing on less compliant landlords.

“Lots of inspections focus on landlords who are already highly compliant... Lots of inspections find no issues... lots of inspections find only very minor issues. Inspections should instead be focused on rogue landlords. A selective and risk-based approach is needed”

Need for more clarity on exemptions

- 3.51 Some participants suggested that there was not enough clarity in the scheme information regarding exemptions.

“I think the scheme information should make it clearer who it doesn’t cover. It took me a while to figure out if I fell under this scheme or not”

- 3.52 Exempt properties were discussed to a significant extent during a number of the forums. Numerous participants said that there are a notable number of issues around exempt properties associated with antisocial behaviour and landlords taking advantage of their exemptions without providing the services to their tenants that they are obliged to. As a result, it was said multiple times that exempt properties should be re-evaluated and that many of them should lose their exempt status.

“There are some bad landlords in the private renting sector, but for a couple of years we have had problems with the exempt sector. The proposed scheme isn’t dealing with this issue... The scheme should apply to all types of rented property”

“There is also the potential that if the Council crack down on the exempt property sector that many exempt properties will move out into the private rented space and fall under this scheme so you are potentially talking about more properties than you would expect. Have you thought about this?”

4. Tenants' & Residents' Focus Groups

Introduction

- 4.1 In order to understand the views of Birmingham tenants in relation to the Council's proposals for a new selective licensing scheme, BCC commissioned ORS to organise and facilitate five online focus groups with members of the public.
- 4.2 Participants were recruited for the forums by Acumen Field and were recompensed for their time and effort in attending the meetings. The focus groups each lasted for around 1.5 – 2 hours and were successful in exploring the issues and encouraging wide-ranging debate and discussion related to the PRS licensing scheme proposed by BCC. The tenants and residents' forums were held in late November and early December 2021, with the following attendances:

Focus Group Number	Date	Number of Attendees
Focus group 1	24/11/21	6
Focus group 2	25/11/21	11
Focus group 3	30/11/21	11
Focus group 4	01/12/21	9
Focus group 5 (Adjacent wards)	02/12/21	10

- 4.3 Therefore, 47 residents in total took part in the meetings. The groups were recruited to ensure that tenants living in properties that would be covered by the proposed scheme - including some HMO tenants - were represented. Most participants rented privately with a few renting from the Council or housing associations to ensure their views were also considered. Participants were diverse by area of residence – albeit focussed on the 25 wards that might be covered by the proposed scheme – as well as by age, gender, ethnicity and working status.
- 4.4 In addition, one focus group was held with tenants / residents of wards adjacent to the proposed designation in order to see how thoughts and concerns compared with those living in the affected areas.
- 4.5 Therefore, whilst not “representative” in the same way as any survey, the five meetings, taken together, included a reasonable cross-section of Birmingham residents living in the areas covered by the proposed designation and adjacent to it.
- 4.6 It should be noted that, unlike the landlords' forums, officers from the council team were not present at four out of the five focus groups. It was made clear at the start the fifth group that the Council representative would leave the meeting if any participants were not comfortable with him present and they were able to register their disagreement in confidence by using the 'Chat' to send a message to one of the ORS researchers. This ensured that the residents felt comfortable to voice their views – including any which might be viewed as critical of BCC itself. While the participants were perhaps slightly less emphatic and robust in

the way that they expressed their feedback, a variety of viewpoints were still expressed and there were some differences of opinion.

- 4.7 As with the other deliberative research activities, ORS has sought – when reporting – to provide a faithful and thorough account of the feedback received during the sessions. The feedback is presented thematically in this chapter, with sections dedicated to each broad topic covered, and ORS has included commentary on the discussions supported by verbatim quotes. The inclusion of these quotes is not an indication that we view them as more or less important than what was said by other participants; rather, the quotes included are those which most vividly or clearly capture the views of several or all participants, or which relate to specific important aspects of the discussion and the Council’s proposals.
- 4.8 In addition to the above, quotes are included that identify differences of opinion and criticism or concern about the proposals, to ensure balance and provide BCC with important insights to consider as part of the ongoing process of which this consultation is one part. To aid this process of due consideration, we have summarised the main themes of the feedback shared at the focus groups below, before commencing the main body of the chapter.

Summary of key findings

- 4.9 The main findings from the focus groups were as follows:
- » Tenants recognised the poor standard of living offered in many private rented sector (PRS) properties across Birmingham. However, opinions differed on the potential effectiveness of the proposed licensing scheme as an attempt to improve housing conditions.
 - » While participants recognised that some areas of Birmingham are affected by high levels of crime and deprivation, many questioned the suggested link between these issues and PRS housing and their use as conditions for the proposed scheme.
 - » A major concern for participants was that the proposed licensing fees could potentially be passed to PRS tenants, resulting in more deprivation in the affected area.
 - » Overall, most participants showed some resistance to aspects of the proposed scheme – although many also recognised some possible benefits in improving housing quality and quality of life, and providing extra security for tenants.
 - » Many participants felt that council properties should be expected to attain the same standards as those proposed for PRS properties. Some also argued that there should be external inspections independent of Birmingham City Council.

Detailed findings

Initial views on the risks and benefits of the licensing scheme

Some tenants and residents foresaw benefits

- 4.10 In the first section of the focus groups, ORS presented some of the anticipated key risks and benefits associated with the licensing scheme. When asked if they agreed or disagreed that licensing would achieve the stated benefits, a couple of participants from each group felt it would and expressed their support for the scheme on the grounds of improved standards of living and reduced health deprivation in the affected areas.

“It affects people’s health ... You see it so much in the newspapers about damp and asthma. I think if they had this in place then more landlords would start doing things. It would be more habitable”

- 4.11 A few participants also felt that housing and living standards would improve as a result of landlords being held accountable by an external body, and others suggested that the scheme could result in better relationships between landlords and tenants, as they would avoid any direct confrontation over property-related issues.

“I think it would be better for the tenants in respect of the conditions of the property if this licensing came into force and it puts the responsibility back to the landlord”

“I feel like it would make a difference. My landlord would be on the worse end, and it would be nice to hold them accountable. As a tenant it doesn’t feel like there’s anyone to say things should be done”

“...at least if the landlord was licenced, you would know who they were. At the moment you just think this is your landlord who you pay the rent. At least if you’ve got their name, you can take some action against them”

- 4.12 One resident suggested that licensing could benefit landlords, as their letting/s would be more desirable as a result of higher standards and regulation. Another felt it would enable landlords to be more particular in choosing a tenant, which could subsequently reduce anti-social behaviour.

“I think it would be advantageous to the landlord because they could advertise as licensed. It would give tenants comfort to know they are following procedures and rules”

“I’ve got a family, and the landlord will think about what kind of people they’ve got, with proper checks and everything, and I agree with that. I think it’s for our safety. I think it’s a good idea overall”

- 4.13 Some participants had mixed opinions on the risks and benefits of licensing: they felt that the scheme could be successful in some cases and not so successful in others depending on the quality and transparency of the landlord.

“I think if everyone followed it would make some difference. Some landlords would find a way around it, [by not] officially renting out the property so they won’t get caught out if that makes sense”

There were some initial concerns around the licensing scheme’s potential risks

- 4.14 Despite some initial support for licensing, most tenants and residents felt less positive. The most common concern shared across the focus groups related to the proposed licensing fees and the risk of this cost being passed to tenants, particularly in the context of an increase in the cost of living more generally. This concern remained consistent throughout the discussions at all five groups.

“It’s another excuse to pass [the cost] on, potentially to the underdog”

- 4.15 One tenant felt that while one of the objectives of the scheme is to reduce deprivation, the potential for increased rents could, in fact, cause greater deprivation in the affected areas.

“The more that the cost goes up for the landlord the more – like everything in life – the tenant pays and that would then incur deprivation for people”

- 4.16 Another tenant suggested that rent should be capped for all existing tenants prior to the implementation of the scheme. This, it was felt, could reduce the risk of tenants facing unaffordable extra costs.

"You need to cap the rents because I can't afford a rise in rent"

- 4.17 Tenants and residents also felt that certain areas would benefit less from the scheme due to lower crime and deprivation rates. For example, a couple felt that it is not necessary or justifiable in areas such as Edgbaston.

"I think it depends on the specific areas. Where I live it might make some difference..."

- 4.18 A few tenants across all five groups raised initial concerns around the reference process. Some considered this to be a negative aspect of the proposed licensing scheme that could cause further division and 'classism' in the affected area.

"That's assumptive that everybody passes referencing. Because I will tell you that a lot of people fail for a variety of reasons; it's very common. You have to be earning a very high amount and pass so many different checks. I don't know how many people it would actually help"

"It's just dividing into classes of people yet again"

- 4.19 One person also suggested that the reference component of the scheme is contradictory to its aims and objectives.

if its peoples' quality of life their trying to improve but they make people fall at the first hurdle than they're only helping the better off anyway

- 4.20 The importance of understanding certain communities within the affected area, and why crime and deprivation rates are at such high levels, was highlighted. One participant felt there needs to be a better understanding of who commits these crimes and why they do so. They felt that a better understanding of different cultures and communities would deliver a more effective solution to crime and deprivation.

- 4.21 Concerns around tenant security were raised around eviction. Some participants felt that tenants could be negatively impacted if landlords held them responsible for council interference in the property.

"You've got the situation where if the landlord isn't doing what they're supposed to do and the tenant is complaining, the landlord might get a bit annoyed and the landlord could give them their notice"

- 4.22 Finally in terms of initial concerns, there was some feeling that the scheme is unnecessary in many cases, as there are already similar standards and schemes in place when renting through estate agents. Moreover, it was said that most of the proposed licence conditions are already mandated by law.

"It's just the law repackaged and sold"

"I've worked in an estate agency, and it sounds exactly like what an estate agent offers; a fully managed rental service that you pay for. So, I don't feel like it should be a requirement from the government or that there should be a scheme in place to enforce it"

Views on the evidence for licensing

There was significant debate over the Council's use of crime and deprivation as a basis for introducing selective licensing

- 4.23 During this part of the meetings, ORS presented BCC's evidence for introducing selective licensing in the designated area. When asked whether they see crime and deprivation in their locality, some people acknowledged some degree of criminality and deprivation. In some groups the majority recognised criminality and deprivation, in other a minority did so. There was significant debate over the correlation between the two issues and the PRS.
- 4.24 As stated, many participants recognised some level of crime in their local area, the most visible being car theft and home burglary. Some explained that these acquisitive crime types are more prevalent in areas such as Edgbaston as they are more affluent.

"I'm by Edgbaston cricket ground. There's not deprivation in my area but there's crime. There's money in my area, so consequently there's going to be crime because people are going to rob the richer areas"

"I have a B13 postcode, but I'm the edge of Hall Green. I'm in the community groups and there's a lot of car crime around"

"I live in B13 as well and on all the Facebook groups there's car stealing and people breaking into homes"

- 4.25 Some others noted the presence of drug-related crime, as well as anti-social behaviour and street crime, near where they live. In this instance, participants did note some correlation between criminal and anti-social behaviour and PRS properties, houses in multiple occupation (HMOs) in particular.

"I was going to say a lot of drug crime as well. When you do see private renting, you see people being brought out with crops of [marijuana]"

"There's a lot of HMOs ... around as well. There's a lot of crime connected to those as well. I've got three on my road and they're all anti-social behaviour and drug use"

- 4.26 Although many participants acknowledged some degree of crime, some felt that the evidence presented did not accurately reflect the situation in the designated area. In some groups, people said that even if they live elsewhere, criminals will continue to travel into the area to commit crime. In addition to this, one tenant felt that people in certain areas are more likely to report crimes than others, therefore weakening the accuracy of the evidence.

"This isn't going to stop crime; people will still commit crime but in different areas"

"I think you had Balsall Heath on there which is quite a residential area and I think those areas are more likely to report the crime and certain other areas. If it's a large housing estate you're less likely to report. I think if you're in a more residential area you're more likely to report the crime so that's why it looks so high"

- 4.27 A small number of participants acknowledged deprivation in their area, with one person highlighting improvements in health deprivation as one of the benefits this scheme may provide.

“Health deprivation could be a plus of the licence scheme”

- 4.28 Another, though, felt that the licensing scheme would create a situation in which deprivation levels worsen due to increased rent and barriers when applying for a tenancy.

“I think it’s the same as crime and might cause future deprivation”

- 4.29 Despite most participants agreeing that there is evidence of crime and deprivation in their areas, many felt that there is no clear link between these issues and privately rented properties. This point was passionately made by a few participants across the groups.

“Earlier you were saying there’s a correlation between crime and private rented properties which is think is absurd because if you look at the statistics, more crime takes place in low-income areas and thus less private renting. Which means the problem lies within council housing rather private renting”

“I just don’t see the link between the two. Just because someone is privately renting, how can you assume that person is linked to crime. That doesn’t match really”

“I don’t see the link between crime and deprivation and a licensing scheme. If you’re looking at where there’s more than 20% private rented, they’re considered nice areas. People move there because it’s got a nice reputation, but they can’t afford to buy there”

- 4.30 Those who disputed the link felt that there are other urgent issues that need addressing across Birmingham prior to considering the introduction of PRS licensing. For example, a couple expressed their concern around homelessness and associated crime and deprivation, and others commented on a lack of policing, affordable housing and youth activities.

“Rather than increase licensing fees for landlords, why not spend that money on police? I never see police cars where I live in Edgbaston”

“With the begging you’ve got the drugs, with the drugs you’ve got the drug dealers”

“We need a police presence; we need projects in the community to bring the community together... children have nowhere to go...”

Views on the proposed licensing fees

- 4.31 ORS presented the detail of the proposed selective licensing scheme fees to participants, who were then asked to consider whether they are appropriate. They were also asked how, if at all, they would amend the fees.

There was some positive feedback on the proposed fees...

- 4.32 Although discussions around the proposed fees were mostly negative across the five groups (as reported below), a few tenants considered them to be appropriate and reasonable. The positive feedback was given in three of the five groups, the remaining two did not approve.
- 4.33 Those who approved of the proposed fees felt they were a fair price to pay for a five-year licence. In fact, one person expressed surprise that they were so low per calendar month.

“The fees aren’t what I was expecting to be honest over a five-year period; it’s about £10 a month”

“I don’t think the fees are that bad if it’s going to improve things; landlords get less trouble, tenants get what they want”

“I think over five years it’s not too much of a cost. It’s a good thing. If it was more than £500, I’d say it’s too much”

- 4.34 Others suggested that the fees need to be higher for licensing to be successful. This, they felt, would ‘sift out’ the poor landlords who are not prepared to pay the higher price.

“I think if you put the money up, you’ll get decent landlords in it for the right reasons. The price needs to be up so the scheme works properly. If you’re going to do it, do it properly”

“I think what it might do is sift out the bad landlords”

... but there were more significant concerns about higher rents as a result of imposing them

- 4.35 Most of the negative feedback stemmed from the perception that the proposed fees are too high and are likely to be passed to tenants in the form of higher rents. Most participants felt this was unfair on existing tenants, especially those who already pay for a management service through an estate agent. Others felt that tenants with decent landlords would pay an increased rent for the quality of accommodation and service that they already have.

“That’s ridiculous; [tenants are] going to see a ridiculous rise in their rent”

“It’s just a load of money for what we already pay for. I just can’t get my head around it”

- 4.36 Tenants also felt that the proposed fees could prompt some landlords to leave the PRS, causing further accommodation shortages in the area, where privately-rented properties are already scarce.

“I think the cost will put landlords off. Most landlords just want to make money, they don’t want to pay extra costs. The tenants are getting more security as well, some landlords wouldn’t want that...”

“Over the last few years there’s been lots of other restrictions that make it difficult, and this could be another that makes them not want to be a landlord anymore, and there’s already a shortage of private rented properties available. While I do agree with the scheme, I think the fee is too high”

- 4.37 A couple of tenants particularly disagreed with the “excessive” extra charge of £80 for changes to the licence. They felt this could also disincentivise landlords, causing further issues.

“Well, the change fee is the bit that put me off. Like if the landlord moves address, they’ve got to pay £80. That’s excessive”

- 4.38 Again, a couple of tenants felt that the proposed fees (and indeed licensing in general) represent an unnecessary cost to promote standards that already exist in private rented properties – not least as landlords already attain the certificates and other requirements through mortgage and insurance arrangements.

Indeed, the whole scheme was viewed by some as a way for Birmingham City Council to make money, rather than a genuine attempt to solve stated issues¹.

“If you have a buy-to-let mortgage you’re going to get insurance and make sure you have things like fire alarms”

“Landlords already have to make sure they have certain certificates. The councils’ fees are too high”

“[The Council] can’t manage what they’re doing already. I don’t know why they want to take more on, just to make more money”

- 4.39 Conversely however, the fees were considered too low to incite any real change by a few participants, who argued that they will do nothing to achieve the goals of reducing crime and deprivation. Participants felt licensing posed no real threat to criminal activity, and criminals would face no consequences from the changes. They did not advocate increases however, rather suggesting the Council should find alternative means to address these issues.

“I don’t think it’s solving the problem of crime and deprivation”

“They’re too high to be passed onto tenants, but too low to make any significant difference with crime and deprivation”

Only one amendment to the proposed fee structure was suggested

- 4.40 The tenants were asked how, if at all, they would amend the proposed licensing fees. Only one suggestion was made for fees to be divided 50/50 between landlords and tenants to avoid disagreement between the two parties.

Views on the proposed licensing conditions

Views were mixed on the appropriateness of the proposed licensing conditions

- 4.41 ORS presented summaries of the proposed ‘mandatory’ and ‘prescribed’ licence conditions, before tenants and residents were asked if they seem appropriate. Overall, opinions were divided fairly evenly around whether or not the conditions are sufficiently comprehensive.
- 4.42 A few tenants and residents in each group felt that the proposed conditions “cover too much”, not least as it is not landlords’ responsibly to address crime and deprivation.

“Criminality of the tenant, that’s not the landlord’s issue. They could have a warning system but the cost to evict someone is huge”

“I think they cover too much I don’t think it’s realistic for a landlord to fix anti-social behaviour, especially because it’s very difficult to evict tenants anyway”

- 4.43 On the other hand, a similar number of tenants felt that the proposed conditions are appropriate, though some doubted how well they would be met. Others again felt that they are already in place through other means.

¹ It should be noted that it was explained at least three times in each group that the fees could only be used to pay for the licensing scheme and nothing else.

"I think they're pretty standard and reasonable. But again, it all depends on how this licence is going to be managed. I would expect all landlords to have all this"

"This is all standard and it's what estate agents do"

"Shouldn't they be following those conditions anyway?"

"Gas certificates need to be done anyway. Its standard procedure, so I don't see why they have to pay extra to Birmingham City Council"

- 4.44 Only one specific additional condition was raised in the focus groups: one person felt that the property being habitable should be a standard condition of the licensing.

"It doesn't say anywhere in there that the property should be habitable. You'd expect it to be a decent standard"

Balance of opinion

- 4.45 After all the relevant information on the proposed licensing scheme had been presented to participants, ORS posed the question, 'To what extent do you agree or disagree with the introduction of licensing in the designated area?' via an online poll. This final discussion session also gave tenants the opportunity to give any additional views on the proposals that were not covered previously.

- 4.46 The results of the polls were mixed across the focus groups. The results show that 4 completely agree with licensing, 17 agree to some extent, 7 neither agree nor disagree, 12 disagree to some extent, 5 completely disagree, and 2 chose not to participate. Each group showed a fairly even distribution of responses, with no strong majority either way. However, there was a slight majority in favour of licensing across the groups.

- 4.47 In explaining why they 'voted' in the way they did, one participant at the adjacent wards group disagreed with the scheme for fear that any issues associated with crime and deprivation would simply migrate to the areas surrounding the designated wards.

"The only reason I disagree with it completely is because of the close proximity..."

- 4.48 Others believed that money could be better spent elsewhere in efforts to reduce crime and deprivation.

"Along with policing, youth services and other related factors. Licensing will not be a total solution"

"What about community centres for the children? That will lower crime. They need to be spending money rather than making it"

- 4.49 A few people took the opportunity at this stage to express a lack of trust in BCC, with one even suggesting that an external body should conduct any future property inspections to ensure independence and transparency.

"If there was some sort of independent committee that showed absolute transparency between the council and tenant. I think that would be a good idea"

"I agree, that's exactly what they need. Somethings that's going to offer support to tenants and landlords. The issue is the Council here; no-one has trust in the Council"

- 4.50 Moreover, many tenants and residents also complained about the perceived poor quality of some council properties across the city, suggesting that they too should be subject to some sort of licensing scheme to raise standards. Some of the many typical comments on this issue can be seen below.

"I think Birmingham City Council want to have a look at themselves because some of their properties are absolutely disgraceful"

"Most of the Birmingham city properties are overcrowded. They need to sort themselves first"

"They (council) aren't doing the jobs either. I know one person and they won't even fix the lightbulb or boiler. They take ages to come out. They can't fault the landlords"

"You say someone needs to monitor the landlords, but if the Council don't look after their own properties what gives them the right to inspect these properties? Some people have mould in their properties and that's Council-owned, so..."

"I don't want to put anyone out but isn't the more deprived areas [full of] council housing rather than private renting? Crime is more prevalent in council estates. Are they getting the same degree of restrictions?"

- 4.51 Finally, a few people questioned why the designated area only encompasses some wards, rather than all of Birmingham.

"I don't understand why its only selected areas, why isn't it the whole of Birmingham?"

5. Written Submissions

Introduction

- 5.1 During the formal consultation process, 23 organisations and individuals provided written submissions. Some of these were from organisations representing landlords and agents, or tenants and residents (including vulnerable groups or individuals). Others were received from stakeholder bodies and organisations, as well from local councillors, private companies, individual landlords, and local residents.
- 5.2 ORS has read all the written submissions and summarised them in this chapter; none have been disregarded even if they are not expressed in a ‘formal’ way. It is a painstaking but necessary process to identify the main issues raised by respondents.
- 5.3 Submissions received from the following named organisations, along with four lengthy and detailed submissions from landlords, have been summarised individually in the chapter below.
- 5.4 Of the 23 written responses, 11 were from individuals, 2 from local politicians and 10 were from representatives of organisations. Contributions were as follows:
- » 6 individual landlords
 - » 5 individual residents
 - » 1 local Councillor
 - » 1 local Member of Parliament (MP)
 - » 4 representatives of organisations representing landlords or accreditation companies
 - » 5 representatives of organisations representing residents
 - » 1 representative of another organisation

Summary of key findings

- 5.5 The written submissions considered in this chapter vary between brief statements and detailed documents, sometimes being strongly polarised in their views. Therefore, readers are encouraged to consult the remainder of the chapter below for a full account of the views expressed. However, the following overview gives a sense of the types of issues raised.

Landlords were largely opposed to the proposals and questioned how the scheme would reduce crime and deprivation

- 5.6 All of the responses from individual landlords and representatives of landlords displayed a great deal of scepticism and disapproval of the proposals. The most common reasons given for this were the belief that the PRS licensing scheme proposed would discourage new investment from private landlords, be ineffective at reducing crime, deprivation, and antisocial behaviour, and that the costs of the licence would be passed on to the tenant by increasing their rent. This concern about the possibility of the licensing scheme resulting in an increase in rent was also echoed by one of the individual residents that responded.

- 5.7 Multiple responses also questioned how the Council expected a PRS licence to result in lower deprivation and crime rates as it claimed that it would, suggesting that there was little-to-no evidence for how this would happen. As a result, it was suggested in two of the responses that if the licensing scheme was to be introduced, then information on its success should be assessed regularly and made publicly available. One of these responses suggested that this should take place in the form of an annual summary report of outcomes, demonstrating to tenants and landlords the improvements made as a result of the licensing scheme, as well as its overall impacts.

Residents expressed their approval of the proposals

- 5.8 All bar one of the responses from individuals expressed their support for the proposals, whilst the responses from politicians and representatives of Residents Associations did the same, believing that the scheme would help reduce crime, deprivation, antisocial behaviour, and the overall number of “rogue” landlords in the areas affected by the licensing scheme. Some of these responses also expressed hope that the scheme would see a reduction in ‘bulky’ waste and provide an opportunity to improve energy efficiency and flood resilience in these areas due to the improvements that landlords would have to make to their properties.

The proposed £80 variance fee is unlawful and should therefore be removed

- 5.9 The National Residential Landlords Association (NRLA) wrote to express a number of significant grievances with the proposals. The most strikingly important of these was the statement that according to the Housing Act 2004, it is legal to charge for the application process of a PRS licence, however it is not legal to charge for the variation process of a licence, regardless of how big the variations may be. As a result, the NRLA suggested that the £80 variation fee proposed for the licensing scheme be removed.

Numerous residents of said that the licence should be extended to Handsworth Wood and / or based on a neighbourhood approach

- 5.10 Five different residents of Handsworth Wood wards wrote not only to express their support for the proposed PRS licensing scheme, but to request that the scheme be extended to their ward in the hope that it would prevent issues in licensed wards from being intensified in their own (unlicensed) ward.
- 5.11 Two of these responses requested that the licensing scheme be extended to the whole of Handsworth Wood ward, whilst the other three suggested that it should be extended to area north of Oxhill Road, known as the “Handsworth Wood Triangle”. These recommendations were coupled with the argument that the licensing scheme should target ‘problem neighbourhoods’ where private rent, crime and deprivation are notably high, rather than targeting entire wards.

Residents suggested that ‘bulky’ waste should be considered in the licensing requirements

- 5.12 Responses from residents and local politicians expressed their hope that the introduction of the PRS licensing scheme would reduce environmental crime by reducing the incentive to dispose of ‘bulky’ waste (such as household furniture) illegally. The representative of the Residents Association that responded said that ensuring landlords dispose of such waste appropriately should be part of the licensing agreement.

Many responses said that the Council should provide landlords more clarity and support for landlords regarding their requirements to tenants

- 5.13 Whilst all of the responses from landlords expressed their disapproval of the proposals, some also made suggestions / requests for measures to be put in place if the proposals should go ahead. One such request

was that the Council provide a policy on how it will determine a landlord to be suitable and likely to comply with the licence's requirements. The NRLA also requested that the Council provide clarification on their policy for helping a landlord when a section 21 notice is served, the property is overcrowded, or the tenant is causing antisocial behaviour.

- 5.14 Meanwhile, there was a suggestion that the Council would be able to uphold the quality of landlords more effectively by helping them to find quality tradespeople for maintenance such as plumbing and building. It was said it can be difficult to find tradespeople that are not "cowboys" and so the help would be welcomed by landlords and effective at improving the quality of their service tenants.
- 5.15 The response from the representative of the Residents Association also made suggestions that the Council should provide an enforcement policy for tenants and their neighbours and publish a template of a tenancy agreement for landlords to specify to tenants what they should expect from the Landlord, given the new licensing scheme.

Suggestions for HMOs

- 5.16 Both one of the landlords and one of the residents that responded gave a number of suggestions for HMOs, with both suggesting that many tenants in HMOs and supported accommodation are not receiving the support that their landlord should be providing.
- 5.17 The landlord that wrote about HMOs and supported accommodation suggested that the Council should require more information from landlords of these types of accommodation, categorising and defining its payments for services provided, if possible, in order to prevent landlords from taking advantage of the system.
- 5.18 The resident that wrote about HMOs and supported / exempt accommodation claimed that their area is suffering from "overconcentration" of these forms of accommodation as the result of poor practice from private landlords. The landlord that wrote about the subject also suggested a problem with these forms of accommodation, suggesting that if large landlords with portfolios of large HMOs that are mostly supported accommodation are unable to find tenants in need of support, then they should take in the tenants for the usual price of a non-supported HMO. It was said that this prevent tenants from becoming stuck in supported accommodation HMOs when they no longer need / want to be.

Landlords and associated organisations

Private Landlord Steering Group

Scepticism over the relationship between private rental properties and high crime rates

- 5.19 The Private Landlord Steering Group questioned what the evidence was that private rental properties were linked to crime and antisocial behaviour, arguing that their past investigations have suggested that high crime rates are more closely related to hospitals and supermarkets. Therefore, the organisation requested that the Council provide evidence for how crime rates around private rented accommodation compares with social housing and owned properties. This also led them to request more information on how the Council came to its conclusion that the PRS licensing scheme was the appropriate way to lower crime rates in the chosen wards.

Need for clarity on how the PRS scheme will be used to tackle issues

- 5.20 It was stated that whilst the Council had made many claims that the PRS scheme would help to tackle issues such as crime, deprivation and antisocial behaviour, there has not been enough information made available on how it will tackle these issues and how it will deliver value for money. The validity of the information that has been made available was also called into question, arguing that as certain references are as old as 2015 then the Council could have made more impact in the time between then and now.

Alternative options were said to have been given too little consideration, being put forward poorly. It was suggested that working with charities that support tenants against criminal landlords, such as those who do not protect their deposits, would have a major impact on criminal landlords and reward tenants for reporting them by putting them in a position to find better accommodation.

Questioning the Council's ability to uphold the scheme and where its priorities should lie

- 5.21 The group argued that BCC has a poor record with processing mandatory licences for HMOs. As this is likely to relate to some of the most vulnerable tenants, it was therefore suggested that the Council ought to improve its record in processing these mandatory licences and then use the experience gained from it to begin addressing further issues within the city.

Need to address rental properties' EPCs

- 5.22 Energy Performance Certificates (EPCs) for rental properties were also discussed by the Private Landlords Steering Group. It was asked what work the Council had done to address rental properties with EPCs of F and G, suggesting that these were clear evidence of criminal landlords and that they should therefore be addressed.
- 5.23 The group also requested to see the impact assessment on how licensing will impact compliant landlords' ability to meet the new Minimum Energy Efficiency Standards (MEES) requirement of all properties having an EPC of C or above by 2025, with a likely cost requirement of £5-10k per property.

Concern over future investment in the city as a result of the PRS licensing scheme and Article 4 Directive

- 5.24 The Private Landlord Steering Group expressed their concern over the future of investment in Birmingham as a result of it potentially having a new PRS licensing scheme in addition to the Article 4 Directive. It was questioned if investors would still be likely to invest in landlords in Birmingham and in the city in general, or if the costs associated with these initiatives would lead investors to avoid the city. The potential effect of this on house prices and prospective first-time buyers was also called into question.

- 5.25 The group also requested information on the impacts that the Article 4 Directive has had on the housing supply in Birmingham and for evidence of its positive impact in Selly Oak over the last decade. It was suggested that if the Directive has had a positive impact on the city then it should form part of the Council's supporting evidence for the introduction of the PRS licensing scheme. The group went on to suggest that the directive had actually had a negative impact on the city, increase housing prices and therefore likely worsening homelessness rates.

Concern over the number of wards that would be affected by the licence

- 5.26 The size of the area proposed for the scheme was said to be too large and therefore equivalent to introducing a citywide Article 4 Directive. Therefore, it was suggested that a much smaller area should be piloted for the scheme first.

Potential issues with mandatory licensing on large HMOs

- 5.27 The submission argues that the licence fee cost breakdown and conditions is at odds with the mandatory licensing scheme currently in place on HMOs. It was suggested that this could lead to landlords of HMOs paying significantly more than other landlords for all of their licensing fees, likely leading to the costs being challenged and refunds being sought.

Concern over additional licensing

- 5.28 Finally, the Private Landlords Steering Group expressed its concern over the Council's suggestion of the potential need for additional licensing, projecting two schemes being in place by 2023, and questioned the Council's motives for it.

Landlord Organisations, Landlords and Agents

National Residential Landlord Association

Scepticism over how the scheme will achieve its goals

- 5.29 The submission from the NRLA claimed that the Council “misjudges” the PRS licensing scheme as a tool for reducing crime. It was said that such licences are tools for addressing property conditions and not the likes of burglary and environmental crime. Offering grants to tenants for home security improvements and strengthening community ties with police and voluntary organisations were said to be alternatives to the scheme that might be more effective in reducing such crimes.
- 5.30 The NRLA also pointed out that securing entry points, i.e., secure doors and locks, fall under the Housing Health and Safety Rating System (HHSRS) and Section 11 of the Landlords and Tenants Act. As a result, it was suggested that the PRS licensing scheme should not be needed.
- 5.31 In addition to their doubt that the scheme would reduce crime, the NRLA’s submission questioned how it would reduce the number of empty homes in Birmingham. It went on to suggest that the Council should provide more evidence of its strategy for how a PRS licence would reduce the number of empty homes.

The proposed £80 variance fee is unlawful and should therefore be removed

- 5.32 The NRLA called attention to the fact that whilst the Housing Act 2004 allows Councils to charge for the application process of a PRS licence, it does not allow them to charge for the variation process of a licence regardless of how big the variations may be. As a result, the NRLA suggested that the £80 variation fee proposed is unlawful and should therefore be removed.

Doubt over the Council’s existing efforts to tackle issues

- 5.33 The submission from the NRLA called into question numerous previous and existing attempts to tackle issues in the city of Birmingham. Firstly, the submission quoted the Council’s statements on their historical efforts to tackle issues property conditions and management. In response, the submission argued that data from a series of freedom of information requests show that the Council have not issued any Overcrowding Notices between 2018 – 2021, and only 12 Prohibition Orders during the same period. The submission also questioned why the Council had only issued 67 civil penalties between 2018 to 2021 as well.
- 5.34 The NRLA went on to say that it is unclear what other enforcement activity the Council has taken part in within private rented sector as no outline or further statistical data has been presented to show what enforcement activity has already been carried out in the proposed wards. As an example the submission questioned the number of environmental health officers current employed by the Council to address related issues and how many would be employed after the licence was brought into place.
- 5.35 The NRLA’s submission also questioned the reason for the Council’s backlog of mandatory HMO licence applications. It was also stated that the Council’s previous claim that mandatory HMO licence applications take an average of 56 calendar days was not precise and should be answered more accurately.

Request of an annual summary of the licence’s effectiveness

- 5.36 Finally, the NRLA requested that the Council produce an annual report of the proposed scheme’s success, should it be introduced. The group posted that such a report setting out the improvements to behaviour and overall impact of the licensing scheme would be beneficial to landlords and tenants in understanding the significance of the scheme.

Strong disagreement with the PRS licensing scheme overall

- 5.37 The submission ended by stating that the NRLA has a shared interest with Birmingham City Council in ensuring a high-quality private rented sector but that it strongly disagrees that the introduction of a selective licensing is the most effective approach to achieve this aim both in the short term and long term.

Safeagent

- 5.38 Safeagent is an accreditation company that operates across the UK. In their submission, they stated that they support initiative such as selective licensing as long as they are “in a way that takes account of the PRS’ own efforts to promote high standards”.

Importance of definitive and timely advice for landlords

- 5.39 In their submission, Safeagent stressed that if the licence were to be introduced then it would be vital that landlords can access definitive advice quickly and accessibly. This was said to be particularly important regarding situations beyond the landlord’s control that prevent them from submitting an application.
- 5.40 Additionally, it was suggested that administrative errors and delays on the Council’s part should be added to the list of defences for landlords.

Regular information on the implementation of the scheme should be made easily available to allow the Council to work in partnership with landlords and other stakeholders

- 5.41 Safeagent suggested that regular information on the implementation of the scheme should be made easily and clearly available to local landlord and agent forums, representative bodies, and other stakeholders. It was said that this would allow the Council to work in partnership with landlords, agents, and other stakeholders more effectively as a result.
- 5.42 The following information was said to be the minimum that should be provided:
- ❖ The estimated number of private rented properties that require licensing under the 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.

Importance of focussing efforts on criminal landlords rather than reputable landlords

- 5.43 The submission stressed the importance of having the regulations relating to the licence focussed on addressing irresponsible and criminal landlords, rather than on administrative matters for responsible landlords. Safeagent urged the Council to work closely with accredited letting and management agents in order to help ensure that this is the case.

Suggested that a discount be offered to landlords who are members of recognised national accreditation bodies

- 5.44 Safeagent argued that the cost of the proposed licence was high compared to other local authorities in England and that therefore a “significant” discount should be offered to landlords who are members of recognised national accreditation bodies. This was justified by the argument that such landlords would clearly be less likely to be non-compliant with relevant regulations.

Landlords offering permanent accommodation to homeless people should be given a licence free of charge

- 5.45 The submission also argued that the landlords offering permanent accommodation the homeless should not be charged for their licence. The argument for this was that those landlords doing this are helping the Council to achieve its Homelessness and Rough Sleeping strategy and therefore should not be discouraged.
- 5.46 It was also suggested that this strategy could be more structured if the council were to enter into partnership arrangements whereby lettings agents would source properties for Council referrals of homeless people or those at risk of homelessness.

PRS licences should last for 5years from their administration rather than within the set 5year periods

- 5.47 Safeagent also suggested that it would be anti-competitive to charge landlords for the full price of the fee midway into the 5-year designation period, as this would effectively result in some landlords incurring significantly higher costs, such as in the case of engaging or changing a license holding managing agent. Therefore, it was recommended that each individual licence should last 5-years from the date that it is awarded, or that the licensing fee should be charged on a “pro-rata” basis.

Individual landlords

- 5.48 Six individual landlords submitted written responses. These varied between landlords that are also residents of Birmingham, landlords that own property in Birmingham but live away, keen investment landlords, and landlords looking to sell their properties (also for varied reasons). The length and depth of responses also varied between brief paragraphs expressing a particular grievance and lengthy documents discussing in-depth thoughts and opinions on the proposed PRS scheme.

Request for exemption of licence costs for landlords caught in the “cladding crisis”

- 5.49 Two landlords wrote about that financial hardship that they already find themselves in due to the “cladding crisis” whereby they are unable to afford the costs of improving cladding but unable to sell their property before the work has been done, due to the law. Both landlords therefore expressed concerns about the fee that would be introduced for the PRS licence, with one landlord claiming that it could push them into bankruptcy whilst the other said that it could lead them into “financial spiral”.
- 5.50 In response to these concerns, both submissions requested that landlords caught in this financial difficult be exempt of the licensing fee. One of these submissions also suggested that the exemption should be given to all landlords of modern apartment blocks.
- 5.51 Additionally, a third landlord discussed the cladding requirements that they had to meet before selling their property, stating that whilst they are desperate to sell their property it would take them another year to complete the cladding first. Therefore, they suggested that if they are forced to pay for a licence when they have the intention of selling their property once the required cladding work is finished, then they should be offered a refund on fee once they have made the sale.

Disapproval of the cost of the licensing fee and belief that it would be passed onto tenants

- 5.52 Three of the six individual landlords that responded said that they believed the cost of the licence fee would be handed onto tenants, with one landlord stating: “This legislation will drive up rental costs, and I will not hesitate to pass these costs onto the tenant”.
- 5.53 This argument that the cost of the fee would be passed onto tenants was largely the result of a general disapproval of the potential licence fee of £650. Landlords suggested that it was unfair to charge them that amount when they already provided well-maintained accommodation to tenants. One landlord said that they would sell their property in response to the PRS licensing being introduced.

Concern that the licence will discourage private landlords and investors

- 5.54 One landlord suggested that the PRS licensing scheme should not be implemented because it would discourage private landlords and general investors in Birmingham. They suggested that discouraging private landlords would be particularly problematic because of a lack of social housing available to tenants.

Risk of disproportionately affecting ‘small’ landlords and increasing homelessness

- 5.55 Two responses from individual landlords raised concern that ‘small’ landlords would be disproportionately affected by the proposals because they would not have the same resources available to them as landlords with more properties might. One of these submissions said that homelessness could increase as a result of this, with smaller landlords being discouraged from providing accommodation for homeless people due to the increased costs.
- 5.56 One of these submissions said that “presumably and understandably” the Council wants to challenge landlords with large portfolios of properties, or many HMOs for which they may be overcharging the Council for the services that they actually provide to their tenants. Whilst they said that they understood the case for this, they stressed the importance reputable landlords with one or only few properties must not be impacted too negatively.

The Council risks making itself look ‘prejudiced’ toward private landlords

- 5.57 A response from an individual landlord expressed concern that by introducing a new licence aimed at private landlords but not at council accommodation or social landlords, they would risk making themselves appear to be prejudiced against private landlords. They also referenced reports of criminal activity from social landlords and run-down Council property as evidence that crime and deprivation should not be attributed wholly to the private rent sector.

Duplicity of responsibilities

- 5.58 One landlord argued that many of the ‘new’ responsibilities and requirements that would be placed on them as a result of the PRS licence are actually already required of them. As an example, they said that they are already required to certify their gas and electricity regularly and their initial fire-soundness of the building. They also said that landlords are already legally responsible for stopping any antisocial behaviour by their tenants against other tenants or neighbours.

Doubt over the scheme’s ability to lower crime and deprivation

- 5.59 One submission claimed that without giving the money raised by the scheme to poorer tenants in the area, it was hard to see how deprivation would be lowered by a PRS scheme, since no clear evidence on how this would work. In addition, they said that it was ‘tenuous’ to suggest that burglary could be decreased by the scheme as private landlords already have more reason to provide the accommodation with secure locks than council properties and social landlords and council do.

Discounts should not be given to landlords who are members of accreditation companies

- 5.60 Whereas the submission from Safeagent argued that landlords who are members of accreditation companies should be given discounts on the licensing fees, there was a landlord that wrote to disagree with this. Whilst they did not approve of the licence, they also argued that such discounts should not be made available because membership of accreditation companies does not confirm that a landlord will take the advice that they are given by the organisation.

The Council should help landlords to find reputable tradespeople

- 5.61 Finally, one landlord wrote that most private landlords genuinely try to provide their tenants with high quality maintenance of their accommodation, but that they often struggle to find high quality tradespeople. Therefore, they suggested that if the Council were to aid landlords in finding “competent and honest” tradespeople for plumbing, building work, electrician work, and decorating, etc.
- 5.62 They also said that whilst comparison sites might appear to be useful for this, they can actually be problematic since by the time a customer can leave a review of a tradesperson, that tradesperson will know their name, address and job, etc. Therefore, customers who are dissatisfied are much less likely to write a review. As a result, it was said that help from the Council in finding honest tradespeople would be far more effective.

Residents and associated organisations

Hinstock Residents Associations

Support for the need to register properties and their landlords

- 5.63 The Residents Association stated that, in general, they agree with the need to register of privately rented properties and their landlords. However, they also made a number of recommendations / requests regarding the proposed PRS licensing scheme.

Publication of information about landlords

- 5.64 The Association suggested that tenants should be able to access certain information regarding their landlords. Firstly, they suggested that the Council ought to publish a template of a Tenancy Agreement for landlords to specify to tenants what they should expect from their landlord.
- 5.65 They also requested that the Council should publish the method that they will use to determine that a landlord is suitable and will comply with the requirements and be mindful of responsibility to fellow neighbours. In addition, it was said that the Council’s enforcement policy should be made available for tenants and neighbours.
- 5.66 Another suggestion was that when a landlord is not registered with the Council but still lets their property, either their name or that of the letting company should be publicly registered with the Council and be made known to neighbours.
- 5.67 Finally, it was said that landlords should have indemnity insurance so that compensation is available when they have issues in their accommodation.

The licence should require landlords to remove ‘bulky’ waste such as furniture

- 5.68 It was suggested that there is currently a problem with litter in front gardens and pavements causing hazard and compromising health & wellbeing of residents. Therefore, the Association requested that part of the agreement should insist on landlords ensuring that waste items, including unwanted and broken furniture is properly disposed of legally and effectively.

Concern over tenants' requirement to obtain a reference

- 5.69 The Hinstock Residents Association's submission raised concern over the proposal that would have tenants require a reference to give to landlords. The reason given for this concern was that as Birmingham is a multicultural city with many international residents, migrants in the city may struggle to provide references. As a result, they could be more likely to be coerced into poor / illegal living conditions by unscrupulous landlords.

Suggestion that the target of improving 1000 properties PA is too small

- 5.70 Finally, the submission from the Hinstock Residents Association suggested that the Council's target to improve 1000 properties per annum was too low, given the size and number of the wards that would come under the licensing scheme.

Antrobus Road Residents' Action Group

Support for the proposed licensing scheme and the need to tackle crime

- 5.71 The chair of the Antrobus Road Residents' Action Group (ARRAG) wrote to give their community's approval of the Council's proposals, stating that they "strongly support the proposal to introduce selective licensing in our ward".
- 5.72 Crime and antisocial behaviour were said to be emanating from private rented property with poor management from landlords, a significant problem urgently requiring "coherent and coordinated action". The submission said that street meetings with the police have revealed that the majority of "calls for service" come from exempt accommodations and HMOs.
- 5.73 The submission also expressed hope that the scheme would lead to the Council having a more accurate database of private rented properties, leading to decisions and actions being made based on up-to-date and accurate information.

Request for selective licensing to be extended to Handsworth Wood

- 5.74 Finally, the submission expressed residents' surprise that the Handsworth Wood ward had not been included in the area that would come under the selective licensing scheme. This area was said to have similar problems to its neighbouring wards, struggling with crime and deprivation. As a result, it was requested that the PRS licensing scheme be extended to the Handsworth Wood ward, or to the "triangle of deprivation" / "Handsworth Wood Triangle" area north of Oxhill Road at the very least.

Handsworth Wood Residents Association

Request for selective licensing to be extended to the “triangle of deprivation”

- 5.75 As with the ARRAG, the Handsworth Wood Residents Association requested that the proposed PRS licensing be extended to the “triangle of deprivation” / “Handsworth Wood triangle”. This area was said to be one neighbourhood made up of three wards: the southern part of Handsworth Wood Ward and the northern sections of Handsworth Ward and Holyhead Ward.
- 5.76 It was said that whilst Handsworth Wood Ward is one of the least deprived wards in Birmingham, ‘the triangle’ suffers greatly from crime, deprivation, and a poor quality PRS. In their own calculations, it was said that PRS, crime rates, and the level of deprivation in ‘the triangle’ are all higher than the city averages. As a result, ‘the triangle’ was said to be comfortably within the Council’s criteria for PRS licensing.
- 5.77 The submission explained that residents of Handsworth Wood Ward are aware that ‘the triangle’ has been targeted by police and the Council’s Community Safety unit interventions for considerable amount of time, with issues including organised gangs, murder, and extreme antisocial behaviour. Therefore, it was asked to what extent the Council had sought the views of the police.

Concern over poor quality HMOs and exempt accommodation in ‘the triangle’

- 5.78 HMOs and the private rent sector in general were said to be particularly poor in the ‘triangle’, with part of the neighbourhood being declared an Area of Restraint in 1994 and seeing little improvement since. The concentration of HMOs in ‘the triangle’ was also said to be particularly high, making the issue more of a concern again. It was acknowledged that the Area of Restraint was rescinded in December of 2021, however this was said to have been the result of the Council’s move toward a city-wide approach to the control of HMOs.
- 5.79 The submission went on to suggest that the Council’s data on the number of HMOs in ‘the triangle’ may be inaccurate, according to the Association’s own research. Concentration of exempt accommodation was also said to be particularly high in the area.
- 5.80 The high number of HMOs and exempt accommodations were said to correlate heavily with poor PRS and high crime rates and deprivation. Therefore, it was suggested that the Council ought to address these issues within ‘the triangle’.

Risk of underhanded landlords moving to ‘the triangle’

- 5.81 The submission also expressed concern that if ‘the triangle’ was not covered by the PRS licensing scheme, then the characteristics already mentioned (existing poor quality PRS, high concentration of HMOs, etc.) would make it an ideal area for underhanded landlords seeking to avoid the licensing fee.
- 5.82 The potential for underhanded landlords to move to ‘the triangle’ if it is not included in the licensing area was also said to be a risk to the Council’s aim to conserve single family households. It was said that there are a significant number of large Victorian 3–4-bedroom houses in the neighbourhood that are “locked in the HMO sector”. Therefore, it was said that the availability of these homes to families could become worse again landlords move to the area to avoid licensing fees and create more HMOs.

Concern of Equality of Impact Assessment

- 5.83 Finally, the submission expressed concern over the BAME community in Birmingham and how they are disproportionately impacted by low quality housing in the city. For this reason, it was suggested that “tackling substandard PRS housing, high deprivation and crime in areas of high BAME representation is critical if the Council is to meet its equality obligations”. In addition, prevent family households from being converted into HMOs was said to be particularly likely to benefit BAME residents.

- 5.84 The Handsworth Wood Residents Association suggested that it may be beneficial for the Council to revisit its Equalities Impact statement with this in mind.

Perry Barr Constituency Housing Action Group

Request for selective licensing to be extended to the ‘the triangle’

- 5.85 Once again, it was suggested that ‘the triangle’ should be included within the licensing area. It was said that to exclude the neighbourhood from the licensing scheme would be a “huge loss of opportunity” to tackle crime, deprivation, and poor PRS standards.
- 5.86 It was also said that excluding the neighbourhood would be detrimental to residents of the area as they would not see the benefits that licenced wards would, whilst it would also be detrimental to the Council’s goals since crime and deprivation would see no improvement there and the single household family housing market would remain weak there.

Birmingham city wide housing / Exempt Accommodation Forum Group

Support for the PRS licensing scheme

- 5.87 The submission stated the organisation’s support for the introduction of the PRS licensing scheme, stating that a PRS licence – given appropriate resources and consistent implementation – would be likely to raise the PRS standards in Birmingham. It was also said that improved visibility of landlords as a result of the scheme would make landlords less likely to attempt converting their rented accommodation into exempt properties.

Suggestion of a ‘Ward Plus’ approach

- 5.88 The submission said that it was regrettable that the Council had used the LSOA data to create a Ward-based approach, arguing that it would be more effective to use the data to target key areas more directly, on a neighbourhood-based approach. However, the organisation said that they had accepted that the Council had made its decision to focus on wards rather than neighbourhoods, and therefore suggested a ‘ward plus’ approach.
- 5.89 In this approach, the Council would continue to focus its licensing on a ward-wide level but would also target a small number of ‘problem’ areas within wards that are not as badly affected as a whole. Specifically, it was said that the ‘Handsworth triangle’ and the northern end of Moseley Ward (referred to as ‘North Moseley’) must be included under the licensing scheme. In addition, it was said that Erdington Ward, Weoley & Selly Oak Ward and Moseley Ward as a whole could be considered for the scheme.
- 5.90 Both the ‘Handsworth triangle’ and North Moseley were said to be in need of licensing because of their high levels of crime, deprivation, and private rented accommodation. In addition, ‘the triangle’ was said to be in particular need because it has been “subject to substantial predatory activity by rogue landlords leasing properties to Registered Providers of Exempt Accommodation”.
- 5.91 Leaving ‘the triangle’ and North Moseley were both said to be of high risk for rogue landlords looking to avoid licensing fees if they were to remain unlicensed.
- 5.92 Erdington was said to have a large private rent sector and to suffer with pockets of crime and deprivation in certain areas. As a result, it was suggested that the LSOA data be consulted regarding whether the entire or ward, or neighbourhoods within it, should be considered for licensing.
- 5.93 Similarly, it was said that Moseley ward suffers from high levels of deprivation and has a large private rent sector. Therefore, it was suggested that it should be considered for licensing.

- 5.94 Finally, given the high levels of private rented properties in Weoley & Selly Oak ward and its increasing deprivation, it was suggested that crime, deprivation, and issues related to poor quality PRS could be displaced from newly licenced neighbouring wards into this ward. Therefore, it was recommended that Weoley & Selly Oak be considered for licensing to prevent this.

Individual Residents

- 5.95 Five individual residents submitted written responses, varying in their detail. The majority of the responses were from residents of Handsworth Wood, requesting that their ward (or part of their ward) be included in the PRS licensing scheme. However, there was also one brief response from a resident that displayed concern over the potential for their rent to be increased as a result of the licence.

General Support for the PRS licensing scheme

- 5.96 As stated, the majority (4/5) of responses from individual residents displayed a great deal of support for the proposals, with the hope that a PRS licensing scheme would reduce crime and antisocial behaviour in the worst affected wards.

The licensing areas should be based on neighbourhoods rather than entire wards

- 5.97 Numerous residents of Handsworth Wood wrote that whilst they agreed with the need to introduce the proposed PRS licensing scheme, they disagreed with it treating wards as a whole. The reason given for this was that it “ignores the reality on the ground” whereby crime takes place across the borders of wards.
- 5.98 Since crime and deprivation can vary greatly between different areas within one ward, these individuals suggested that licensing should be introduced on a neighbourhood level to target problem areas more affectively. It was also suggested that this would minimise displacement from licenced wards into unlicenced areas with similar issues.

Licensing should be extended to Handsworth Wood

- 5.99 All of the residents that wrote submissions in support of the PRS licensing scheme suggested that it should be extended to Handsworth Wood. As with the submission from the ARRAG, this was based on concerns over crime and deprivation in neighbourhoods within the ward.
- 5.100 Whilst some of the residents suggested that Handsworth Wood in its entirety should be included in the licensing area, others suggested that only part of the ward referred to as the “Triangle of deprivation” / the “Handsworth Triangle” should be included due to problems with crime and antisocial behaviour being more prevalent there. This view was coupled with the previously mentioned suggestion that licensing should operate on a neighbourhood level rather than being across entire wards.
- 5.101 The “Handsworth Triangle” was also said to have all of the characteristics that would make it “prey” to unscrupulous landlords looking to relocate from licenced areas to unlicenced areas, since it already struggles with crime and deprivation and has a significantly high concentration of HMOs and exempt housing. Therefore, it was suggested that crime and deprivation could worsen in the area if licensing is introduced in areas surrounding it but not within the triangle itself.
- 5.102 These concerns and suggestions were coupled with the notion that the Council must “future proof” the licensing scheme so that future ‘hotspots’ of crime and deprivation are not created by landlords moving away from licenced to unlicenced areas of the city.

Local Politicians

- 5.103 Two written responses were received from local politicians. One of these was from Shabana Mahmood MP and the other was from a local Councillor for Bournbrook and Selly Park. Both responses gave their overall support for the proposed licensing scheme.

Shabana Mahmood

Strong support for the PRS licence

- 5.104 Shabana Mahmood gave their overwhelming support for the PRS licensing proposals, stating that the fee is fair, the goals are appropriate, the areas that would be use the licence are appropriate, and that similar schemes across the UK have been very successful in their goals. Specifically, they referenced the Rent Smart licensing scheme in Wales and credited it for raising the standards of its private sector across the country. Tenants, landlords and letting agents in Wales were all said to have benefited from this.
- 5.105 As well as benefiting tenants and landlords by raising the standards of Birmingham's private rent sector, the submission suggested that the city as a whole would also benefit from the goals of the licensing scheme.

Need for strong conditions on the proper disposal of 'bulky' waste

- 5.106 The submission also suggested that conditions on the proper disposal of 'bulky' waste should be made stronger as a part of the licence. It was suggested that this would help tackle the issues of litter and environmental crime in the wards under the licence and benefit the city of Birmingham as a whole.

Local Councillor for Bournbrook and Selly Park

Support for bringing smaller HMOs under the licensing scheme

- 5.107 The scheme was said to be of potential benefit to landlords as well as tenants. Landlords of smaller HMOs, such as those using property as a pension scheme, were said to be outside the information systems and networks which can offer support, making them less likely to be aware of details of local initiatives around waste as well as opportunities to raise standards. Therefore, it was said that the scheme would help keep such landlords within the information systems and networks relevant to their responsibilities and thus improve the quality of their service. It was also said that it would make the Council more aware of families living in HMOs, which would bring additional benefits to the landlords involved.

Regret that exempt accommodation will not come under the licence

- 5.108 The submission also voiced regret that exempt accommodation would not be affected by the licence, suggesting that it would be beneficial to the sector if it could be.

Other organisations

Localise West Midlands

- 5.109 Localise West Midlands is a think tank, consultancy, and campaign organisation with a focus on local economics in the West Midlands. Localise West Midlands generally gave a clear support for the proposed licence's potential to lower crime and deprivation.

Support for the licence's ability to lower crime, deprivation, and CO₂ emissions

- 5.110 Localise West Midlands stressed the importance that adequate housing has in lowering crime and deprivation rates. As a result, it was suggested that the licensing scheme may be effective at reducing these problems within the city.
- 5.111 Additionally, it was suggested that CO₂ emissions would likely be reduced as a result of the improved housing conditions that would come about as a result of the licence.

Potential for improvement to energy efficiency and flood resilience

- 5.112 As well as reducing crime and deprivation, it was suggested that the energy efficiency and flood resilience of private rented accommodation could also be improved.
- 5.113 Energy efficiency was said to be likely to improve because selective licensing would allow for targeted support for improving energy efficiency in properties that are currently performing poorly.
- 5.114 Flood resilience was said to be poor in private rented properties in Birmingham and especially in low quality rented properties, due to the fact that not only are the tenants less able to adopt good practice in flood risk mitigation, but these properties are also less likely to be insured. As a result, the submission argued that introducing the licensing scheme would not only result in basic standards be promoted and enforced, but the new visibility of the licensed properties will allow targeted partnership working, including potential for grant support to improve practical aspects of both prevention and response to flood events.

Regret that exempt accommodation will not come under the licence

- 5.115 Once again, regret was displayed over the fact that the exempt sector could not be included under the PRS scheme, as the sector was said to be "in desperate need of regulation".

List of Tables

Table 1: Consultation questionnaire completions by type of respondent 7

Table 2: Questionnaire respondent demographics, for those types of stakeholder who were asked to provide this information (i.e. all except those who claimed to be responding as landlords or agents, or on behalf of an organisation) 8

Table 3: To what extent do you believe each of the following to be a problem in some areas of Birmingham?
Summary Table (based on proportions answering 'a fairly big' or 'a very big' problem) 11

List of Figures

Figure 1: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Crime e.g. burglary	12
Figure 2: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Deprivation	12
Figure 3: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Poor property conditions	12
Figure 4: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Antisocial behaviour e.g. noise, rubbish, vandalism	12
Figure 5: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Vacant/empty properties	13
Figure 6: To what extent do you believe each of the following to be a problem in some areas of Birmingham? Homelessness and rough sleeping	13
Figure 7: Do you agree or disagree with the principle that the Council should introduce some form of selective licensing scheme?	14
Figure 8: Do you agree or disagree with the principle that the Council should introduce some form of selective licensing scheme?	15
Figure 9: Do you agree or disagree with the Council's proposal to introduce a new selective licensing scheme covering this area/these 25 wards?	15
Figure 10: What are your views on the proposed fee of £670 (for a licence lasting for the duration of the scheme i.e. up to 5 years)?	17
Figure 11: Do you agree or disagree with the proposed licence conditions?	17

Appendix 4

Birmingham City Council's Response to Selective Licensing Consultation

Introduction

The consultation exercise on the Council's proposal to introduce a selective licensing scheme across some of the City's wards ran for a period of ten weeks from Monday 25 October 2021 to Tuesday 4 January 2022.

The Council was supported with the consultation by Opinion Research Services, an independent social research practice that works with the public, voluntary and private sectors in areas of research that cover a wide range of social issues such as community safety, housing, health and many other local priorities.

A large number of responses were received via the online questionnaire, consultation events with landlords, private tenants, and residents, and direct written responses.

This document seeks to address the main issues during the consultation. Some responses have led to a change in the proposed scheme.

The responses have been grouped under six themes to simplify the process.

Theme 1 - Proposed objectives, outcomes, and alternatives

Theme 2 - Related strategies

Theme 3 - Proposed area for designation

Theme 4 - Proposed property licensing conditions

Theme 5 - Proposed fees

Theme 6 - Other comments

Under each theme heading, responses are categorised under sub-theme headings, with example or summary responses included.

The number and proportion of questionnaire responses from each stakeholder type is shown in the table below. Written responses are not included in the table but were considered separately as part of the wider consultation.

Stakeholder type	Count	% Valid responses
Letting or managing agent with properties in Birmingham	33	4%
Private landlord in Birmingham	292	35%
Own or manage a business in Birmingham	28	3%
Represent an organisation based in/covering Birmingham	37	4%
Live in Birmingham	415	50%
Other respondents	35	4%
Total responses	839	100%

The open consultation questionnaire could be completed by anybody with an interest in the proposals e.g. landlords and agents, local residents or those responding on behalf of organisations. Respondents were asked to state what connection(s) they had to the City. Many respondents would have had more than one connection to the City; however, for analysis purposes respondents have been classified into single categories e.g. any

respondent identifying as a landlord or a letting or managing agent has been classified as such in the profiling tables below, even if they happened to also live in the city – and so on.

It can be seen that half of the responses received were from tenants/local residents, while around two-fifths were from private landlords and letting and managing agents, and the remainder were a mixture of businesses, organisations and others (i.e. respondents with another connection to Birmingham such as working in the city, and other interested parties with no real connection to the area, plus one case that did not specify their connection to Birmingham).

Theme 1 – Proposed objectives, outcomes, and alternatives

The Council has set out a number of objectives and desired outcomes within its proposal.

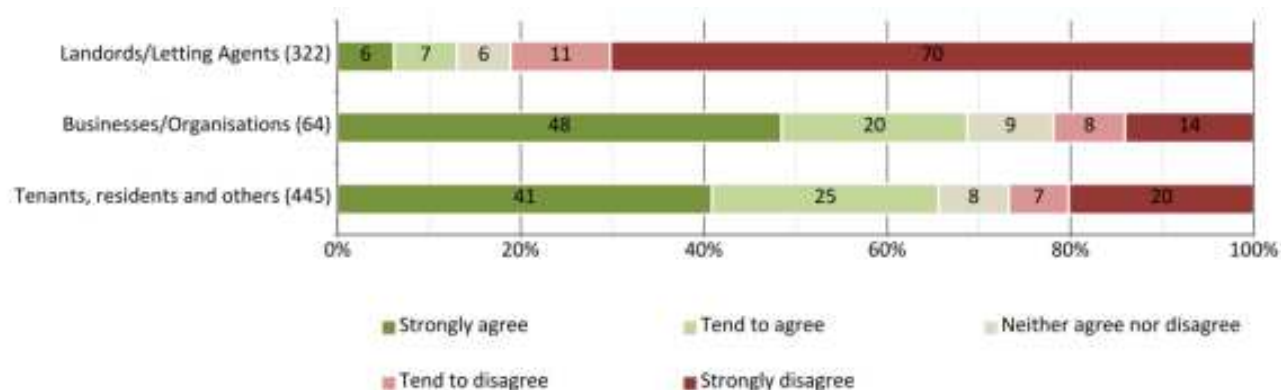
The key objectives of the proposed scheme are to:

- Reduce deprivation in conjunction with other key Council strategies. These include the Homelessness Prevention Strategy 2017+ and Corporate Plan.
- Reduce crime linked with the private rented sector in conjunction with the Police and community safety team.
- Improve the condition of privately rented housing in the City and thereby the wellbeing of residents from that sector.

The targeted outcomes for the proposed scheme over the five year period are:

- Ensure that at least 75% of licensable properties are licensed.
- In at least 95% of licensed properties, compliance with licence conditions and improved property conditions has been achieved or enforcement action taken or in progress.
- Reduce incidents of home burglary and non-domestic violent crime.
- Improve 1000 properties in the Private Rented Sector per annum as a result of the Local Authority's intervention
- Reduce the deprivation gap between that found in the 25 proposed wards and that of the city's other wards
- Reduce the number of wards within the selective licensing area that are designated as the 10% most deprived Super Output Areas nationally

Only a minority of landlords/agents agree that a selective licensing scheme would address crime and deprivation, but within other stakeholders the majority of respondents agreed. A summary of respondent views to the question to what extent they agree or disagree that a selective licensing scheme would contribute towards the Council's objectives of reducing crime and deprivation shown in the table below.



Consultation Response	Council Response
<p>Sub theme - Some respondents questioned the appropriateness of selective licensing as a tool to meet the proposed objectives</p> <p>Example comments:</p> <p>The council misjudges selective licensing as a tool to reduce home burglary, as selective licensing is designed to address property conditions, not burglary. Should the council wish to address this issue, there are alternatives such as offering grants to tenants for home security improvements and strengthening community ties with police and voluntary organisations.</p>	<p>The consultation responses reflect the current model in dealing with issues as a reactive response to complaints. This approach relies on tenants and landlords coming forward to seek assistance.</p> <p>Tenants may be reticent to make complaints regarding security concerns for fear of losing their homes or indeed may not know their housing rights.</p> <p>Selective licensing seeks to be proactive in tackling these issues.</p> <p>Landlords are responsible for ensuring their house has suitable and sufficient provision for the storage of and collection of waste arising from the household occupying the property, including having the correct type and number of waste bins.</p> <p>Individuals who flout regulations in relation to waste will continue to be dealt with under current legislation and these breaches will be covered by the Council's Environmental Waste Enforcement Unit. The Council will seek to provide support and guidance through its officers and on its website to assist licence holders in their responsibilities.</p>
<p>Securing entry points, i.e., secure doors and locks, falls under HHSRS and Section 11 of the landlord and tenant act. Selective licensing is not needed to tackle these issues.</p>	<p>However, selective licensing provides another tool for addressing these issues. This, together with other complementary measures and initiatives as part of a wider strategy, would allow the Council and partners to address the complex range of issues that are evident in the area and improve housing management and conditions in the private rented sector through licence conditions.</p>
<p><i>"Reduce incidents of environmental crime by ensuring the provision of appropriate waste and recycling facilities at the property".</i> Selective licensing is not needed to achieve</p>	<p>By visiting all licensed properties, officers would not only check that they were safe to live in and</p>

<p>this aim and is outside the purview of a scheme.</p>	<p>managed properly but would also identify individuals who may need help and advice with issues such as access to training and employment, household budgeting and debt management, health and support around the home.</p>
<p><i>“Reduce benefit fraud. The Department of Works and Pension estimate that £6.3 billion were overpaid in benefits in 2020/21 due to fraudulent benefit claims. Selective licensing will enable the council to gather and share information with the Council's Corporate Fraud Team and benefits agencies to reduce fraud”.</i></p> <p>One respondent representing a landlord group advocated 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. With this approach, the council would not need to seek permission from the government and would be able to implement it with no difficulty.</p>	<p>Officers would be able to make referrals to relevant agencies and act as a link between occupants and other council departments. These include the Council's Community Safety Team, Housing Options Service, and also external agencies such as the police and the third sector.</p> <p>Birmingham has one of the highest rates of fuel poverty in the country. A household is said to be in fuel poverty if their fuel costs are above average (the national median level), and, were they to spend that amount they would be left with a residual income below the official poverty line.</p> <p>Figures from the Department for Business, Energy and Industrial Strategy (BEIS) show nearly one in five households in the City, over 70,000 in all, would be pushed into poverty by the cost of heating and lighting their homes properly. This is considerably higher than the national average of one in 10.</p> <p>Landlords can help with providing homes that are energy efficient and meet the minimum energy efficiency standard (MEES).</p> <p>Identifying fraud is a complex exercise that requires the use of multiple tools and partnership data. It is therefore thought that any additional processes that will support this objective are beneficial to the overall goal.</p>
<p>Selective Licensing alone will not reduce crime; additional measures such as community development and Policing are also required.</p>	<p>Selective licensing works in unison with other strategies and with partners such as West Midlands Police to address issues at a neighbourhood level in a holistic manner. Selective licensing will enhance the community safety partnership response.</p>
<p>Some respondents questioned how selective licensing will help address fuel poverty, specifically what role private landlords have in this.</p>	<p>Whilst online training would aid in improving management standards, training would only be mandatory if it was part of a licensing scheme. Selective licensing requires landlords to evidence compliance with the proposed licence conditions and the Council will ensure that licence holders are compliant through property inspections.</p>
<p>A better route would be to have better educated landlords by online</p>	

questionnaire that would be mandatory.	The Council recognises the importance of raising awareness and knowledge, and intends to deliver online resources and training to landlords to raise awareness of property management standards.
How will you monitor these properties? Will you be inspecting them? Or will you just charge a licence and wait for a problem to crop up i.e. reactive	The Council will also make information available to landlords and tenants on matters that benefit them such as energy initiatives, updated guidance, and details of local initiatives.
<p>Sub theme – The Council does not have the ability or resources to administer the proposed scheme</p> <p>Example comment:</p> <p>If the council have a substantial backlog of mandatory licence applications, then we question the council's ability to take on and run a discretionary licensing scheme efficiently and effectively. If the council is running behind on mandatory stock, then further licensing would not be beneficial for either landlords or tenants. Instead, the council should focus its efforts on using existing enforcement powers on the private rented sector to target substandard properties and root out criminal landlords, not pouring already stretched resources into a discretionary licensing scheme.</p>	<p>The selective licensing team will be a separate entity to the mandatory HMO licensing team. Extensive work has been done to quantify the resource required to deliver this scheme and the proposed licence fee set at a level to ensure this resource can be funded.</p> <p>Following a review of the consultation comments, the proposed fee will be increased to reflect the need for extra staffing to be provided within the enforcement team to deal with landlords/properties that are operating without the appropriate licence.</p> <p>The mandatory HMO licensing scheme has recently undergone a significant review and any existing backlog has been significantly reduced and is forecast to be eliminated by the 31 March 2022. From the 1 April 2022 a new operating model will be introduced.</p> <p>The Council's Private Rented Sector team carries out a range of reactive housing inspections and will continue to do so regardless of selective licensing or not.</p> <p>Whilst addressing conditions and tackling poor landlords and agents in the private rented sector, this work does not address the wider issues in the area or address property management by the sector.</p> <p>Selective licensing, together with other complementary measures and initiatives as part of a wider strategy, would allow the Council and partners, working with landlords and agents, to address the complex range of issues that are evident in the area and improve housing conditions in the private rented sector that the current approaches have not managed to address.</p>

<p>Sub theme – Respondents questioned the link between crime and high levels of private rented accommodation</p> <p>Example comments:</p> <p>Crime is linked to other areas more than private rented homes (for example, some agreed that more affluent areas had more burglaries often by people from outside the area, and some said they associate crime with council properties so it would be more effective for the City Council to target their own properties.)</p>	<p>The 2015 report “Safe as Houses? Crime and changing tenure patterns” by the independent think tank, The Police Foundation, found that there was a correlation between levels of burglary and the proportion of private rented housing in an area.</p> <p>There are two possible reasons for this. One, that the quality of security measures in place in some properties is poor which makes unlawful entry easier, and two, that areas with poor housing environments will experience a higher rate of resident churn or movement. This churn can make it harder for areas to come together as a community and challenge unlawful activity.</p> <p>The report also found that opportunities for local partners to undertake positive action to address crime problems linked to the private rented sector are greater in places where a firmer regulatory grip has been achieved through private rented sector licensing schemes licensing and related measures.</p>
<p>Some respondents saw little connection between private rented housing in itself, and crime. They felt that there were more effective ways to tackle crime. From one perspective, respondents suggested community development and support such as community groups, youth centres, education, and increasing green space. From another perspective, participants suggested increased policing.</p>	
<p>Sub theme - Respondents asked if non-mandatory HMO's, Airbn'd's, Exempt Accommodation, and the Council's own social housing could be included within the proposed scheme?</p> <p>Example comments:</p> <p>It's probably something entirely separate - but is it possible that air Bnb's also be targeted in policy of some sort? These cause a lot of noise and cause social problems in many city apartment blocks</p>	<p>Section 79(3) of the Housing Act 2004 exempts socially let properties (both Local Authority and Housing Association tenancies) from selective licensing. There are other exemptions, which are detailed in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (http://www.legislation.gov.uk/ukSI/2006/370/made). These exemptions include Airbnb and Exempt Accommodation.</p> <p>Selective licensing will cover smaller HMOs within the 25 wards. The Council are committed to considering additional licensing and other interventions for other neighbourhoods if this is supported by evidence.</p> <p>The Council is aware of a number of issues in the supported exempt accommodation sector, which</p>

<p>Additional licensing should also be considered for HMOs</p>	<p>have arisen largely due to insufficient legislation and regulation in place nationally. The Council are piloting a multi-agency approach to tackling issues related to exempt accommodation.</p>
<p>Almost all problems stem from one section of the market. That is social HMOs or exempt HMOs. To have a dramatic effect on crime and rubbish and sub standard accommodation. The social housing providers should come under more scrutiny</p>	<p>The pilot has included the roll out of a new Birmingham Quality Standard and new multi-disciplinary teams who are undertaking a regime of inspections of property and support standards and investigating anti-social behaviour and organised crime.</p> <p>In December 2021, a report from the Birmingham City Council Overview & Scrutiny Committee has produced some further key recommendations which include the following</p>
<p>To have a dramatic effect on crime and rubbish and sub standard accommodation. The social housing providers should come under more scrutiny. If you keep making it harder to make single let's a viable business you will be left with HMOs and serviced accommodation only. Then no doubt blame landlords for moving into SA (supported accommodation)</p>	<ol style="list-style-type: none"> 1. Building on the success of the pilot, continuing inspection teams and ensuring resolution of concerns from local citizens 2. Ensuring council-wide practice is consistent with the aims of the Quality Standards for providers, Charter of Rights for tenants and the Supported Housing Strategy 3. Supporting the Housing Benefit process through additional multi-disciplinary reviews 4. Strengthening planning controls through a review of existing practices and enforcement policies 5. Working with regional partners and other local authorities to reduce 'lifting and shifting' of vulnerable people from elsewhere in the country 6. Continue to lobby the government to address the national issues and lack of regulation set out in the Scrutiny Committee report

Theme 2 – Related Strategies

The guidance requires that any selective licensing scheme must be consistent with other related strategies. The following information evidences that a selective licensing scheme would be consistent with the Council's related strategies.

The Council believes that the introduction of selective licensing supports the:

- Council Plan 2018 – 2022
- Homelessness Prevention Strategy 2017+
- Empty Properties Strategy

Consultation Response	Council Response
<p>Sub theme - Some respondents questioned how selective licensing would support the delivery of other Council strategies</p> <p>Example comment:</p> <p>Empty Property Strategy. The Council has stated they want selective licensing to reduce the number of empty homes within the proposed wards; however, the council has outlined no strategy beyond this. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Dwelling Management Orders, loans/grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken that reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing.</p>	<p>The selective licensing scheme seeks to work in conjunction with other strategies. For example, by raising standards within the private rented sector it is less likely that these premises will fall into disrepair and become vacant i.e. an empty property, that would have a negative impact on the neighbourhood and be unavailable for housing purposes.</p> <p>The Council's Help to Rent Scheme supports homeless households into the private rented sector and provides landlords with suitable tenants rather than leave the property unoccupied.</p>
<p>Sub theme – Some respondents made recommendations to include selective licensing as a piece of work to address wider housing and community issues</p> <p>Example comment:</p> <p>I believe the selective licencing should be used alongside community building measures, giving local communities more say in what happens in their area, and more</p>	<p>The purpose of selective licensing is to enhance and exploit opportunities for delivering overall neighbourhood improvements.</p> <p>It is not intended to be a standalone scheme, and for that reason we have sought to demonstrate how it fits into the Council's Plan and other strategies.</p>

<p>community-friendly policing. I also feel that measures around street cleaning, and keeping the environment in good repair, coupled with the mobile recycling scheme will play a part in making people take more pride in their areas. All of these measures should be accompanied by education - for example making people aware of the support services are around them, what recycling is taken where and when, etc.</p>	<p>The proposed designation has been identified as having high deprivation and crime, it therefore falls that any intervention within standards of housing are likely to impact positively with respect to environmental conditions of the neighbourhood, the safety and wellbeing of tenants, and by providing a safe and stable environment, increase the life chances of children.</p>
<p>Birmingham's route to zero policy is significant. Is there an opportunity to link it in with this? Landlords rarely invest in insulation, draught proofing, energy reduction measures, solar hot water etc. Because they don't gain from it. Could minimum standards be required to install certain features. To improve living conditions and reduce tenant overheads</p>	<p>Selective licensing meets with the aims and objective of the Council's Levelling Up Strategy which has as its vision and objective:</p> <p><i>Our vision for levelling up is to increase growth and harness it to create a fairer, stronger city, where all citizens share in the benefits, including through a just transition to net zero, where our citizens live longer, healthier and happier lives with opportunities to shape their own lives and communities, and we overcome long-standing inequalities such as child poverty. This means developing places where all residents regardless of their background, and especially those most in need, have the capabilities and access to shape and benefit from a good education, skills progression, fulfilling well-paid jobs, affordable and high-quality housing, effective public services, better health outcomes, high-quality and connected physical and digital infrastructure and a living environment, rich in culture, amenities and green open spaces.</i></p>
<p>Great to focus on crime & housing but needs recognition that each only account for 9.3% within the seven domains of IMD. Income & employment both account for more than double that percentage with education & health at 13.5%. Questions remain whether action to address deprivation need to be multi-faceted or whether bcc's strategic focus should be on those two domains where actions could have a much bigger impact</p>	

Theme 3 - Proposed area for designation

Government regulations and guidance for the introduction of selective licensing requires local authorities to meet strict criteria before a selective licensing scheme can be implemented in an area/s. Based on the research the Council has undertaken, opinion was sought on a proposal to introduce selective licensing on the following statutory grounds:

A significant proportion of the stock is privately rented and that this stock is in:

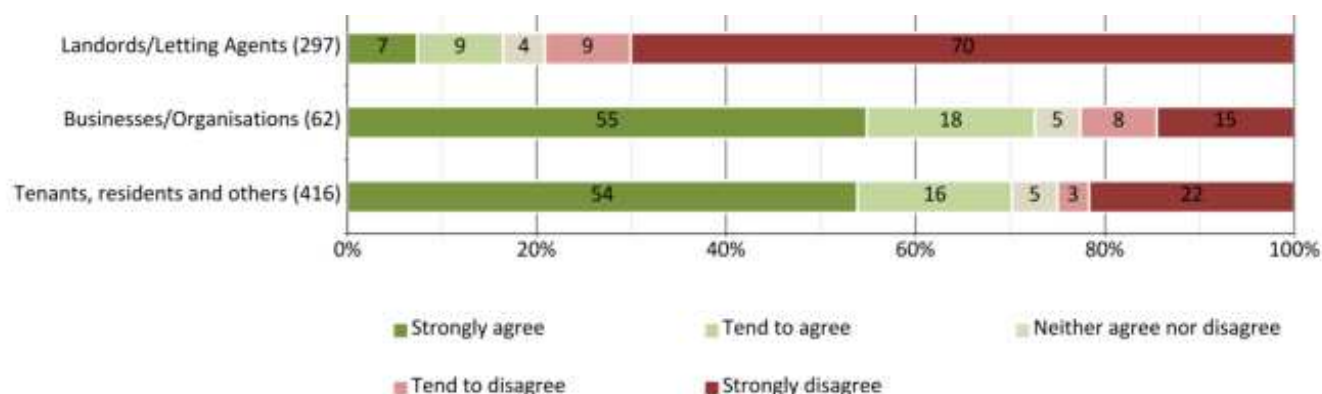
- an area that experiences high levels of deprivation
- an area that experiences high levels of crime

The data shows the proposed designation meets the criteria for selective licensing in that:

- It contains a high proportion of privately rented homes compared to the national average (greater than 20%).
- The area is experiencing levels of crime higher than the Birmingham average.
- The area within the designation is experiencing higher levels of deprivation amongst its population than the Birmingham average.

- | | | |
|--------------------------|----------------------------|------------------------------|
| • Acocks Green | • Gravelly Hill | • South Yardley |
| • Alum Rock | • Handsworth | • Sparkbrook & Balsall Heath |
| • Aston | • Heartlands | • Sparkhill |
| • Balsall Heath West | • Holyhead | • Stockland Green |
| • Birchfield | • Ladywood | • Tyseley & Hay Mills |
| • Bordesley Green | • Lozells | • Ward End |
| • Bordsley & Highgate | • North Edgbaston | • Yardley West & Stechford |
| • Bournbook & Selly Park | • Small Heath | |
| • Edgbaston | • Soho & Jewellery Quarter | |

The extent to which respondents agreed or disagree with the Council's proposal to introduce a selective licensing scheme covering these areas is shown in the table below.



Fewer than a fifth of landlords/agents (16%) agreed with the specific proposal for a scheme covering the identified 25 wards, whereas nearly four-in-five disagreed (81%).

On the other hand, almost three-quarters of businesses and organisations agreed with the proposal (73%), as did seven-in-ten tenants, residents and other stakeholders (70%). Around a quarter of respondents from these two groups (23% of businesses/organisations and 25% of tenants, residents and other stakeholders) disagreed with the proposed selective licensing scheme.

Consultation Response	Council Response
<p>Sub theme - Many respondents were unhappy that only certain wards in Birmingham had been selected for licensing, saying that it felt 'discriminatory', with some feeling that a City wide scheme would be more appropriate. Many felt that other wards, or specific areas within other wards, should be included in the proposed scheme</p> <p>Example comments:</p> <p>While fully supporting selective licensing for the city. There is evidence from other areas of the country, that a ward based approach is not the most effective targeting method. This is especially true when looking at issues around displacement effects.</p> <p>A ward plus lower super output area gives a much clearer measure. Erdington, Weoley & Selly Oak and Handsworth wood all have areas which would benefit from control and in some respects deserve inclusion as whole wards in the proposed licensing scheme</p> <hr/> <p>There is need to consider a wider number of wards and smaller areas in the city. The original cabinet paper recommended a number of wards that were subsequently removed. They should be reinstated. There are also smaller than ward locations/concentrations that would benefit from licensing. The scheme has flaws but it is a start. The issues around landlords moving their activities to unlicensed areas being the most immediate concern.</p>	<p>Selective licensing is a legislative tool that should only be used by local authorities to address specific problems in a particular area, subject to qualifying criteria being met. More affluent areas may not have the significant, concentrated problems which meet the criteria for selective licensing.</p> <p>A City-wide scheme would not be able to deal with specific local problems. Whilst a small number of local authorities in the UK have been given permission to introduce city-wide schemes, the Government generally does not support the use of licensing across an entire local authority area.</p> <p>The Council notes the comments in favour of including additional wards or lower super output areas to be included in the proposed scheme. It is not possible to add additional wards into the proposed scheme as the additional wards have not met the original thresholds set for % PRS per ward, deprivation and crime. It is not possible to include additional lower super output areas as the city's original proposals were based on wards only.</p> <p>However, we are committed to providing local initiatives for local issues and as such will work with partners and communities to establish effective interventions where problems relating to private rented sector properties are evident. This may include establishing whether further selective</p>

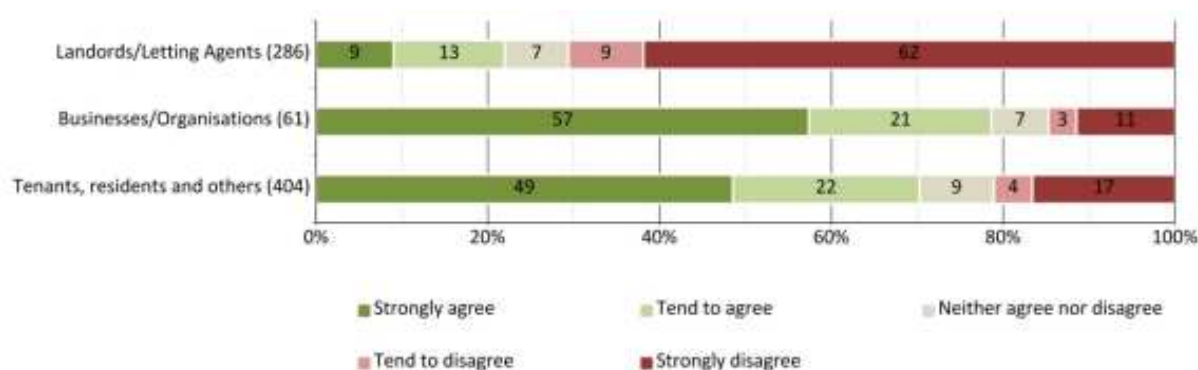
	<p>licensing or additional licensing (HMOs only) schemes should be pursued.</p> <p>The Council acknowledges that there is the potential for any landlord or tenant to move from one area to another. This already occurs and will continue to occur regardless of whether selective licensing is introduced or not.</p> <p>Holding a licence and being fully compliant with licence conditions will enable landlords to demonstrate to tenants good standards of management. This should be seen as a positive and will be increasingly so when the majority of properties are licensed.</p> <p>There is always the potential that private rented accommodation outside the scheme could increase, however market forces are a far greater driver in establishing which areas have a high percentage of private rented sector accommodation e.g. student housing and rental returns.</p> <p>The impacts of the scheme will be monitored by the Council, to determine if there are any issues as a result, and subsequently managed.</p> <p>However, any risks should be balanced against the evidence of the need for action to be taken to improve the issues related to private sector housing in the wards identified.</p>
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Theme 4 – Proposed Licence Conditions

The proposed licence conditions include the mandatory conditions set out in Schedule 4 of the Housing Act 2004 as well additional licence conditions designed to assist in meeting the objectives and desired outcomes of the scheme. The proposed conditions can be found in Appendix ? on pages 38 to 43.

Views on the proposed licence were mixed. Many respondents felt that these standards should be met anyway, regardless of the proposed licensing scheme. Some agreed with inspections to control crime, illegal immigration, and other social issues. However, some disagreed, as they argued that inspections would be an invasion of privacy for regular tenants.

The table below shows the percentage of respondents who either agreed, neither agreed or disagreed with the proposed licence conditions.



Just over a fifth of landlords and agents agreed with the proposed licence conditions (22%), with the majority disagreeing (71%). Conversely, most businesses/organisations (79%) and most tenants, residents and other stakeholders (70%) agreed with the proposed conditions.

One participant suggested that landlords complete a short online learning programme to better understand their legal and moral obligations.

Participants also felt that the conditions put too much pressure and responsibility on landlords. They felt that certain conditions should be the responsibility of the Council or tenants. Some argued that Birmingham City Council was trying to evade responsibility by putting that responsibility on landlords. Some also felt that the Council should ensure that all their properties were up to standard and any antisocial behaviour, or crime, by City Council tenants dealt with effectively.

Some participants agreed that the conditions are positive and will improve living conditions for people in the area.

Consultation Response	Council Response
<p>Sub theme – Some respondents questioned the inclusion of licence conditions that they felt were outside the scope of a licence holder’s responsibility</p> <p>Example comments:</p> <p><i>Antisocial behaviour.</i> Landlords are usually not experienced in managing antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependency. Suppose there are any allegations about a tenant causing problems, and a landlord ends the tenancy. In that case, the landlord will have fulfilled their obligations under the selective licensing scheme, even if the tenant has any of the above issues. This moves the problems around Birmingham Council but does not help the tenant, who could become lost in the system, or worst, move towards the criminal landlords. They will also blight another resident's life.</p>	<p>Landlords are required to manage their properties and tenancies effectively as part of the proposed licence conditions. This includes them taking all reasonable and practicable steps to prevent or reduce antisocial behaviour, by for example having robust tenancy agreements in which breaches are dealt with properly.</p> <p>A landlord's responsibility for the occupiers of their properties does not replace the responsibility of the Council and partners to deal with antisocial behaviour, either in the area, or at individual properties.</p> <p>There may also be causative factors e.g. structural at the address that is exacerbating the situation, or drug and alcohol dependency which is encouraging the behaviour and this needs to be identified with the help of the landlord. It is in the interest of the landlord to identify and try to resolve the issues so as to ensure a continued tenancy and income.</p>
<p>Regarding reducing antisocial behaviour and those landlords must tackle such activity within their properties, it should be highlighted that landlords and agents can only enforce a contract; they cannot manage behaviour.</p>	<p>Guidance on how to comply with the proposed condition relating to antisocial behaviour will be available for licence holders and managers. At the same time, officers from the Selective Licensing team, with the support of partner agencies, will be able to assist licence holders who find themselves having to deal with ASB caused by their tenants or that is affecting their tenants.</p> <p>The Council has a number of teams who are tasked with resolving incidents of anti-social behaviour in City The first step is trying to resolve the problem and provide support for parties who may be suffering from illness, mental health or other problems. The first aim must be for the tenancy to be sustained. Landlords are asked to respond to complaints of antisocial behaviour quickly and try and understand the root cause of the problem. The Council would look to provide support with advice, templates, recording actions and signposting. The Council can advise on enforcement powers that are available. The Council can advise on the steps to take to properly record problems and start eviction</p>

	<p>processes. The Council will develop clear pathways which support landlords and tenants.</p> <p>Many tenants will not want to lose their homes and proposed eviction action is impactful. The landlord should give the tenant a final warning before progressing legal action to recover the property. This would put the tenant on notice and give them an opportunity to abate the nuisance.</p> <p>The Council will consider, as it does now, using its statutory powers to deal with issues such as serious antisocial behaviour where reliance on a landlord taking County Court proceedings would result in excessive delay and will not remedy such issues in a timely manner.</p>
<p>Sub theme – Respondents asked what assistance will be offered to landlords who have concerns regarding their tenant</p> <p>Example comments:</p> <p>Respondents sought clarification on the council's policy concerning helping a landlord when a section 21 notice is served, the property is overcrowded, or the tenant is causing antisocial behaviour, as per the council's consultation. What steps will the council take to support the landlord? It would be useful if the council were to put a guidance document before introducing the scheme to outline its position regarding helping landlords remove tenants who are manifesting antisocial behaviour.</p>	<p>The Council intends to provide a Call Before You Serve service, the aim of which is to support landlords who are minded to seek possession of their property.</p> <p>Under the Homelessness Reduction Act 2017, the Council's housing advice service has duties to assist households who are threatened with homelessness, this could include direct liaison with both landlord and tenant, a referral to the mediation service, or appropriate support provider e.g. children or adult social services.</p> <p>If the scheme implemented the Council would welcome entering into discussions with the landlord associations or other organisations with a view to developing a dispute resolution service.</p>
<p>The change in section 21 legislation and how tenancies will end will mean landlords will become more risk-averse to taking tenants with a perfect reference and history. We would be willing to work with the council and develop a dispute resolution service with other local authorities.</p>	

<p>Overcrowding. The issue of overcrowding is complicated for a landlord to manage if it is the tenant that has overfilled the property. 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 live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor tenants' everyday activities or sleeping arrangements.</p>	
<p>Where overcrowding occurs, the people involved know what they are doing and that they are criminals, not landlords. The council already has the power to deal with this.</p>	
<p>Sub theme – The cost of the proposed scheme may result in some landlord moving their property portfolio to another part of the City or country</p> <p>Example comment:</p> <p>The additional costs of ensuring a property meets the licence conditions will force landlords to sell up and buy elsewhere.</p>	<p>The proposed licence conditions consolidate what a landlord should already be doing regardless of whether there is selective licensing or not. Good, compliant landlords should not need to spend significant sums of money in order to meet the proposed licence conditions.</p> <p>The cost to ensure that a property meets the legal minimum standard is one which a landlord has to bear regardless of any licensing scheme.</p>
<p>Sub Theme - Respondents questioned the appropriateness of seeking reference, citing difficulties in obtaining these and concerns over data protection</p> <p>Example comments:</p> <p>Some landlords and managing agents already ask for references, and some have expressed concerns that it has or would be difficult to sometimes get a reference from new tenants.</p>	<p>Obtaining a reference for prospective tenants allows landlords and letting agents to make sure the tenant they are considering letting their property to has the right credentials e.g. the ability to pay rent and that they will look after their property. The process should help ensure they have good tenants which will not only benefit them but also the neighbourhood.</p> <p>A 2019 House of Commons Briefing Paper - Selective licensing of private rented housing in England and Wales (https://researchbriefings.files.parliament.uk)</p>

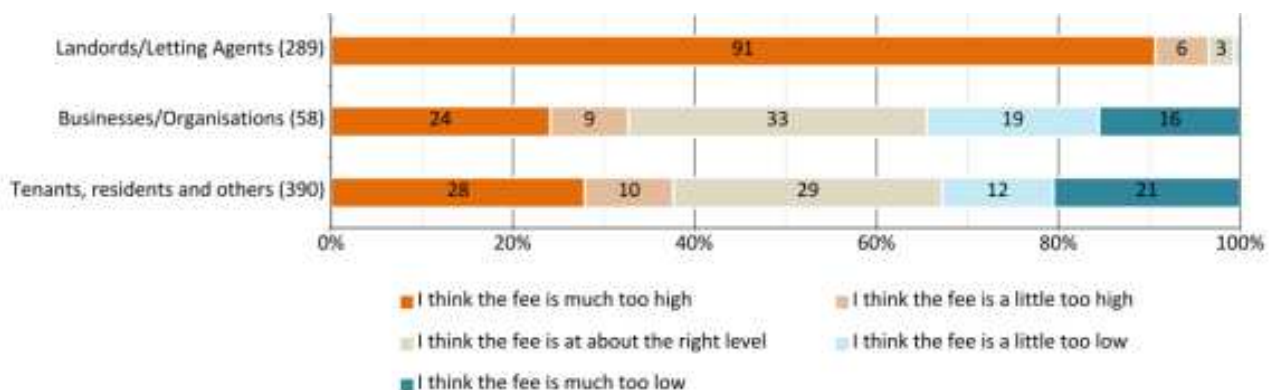
<p>Some prospective tenants that have recently arrived from abroad or it is their first home may not be able provide a reference</p>	<p>/documents/SN04634/SN04634.pdf) - identifies that tenant referencing has had a positive impact in three selective licensing schemes operated by local authorities.</p>
<p>My concern is that I do not feel that condition 15, whereby license holders would need to obtain references from potential tenants, is at all necessary or proportionate. This provides an extra hurdle for renters to have to manage and will not help to increasing available housing. The provision of tenancy history and the like is surely an invasion of privacy of the renter and, more to the point, will undermine one of the primary purposes of this scheme by making it impossible for those coming out of homelessness (or trying to escape an abusive situation, or recovering from substance abuse issues, etc.) To 'get on the ladder' and obtain housing. Employment and income checks are already undertaken by estate agents, a full history of tenancy and checks is excessive. If anything, more support needs to be given to those who do not have a history of tenancy and references to provide.</p>	<p>It is not unusual for landlords to ask for references and so prospective tenants need to be prepared for this.</p> <p>Options do exist as not all references need to have come from the landlord from a past tenancy, some tenants will be letting for the first time.</p> <p>If the proposed scheme is introduced, the Council will provide support, guidance and template references to assist landlords with this stage of a tenancy.</p>
<p>In the detailed guidance, it states that no new occupier's should be allowed to occupy the property if no reference is given. What happens if a current tenant, or perspective tenant, is unable to provide a reference. For example, a homeless person may not be able to provide a reference and this may prevent them from securing accommodation.</p>	
<p>The extent of conditions to be imposed is excessive eg requiring references and a written record of rent payments. References are probably worthless</p>	

<p>Sub-Theme: Some respondent felt that the scheme would be positive if implemented correctly, with others suggesting that it would not be enforceable, and that 'rogue' landlords would find ways of evading it.</p> <p>Respondents advised that landlords already have measures and checks in place to maintain standards.</p>	<p>The proposed team structure includes an Enforcement and Compliance sub team, the aim and objective of which is to identify and address those landlords who have failed to licence their properties.</p> <p>As part of the Council's enforcement work in identifying unlicensed landlords, the Council will look to check property records against the databases held for council tax and housing benefit purposes. This can help with identifying whether a property is rented.</p> <p>As the Council is required to publicise the designation widely. This will ensure that landlords, tenant, and residents, will be aware of the legal requirement for a private rented property to be licenced. The Council also expects to receive reports of unlicensed properties via the residents and tenants, the Police and fire service, and other agencies.</p>
<p>Some participants were sceptical about Birmingham City Council being in a position to implement the scheme effectively.</p>	
<p>Sub-Theme – Respondents sought clarification of some of the proposed licence conditions, with some offering alternatives</p> <p>Example comments:</p> <p>With regard to electrical safety - this should be more specific to include certification for annual and periodic inspections</p>	<p>The licence condition relating to electrical safety is a mandatory ground required by Part 3 Housing Act 2004 and as such cannot be changed.</p> <p>Only furniture and furnishings provided by the licence holder must be compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993).</p>
<p>I have a question about the following point - 'carrying out a lock change prior to a new tenant taking up occupation when the previous tenant has not returned all keys' - this may become a problem in large shared households where turnover of residents can be quite high and may prove quite disruptive for other tenants who may have keys changed every few weeks. I agree action needs to be taken to ensure the security of the property, but other ideas and proposals should be put forward to see if there is an alternative way to ensure this. For example, can keypads be placed on entry doors as it is easier to change a key code than issue new keys to all tenants.</p>	

Does furniture that residents bring into the home have to be checked by the license holder to ensure they are compliant with furniture and fire safety regulations 1988. If so, this this may prove problematic for landlords to regulate and also mean that many people will have to get rid of and buy new furniture which is wasteful and expensive

Area 5 – Proposed Fee

The Council have received a range of responses in relation to the proposed fee structure. Many respondents considered that the licence fees should be lower and offer discounts, and there were some that felt that the fee should be higher. The views of respondents who completed the questionnaire is summarised in the table below.



Almost all (97%) of the landlords and letting/managing agents who responded felt that the proposed licence fee was too high (including around nine-out-of-ten overall who felt it was much too high).

In contrast, the views of the remaining stakeholder groups were quite evenly split. Among businesses and organisations, a third felt the proposed fee was about right (33%), a third felt it was too high (33%) and the remaining third or so (34%) felt it was too low.

Similarly, around three-in-ten tenants, residents and other stakeholders felt the proposed fee was about right (29%). Nearly two-fifths (38%) felt it was too high, whereas a third (33%) felt it was too low.

The Council have considered the representations and provide a summary response as follows.

The Council is entitled to charge a fee that would be used to cover the costs of administrating and enforcing the selective designation whilst in force. The decision is that the grant of a licence would be subject to the payment of a fee. The proposal that was consulted on was to set fees for licence applications that took into account all of the Council's costs in

administering and carrying out its licensing functions and carrying out its functions under Chapter 1 of Part 4 Housing Act 2004. The proposed fee structure was calculated on the basis that the scheme would be cost-neutral to the Council, with the licence fee covering the costs of administering the schemes and meeting the objectives. The proposed fee was underpinned by assumptions about the number of licence applications each year over the period of the designation and the likely levels of compliance based on existing schemes in operation by other Local Authorities.

Below is a sample representation of responses received that relate to the licence fee structure along with the Council's response.

Consultation Response	Council Response
<p>Sub theme - The council has proposed a variation licence fee of £80 as part of the proposals to introduce selective licensing in the city. This type of fee is unlawful and should not have been proposed. A licence variation fee principle has already been settled by <i>Oxford City Council v Crompton CAM/38UC/HMV/2013/0006-7</i>. The Housing Act 2004 only allows charging fees for the licence application process, not the variation process, regardless of the amount a variation is being charged for. The council should remove this licence variation fee as it is unlawful.</p>	<p>This proposed charge has been withdrawn in response to the consultation.</p> <p>The costs associated with the administration of variations will be incorporated within the overall costs of the scheme.</p>
<p>Sub-Theme – Some respondents felt that the proposed fee is too high and/or discounts should be offered for landlords who are members of a recognised accreditation scheme</p> <p>Example comments:</p> <p>Provide discounts or exemptions for accredited professional landlords in the proposed guidance for the scheme</p>	<p>The fee has been calculated on the predicted costs of the overall administration of the scheme including compliance and enforcement (except prosecution costs). The fee is based on the Council recovering reasonable costs. Whether a landlord is accredited or holds multiple properties would not affect the overall cost of considering the application, or the cost of administering the whole of the scheme. If a reduction was given, this would result in a short fall of income which would result in an ability to administer the scheme appropriately.</p>
<p>A concern was that good landlords who already meet the standards would have to pay additional fees with no benefits in return for the landlord or the tenant.</p>	<p>The Council supports landlords in being members of accreditation schemes and recognises the benefits it can bring to both landlord and tenant in the successful management and sustainment of tenancies.</p>
<p>The fee is too high</p>	

Offer a reduced fee for block licences, multiple property landlords, and for accreditation membership.	Accreditation requires voluntary landlord engagement and rogue landlords are unlikely to actively engage in these initiatives
Provide discounts or exemptions for accredited professional landlords in the proposed guidance for the scheme, it states the council has calculated that the cost for a five year license to be £670 per property; if a landlord does not lease the property for the full time period, will they be able to claim back part of this payment.	<p>The Council also encourages landlords to join professional bodies and associations so that they have access to sound advice, up to date news and peer advice where it is needed.</p> <p>There is no provision in the fee structure for refunding the licence fee where the property is vacant or changes ownership as the majority of costs in administering the licence application and undertaking a compliance inspection have already been undertaken.</p>
Provide discounts for volume of units owned by professional landlords	
<p>Sub-Theme – A concern raised by many was that landlords might pass on additional costs to tenants. Respondents felt this would be unfair. This concern was often expressed in the context of a general feeling that household budgets are being eroded from all sides, with this being one of many additional costs. Some specific concerns include the rising cost of living, particularly energy, and the loss of the £20 temporary uplift to Universal Credit.</p> <p>If a landlord pays the application fee (part a - £375), but is refused a license, do they have to pay for a new application fee when the agreed changes are made and they want to apply again? If they do have to pay a new fee, this may become very expensive for landlords and this may impact on rents and service charges paid by tenants and also lead to private rented accommodation becoming unaffordable to run and lead to many people losing their homes.</p>	<p>Should a landlord be refused a licence on application, yes, they will have to pay a further application fee. This is because the application will have to be reassessed.</p> <p>The 2019 report commissioned by the Government “An Independent Review of the Use and Effectiveness of Selective Licensing” found no evidence to support the claim that licensing has had a demonstrable effect on rent levels.</p> <p>The actual cost over five years based on the proposed licence fee is quite small.</p> <p>The Council provides support for any tenants in difficulties.</p>
<p>Sub-Theme – Some respondents felt that the fees received from landlords would be used on other Council activities</p> <p>Example comments:</p> <p>The fees were just another way for the council to make money.</p>	<p>Whilst the Housing Act 2004 allows councils to charge a licence fee to cover the cost of administering selective licensing, it does not allow them to make a financial gain. The Government’s Regulatory Impact Assessment attached to SI 2006/373 on selective licensing makes it clear that fees cannot be used to raise extra revenue for the local authority.</p>

<p>Some respondents felt that landlords would be discouraged by the fees and stop renting. This could add to existing lack of private rented homes in the area.</p>	<p>It should be noted that it was stressed at least three times in each consultation event that fees are ringfenced for use on the proposed selective licensing scheme.</p> <p>Overall the costs of the scheme to landlords, and the landlords objections to paying this cost, have been taken into consideration, however, this does need to be balanced against the strong evidence of crime and deprivation, and the need to address this in the proposed designation.</p>
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Theme 6 – Other comments

Consultation Response	Council Response
<p>Sub theme – Outcome and monitoring</p> <p>Example comment:</p> <p>If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall.</p>	<p>Comment noted and accepted.</p> <p>The Council has set clear objectives as part of the proposed scheme. The aim is that these objectives will be used as part of determining the progress that the Council has made. The Council will report its performance annually against these objectives at landlord forums and on its website.</p>
<p>Sub-theme - Some expressed scepticism regarding Birmingham City Councils ability to implement the scheme effectively and a concern that the Council should deal with issues such as property condition, antisocial behaviour, and crime in its own properties before the private rented sector</p> <p>Example comment:</p> <p>Are you going to put your own house in order and start managing local authority properties and dealing with tenant behaviour, crime, anti social behaviour and deprivation in those properties. The issues aren't exclusive the private</p>	<p>Section 79(3) of the Housing Act 2004 exempts socially let properties (both Local Authority and Housing Association tenancies) from selective licensing.</p> <p>The Council are fully compliant with all statutory health and safety requirements. We have robust Quality Assurance Control (QAC) procedures in place to ensure gas servicing, asbestos management, electrical testing, Legionella control, fire safety and mechanical and engineering equipment safety including procedures for continued monitoring and compliance. These QAC procedures have been shared with the Regulator for Social Housing and Birmingham City Council have offered RSH to provide feedback.</p>

rented, your own housing section creates problems	
Some respondents asked why the Council cannot include its own housing in the scheme	
<p>Sub theme: Respondents made recommendations to ensure that at risk children are more easily identified</p> <p>Example comment:</p> <p>There are houses that frequently have multiple families register with health services as living there, yet none of the families do. There needs to be a register that can be cross referenced to ensure children's needs are been met and prevent children from being at risk of neglect within the city.</p>	<p>Comment noted.</p> <p>This suggestion falls outside the remit of selective licensing but does raise a good point. Where the scheme can help identify those children who may be risk, is by ensuring that officers raise concerns with the appropriate department or agency when concerns are identified.</p> <p>Training on identifying concerns and how to raise these is included as part of the induction of new staff members.</p>
<p>Sub theme – Some respondents recommended great information sharing to address antisocial behaviour and criminality</p> <p>Example comment:</p> <p>Police must be granted powers to tackle street crime and community police visits to be carried out with power to interrogate anti-social behaviour. The police should be provided contact data of landlords, especially HMO owners, to be able to contact them if a complaint is received about anti-social</p>	<p>Section 232 Housing Act 2004 requires Local Housing Authorities to publish a public register of HMO's. This register includes contact details for the licence holder.</p> <p>Should the proposed scheme be implemented, the Council will agree a Memorandum of Understanding (MoU) with relevant agencies to facilitate the sharing of information. This MoU will be compliant with the General Data Protection Regulations and Data Protection Act 2018.</p>

<p>behaviour. The owner who does not control the situation must have the license revoked. The current environmental health officer system is not working and complaints keep going in circles. This is especially affecting professionals and the elderly.</p>	
<p>Sub theme – Some respondents queried how the Council will identify and tackle landlords who do not register</p> <p>Example comment:</p> <p>It is not clear how actively council will pursue landlords who do not register and what resources will be allocated for such function.</p>	<p>The proposed team structure includes an Enforcement and Compliance sub team, the aims and objectives of which are to identify and address those landlords who have failed to licence their properties.</p> <p>If approved, the Council is required to publicise the designation widely. This will ensure that landlords, tenant, and residents, will be aware of the legal requirement for a private rented property to be licenced. Where a property is not licensed, these will be identified through data sharing with internal departments, reports from residents and tenants, and the Police and Fire Service.</p>

Title of proposed EIA	Selective Licensing Scheme - Private Rented Sector
Reference No	EQUA846
EA is in support of	New Strategy
Review Frequency	Annually
Date of first review	31/03/2024
Directorate	City Operations
Division	Regulation and Enforcement
Service Area	Private Rented Sector
Responsible Officer(s)	<input type="checkbox"/> Sajeela Naseer
Quality Control Officer(s)	<input type="checkbox"/> Leroy Pearce
Accountable Officer(s)	<input type="checkbox"/> Mark Croxford
Purpose of proposal	<p>Introduce a Selective Licensing Scheme in Birmingham in the following wards: Acocks Green, Alum Rock, Aston, Balsall Heath, Birchfield, Bordesley Green, Bordesley & Highgate, Bournbrook & Selly Park, Edgbaston, Gravelly Hill, Handsworth, Heartlands, wards</p>
Data sources	Consultation Results; relevant reports/strategies; Statistical Database (please specify); relevant research
Please include any other sources of data	<p>Council Plan 2018 - 2022</p> <p>Birmingham Homelessness Prevention Strategy 2017+</p> <p>Empty Property Strategy 2019 to 2024</p> <p>Selective licensing in the private rented sector: a guide for local authorities</p> <p>Housing and Planning Act 2016</p> <p>Article 4 DirectionExempt Accommodation Birmingham Report</p> <p>Housing Conditions Plus</p> <p>Birmingham Child Poverty Commission Report</p>
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Service Users / Stakeholders; Wider Community
Age details:	<p>1,141,400 people live in Birmingham according to the 2018 mid-year population estimates. This is an increase of 4,300 (0.4%) people since 2017.</p> <p>22.8% (259,000) are children 64.3% (731,500) are of working age 13.0% (147,900) are pensioners</p> <p>Birmingham has a young population compared to England as a whole. In the 2011 census, the average age of people in Birmingham is 35, while the median age is lower at 32.</p> <p>In 2016, 46% of residents in Birmingham were aged under 30.</p> <p>The licensing scheme will apply to any owner of a private rented property irrespective of the age of that person (a person under the age of 18 is not permitted to own property in their own right in English Law).</p> <p>This will have no effect on tenants of properties in the Selective Licensing areas other than to ensure that proper tenancy conditions are in place.</p> <p>A person is not eligible to hold an assured short hold tenancy under 16 years of age.</p> <p>The proposal to introduce selective licensing is intended to enhance housing management standards in the private sector, in compliance with the Housing health and safety rating system (HHSRS) and the Housing Act 2004 standards, which will have a positive impact on all age groups.</p>

01/02/2022, 12:25	<p>Assessments - Selective Licensing Scheme - Private Rented...</p> <p>damp and moulds, infections, reduction of trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.</p> <p>The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.</p> <p>No negative impact of this strategy has been identified and it was not raised within the public consultation.</p>
<p>Protected characteristic: Disability</p> <p>Disability details:</p>	<p>Service Users / Stakeholders; Wider Community</p> <p>One of the potential outcomes of licensing is that landlords will be more aware of their duties under the Equality Act 2010 and of the support that is available to disabled people including information on the availability of Disabled Facilities Grant.</p> <p>Disabled people will also benefit from the need for PRS homes to comply with the Housing Health and Safety Rating System and Housing Act 2004 in terms of reasonable adaptations, reducing trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.</p> <p>Vulnerable age groups will particularly benefit from health intervention e.g. damp and moulds, infections, reduction of trip hazards and falls as well as the requirements around excess cold which can cause or exacerbate poor health.</p> <p>The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.</p> <p>No negative impact of this strategy has been identified and it was not raised within the public consultation.</p>
<p>Protected characteristic: Sex</p> <p>Gender details:</p>	<p>Service Users / Stakeholders; Wider Community</p> <p>In the 2011 census the population of Birmingham was 1,073,045 and is made up of approximately 51% females and 49% males.</p> <p>There is currently no information relating to the gender profile of landlords. This will be captured and analysed during the consultation exercise.</p> <p>There is insufficient data available to measure accurately the potential impact of the proposal on gender.</p> <p>One of the aims of Selective licensing is to tackle antisocial behaviour and crime which is likely to have a positive impact on both genders, particularly for women and girls. Both sexes are likely to benefit from improvement in the private rented sector.</p> <p>The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.</p> <p>No negative impact of this strategy has been identified and it was not raised within the public consultation.</p>
<p>Protected characteristics: Gender Reassignment</p> <p>Gender reassignment details:</p>	<p>Service Users / Stakeholders; Wider Community</p> <p>The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.</p> <p>No negative impact of this strategy has been identified and it was not raised within the public consultation.</p>
<p>Protected characteristics: Marriage and Civil Partnership</p> <p>Marriage and civil partnership details:</p>	<p>Service Users/ Stakeholders; Wider Community</p> <p>In the 2011 census, 39.2% of people are married, 8.9% cohabit with a member of the opposite sex, 0.8% live with a partner of the same sex, 33.6% are single</p>

01/02/2022, 12:25	Assessments - Selective Licensing Scheme - Private Rented...
	<p>and have never married or been in a registered same sex partnership, 8.9% are separated or divorced. There are 49,544 widowed people living in Birmingham.</p> <p>The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.</p> <p>No negative impact of this strategy has been identified and it was not raised within the public consultation.</p>
<p>Protected characteristics: Pregnancy and Maternity</p> <p>Pregnancy and maternity details:</p>	<p>Service Users / Stakeholders; Wider Community</p> <p>The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.</p> <p>No negative impact of this strategy has been identified and it was not raised within the public consultation.</p>
<p>Protected characteristics: Race</p> <p>Race details:</p>	<p>Service Users / Stakeholders; Wider Community</p> <p>Birmingham is even more ethnically diverse than London, the country's capital city. The 2011 census confirmed that 70.4% of the people of Birmingham were white, 19.5% were Asian, 6.1% were Black, 0.5 were Chinese, 2.5% were mixed race, and 0.6 were of another ethnic group.</p> <p>Selective Licensing may tackle and impact on overcrowding and illegal conversions which may positively or negatively impact on large BME families.</p> <p>The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.</p> <p>No negative impact of this strategy has been identified and it was not raised within the public consultation.</p>
<p>Protected characteristics: Religion or Beliefs</p> <p>Religion or beliefs details:</p>	<p>Service Users / Stakeholders; Wider Community</p> <p>In the 2011 census, the religious make up of Birmingham is 46.1% Christian, 21.8% Muslim, 18.9% No religion, 3.0% Sikh, 2.1% Hindu, 0.4% Buddhist, 0.2% Jewish, 0.1% Agnostic.</p> <p>70,086 people did not state a religion. 2,238 people identified as a Jedi Knight and 134 people said they believe in Heavy Metal.</p> <p>The majority of Christians lived in the north, east and south of Birmingham, on the outskirts of the city, with far fewer living in inner-city areas. 51.7% of Birmingham's Hindu population lived in six wards of the city; Handsworth Wood (2,461), Springfield Sparkhill, Sparkbrook, Small Heath, Alum Rock, Ward End, Saltley, Bordesley Green, Washwood Heath, Stechford (2,023), Erdington, Bromford Lozells and East Handsworth (1,761), Soho (1,699), Hall Green (1,224) and Sparkbrook (845). Almost 65% of Birmingham's Jewish population lived within five wards of Birmingham; Edgbaston (586), Selly Oak (361), Moseley and Kings Heath (321), Bournville (131) and Erdington (104). 71.7% of Birmingham's Muslim population lived in seven wards of Birmingham; Sparkbrook, Sparkhill, Small Heath, Alum Rock, Ward End, Saltley, (19,372), Bordesley Green (18,629), Washwood Heath Stechford, (16,847), Springfield (13,461), Aston (12,381), Lozells and East Handsworth (10,853) and Nechells Erdington, Bromford (8,822), all inner-city wards. The majority of</p>

...were found to live in the West and South East of the city. The ward with the highest proportion of Buddhists was [Edgbaston](#) at 1.4% (257).

There is insufficient data available to measure accurately the potential impact of the proposal on religion or belief. However, one of the aims of selective licensing is to tackle antisocial behaviour, including hate crime and incidents and this is likely to have a positive impact on this characteristic.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Protected characteristics: Sexual Orientation

Sexual orientation details:

Service Users / Stakeholders; Wider Community

According figures published in 2017 by the Office for National Statistics (ONS) an estimated 50,000 adults in the West Midlands region were gay or lesbian, while a further 50,000 were bisexual.

One of the aims of Selective licensing is to tackle antisocial behaviour, hate crime and homophobic incidents and this aim is likely to have a positive impact on this protected characteristic.

The SLS will apply to all landlords and protect all tenants regardless of protected characteristic.

No negative impact of this strategy has been identified and it was not raised within the public consultation.

Socio-economic impacts

Homelessness

One of the causes of homelessness in Birmingham is significant disrepair in the private rented accommodation.

The proposal to introduce selective licensing is intended to enhance housing management standards in the private sector, in compliance with the Housing health and safety rating system (HHSRS) and the Housing Act 2004 , which will have a positive impact on homelessness as tenants can continue to occupy the properties.

Other Socio Economic Impacts

Issues raised within the consultation included:

- A view that landlords might move their property portfolio elsewhere. This is thought to be highly unlikely as the proposed licence conditions consolidate what a landlord should already be doing regardless of whether there is selective licensing or not. Good, compliant landlords should not need to spend significant sums of money in order to meet the proposed licence conditions.

The cost to ensure that a property meets the legal minimum standard is one which a landlord has to bear regardless of any licensing scheme.

- Another issue raised was in regard to the need under the scheme to provide references. This a mandatory condition.

Obtaining a reference for prospective tenants allows landlords and letting agents to make sure the tenant they are considering letting their property to has the right credentials e.g. the ability to pay rent and that they will look after their property. The process should help ensure they have good tenants which will not only benefit them but also the neighbourhood.

A 2019 House of Commons Briefing Paper - Selective licensing of private rented housing in England and Wales

(<https://researchbriefings.files.parliament.uk/documents/SN04634/SN04634.pdf>)

- identifies that tenant referencing has had a

positive impact in three selective licensing schemes operated by local authorities

It is not unusual for landlords to ask for references and so prospective tenants need to be prepared for this.

Options do exist as not all references need to have come from the landlord from a past tenancy, some tenants will be letting for the first time.

If the proposed scheme is introduced, the Council will provide support, guidance and template references to assist landlords with this stage of a tenancy.

- The view that the SLS fee would be passed on to tenants

The 2019 report commissioned by the Government "An Independent Review of the Use and Effectiveness of Selective Licensing" found no evidence to support the claim that licensing has had a demonstrable effect on rent levels.

The actual cost over five years based on the proposed licence fee is quite small.

The Council provides support for any tenants in difficulties.

Deprivation

Deprivation in Birmingham is a key consideration in considering Selective Licensing and Birmingham has some of the most deprived areas.

Selective Licensing will contribute to alleviating fuel poverty as measures to improve standards will ensure that heating appliances are properly checked, maintained and working efficiently. Improvements in the housing standards should also make properties more secure which should assist with minimising crime, especially in relation to burglary. Secure, safe housing provides stable accommodation that supports tenant's life chances.

Please indicate any actions arising from completing this screening exercise.

None

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

Please see stated data sources above.

Consultation analysis

Full information relating to the consultation and BCC's analysis and response to it is found in the proposed 1 March 2022 Cabinet report on Selective Licensing.

Changes made as a result of consultation

- Following feedback from the consultation: the proposed fee for a variation of a licence has been removed. The cost for variations will now be subsumed within the overall licence fee.
- The Council will consider if possible support or signposting for arbitration between landlord and tenant disputes can be delivered.
- The Council will investigate providing online annual updates on the delivery of outcomes for the selective licensing scheme.

Adverse impact on any people with protected characteristics.

No negative impacts have been identified.

Could the policy/proposal be modified to reduce or eliminate any adverse impact? N/A

How will the effect(s) of this policy/proposal on equality be monitored?

Equality Assessment to be completed after a year of implementation.

What data is required in the future?

Number of licences issued and compliance.

Number of landlords operating without a licence where enforcement is required to bring them into compliance

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

No negative impacts have been identified.

Consulted People or Groups

01/02/2022, 12:25

Assessments - Selective Licensing Scheme - Private Rented...

Informed People or Groups

Summary and evidence of findings from your EIA

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

Quality Control Officer comments

Decision by Quality Control Officer



Submit draft to Accountable Officer?

Decision by Accountable Officer

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

Please print and save a PDF copy for your records

Content Type: Item
Version: 20.0
Created at 01/02/2022 10:57 AM by  Sajeela Naseer
Last modified at 01/02/2022 12:10 PM by Workflow on behalf of  Mark Croxford

No negative impacts have been identified.

No

No negative impacts to protected characteristics identified. This has been passed to the Accountable Officer for final approval.

Proceed for final approval

No

Approve

01/02/2022

The Assessment covers Protected Characteristics and also the possible impact on socio-economic issues/impacts too which is good not always part of assessment. The assessment feels balanced and no obvious ommissions to me as Accountable Officer.

Yes

Close

Birmingham City Council

Report to Cabinet

1 March 2022



Subject: Capital Programme – Extension of King’s Norton Cemetery

Report of: Rob James, Managing Director - City Operations

Relevant Cabinet Member: Councillor John Cotton, Cabinet Member, Social Inclusion, Community Safety and Equalities

Relevant O &S Chair(s): Cllr Carl Rice - Co-ordinating Committee
Cllr Kate Booth – Housing and Neighbourhoods Overview and Scrutiny Committee

Report author: Paul Lankester Interim Assistant Director, Regulation and Enforcement
paul.lankester@birmingham.gov.uk
0121 303 6350

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): King’s Norton South		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009841/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 This report sets out a proposal to extend the cemetery at King’s Norton.
- 1.2 This report is seeking approval to implement this proposal, due to the impending closure of the Islamic and Child Burial Sections. The City Council when accepting the original proposal for the creation of the cemetery allowed for the cemetery to

be opened in phases. Phase 1 and 2 have been implemented and this report seeks approval to implement phases 3 and 4 at an estimated minimum capital cost of £2.25 million (final quotations are awaited). The capital provision will be funded from the existing budget although this will be a pressure for the service. The current budget operates at a surplus of over £4 million per annum.

2 Recommendations

- 2.1 That the proposal to extend the King's Norton Cemetery by implementing phases 3 and 4 be approved.
- 2.2 That the cost of the works (estimated at £2.25 million) be funded through the Capital Programme, with the prudential borrowing costs of £143,000 being met from the Bereavement Services bottom line budget.
- 2.3 That the Director Council Management, in consultation with the Management Director of City Operations, be delegated authority to agree final costs and funding.
- 2.4 That there is likely to be a further requirement to implement Phase 5 of the King's Norton Cemetery within the medium term (3-5 years) be noted.

3 Background

- 3.1 The City Council opened the King's Norton Cemetery in 2005. Phases 1 & 2 were completed in 2005. This was meant to give at least a decade of use. The pandemic has impacted on the available space. Prior to April 2020 the usage of graves amounted to approximately 219 per year on average. Since April 2020 there has been an increase in usage in excess of 525 a year.
- 3.2 This increase in use leaves a shortage of baby graves and Islamic graves with only a few months reserves remaining. Across the cemetery it is estimated there is less than two years stock of graves available. This will mean that there will be minimal facilities for burials in the south of the City unless further phases of the cemeteries are opened as soon as possible.
- 3.3 Phases 3 and 4 of the King's Norton development are two fields adjacent to the existing cemetery. The fields are undulating and require a land drainage scheme to make the land usable as a burial ground. The estimated cost of the surveys, implementing a land drainage scheme and laying out the grounds is estimated to be of the order of £2.25 million, although final estimates are still awaited.
- 3.4 The cost of not implementing these phases is estimated to be of the order of £700,000 per annum (revenue), so the payback for the investment is of the order of three years, assuming the existing estimates are accurate. This is the only cemetery in the south of the City with space for Islamic burials, so there is an imperative from an equalities perspective too.

4 Options considered and Recommended Proposal

- 4.1 The two options available are to either invest in the cemetery extension or not to invest.
- 4.2 Birmingham City Council faces a significant loss of revenue every year if there is not the investment in the King's Norton Cemetery, and would leave the south of the City without access to an Islamic burial ground provided by the Council.
- 4.3 The investment in the cemetery will ensure ongoing burial grounds provision and greater choice for the City Council's residents.
- 4.4 Your officers recommend that the works on implementing the Phases 3 and 4 at the King's Norton Cemetery is undertaken as soon as possible to ensure continuity of service and maintain the Council's revenue position.

5 Consultation

- 5.1 There has been no public consultation undertaken, partly because the original provision of the Cemetery was subject to planning application and comment by the public and the scheme was approved as being implemented in five phases. Demand for burial space at King's Norton is high and justifies the investment.
- 5.2 The increased number of deaths during the pandemic has led to greater demands for burial space and the impending capacity issues mean a period of consultation will cause a break in the continuity of service.
- 5.3 Consultation has taken place with the ward member, the Overview and Scrutiny Committees Chairs and other impacted portfolio holders. No objections to the proposals in this report have been received.
- 5.4 Finance and Legal Services business partners have been consulted. Their comments have been received and incorporated into the report.

6 Risk Management

- 6.1 The principle risks associated with this report relate to financial, reputational and equalities of service provision.
- 6.2 The financial risks are that proposed extension to the cemetery may not produce additional income to offset the prudential costs of borrowing. However not undertaking the extension will lead to a projected reduction in revenue of at least £700,000 per annum within two years against the ongoing budgeted income for this site.
- 6.3 The reputational risks will relate to the concerns being expressed that the City Council is making insufficient provision for Islamic burials in its bereavement services and more widely in the south of the City. The risk to equality of service provision is such that there is insufficient provision for Islamic burials, a key sector of Birmingham's communities.

- 6.4 The improvement of land drainage arrangements will ensure there is an improvement to environmental well-being.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The time around death and bereavement is a very sensitive time and treating people and families with dignity throughout is essential. Providing burial space close to residents' homes to allow easy access to visiting loved ones when mourning is consistent with the priority of Birmingham is a fulfilling city to age well in.
- 7.1.2 The adopted delivery plan has a target to provide future investment in cemeteries and crematoria. This proposal will assist in delivering this ambition.

7.2 Legal Implications

- 7.2.1 The provision of burial grounds is an adoptive power under legislation. Birmingham City Council is a burial authority by virtue of historic decisions and cannot opt out of this power at this stage.
- 7.2.2 The City Council has a duty to provide services in an equal way. Providing an additional Islamic burial ground as part of this extension to King's Norton Cemetery will help to meet this duty.

7.3 Financial Implications

- 7.3.1 The service is seeking to meet the prudential borrowing costs from within its existing budget.
- 7.3.2 The table below examines the costs of servicing the prudential borrowing for £2.25 million.

Year	2022/2023	2023/2024	2024/2025	2025/2026
Capital Cost £million	2.25	0.00	0.00	0.00
Revenue Cost £000s	0.000	0.143	0.143	0.143

- 7.3.3 Based on this projection, there will be an ongoing revenue cost of £0.126m per annum based on a Prudential Borrowing timescale of 20 years. While the net cost of bereavement services has an operating surplus of over £4.0 million, it is unlikely the extension to the Cemetery will create additional income above the annual budgeted income, but failure to undertake the extension will lead to a pressure of at least £700,000 per annum against the ongoing budget due to loss in income from this site as result of no further burials.

7.4 Procurement Implications

7.4.1 In the procurement of works contracts to implement these works, the contracts will conform to the City Council's Social Value Policy, thereby complying with the Public Services (Social Value) Act 2012. In particular, any contracts will include provisions as a Tier 2 contract under the social value policy to require the payment of the real living wage to workers engaged in this work.

7.4.2 Works will be undertaken through the agreement with Acivico.

7.5 Human Resources Implications (if required)

7.5.1 Failure to undertake the extension will lead to a reduction in staffing when the cemetery has used up all burial space- within two years.

7.6 Public Sector Equality Duty

7.6.1 The provision of suitable burial space to meet community needs as a burial authority is a clear requirement to satisfy the public sector equality duty. As such the south of the city has limited burial space available. The original initiative to provide a cemetery at King's Norton sought to provide a more equal provision. The Muslim Burial Section at King's Norton has approximately three months space (at best) so an extension to the cemetery will allow additional provision to be made.

8 Background Documents

8.1 None

List of appendices accompanying this report:

- Appendix 1 Fact file for King's Norton Cemetery
- Appendix 2 Outline business case
- Appendix 3 Environment and Sustainability Assessment

Appendix 1

<p>Site name, address and e-mail/tel.No.</p>	 <p>Kings Norton Cemetery</p> <p>Longdales Road Kings Norton Birmingham B38 9BU</p> <p>0121 303 5583</p> <p>kings.norton@birmingham.gov.uk</p>
Website address	https://www.birmingham.gov.uk/directory_record/455/kings_norton_cemetery
<p>Location – ordinance survey reference or GPS reference</p>	 <p>Longdales Road, Birmingham</p> <p>OS grid reference SP053777</p>
Operating hours/days	<p>Cemetery Grounds opening hours Monday – Friday 8.30am – 7.00pm</p> <p>Saturday and Sunday 10am – 7pm.</p> <p>Office opening hours Monday 8.30am – 1pm Tuesday Closed, Wednesday, Thursday and Friday 8.30am – 1pm.</p>
Council Ward	Birmingham City Council
<p>Date opened/closed (if applicable)</p> <p>Area</p> <p>Capacity used (100% if closed)</p> <p>Are Cremated remains plots available?</p>	 <p>The Cemetery opened in January 2005</p> <p>The Cemetery is currently operating on phase 2 of the Cemetery with a further 3 phases to be developed.</p> <p>There are cremated remains Plots and Mini graves for the interment of cremated remains as well as scattering lawns in Primrose Meadow.</p>

Description/history (if listed etc. add in information from Heritage England listing	<p>Kings Norton cemetery is located in Kings Norton, Birmingham, on the site of a former Roman settlement. The site has kept a lot of its ancient features, including its ancient hedgerows and ditches.</p> <p>The cemetery has a natural burial area, Primrose Meadow, which looks as much as possible as a natural British meadow. In this area the graves aren't tended and are instead left to blend in with the wild flowers, with grass cutting limited to twice yearly.</p>
Buildings and condition of assets	There is an office building and messroom building with two public toilets.
Grounds maintenance frequency	The grounds maintenance frequency is in line with all Cemeteries running from March to October with 10 cuts per season.

DRAFT

This Proposal Form is for all proposed changes to capital budgets, including new proposals and funding of budget increases/overspends, and when financed by external resources as well as Council resources. It is also for use for capital savings proposals and asset disposals (generating capital receipts).

The form is for use at both stages of the Budget process for 2020+.

At Stage 1, please complete sections 1-10.

At Stage 2, please provide more detail in sections 1-10 and also complete sections 11-15.

After Stage 1 you will receive initial feedback from Capital Board / EMT which will help you refine the proposal at Stage 2.

Please see the guidance attached.

Item 7

Proposal Title: Kings Norton Cemetery - Phases 3,4 and 5 development

Directorate: Neighbourhoods

Completed by:
Service officer Paul Lankester

Reference: NE (BS12)

(two alpha characters for the Directorate, then a sequential number reference)

Reviewed by:
Corporate Director: Robert James

Finance Bus. Partner Carl Tomlinson

(please increase the size of the below text boxes as necessary)

1. **Project description**
Development of Phases 3,4 and 5 of Kings Norton Cemetery. This project will ensure burial capacity in the South of the City for the next 18 years. It will reduce pressures on current cemeteries in the South of the City. It will provide options for families with faith needs, including short notice burials for Muslim faith communities
2. **Contribution to Council Plan Priorities - the case for change**
including the project's objectives, and its contribution to Council Plan and service objectives and outcomes
Burial and cremation services are fundamental to the health and well being of the city as they meet the needs of bereaved families, and provide employment. Bereavement Services manages an extensive land portfolio. Burial options for faith communities meet the diverse needs of communities of Birmingham. During the pandemic the use of Muslim Burial areas in King's Norton and other cemeteries has increased and the capacity is now significantly compromised, particularly at King's Norton. The Delivery Plan identifies the need for a funding plan for cemeteries- this project is part of that Plan.
3. **Project deliverables**
These are the outputs from the project: eg a new building with xm2 internal space, or ym or new road, etc
The land for additional burial capacity at Kings Norton Cemetery was purchased by the Council in previous years. As a result Phases 1 and 2 development have already been completed and burials are taking place as planned. However, with current use, there is only around 2 years burial capacity still available. Phases 3, 4 and 5 are required to complete the development, utilise the land which is already available to the Council, and provide much needed capacity as well as options for bereaved families
4. **Project benefits**
These are the social benefits and outcomes: eg additional school places or economic benefits
Additional burial capacity to meet the needs of bereaved families in the South of the City, including in respect of faith requirements. Once completed, the income to offset the investment will be generated through fees and charges and sale of memorials

5.	Links to the Directorate Strategy, revenue budget, and the future delivery model
	Bereavement Services is a self-financing Service and is not dependent on funding from the Council, making a contribution to the General Fund. The significance of new Burial capacity will require capital funding, which will be recouped over time by the purchase of burial space by bereaved families through the fees and charges structure of the Service. Prudential borrowing costs will be met by the budget surplus.

6.	Potential options - please outline the main options	initial review of option
	1. This Proposal:	The requirement of additional multi faith burial space for the South of the city will ensure sufficient capacity for a minimum of the next 15 years if implemented
	2. Do Nothing:	Doing nothing will put increasing pressures on existing burial capacity in other cemeteries and will eventually lead to a shortage of burial capacity in the city. In particular within one year the burial space for the Muslim community will have run out leaving no provision in the south of the City.
	3. Lower Cost:	This would be carrying out the phases separately, but this would increase the overall costs when the phases are eventually implemented.
	4.	
	5.	

7.	Risks and issues for successful delivery of the proposal including deliverability risks, financial risks
	Bereavement Services generates a significant income in respect of its operations through fees and charges and the sale of memorials to bereaved families. Families who live in the city, rarely use outside burial authorities, for their loved ones. Therefore, there is very little risk in respect of the income to be generated for Birmingham and there is very little competition in the market

8.	Type of Asset and Useful Economic Life (used for calculating Service Prudential Borrowing costs)
	<div> Type of Asset: <input type="text" value="Infrastructure - Kerb"/> </div> <div> Useful Economic Life: <input type="text" value="20"/> </div>

9.	What are the financial implications of the proposal?						
9.1	Capital Cost	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
	Development costs up to OBC approval	1.350	3.150	0.000	0.000	0.000	4.500
	etc	0.000	0.000	0.000	0.000	0.000	0.000
	etc	0.000	0.000	0.000	0.000	0.000	0.000
	etc	0.000	0.000	0.000	0.000	0.000	0.000
	etc	0.000	0.000	0.000	0.000	0.000	0.000
	Total Capital Cost	1.350	3.150	0.000	0.000	0.000	4.500
9.2	Capital Funding	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
a	Prudential Borrowing / other Corporate resources	1.350	3.150	0.000	0.000	0.000	4.500
b	Additional Capital Receipts (new proposals)	0.000	0.000	0.000	0.000	0.000	0.000
c	Direct Revenue Funding	0.000	0.000	0.000	0.000	0.000	0.000
d	Government Grants	0.000	0.000	0.000	0.000	0.000	0.000
e	Other (please specify:)	0.000	0.000	0.000	0.000	0.000	0.000
	Total Capital Funding	1.350	3.150	0.000	0.000	0.000	4.500
	Net Unfunded Capital Cost (should be zero)	0.000	0.000	0.000	0.000	0.000	0.000
9.3	Revenue implications (note: these should be included in your revenue budget submissions)	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
	Revenue savings:						
a	Expenditure reduction	0.000	0.000	0.000	0.000	0.000	0.000
b	Additional income generation	0.000	(0.155)	(0.310)	(0.310)	(0.310)	(1.085)
c	Gross revenue saving	0.000	(0.155)	(0.310)	(0.310)	(0.310)	(1.085)
	Add revenue costs of proposal:						0.000
d	Revenue cost of capital (financing costs - see PBC tab)	0.014	0.129	0.300	0.300	0.300	1.043
e	Other revenue implementation costs	0.000	0.000	0.000	0.000	0.000	0.000
f	Investment required (for Invest to Save proposals only)	0.000	0.000	0.000	0.000	0.000	0.000
g	Net saving	0.014	(0.026)	(0.010)	(0.010)	(0.010)	(0.042)
h	Proposed repayment plan (for Invest to Save proposals only)	0.000	0.000	0.000	0.000	0.000	0.000
	Net Revenue Cost / (Saving)	0.014	(0.026)	(0.010)	(0.010)	(0.010)	(0.042)
9.5	Have the above revenue implications been included in the Directorate's revenue budget submission - yes/no:						No
9.6	Revenue Proposal Reference:						
9.7	What is the basis of the financial estimates? (describe the source and quality of data)						
	The current Kings Norton Cemetery development and the development of Sutton New Hall Cemetery						
9.8	Evaluation of financial implications						
	Income will be generated in respect of this development through fees and charges and the sales of memorials						

10.

Implementation Plan		
	Action by	indicative date
Tasks to develop proposal to OBC:		
Full Business Case	Head of Service	Sep-19
Cabinet Report	Head of Service	Oct-19
Project Team set up	Registrar South	Feb-20
Commissioning Commences	Head of Service	Mar-20
Outline Business Case review by Capital Board, EMT		
Outline Business Case Executive decision:		
Tasks from OBC to project completion:		
Full Business Case Executive decision:		
Completion of Project (ie when benefits start arising)		

SECTION 11 TO 15 TO COMPLETE AT STAGE 2:

11.

Dependencies on other projects or activities <i>(up to OBC stage)</i>

12.

Products required to produce Outline Business Case
<i>This might include Refinement of objectives;Initial specification; Initial design advice; Initial costings; Options appraisal; draft OBC report</i>

13.

Resources required to produce Outline Business Case
<i>Please outline the staffing and financial resources needed up to OBC approval, eg BCC staff, external appointments, etc.This should include all expenditure required to deliver all the products shown above, total to the development costs shown in 9.1.</i>
existing BCC staffing:
Development costs (total agrees to 9.1 above):
Other:

14.

Funding of costs up to OBC Stage:

15.

Project Management
<i>describe how the project will be managed including the responsible Project Board and its members</i>

Directorates	Identifier
Adults Social Care	AD
Education and Skills	ES
Inclusive Growth	IG
Neighbourhoods	NE
Digital and Customer Services	DC
Human Resources	HR
Finance and Governance	FG
Commonwealth Games	CG
Partnerships , Insight and Prevention	PP

Prudential Borrowing Costs Calculator**you must complete Stage 1 tab Section 8 for this calculation to complete**

Useful Economic Life of Asset (years)	Annuity Factors				
	2019/20	2020/21	2021/22	2022/23	Later Years
5	0.2134	0.2137	0.2143	0.2143	0.2143
7	0.1590	0.1593	0.1593	0.1593	0.1593
10	0.1157	0.1160	0.1160	0.1160	0.1160
15	0.0829	0.0835	0.0838	0.0838	0.0838
20	0.0663	0.0669	0.0672	0.0672	0.0672
40	0.0412	0.0415	0.0419	0.0419	0.0419

Interest Rate Only	0.0200	0.0250	0.0280	0.0280	0.0280
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Service Prudential Borrowing	1.350	3.150	0.000	0.000	0.000
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Calculation

Half-year interest in year of cap exp	0.014	0.039	0.000	0.000	0.000
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Annuity in later years

2019/20 spend	0.000	0.089	0.089	0.089	0.089
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2020/21 spend	0.000	0.000	0.211	0.211	0.211
---------------	-------	-------	-------	-------	-------

2021/22 spend	0.000	0.000	0.000	0.000	0.000
---------------	-------	-------	-------	-------	-------

2022/23 spend	0.000	0.000	0.000	0.000	0.000
---------------	-------	-------	-------	-------	-------

Later Years spend	0.000	0.000	0.000	0.000	0.000
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Total Prudential Borrowing Costs	0.014	0.129	0.300	0.300	0.300
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For large projects where MRP (and therefore the full annuity cost) is deferred until after completion, you may need to prepare a tailored borrowing cost analysis.

These details can be pasted into the Directorate summary form C1

Directorate	Reference	Capital Cost					
		2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
Neighbourhoods	NE (BS12)	1.35	3.15	0	0	0	4.5

Other resources (Grants, DRF, Other)					
2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
0	0	0	0	0	0

Capital f		
2019/20 £m	2020/21 £m	2021/22 £m
0	0	0

Receipts		
2022/23 £m	Later Years £m	Total £m
0	0	0

BCC corporate Resources Required (borr or other)					
2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
1.35	3.15	0	0	0	4.5

Net Revenue Implications					
2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
0.0135	-0.02614	-0.00976	-0.00976	-0.00976	-0.04192

Prudential Borrowing (r		
2019/20 £m	2020/21 £m	2021/22 £m
0.0135	0.128862	0.300239

Net of external funding)		
2022/23 £m	Later Years £m	Total £m
0.300239	0.300239	1.043081

Net Revenue cost / (saving) - Other					
2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	Later Years £m	Total £m
0	-0.155	-0.31	-0.31	-0.31	-1.085

APPENDIX 3

Environment and Sustainability Assessment

Birmingham City Council is required to assess any positive or negative impacts that any policy/strategy/ decision/development proposal is likely to have on the environment. To complete the assessment, you should consider whether that policy/development/proposal will have a positive or a negative impact on each of the key themes by placing a (✓) for positive, (x) for negative and (?) for unclear impact, and (N/A) for non-applicable impact. The assessment must be completed for all Cabinet reports. It is the responsibility of the Service Director signing off the report to ensure that the assessment is complete. The officers from the sustainability team can help to fill the assessment especially during the early days of implementation.

Theme	Example
Natural Resources - Impact on natural resources including water, soil, air.	Development of the extension to King's Norton Cemetery will include the introduction of a sustainable land drainage scheme to improve the management of natural water resources and minimise the risk of flooding.
Energy use and CO ₂ emissions.	There is a neutral impact on the use of energy and CO ₂ emissions
Quality of environment.	The site is intended to be landscaped to house an extension of the existing cemetery with better walking access to the site and places to visit for people who visit their deceased loved ones. This will be an important aspect to ensure the deceased are treated with dignity and respect.
Impact on local green and open spaces and biodiversity	The site will be accessible to the public- the existing sites are not wholly accessible and will incorporate specific areas for local flora and fauna to flourish.
Use of environmentally sustainable products, equipment and packaging'	During the construction of the new burial grounds and introduction of a sustainable land drainage scheme, the production of waste will be minimised. Use of recycled products will be promoted for particular types of burials.
Minimising waste	The development is proposed to minimise waste creation and the maximise recycling during the construction and operation of the project. During construction the promotion of reuse and recycling of existing materials will provide opportunities to improve sustainability in the waste management at the site.

Council plan priority: a city that takes a leading role in tackling climate change and deliver Route to Zero.	By incorporating the proposed sustainable land drainage scheme the intention is to ensure the impact will be to reduce carbon use and assist in the City Council's aim to deliver Route to Zero.
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Project Title:	Extension to King’s Norton Cemetery- Implementation of phases 3 and 4			
Department:	Team: City Operations, Bereavement Services		Person Responsible for assessment: Paul Lankester	
Date of assessment: 26 January 2022		Is it a new or existing proposal? This is an extension of an existing facility		
Brief description of the proposal: Renewal of existing crematorium with installation of two burning chambers to replace three chambers and installation of improved gaseous emission technology				
Potential impacts of the policy/development decision/procedure/ on:	Positive Impact	Negative Impact	No Specific Impact	What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?
Natural Resources- Impact on natural resources including water, soil, air	Improved gas emission treatment			
Energy use and CO ₂ emissions	Improved use through advancements in technology			

Quality of environment			Using existing footprint	
Impact on local green and open spaces and biodiversity			Yes	Potential improvement through better air quality emissions, but better to retain as neutral impact as this is difficult to prove.
Use of sustainable products and equipment	Yes			
Minimising waste	Yes			
Council plan priority: a city that takes a leading role in tackling climate change	Yes			
Overall conclusion on the environmental and sustainability impacts of the proposal	This will have a positive effect on the environment than the current facility.			

If you require assistance in completing this assessment, then please contact: ESAGuidance@birmingham.gov.uk

Birmingham City Council

Report to Cabinet

1 March 2022



Subject: Capital Programme – Renewal of Yardley Crematorium

Report of: Rob James, Managing Director - City Operations

Relevant Cabinet Member: Councillor John Cotton, Cabinet Member, Social Inclusion, Community Safety and Equalities

Relevant O &S Chair(s): Cllr Carl Rice - Co-ordinating Committee
Cllr Kate Booth – Housing and Neighbourhoods Overview and Scrutiny Committee

Report author: Paul Lankester Interim Assistant Director, Regulation and Enforcement
paul.lankester@birmingham.gov.uk
0121 303 6350

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): Yardley		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007841/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 This report sets out a proposal for the renewal of Yardley Crematorium.
- 1.2 This report is seeking approval to implement this proposal, due to burning chambers becoming obsolete. The City Council last renewed the facility 23 years ago, while the crematorium when renewed is estimated to have a twenty-year life. The proposal is to make the facility a two burner crematorium rather than existing

three burner arrangement at an estimated capital cost of £2.25 million (final quotations are awaited). Technological advances make this possible while accommodating the existing throughput. The capital provision will be funded from the existing budget although this will be a pressure for the service. The current budget operates at a surplus of over £4 million.

2 Recommendations

- 2.1 That the proposal to renew the crematorium facility at Yardley be approved.
- 2.2 That the cost of the works (estimated at £2.25 million) be funded through the Capital Programme, with the prudential borrowing costs of £143,000 being met from the Bereavement Services bottom line budget.
- 2.3 That the Director Council Management, in consultation with the Management Director of City Operations, be delegated authority to agree final costs and funding.
- 2.4 The facility be renewed as a two-burner crematorium with the improved air quality emission.

3 Background

- 3.1 The City Council opened the Yardley Cemetery in 1883. A crematorium was built on the site in 1952. The crematorium has three burners and chambers and has a throughput of approximately 107 cremations per month on average, although the service is generally less busy in mid Spring to early Summer.
- 3.2 The last complete refurbishment of the site was undertaken in the late 1990s. When the major refurbishment takes place there is a life of 20 years given to the facility. It is now 23 years since the last refurbishment at Yardley. The facility has three chambers/ burners and the replacement parts are becoming increasingly difficult to source. There will be a need to take one of the chambers out of commission to use for parts on the other chambers if, as likely, a part becomes defective in the coming weeks.
- 3.3 With advances in technology it is now possible to have the same throughput in the crematorium with two chambers as was the case with the three. This reduction in the technical requirement reduces the overall cost of the refurbishment, which is estimated to be of the order of £2.25 million, although final estimates are still awaited. Included with the new chambers will be enhanced pollution control plant which will reduce gaseous emissions.
- 3.4 The cost of not undertaking this refurbishment if it led to the closure of the facility is estimated to be of the order of £0.078m per month (£0.936m per annum) (revenue), so the payback for the investment is of the order of just over two years, assuming the existing estimates are accurate.

4 Options considered and Recommended Proposal

- 4.1 The options available are to either invest in the crematorium refurbishment or not to invest. Other potential technologies have been examined including use of electric powered cremators or natural water cremation (resomation). Given the urgency of the refurbishment required, it has not been possible to gather enough information to allow a feasible option to be put forward. This however will be examined further, prior to any future refurbishment of Lodge Hill or Sutton Coldfield Crematoria.
- 4.2 Birmingham City Council faces a significant loss of revenue of nearly £1 million every year if there is not the investment in Yardley Crematorium. There is no alternative option in the service for raising this revenue, so there would be a significant pressure on the budget.

5 Consultation

- 5.1 In consulting with the funeral directors, there has been a clear view emerging that any major refurbishment should be undertaken at a time when there is less demand for the service. The least demand is normally in the period between mid-Spring and Summer- refurbishments of this nature take approximately four months to complete.
- 5.2 Consultation has taken place with the ward member, the Overview and Scrutiny Committees Chairs and other impacted portfolio holders. No objections to the proposals in this report have been received.
- 5.3 Finance and Legal Services business partners have been consulted. Their comments have been received and incorporated into the report.

6 Risk Management

- 6.1 The principle risks associated with this report relate to financial and reputational risks.
- 6.2 The financial risks are the loss of income while the works are ongoing (estimated to be £0.312m) and the potential loss of customers in the future who have been to other crematoria outside the City. It is believed the reduction in the gas required to charge two burners as opposed to three will offset some of the prudential costs of borrowing, but the current major increase in the price of gas threatens to minimise that saving. However not undertaking the refurbishment will lead to a projected reduction in revenue of an estimated £0.936m per annum.
- 6.3 The reputational risks will relate to the withdrawal of a well-used facility in its bereavement services.
- 6.4 The refurbishment of the facility will lead to improvements in environmental well-being both from reduced energy usage and the emission gases treatment.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The time around death and bereavement is a very sensitive time and treating people and families with dignity throughout is essential. Providing crematoria close to residents' homes to allow easy access to facilities when mourning is consistent with the priority of Birmingham is a fulfilling city to age well in.
- 7.1.2 The adopted delivery plan has a target to provide future investment in cemeteries and crematoria. This proposal will assist in delivering this ambition.

7.2 Legal Implications

- 7.2.1 The provision of crematoria is an adoptive power under legislation.
- 7.2.2 The City Council has a duty to provide its services that meet environmental standards. The inclusion of state of the art gas emission treatment technologies will ensure compliance with that requirement as well as improving air quality.

7.3 Financial Implications

- 7.3.1 The service is seeking to meet the prudential borrowing costs from within its existing budget.
- 7.3.2 The table below examines the costs of servicing the prudential borrowing for £2.25 million.

Year	2022/2023	2023/2024	2024/2025	2025/2026
Capital Cost £million	2.25	0.00	0.00	0.00
Revenue Cost £million				
Prudential borrowing	0.000	0.143	0.143	0.143
Income loss	0.310			

- 7.3.3 Based on this projection, there will be an ongoing revenue cost of £0.143m per annum. The net cost of bereavement services has an operating surplus of over £4.0 million. The replacement of the cremators will support the delivery of that net position into the future and therefore will fund the prudential borrowing cost in the long term.
- 7.3.4 In the short-term the loss of income will be mitigated in the reduced use of gas, reduced need for maintenance, staffing, and proactive referrals of families and funeral directors to other BCC Crematoria sites.
- 7.3.5 In the medium to longer term, the reduction in the gas required to charge two burners as opposed to three will also offset some of the prudential borrowing (factoring in the current major increase in gas prices).

- 7.3.6 As previously highlighted, failure to undertake the works will lead to a pressure of £0.936m per annum.

7.4 Procurement Implications (if required)

- 7.4.1 In the procurement of works contracts to implement these works, the contracts will conform to the City Council's Social Value Policy, thereby complying with the Public Services (Social Value) Act 2012. In particular, any contracts will include provisions as a Tier 2 contract under the social value policy to require the payment of the real living wage to workers engaged in this work.
- 7.4.2 The purchase of plant to deliver a refurbished crematorium is a specialised system. Associated building works will be commissioned through Acivico.

7.5 Human Resources Implications (if required)

- 7.5.1 Failure to undertake the reduction will lead to a reduction in staffing at Yardley when the crematorium becomes non-operational and has to be closed.

7.6 Public Sector Equality Duty

- 7.6.1 The provision of crematoria to meet community needs is a clear requirement to satisfy the public sector equality duty- particular religions require the use of a cremation as part of funeral rituals.

8 Background Documents



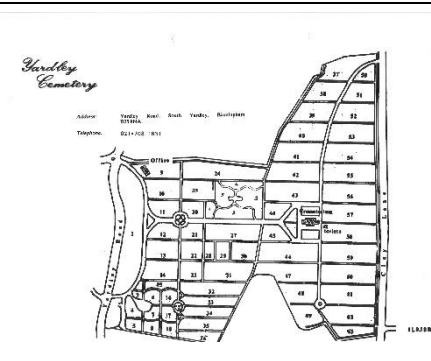
- 8.1 None

List of appendices accompanying this report:

Appendix 1 Fact file for Yardley Cemetery and Crematorium

Appendix 2 - Environment and Sustainability Assessment

Appendix 1 - Fact file for Yardley Cemetery and Crematorium

<p>Site name, address and e-mail/tel.No.</p>	<div data-bbox="405 228 689 526">  </div> <div data-bbox="710 226 1228 264"> <p>Yardley Cemetery & Crematorium</p> </div> <div data-bbox="710 331 917 526"> <p>Yardley Road South Yardley Birmingham B25 8NA</p> </div> <div data-bbox="405 593 622 631"> <p>0121 675 8825</p> </div> <div data-bbox="405 698 1042 739"> <p>yardleycem&crem@birmingham.gov.uk</p> </div>
<p>Website address</p>	<p>https://www.birmingham.gov.uk/directory_record/462/yardley_cemetery_and_crematorium</p>
<p>Location – ordinance survey reference or GPS reference</p>	<div data-bbox="405 810 837 1120">  </div> <div data-bbox="858 808 1284 958"> <p>Yardley Road, Birmingham</p> <p>OS grid reference SP127844</p> </div>
<p>Operating hours/days</p>	<p>Monday to Wednesday – 3:30pm to 7:30pm</p> <p>Thursday to Friday - 8:30am to 7:30pm</p> <p>Saturday and Sunday 10am to 5pm</p>
<p>Council Ward</p>	<p>Yardley Birmingham City Council</p>
<p>Date opened/closed (if applicable)</p> <p>Area</p> <p>Capacity used (100% if closed)</p> <p>Are Cremated remains plots available?</p>	<div data-bbox="405 1332 837 1691">  </div> <div data-bbox="879 1330 1455 1518"> <p>Opened in 1883, Yardley cemetery covers around 64 acres. The Council developed one of its chapels and turned it into the crematorium, which opened in 1952.</p> </div> <div data-bbox="879 1552 1468 1697"> <p>100% Capacity. Yardley cemetery has no land for new full graves. Full interments, burials or scattering of cremated remains continue to take place in private family graves.</p> </div> <div data-bbox="405 1731 1430 1803"> <p>Graves for cremated remains are still available to purchase for the burial of up to two sets of remains.</p> </div>

Description/history (if listed etc. add in information from Heritage England listing	<p>Yardley Cemetery – opened in 1883 with 8 acres. On the extension of Birmingham’s boundaries in 1911 and then the extension in 1921 the cemetery is now around 64 acres of burial land.</p> <p>Yardley Crematorium – Chapel built in 1936, 1952 the Crematorium was added onto the Chapel and opened for use.</p> <p>Book of remembrance room – opened in 1953</p> <p>Capital Improvement Programme in 1993-1994 – provision of toilets, a porte cochere, waiting room and a remembrance chapel.</p> <p>Chapel was reroofed and installed a curtained catafalque system as well as crematorium updates in 2004.</p>
Buildings and condition of assets	Main office, Cemetery Messroom and garage, Crematorium and Chapel – all in use.
Grounds maintenance frequency	Yearly from April to October, grass cutting and strimming. Garden of remembrance hedges.

Environment and Sustainability Assessment

Birmingham City Council is required to assess any positive or negative impacts that any policy/strategy/ decision/development proposal is likely to have on the environment. To complete the assessment, you should consider whether that policy/development/proposal will have a positive or a negative impact on each of the key themes by placing a (✓) for positive, (x) for negative and (?) for unclear impact, and (N/A) for non-applicable impact. The assessment must be completed for all Cabinet reports. It is the responsibility of the Service Director signing off the report to ensure that the assessment is complete. The officers from the sustainability team can help to fill the assessment especially during the early days of implementation.

Theme	Example
Natural Resources - Impact on natural resources including water, soil, air.	The updating of the crematorium will lead to introduction of both more efficient gas burners, reducing energy consumption and the installation of better emissions treatment leading to less harmful emissions being emitted to the air. The decision does not impact on soil. The development will lead to a lesser impact on the environment.
Energy use and CO ₂ emissions.	The decision will lead to a reduction in energy use and less emissions than is currently the case.
Quality of environment.	There is no change in the impact on the current environment and there is no proposal to increase the size of the footprint of the existing building.
Impact on local green and open spaces and biodiversity	The proposal will lead to less localised impacts on the local area than at present due to the reduced emission of gaseous emissions- the proposal involves reducing the number of burners from three to two. The proposal does not lead to any loss or creation of green and blue infrastructure.
Use of environmentally sustainable products, equipment and packaging'	The proposal is intended to increase the use of more sustainable technology and building products.
Minimising waste	The development is proposed to minimise waste creation and the maximise recycling during the construction and operation of the project. During construction the promotion of reuse and recycling of existing materials will provide opportunities to improve sustainability in the waste management at the site.

Council plan priority: a city that takes a leading role in tackling climate change and deliver Route to Zero.	By incorporating the proposed technologies and technological advances the impact will be to reduce carbon use and assist in the City Council's aim to deliver Route to Zero.
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Project Title:	Refurbishment of Yardley Crematorium			
Department:	Team: City Operations, Bereavement Services		Person Responsible for assessment: Paul Lankester	
Date of assessment: 26 January 2022		Is it a new or existing proposal? This is a refurbishment of an existing facility		
Brief description of the proposal: Renewal of existing crematorium with installation of two burning chambers to replace three chambers and installation of improved gaseous emission technology				
Potential impacts of the policy/development decision/procedure/ on:	Positive Impact	Negative Impact	No Specific Impact	What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?
Natural Resources- Impact on natural resources including water, soil, air	Improved gas emission treatment			
Energy use and CO ₂ emissions	Improved use through advancements in technology			

Quality of environment			Using existing footprint	
Impact on local green and open spaces and biodiversity			Yes	Potential improvement through better air quality emissions, but better to retain as neutral impact as this is difficult to prove.
Use of sustainable products and equipment	Yes			
Minimising waste	Yes			
Council plan priority: a city that takes a leading role in tackling climate change	Yes			
Overall conclusion on the environmental and sustainability impacts of the proposal	This will have a positive effect on the environment than the current facility.			

If you require assistance in completing this assessment, then please contact: ESAGuidance@birmingham.gov.uk

Birmingham City Council

Report to Cabinet

1st March 2022



Subject: Contract Award for the Provision of R&M, Gas Servicing and Capital Improvement Work Programmes for 2022-2024

Report of: Julie Griffin, Managing Director, City Housing

Relevant Cabinet Members: Councillor Shabrana Hussain, Cabinet Member for Homes and Neighbourhoods
Councillor Ian Ward, The Leader of the Council
Councillor Tristan Chatfield, Cabinet Member for Finance and Resources

Relevant O & S Chair(s): Councillor Kate Booth – Chair Housing and Neighbourhoods Overview and Scrutiny Committee
Councillor Mohammed Aikhlaq – Chair Resources Overview and Scrutiny Committee

Report author: Sarah Ager,
Acting Head of Repairs and Capital Investment
Email Address: sarah.ager@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009954/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential. Commercially and reputationally sensitive information		

1 Executive Summary

- 1.1 This report provides details of the contract provision for the provision of Responsive Repair & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) in all areas of Birmingham from 1st April 2022 to 31st March 2024.

- 1.2 The exempt appendix 1 contains any commercially / sensitive / confidential market information which could impact on the process.

2 Recommendations

That Cabinet:

- 2.1 Authorises the Managing Director, City Housing, in conjunction with the Assistant Director of Procurement, the Chief Finance Officer and the City Solicitor and Monitoring Officer, to take up the contractual option to extend for two years subject to satisfactory performance and commercial terms or not extend and re-procure any contracts necessary.
- 2.2 Authorises the City Solicitor and Monitoring Officer to enter into any agreements necessary to give effect to the above decision.
- 2.3 Approve “Options considered and Recommended Proposal” as set out in section 3 of the exempt appendix.

3 Background

- 3.1 A Cabinet Report was agreed on 16th March 2021 authorising the Managing Director, City Housing, in conjunction with the Assistant Director of Development and Commercial, the Chief Finance Officer and the City Solicitor and Monitoring Officer, to take up the contractual option to extend for two years subject to satisfactory performance and commercial terms or not extend and re-procure any contracts necessary.
- 3.2 The contract extension process was carried out and successful negotiation of commercial terms was reached with Engie for the North area of Birmingham.
- 3.3 Agreement was not reached with Wates on the East and West-Central areas of the City and alternative provision was secured with Engie through a PR15 compliant procurement framework.
- 3.4 Details on the contract on the South is detailed in appendix 1.

4 Options considered and Recommended Proposal

The recommendation is to:

- 4.1 approve “Options considered and Recommended Proposal” as set out in section 3 of the exempt appendix.

5 Consultation

- 5.1 We will continue to work with residents, housing management teams and elected members to inform them further as the process progresses.
- 5.2 We have consulted market leading consultants, operating within the construction / R&M industry to understand the options considered in the exempt appendix.

6 Risk Management

- 6.1 Specific risks are detailed in the exempt Appendix 1.
- 6.2 Risks will be identified, evaluated and controlled in line with the Birmingham City Council Risk Management Methodology 2017.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 This contract contributes to the Council Plan outcomes 2, 3, 4 & 6
- 7.1.2 Improving the Council owned housing stock directly contributes to the strategic outcomes of the Sustainable Community Strategy, the proposed Council Business Plan and Budget 2021+. Stock improvements will also impact upon the other strategic outcomes, most notably on the aspiration for healthier communities and carbon reduction.
- 7.1.3 The Council will upgrade its stock's thermal performance by energy efficient measures that may include whole property retrofit in line with the City's wider sustainability strategy set by Birmingham's Green Commission through the Carbon Roadmap. These works will include the replacement of existing older inefficient heating systems, external insulation, hard to treat cavity wall and loft insulation and any other innovative energy efficiency works. This will further contribute to targets within the Commission's Carbon Roadmap to reduce carbon dioxide emissions by 60% by 2027 and alleviate fuel poverty. The Council's approach will be to identify additional funding routes such as Energy Company Obligation (ECO), Renewable Heat Incentive (RHI) and any other funding routes that may become available in the future.
- 7.1.4 The Council will seek to upgrade its newbuild property specification to a higher standard of thermal performance and energy efficiency, to ensure that new homes are delivered that relieve fuel poverty and reduce carbon outputs.
- 7.1.5 The Council and its contractors will work with local educational facilities providing opportunities for young people to learn about skills and apprenticeships within the building industry.
- 7.1.6 The Council and its contractors will ensure continued independence for the residents of Birmingham with the delivery of aids and adaptations to the residents' homes
- 7.1.7 The Council and its contractors will ensure that all waste is recycled appropriately, that their carbon footprints are reduced through the use of electric or hybrid vehicles where possible.
- 7.1.8 The Council and its contractors will contribute to any homeless reduction initiatives by providing empty properties for reallocation within the appropriate timescales.
- 7.1.9 Birmingham Business Charter for Social Responsibility (BBC4SR)

Compliance with the BBC4SR is a mandatory requirement of the contract, however they will have to identify additional SV actions that are proportionate to the value of the extension. These actions will be monitored and managed during the period of the contract.

7.2 Legal Implications

- 7.2.1 The proposed allocation of work is consistent with the effective management of the Council's housing stock under Part II Housing Act 1985.
- 7.2.2 The Provision of Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) contracts awarded in 2015 make specific provision for the extension of the contracts as described above. The Council is not obligated to extend any of the contracts. However, if it did not do so, then in order for the same services to be carried

out by an external provider, the work would need to be re-tendered under a public procurement process.

7.3 Financial Implications

It is possible that there will be an uplift to the current contractual prices due to factors identified in Section 6. Any increases will need to be reflected as part of the review of the HRA Business Plan 2022+, which have been included in the HRA Business Plan agreed at Cabinet on 8th February 2022.

7.4 Procurement Implications (if required)

- 7.4.1 This report concerns the contract extension options for the Contract Provision of the contract delivering the Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes from April 1st 2022 to 31st March 2024 and the implications are detailed throughout the report.

7.5 Human Resources Implications (if required)

- 7.5.1 The procurement activity and the subsequent contract management will be undertaken by Council staff.

7.6 Public Sector Equality Duty

- 7.6.1 In relation to the recommendations set out in this report, due regard has been paid to the requirements of the Equality Act 2010 and an Equality Assessment has been carried out which has shown that the recommendation will not have any adverse effects on the procurement.
- 7.6.2 The requirements of Standing Order No. 9 in respect of the Council's Equal Opportunity Policy will be incorporated in the contracts for projects carried out within the programme.

8 Background Documents

- 8.1 Cabinet Report 16th March 2021: Contract Strategy for the Provision of R&M, Gas Servicing and Capital Improvement Work Programmes for 2022-2024

9. Appendices

- 9.1 Appendix 1 Exempt Report
- 9.2 Appendix 2 EINA

Title of proposed EIA	Contract Strategy for the Provision of Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes for 2022-2024
Reference No	EQUA852
EA is in support of	Amended Policy
Review Frequency	Annually
Date of first review	01/03/2022
Directorate	Neighbourhoods
Division	City Housing
Service Area	Capital Investment and Repairs
Responsible Officer(s)	<input type="checkbox"/> Lorraine Long
Quality Control Officer(s)	<input type="checkbox"/> Sonia Sheward
Accountable Officer(s)	<input type="checkbox"/> Sarah Ager
Purpose of proposal	To ensure that the Contract Strategy for the Provision of Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes for 2022-2024 meets the requirement of the Equality Impact Assessment
Data sources	Consultation Results; Interviews; relevant reports/strategies; Statistical Database (please specify)
Please include any other sources of data	Northgate, Apex Stock Condition Database, internal key performance indicator reports
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Service Users / Stakeholders; Wider Community
Age details:	All residents are impacted. However it must be noted significant support arrangements are in place to support.
Protected characteristic: Disability	Service Users / Stakeholders; Wider Community
Disability details:	All residents are impacted. However it must be noted significant support arrangements are in place to support our disabled citizens
Protected characteristic: Sex	Service Users / Stakeholders; Wider Community

Gender details:	Community The service provides support as required or when specified in order to ensure no discrimination takes place
Protected characteristics: Gender Reassignment	Service Users / Stakeholders; Wider Community
Gender reassignment details:	The service provides support as required or when specified in order to ensure no discrimination takes place.
Protected characteristics: Marriage and Civil Partnership	Service Users/ Stakeholders; Wider Community
Marriage and civil partnership details:	The service provides support as required or when specified in order to ensure no discrimination takes place.
Protected characteristics: Pregnancy and Maternity	Service Users / Stakeholders; Wider Community
Pregnancy and maternity details:	The service provides support as required or when specified in order to ensure no discrimination takes place.
Protected characteristics: Race	Service Users / Stakeholders; Wider Community
Race details:	All contractors and BCC staff are bound by statute to ensure compliance
Protected characteristics: Religion or Beliefs	Service Users / Stakeholders; Wider Community
Religion or beliefs details:	These improvements to residents' homes are being delivered in a sensitive and respectful manner. The contracts require that all operatives and staff are trained to ensure that no one is discriminated against and that all needs are catered for respectfully and in compliance with statute.
Protected characteristics: Sexual Orientation	Service Users / Stakeholders; Wider Community
Sexual orientation details:	The service is delivered sensitively to ensure no discrimination takes place.
Socio-economic impacts	
Please indicate any actions arising from completing this screening exercise.	These improvements to residents' homes are being delivered in a sensitive and respectful manner. The

sensitive and respectful manner. The contracts require that all operatives and staff are trained to ensure that no one is discriminated against and that all needs are catered for respectfully and in compliance with statute.

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

Customer satisfaction rating confirms that there is a high level of satisfaction amongst service users. When the improvements are carried out to resident's homes, customer satisfaction feedback will be monitored.

Consultation analysis

The consultation process is through City HLB who represents all Council residents and also City LLB who represents all Council leaseholders. Local agencies regularly liaise with our service where people are identified as needing specific support West Midlands Fire Service are also involved

Adverse impact on any people with protected characteristics.

Every effort is made to ensure that no customer is adversely affected. Works are carried out in compliance with statutory legislation and where appropriate in line with policies which have been consulted on with residents and leaseholders.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

The primary objective is to respond to individual needs on a bespoke basis. Everyone has the right to be treated with respect and as an individual. Therefore, although policies provide a useful guideline, the needs of individuals vary widely and every effort is made to cater for specific needs as they arise i.e. the call centre offer language translation services.

How will the effect(s) of this policy/proposal on equality be monitored?

The approach will continue to be monitored based on customer feedback at all times.

What data is required in the future?

Continued monitoring of complaints and customer satisfaction feedback to ensure we are meeting the needs of all

Are there any adverse impacts on any particular group(s)	protected characteristics.
If yes, please explain your reasons for going ahead.	No
Initial equality impact assessment of your proposal	All staff and contractors are bound by the Equality Act 2010. Therefore, every effort is made to support the needs of all service users and more specifically those with protected characteristics. There is no indication at present, through complaints data or customer satisfaction that we are falling short of our statutory obligations.
Consulted People or Groups	
Informed People or Groups	
Summary and evidence of findings from your EIA	Ongoing consultations with residents/residents groups/contractors will be carried out during the programmed capital works.
QUALITY CONTORL SECTION	
Submit to the Quality Control Officer for reviewing?	No
Quality Control Officer comments	All measures reviewed and confirmed by responsible officer
Decision by Quality Control Officer	Proceed for final approval
Submit draft to Accountable Officer?	Yes
Decision by Accountable Officer	Approve
Date approved / rejected by the Accountable Officer	11/02/2022
Reasons for approval or rejection	Ongoing consultations with residents/residents groups/contractors will be carried out during the programmed capital works.
Please print and save a PDF copy for your records	Yes
Content Type: Item	
Version: 39.0	
Created at 09/02/2022 11:46 AM by <input type="checkbox"/> Lorraine Long	
Last modified at 11/02/2022 12:37 PM by Workflow on behalf of <input type="checkbox"/> Sarah Ager	

Close

Birmingham City Council

**Reports not on the Forward Plan / Confidential or Exempt Information
not Notified**

Birmingham City Council

1 March 2022



Subject: Contract Award for the Provision of R&M, Gas Servicing and Capital Improvement Work Programmes for the South 2022-2024

Report of: Julie Griffin, Managing Director, City Housing

Report author: Sarah Ager, Acting Head of Service Capital Investment and Repairs

1) Key Decisions not on the Forward Plan / Urgent Decisions

To be completed for Key Decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the notification</i>	Procurement legal challenge resulting in alternative contractual arrangements being required to be in place by 1 st April 2022.
<i>Date Chief Executive Agreement obtained:</i>	Rebecca Hellard on behalf of Chief Executive 04/02/2022
<i>Name, Date and any comments of O&S Chair agreement obtained:</i>	Cllr Kate Booth 14/02/2022

2) Key Decisions not notified on the Notification of Intention to Consider Matters in Private

To be completed for Key Decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the notification</i>	Procurement legal challenge resulting in alternative contractual arrangements being required to be in place by 1 st April 2022
<i>Name, Date and any comments of O&S Chair agreement obtained:</i>	Cllr Kate Booth 14/02/2022

