

Appendix 4

Birmingham City Council's Consultation on Proposal to Introduce Additional Licensing - Report of findings and Council response

1.0 Background

- 1.1 This report details the results of Birmingham City Council proposed additional licensing scheme consultation.
- 1.2 The Council is proposing to introduce a citywide additional licensing scheme for smaller Houses in Multiple Occupation (HMOs) which are not covered by mandatory licensing. The scheme is proposed to run for up to five years. This would apply to properties which are occupied by three or more people who are not from the same family, and who share a kitchen, bathroom or toilet.
- 1.3 The Council is also proposing to include what are known as Section 257 HMOs within the designation. Section 257 Housing Act 2004 defines these HMOs as converted blocks of flats and applies to whole converted properties rather than individual dwellings and describes an HMO as a building:
- which has been converted into and consists of self-contained flats
 - where the conversion work did not comply with the appropriate building standards and still does not
 - where less than two-thirds of the flats are owner-occupied

The appropriate building standards are those required by the Building Regulations 1991 or 2000 (whichever were in force at the time of the conversion)

- 1.4 By requiring landlords to apply for a licence, the Council is able to ensure they are a 'fit and proper' person and through compliance with the licence conditions, are providing well managed homes.

2.0 Consultation

- 2.1 The consultation period ran for 10 weeks, commencing on the 4 July 2022 and ending on the 13 September 2022. Details of the proposal including an evidence report and a shorter, summary report, along with an online survey, were available on the Council's consultation website, Birmingham BeHeard at www.birminghambeheard.org.uk/place/additional-licensing during this period.
- 2.2 In total, 545 responses were received via the online survey, as well as 49 written responses received directly.
- 2.3 Two virtual consultation events, facilitated by the National Residential Landlords Association, were held.

3.0 Understanding the results

- 3.1 Most of the results are given as percentages, which may not always add up to 100% because of rounding.
- 3.2 Where appropriate, additional comments have either been summarised into key themes or included in their entirety.

- 3.3 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.
- 3.4 This does not mean, however, that the majority views should automatically decide public policy, and the popularity or unpopularity of the proposal 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 the Council's decision. Above all, public bodies have to consider the relevance and cogency of the arguments put forward during the public consultation processes, not just count heads.
- 3.5 Importantly, the consultation methods cannot simply be combined to yield a single point of view on the proposed additional licensing scheme that reconciles everyone's differences and is acceptable to all.
- 3.6 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 simply be aggregated into a single result. Secondly, different areas and sub-groups will inevitably have different perspectives on the proposal and there is no formula in the consultation process that can reconcile everyone's differences in a single way forward.
- 3.7 It is also important to recognise that the outcome of the consultation process will need to be considered alongside other information available about the likely impact of the 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.
- 4.0 Executive summary
- 4.1 The headline results of the online survey reveal that:
- 90% agreed that poor property conditions are a problem in some areas of the city
 - 92% agree that anti-social behaviour is a problem in some areas of the city
 - 93% agree that waste incidents are a problem in some areas of the city
 - 86% agree with the proposal to introduce additional licencing
 - 81% believe the proposed scheme would have a positive impact on them
 - 74% agree that the scheme would contribute to reducing anti-social behaviour linked to HMOs
 - 70% agree that the scheme would contribute to reducing waste incidents linked to HMOs
 - 78% agree that the scheme would contribute to improving property and management standards of HMOs
- 4.2 The proposal to introduce additional licensing gained support from 86% of those that responded to the consultation, including 79% that strongly agreed. Conversely, 13% disagreed with the proposal, including 11% that strongly disagreed.
- However, only 56% of landlords and lettings agents agreed with the proposal, with 44% disagreeing. Of those landlords and agents who disagreed, 84% strongly disagreed.

4.3 Reducing anti-social behaviour linked to HMOs

Of all respondents, around three quarters agreed that proposal would have a positive effect on reducing anti-social behaviour. Of those that agreed, 49% strongly agreed.

Around one in five disagreed (20%). Of the landlords and agents that responded, half (50%) disagreed. Of those that disagreed, 66% strongly disagreed.

4.4 Reducing waste incidents linked to HMOs

70% of respondents agreed that the proposed scheme would contribute to reducing waste incidents linked to HMOs. Of those that agreed, 43% strongly agreed.

Similar to respondents' views on reducing ASB, around one in five disagreed (21%). Of the landlords and agents that responded, 55% disagreed, of which 37% strongly disagreed.

4.5 Improving property and tenant management standards within HMOs

78% of respondent agreed that the proposed scheme would contribute to improving property and tenant managements standards in HMOs. Of those that agreed, 51% strongly agreed.

Following a similar pattern to other questions on the impact of the proposed scheme, 18% of respondents disagreed, with 10% strongly disagreeing.

Around half (47%) of landlords and agents disagreed with the statement that the proposed scheme would improve the standard and management of HMOs, with 67% strongly disagreeing.

4.6 Issues impacting the City

The online sought respondents view on the extent they believe specific housing related issues to be a problem in some areas of Birmingham. Respondents were asked for their views on:

- Poor property conditions
- Anti-social behaviour
- Fly tipping and other waste issues
- Vacant/empty properties
- Homelessness and rough sleeping

4.7 Poor property conditions

90% of survey respondents agreed that poor property conditions was an issue in some areas of the city, with 62% strongly agreeing.

6% disagreed and 4% were unsure. Of those that disagreed, around half(46%) strongly disagreed.

Amongst landlords and agents, views were broadly similar to that of other respondents with 77% agreeing, whilst 17% disagreed. Of those that disagreed, around half (42%) strongly disagreed.

4.8 Anti-social behaviour

92% of all respondents agreed that anti-social behaviour was an issue in some areas of the City, with 68% strongly agreeing.

5% disagreed and 3% were unsure. Of those that disagreed, around a quarter (27%) strongly disagreed.

Amongst landlords and agents, 74% agreed, with 34% strongly agreeing.

Of those landlords and agents that disagreed (14%), around a third (30%) strongly disagreed, similar to the view of all respondents.

4.9 Fly tipping and other waste issues

The majority (93%) of respondents agreed that waste incidents are a problem in some parts of the city, with a minority (4%) disagreeing. Of those that disagreed, 24% strongly disagreed. Amongst those that agreed, 75% strongly agreed.

Responses from landlords and agents were similar with 84% agreeing, but a lower percentage (51%) strongly agreeing. Of those landlords and agents who disagreed (7%), one strongly disagreed.

4.10 Vacant/empty properties

Respondents views on empty properties differed significantly from the view on the three topics above with 63% agreeing they were an issue in some parts of the city. The split between agreeing and strongly agreeing was around half and half, with 55% agreeing and 45% strongly agreeing.

19% disagreed, of which 25% strongly disagreed. 18% of all respondents were not sure.

Amongst landlords and agents, a lower percentage (46%) agreed, with 37% disagreeing, twice that of all respondents.

4.11 Homelessness and rough sleeping

85% of all survey respondents agreed that homelessness and rough sleeping was an issue in some areas of the city, nearly half (46%) strongly agreeing.

8% disagreed and 8% were unsure. Of those that disagreed, nearly a third (32%) strongly disagreed.

Amongst landlords and agents, views were not too dissimilar to that of other respondents with 79% agreeing and 11% disagreeing. Of those that disagreed, 38% strongly disagreed.

4.12 Fees

Around a quarter (23%) of respondents to the consultation felt that the proposed fee was about right, compared to 55% who felt the fee was too low, and 16% too high.

There was however a disparity between the views of landlords and agents, and other respondents, with 63% of landlords and agents believing the proposed fee to be too high. 13% of landlords and agents consider the fee is too low, with 19% believing the fee is about right.

5.0 Online survey

5.1 In total, the Council received 545 responses to its online survey.

5.2 Respondents were also given the opportunity to comments on any other things they think the Council should consider to help improve or reduce the issues linked to HMOs in the City and if there any comments that they would like to make about other aspects of the proposal.

5.3 In addition to seeking views on the proposal, equality and diversity data was also captured. A summary of this data can be found in Appendix 1.

6.0 Connection to Birmingham

6.1 The consultation survey 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.

6.2 Respondents completing the online survey were asked to indicate their connection to the city. Where applicable, respondents were able to indicate more than one connection and the full breakdown of responses by respondent type is provided in Figure 1. There were 545 responses to this question.

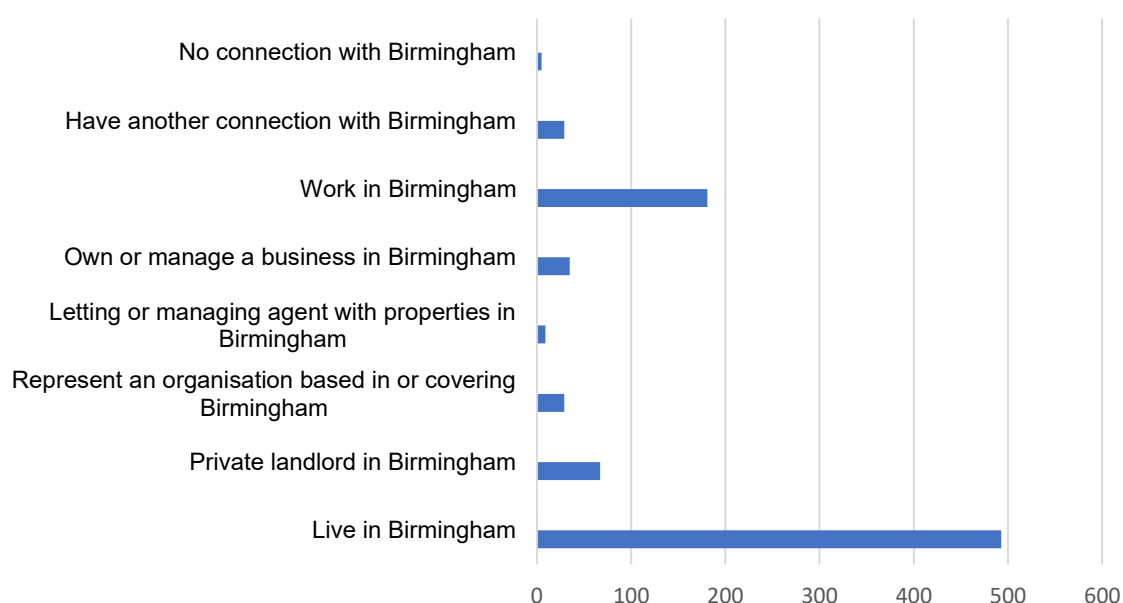


Figure 1: Graph showing online survey respondent's connection to the City

6.3 It can be seen that the majority of respondents (90.46%) live in the city, with 33% working in the city, while around 14% were private landlords and letting and managing agents. The remainder were a mixture of businesses, organisations, or had another connection with the city. Five respondents had no connection to the city.

7.0 Issues affecting the city

7.1 Respondents were asked to what extent they believe each of the following to be a problem in some areas of Birmingham.

- Poor property conditions
- Anti-social behaviour e.g noise

- Fly tipping and other waste issues e.g. overflowing bins
- Vacant/empty properties
- Homelessness and rough sleeping

8.0 Poor property conditions

8.1 Views were sought on the extent to which respondents felt that poor property conditions were an issue in some parts of the City. There were 545 responses to this question. The extent to which respondents agreed or disagreed that poor property conditions is shown in the pie chart below.

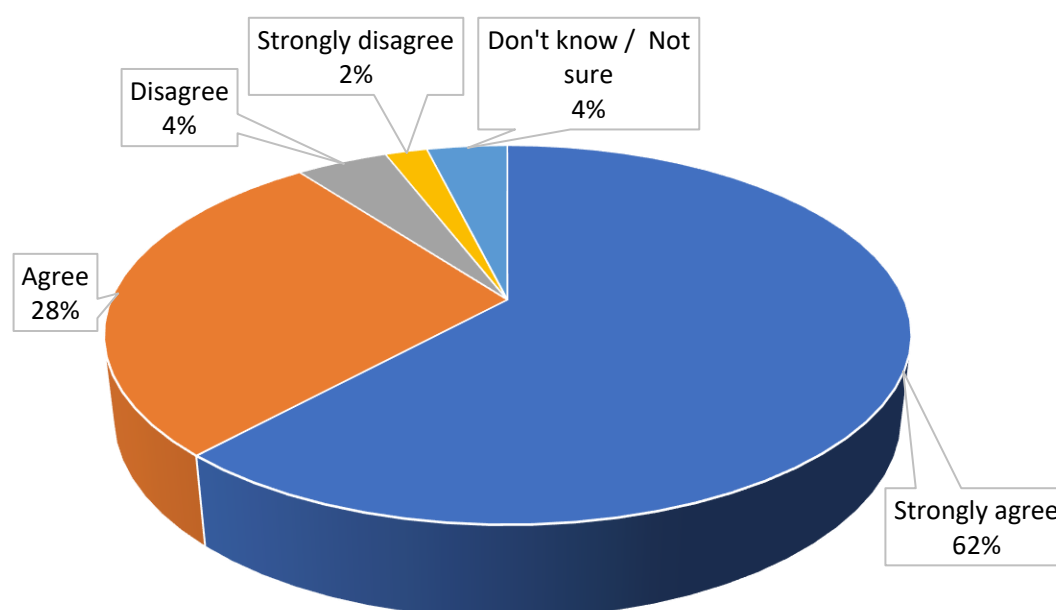


Figure 2: Pie chart showing the extent to which respondents agreed or disagreed that poor property conditions are an issue in some parts of the city.

8.2 Some respondents highlighted through the additional comments section of the survey that poor property conditions are not present across all wards of the City and that the Council should recognise this when considering the introduction of additional licensing.

8.3 90% of survey respondents agreed that poor property conditions are an issue in some areas of the city, with 62% strongly agreeing. 6% disagreed and 4% were unsure. Of those that disagreed, around half(46%) strongly disagreed.

8.4 Amongst landlords and agents, views were broadly similar to that of other respondents with 77% agreeing, whilst 17% disagreed. Of those that disagreed, around half (42%) strongly disagreed.

8.5.1 Additional comments/views received in respect of poor property conditions included:

8.5.1 The conditions proposed do not give any detail about improving the conditions inside the property. It is not clear whether this will be addressed using Housing Health and Safety Rating System (HHSRS) or more licence conditions

- 8.5.2 Poor living conditions can have a significant impact on people's sense of wellbeing and sense of worth. Anything to raise standards may also help those suffering from depressive and anxiety.
- 8.5.3 Too many people suffer in disgraceful conditions while the unscrupulous are allowed to profiteer.
- 8.6 Additional licensing will 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 HMO sector. It would provide a level playing field for legitimate landlords and reduce the risk of exploitation of tenants.
- 8.7 Additional licensing will provide clear guidance for landlords on the expected standards for property conditions and management. The proposed licence conditions include requirements related to the safety of gas and electrical installations, the provision of smoke and carbon monoxide alarms, as well as minimum room sizes and maximum occupancy levels, which will contribute to addressing poor property conditions.
- 8.8 Inspections under the HHSRS will continue to be undertaken and appropriate enforcement action taken to ensure remedial action is taken by the licence holder. Depending on the nature of the issue, this may be a breach of the licence conditions and/or a Category 1 or 2 hazard under the HHSRS. The Council will have regard to its Regulation and Enforcement - Enforcement Policy when determining appropriate enforcement action.
- 9.0 Anti-Social Behaviour
- 9.1 Views were sought on the extent to which respondents felt that anti-social behaviour is an issue in some parts of the City. There were 545 responses to this question. The extent to which respondents agreed or disagreed that anti-social behaviour is an issue is shown in the pie chart below.

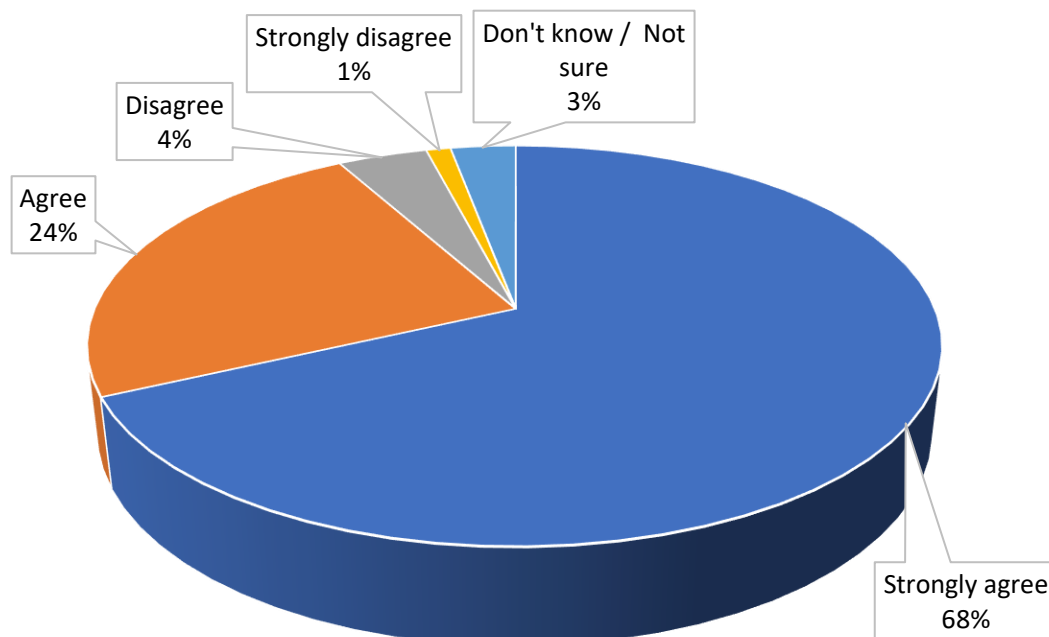


Figure 3: Pie chart showing the extent to which respondents agreed or disagreed that anti-social behaviour is an issue in some parts of the city.

9.2 92% of all respondents agreed that anti-social behaviour was an issue in some areas of the City, with 68% strongly agreeing. 5% disagreed and 3% were unsure. Of those that disagreed, around a quarter(27%) strongly disagreed.

9.3 Amongst landlords, 74% agreed, with 34% strongly agreeing. Of those landlords that disagreed (14%), around a third (30%) strongly disagreed, similar to the view of all respondents.

9.4 Additional comments in respect of anti-social behaviour included:

9.4.1 Respondents questioned the extent to which the smaller HMOs falling under additional licensing contribute toward ASB when compared with the current mandatory licensing.

9.4.2 There should be information sharing from the Police to allow the Council to identify crime by property where it relates to licensable properties. In addition, respondents felt that there should be better liaison with the Police when tackling issues.

9.4.3 Ensure that landlords are liable for anti-social behaviour caused by tenants and that landlords have a duty to act quickly where licence conditions are breached.

9.4.4 There needs to be a vast increase in the number of inspectors and inspections. It is only a zero tolerance attitude towards errant landlords and anti-social behaviour that will improve the disgusting state of large swathes of the city.

9.4.5 Immediate action is required from the Council to address anti-social behaviour.

9.5 Additional licensing would work in unison with other strategies and with partners such as West Midlands Police to address issues at a neighbourhood level in a holistic manner. Additional licensing would enhance the community safety partnership response through improved working relationships and referral routes.

10.0 Flytipping and other waste issues

10.1 Views were sought on the extent to which respondents felt that fly tipping and other waste issues is an issue in some parts of the City. There were 545 responses to this question. The extent to which respondents agreed or disagreed that waste incidents is an issue is shown in the pie chart below.

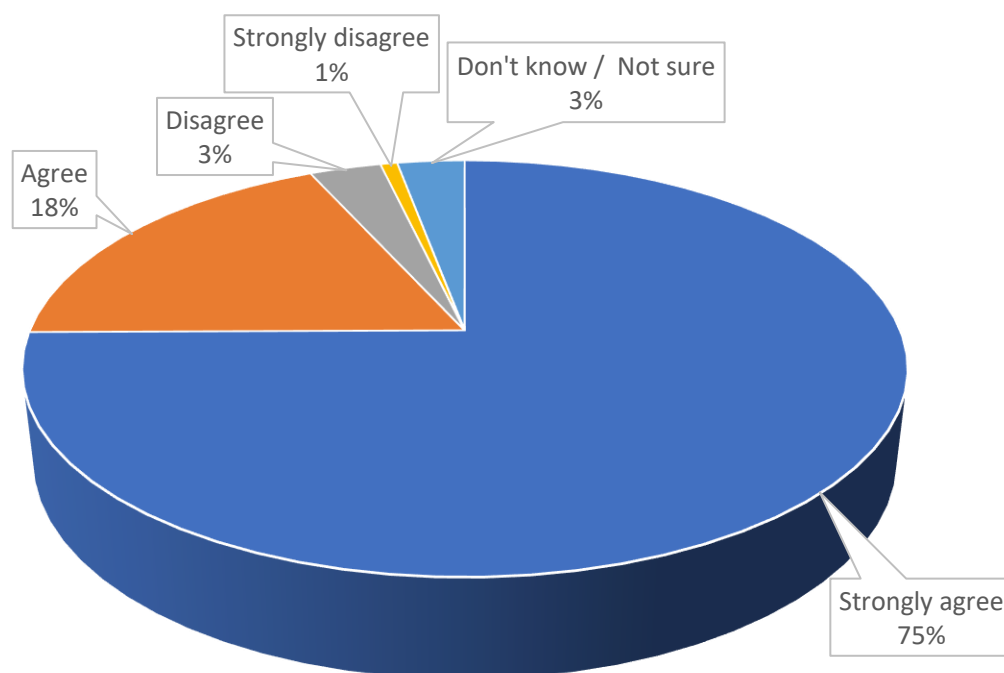


Figure 4: Pie chart showing the extent to which respondents agreed or disagreed waste incidents are an issue in some parts of the city.

10.2 As can be seen in the Figure 4, the vast majority (93%) of respondents agreed that waste incidents are a problem in some parts of the city, with only a minority (4%) disagreeing. Amongst those that agreed, 75% strongly agreed, and of those that disagreed, 24% strongly disagreed.

10.3 Responses from landlords and agents were broadly similar with 84% agreeing, but a lower percentage (51%) strongly agreeing. Of those landlords who disagreed (7%), one strongly disagreed that waste incidents are an issue.

10.4 Additional views in relation to waste incidents included:

10.4.1 Landlords and/or management companies must be held accountable for their tenants behaviour however, it is frequently these people rather than the tenants themselves who are responsible for the majority of flytipping.

10.4.2 The Council need to make sure landlords are accountable for waste left outside, and that gardens/outdoor areas are kept tidy.

10.4.3 All HMOs should have an appropriate waste disposal licence, however it would still be more economic for a dishonest landlord to possess a waste disposal licence and pay somebody to fly tip.

- 10.4.4 How will the Council going monitor all the HMO properties and deal with the waste/fly tipping that they bring?
- 10.4.5 There should be an easy way to report issues with HMOs, such as waste, anti-social behaviour, drugs etc
- 10.4.6 There should be a contact registry for landlords so that neighbours affected by anti-social behaviour or waste issues can contact them first to resolve any issues.
- 10.4.7 The landlords need to be paying for waste collection, especially in student houses.
- 10.4.8 The onus should be on the landlord and if bins are not put back on property they should be charged.
- 10.4.9 Landlords are flytipping and residents are not taking responsibility for looking after things like recycling and waste collection.
- 10.5 In determining whether waste incidents are an issue affecting HMOs more than other types of residential accommodation, the Council has identified 28,490 waste incident record linked to 6,848 predicted HMOs. The original pool of data linked to a residential property included 106,831 records. Therefore, 26.7% of all waste records can be attributed to predicted HMOs in the city, although they only make up around 2.6% of the total housing stock within the city. This evidence tells us that HMOs are attracting a disproportionate level of waste complaints.
- 10.6 The introduction of additional licensing will require the licence holder to adhere to specific licence conditions for the storage and disposal of waste from the property. These include making arrangements for the proper storage of bins and recycling boxes within the boundary of their properties, ensuring rubbish and recycling bins are stored in a neat and tidy manner, and to give waste collection information to tenants
- 10.7 Any loose waste stacked next to full bins, or bags piled gardens and forecourts, will be taken as evidence that landlords have not provided sufficient waste storage at their properties and the Council will pursue appropriate action against the licence holder. 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.
- 10.8 Additional licensing provides a mechanism by which reports of waste incidents can be shared between internal departments, and be received from tenants, residents, and organisations such as the Police and Fire Service. The proposed team structure includes enforcement and compliance officers who will take appropriate action upon receipt of a report. Any waste concerns identified in the course of a compliance inspections would also be addressed with the licence holder.
- 10.9 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.
- 11.0 Empty Properties

- 11.1 Views were sought on the extent to which respondents felt that empty properties are an issue in some parts of the City. There were 545 responses to this question. The extent to which respondents agreed or disagreed that empty properties are an issue is shown in the pie chart below.

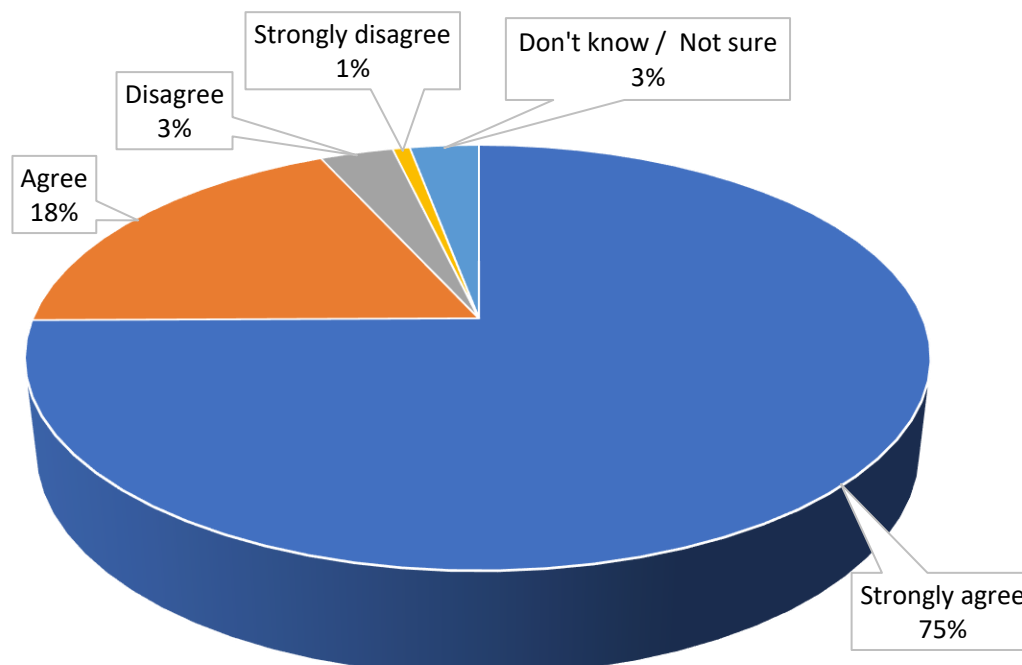


Figure 5: Pie chart showing the extent to which respondents agreed or disagreed that empty properties are an issue in some parts of the city.

- 11.2 Empty homes can blight a neighbourhood, attracting vandalism and antisocial behaviour. Through the introduction of additional licencing, property conditions improve and tenancies are more likely to be sustained.
- 11.3 63% of respondents agreed that empty properties were an issue in some parts of the city. The split between agreeing and strongly agreeing was around half and half, with 55% agreeing and 45% strongly agreeing. 19% disagreed, of which 25% strongly disagreed. 18% of all respondents were not sure. Amongst landlords and agents, a lower percentage (46%) agreed, with 37% disagreeing, twice that of all respondents.
- 11.4 Additional comments in respect of empty properties included:
- 11.4.1 One respondent raised concerns over second homes and a view that the Council should focus on these.
- 11.4.2 Concerns that additional licensing will result in some landlords leaving the rental market, thereby resulting in an increase in empty properties
- 11.4.2 One respondent cited concerns over the number of student accommodation properties that are empty over the summer holiday period.
- 11.4.3 The Council has stated they want additional 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 Management Dwelling Orders, loans/grants available to bring these properties back into use or case studies involving empty properties. The Council should provide further information on what active steps have been taken to reduce the number of vacant properties within the city to aid in its overall objective.

11.4.4 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.

11.4.5 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.

12.0 Homelessness and Rough Sleeping

12.1 Views were sought on the extent to which respondents felt that homelessness and rough sleeping are an issue in some parts of the City. There were 545 responses to this question. The extent to which respondents agreed or disagreed that rough sleeping and homelessness is an issue is shown in the pie chart below.

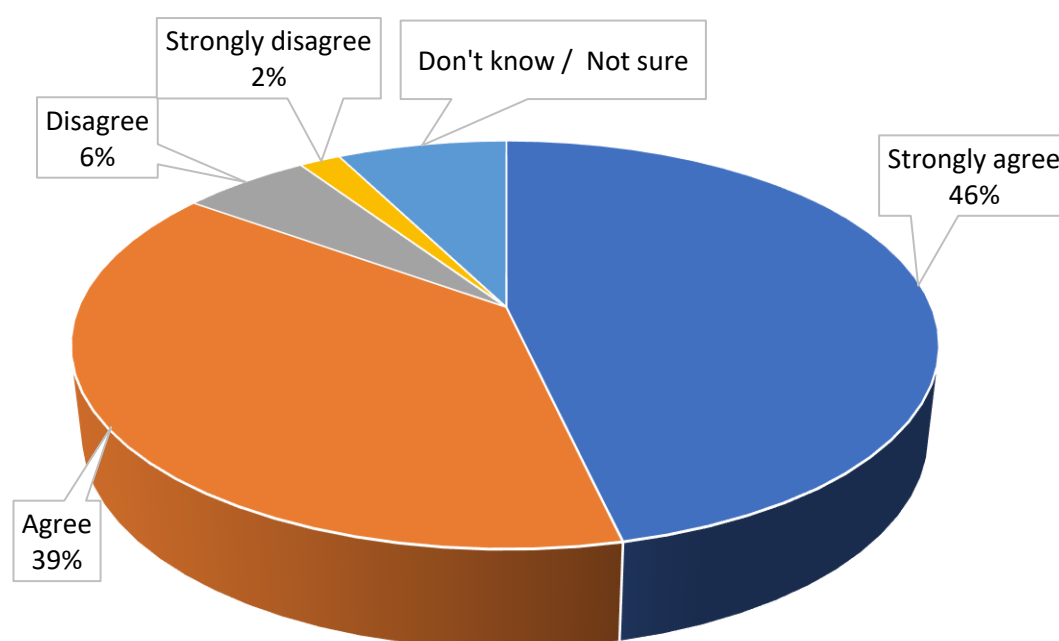


Figure 5: Pie chart showing the extent to which respondents agreed or disagreed that homelessness and rough sleeping is an issue in some parts of the city.

12.2 85% of all survey respondents agreed that homelessness and rough sleeping was an issue in some areas of the city, nearly half (46%) strongly agreeing. 8% disagreed and 8% were unsure. Of those that disagreed, nearly a third (32%) strongly disagreed. Amongst landlords, views were not too dissimilar to that of other respondents with 79% agreeing and 11% disagreeing. Of those that disagreed, 38% strongly disagreed.

- 12.3 Additional comments provided in relation to rough sleeping and homelessness included:
- 12.3.1 Several respondents had a view that homelessness may increase as a result of landlords exiting the market.
- 12.3.2 One respondent commented that it should be made mandatory for tenants who are vulnerable to accept support for addictions, education support, and employment, with the the completion of these programs being linked to their tenancy. They believe that this would help the most vulnerable continue with support and break the cycle of poverty, homelessness and deprivation for many.
- 12.3.3 Several respondents commented on the licence condition requirement for tenant referencing. One respondents view was that vast majority of those in HMOs have either been previously homeless, or are currently serving a sentence in the community, and questioned how, or if, they could obtain references, and the inability to secure a satisfactory reference will drive up the homeless rate in the city.
- 12.3.4 Another respondent commented that the Council should consider provision of accommodation for those people unable to provide an adequate reference and questioned if this requirement would increase homelessness for those with criminal records.
- 12.3.5 One respondent commented that landlords of HMOs should be incentivised to support people from low incomes or facing homelessness.
- 12.4 A 1998 study found that residents living in HMOs are eight times more likely than the general population to suffer from mental health problems as well as having other problems. For many people in this situation, their housing choices are limited due to socioeconomic status and availability of suitable alternative accommodation, and it may not be easy to find somewhere else to live.
- 12.5 Local housing allowance caps have meant that for some, shared accommodation is the only affordable option. Issues such as a lack of community cohesion due to high turnover of tenancies can also be exacerbated by such private rented accommodation, especially where property management issues are present.
- 12.6 By raising the management standards of HMOs, tenancy turnover will reduce and residents are less likely to become homeless. Additional licensing will also work in collaboration with other Council services to address issues and prevent homelessness.
- 13.0 Agreement with proposal
- 13.1 Respondents were asked to what extent the agree with the proposal to designate the City as subject to an additional licensing scheme. There were 545 responses to this part of the question

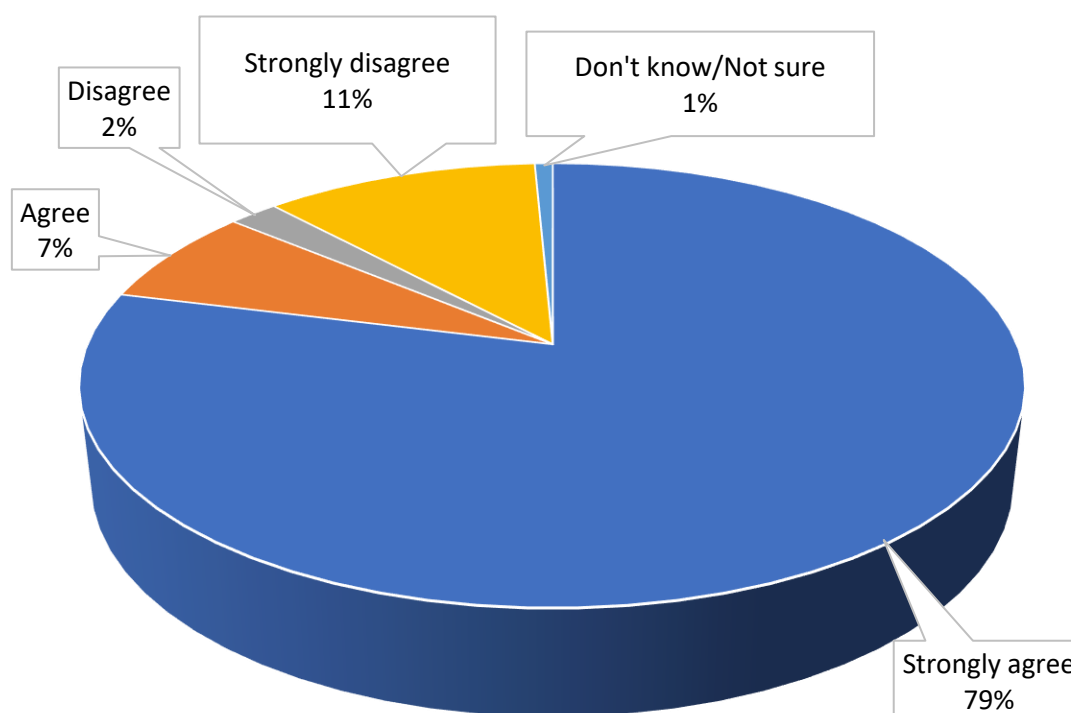


Figure 6: Pie chart showing the to which respondents agreed or disagreed with the proposal to designate the City as subject to an additional licensing scheme

- 13.2 The proposal to introduce additional licensing gained support from 86% of those that responded to the consultation, including 79% that strongly agreed. Conversely, 13% disagreed with the proposal, including 11% that strongly disagreed.
- 13.3 However, only 56% of landlords and lettings agents agreed with the proposal, with 44% disagreeing. Of those landlords who disagreed, 84% strongly disagreed.
- 13.4 Additional comments and views in respect of the proposed scheme included:
- 13.4.1 Some respondents questioned why good landlords have to be licensed and concerns were raised that the fee is simply another revenue stream for the Council and that issues in the HMO sector will not be tackled.
- 13.4.2 Many respondents questioned why they as good landlords need to pay for a licence because others have below standards practices and procedures. Some proposed that all properties should be inspected and that the Council only licence those where failing are identified.
- 13.4.3 Many respondents welcomed the proposal as they consider their lives to have been blighted by issues emanating from HMOs.
- 13.5 The proposed scheme and associated structures allows the Council to resource a licensing, compliance, and enforcement structure that will address the issues in this housing sector. The Council acknowledges that there are many landlords operating in the city who may already be meeting the proposed licence conditions, however by visiting the majority of licensed properties, officers would not only check that they were safe to live in and 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. Officers would be able to make referrals to relevant agencies and act as a link between occupants and other council departments.

- 13.6 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.
- 13.7 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 HMOs are licensed.
- 14.0 Impact of proposed scheme
- 14.1 Respondents were asked what impact, if any, they feel the proposed additional licensing scheme would have on you if it was introduced. There were 545 responses to this part of the question.

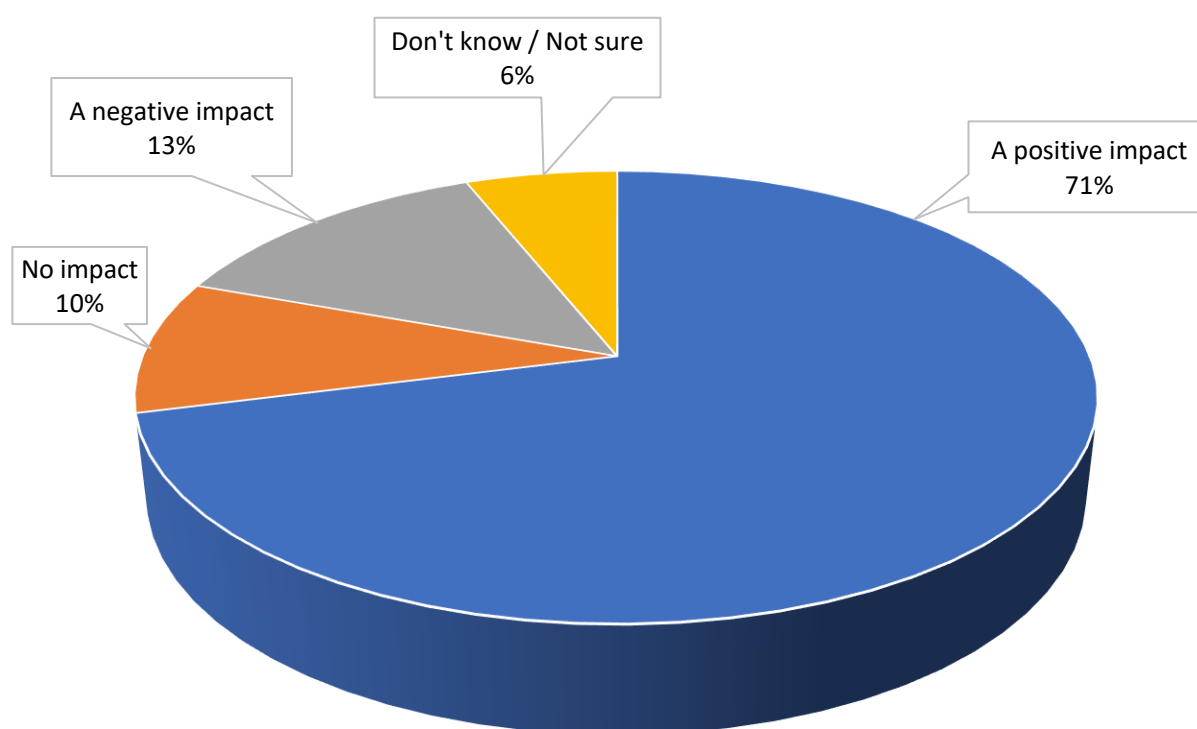


Figure 7: Pie chart showing the impact respondents felt that the proposed additional licensing scheme would have on them if it was introduced

- 14.2 The proposal to introduce additional licensing gained support from 86% of those that responded to the consultation, including 79% that strongly agreed. Conversely, 13% disagreed with the proposal, including 11% that strongly disagreed.
- 14.3 However, only 56% of landlords and lettings agents agreed with the proposal, with 44% disagreeing. Of those landlords who disagreed, 84% strongly disagreed.

15.0 Reducing anti-social behaviour

15.1 Respondents were asked to what extent they agree or disagree that an additional licensing scheme would contribute towards the Council's objectives of reducing anti-social behaviour linked to HMOs. There were 545 responses to this question.

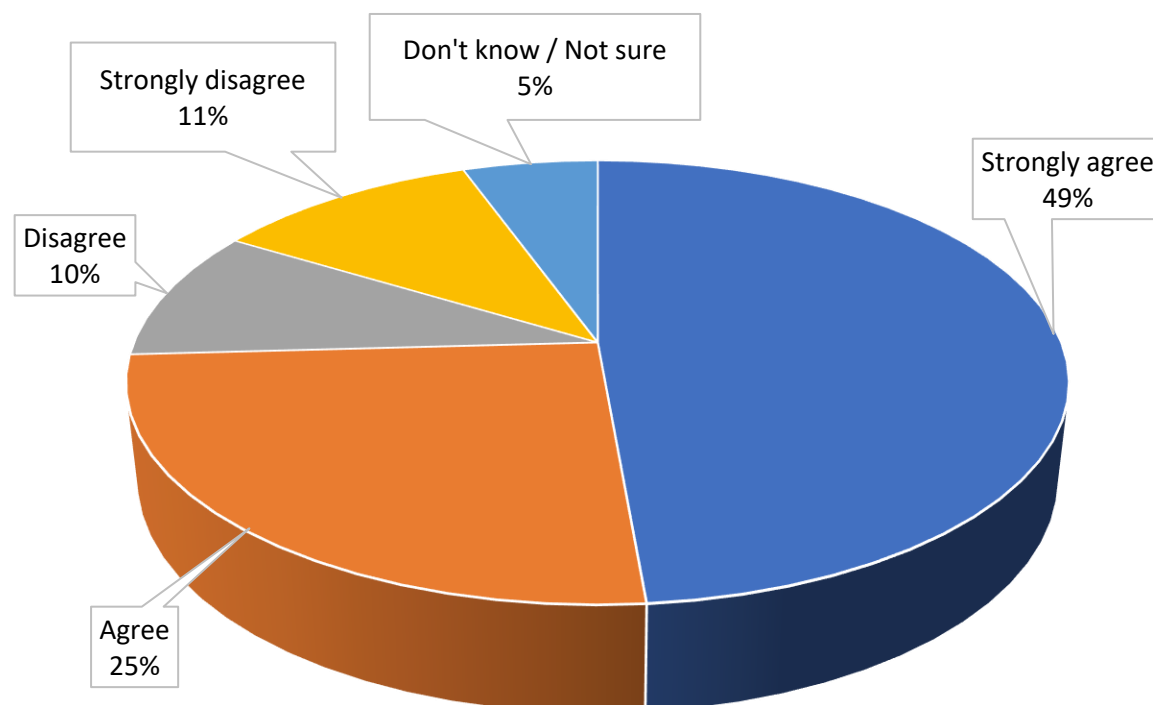


Figure 8: Pie chart showing the extent to which respondents agreed or disagreed that an additional licensing scheme would contribute towards the Council's objectives of reducing anti-social behaviour linked to HMOs.

15.2 Of all respondents, around three quarters agreed that proposal would have a positive effect on reducing anti-social behaviour. Of those that agreed, 49% strongly agreed.

15.3 Around one in five disagreed (20%). Of the landlords and letting agents that responded, half (50%) disagreed. Of those that disagreed, 66% strongly disagreed.

15.4 Additional comments and views in respect of the impact of the scheme on anti-social behaviour included:

15.4.1 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, 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.

15.4.2 Regarding reducing antisocial behaviour, 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.

- 15.5 Condition 13 of the proposed licence conditions would require the licence holder to 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 HMO. The Council believes that landlords should be willing and able to deal with complaints about any occupier's behaviour promptly and effectively.
- 15.6 Where a report of anti-social behaviour has been received a first step in less serious cases would be to ask the occupier to refrain from, or stop the conduct, and the landlord giving a verbal warning about of the potential consequences of not doing so. If the problem persists the landlord should give the occupier a written warning and consider calling on other agencies for support, such as the local authority, the Police, and mental health, drug, and alcohol support organisations. If there are no improvements, or the problem is very serious, the landlord should take his own enforcement action against the occupier. This could include starting possession proceedings in more serious and persistent cases. The Council will also signpost landlords and tenants to support services and where appropriate will make direct referrals.
- 15.7 A landlord can reduce the possibility of anti-social behaviour occurring by ensuring that the tenancy agreement has a clause about anti-social behaviour. The proposed conditions also include a requirement for a landlord to undertake tenant referencing. Landlords should always ask your tenants to provide written references from previous landlords (with telephone numbers for verification) and landlords should check them out in person. Landlords should ensure their tenants are aware of their responsibilities before they have signed the tenancy agreement and be very clear about any possible consequences of breaching the conditions.
- 16.0 Reducing waste incidents
- 16.1 Respondents were asked to what extent they agree or disagree that an additional licensing scheme would contribute towards reducing waste incidents linked to HMOs. There were 545 responses to this question.

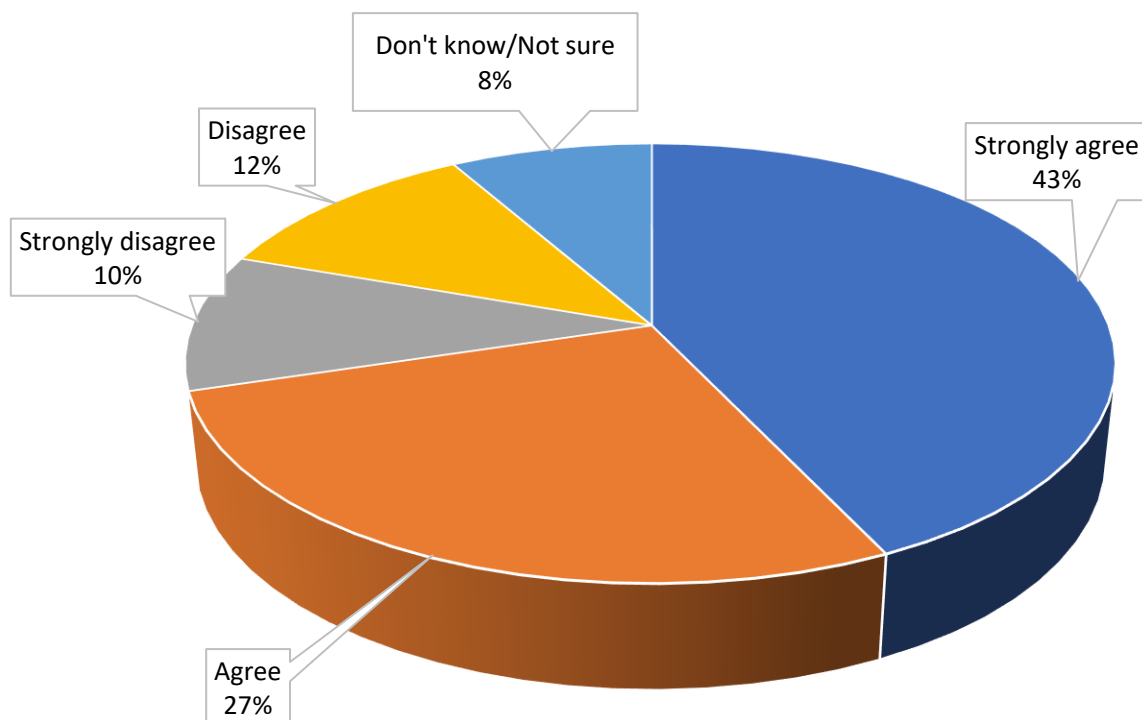


Figure 9: Pie chart showing the extent to which respondents agreed or disagreed that an additional licensing scheme would contribute towards the Council's objectives of reducing waste incidents linked to HMOs.

- 16.2 70% of respondents agreed that the proposed scheme would contribute to reducing waste incidents linked to HMOs. Of those that agreed, 43% strongly agreed.
- 16.3 Similar to respondents' views on reducing anti-social behaviour, around one in five disagreed (21%). Of the landlords and lettings agents that responded, 55% disagreed, of which 37% strongly disagreed.
- 16.4.1 Additional comments/views provided by respondents in respect of the impact of the proposed scheme on waste incidents included:
- 16.4.1 The provision of bigger bins for HMOs if requested by the landlord to tackle waste issues.
- 16.4.2 As a landlord of a number of HMO's I would welcome co-operation from the Council with rubbish/waste. It is very difficult to control an individual's habits/understanding of waste. A chargeable second collection or extra waste in assigned chargeable bags would be useful in aiding control where there is excess waste from a property on a regular basis, otherwise there is bin overspill and rubbish left uncollected at the front wall of the property. The property managers can regularly empty waste from the property but its then a problem to dispose of as the bins become overfilled and uncollected.
- 16.5 The Council operates a chargeable bulky waste collection service which tenants can arrange via the Council's Brum Account. The Council will take up to 10 items for each

collection that is booked. Two bin bags count as 1 item e.g. up to 20 bags of household waste. Larger items such as beds, mattresses, and fridges can also be collected.

- 16.6 Should a property require additional or larger bins to provide adequate waste and recycling facilities, these can also be requested via the Council's "Brum Account".

17.0 Improving property and management standards

- 17.1 Respondents were asked to what extent they agree or disagree that the proposed additional licensing scheme would contribute towards the Council's objectives of improving property and tenant management standards within HMOs. There were 545 responses to this question

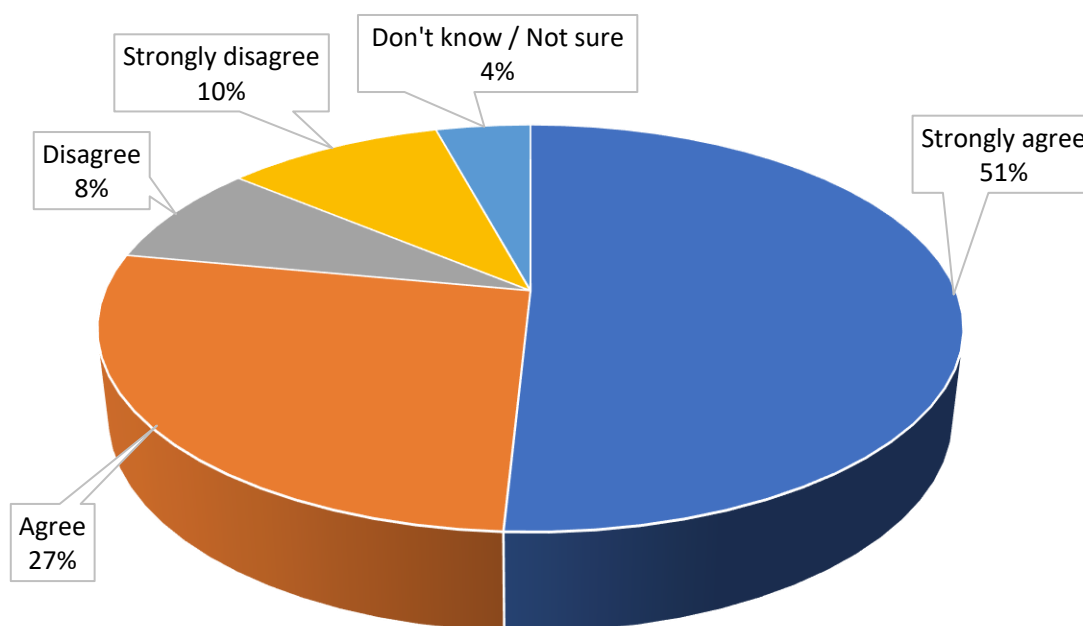


Figure 10: Pie chart showing the extent respondents agree or disagree that the proposed additional licensing scheme would contribute towards the Council's objectives of improving property and tenant management standards within HMOs

- 17.2 78% of respondent agreed that the proposed scheme would contribute to improving property and tenant managements standards in HMOs. Of those that agreed, 51% strongly agreed.
- 17.3 Following a similar pattern to other questions on the impact of the proposed scheme, 18% of respondents disagreed, with 10% strongly disagreeing.
- 17.4 Around half (47%) of landlords and lettings agents disagreed with the statement that the proposed scheme would improve the standard and management of HMOs, with 67% strongly disagreeing.
- 17.5 Additional comments/views provided by respondents in respect of property and tenant management standards included:
- 17.5.1 Overcrowding is complicated for a landlord to manage if the tenant has overfilled the property. A landlord will tell a tenant how many people are permitted to live on the property and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord managing 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.

17.5.2 Limits on number of people per (bed)room, or per square meter, in order to prevent overcrowding e.g. a family of 2 adults and 2 children all sleeping in one room.

17.6 The Council acknowledges the difficulty a licence holder may have in identifying and remedying overcrowding, however the requirement to include conditions requiring the licence holder to ensure minimum room sizes and occupancy levels is a mandatory requirement of the Housing Act 2004. As such, it must be included within the licence conditions if the proposed scheme is introduced. It should be noted that in the absence of the proposed scheme, that overcrowding may be a Category 1 or 2 hazard under the Housing, Health and Safety Rating Scheme and require the Council to take appropriate enforcement action under the Housing Act 2004.

17.7 Condition 6 of the proposed licence condition sets out the requirements for minimum rooms sizes and the level of occupation allowable for rooms of different sizes.

18.0 Licence fee

18.1 Respondents were asked if they felt that the licence fee of £755 for up to five years is appropriate. There were 545 responses to this question. The pie chart below shows the views of respondents to the online survey.

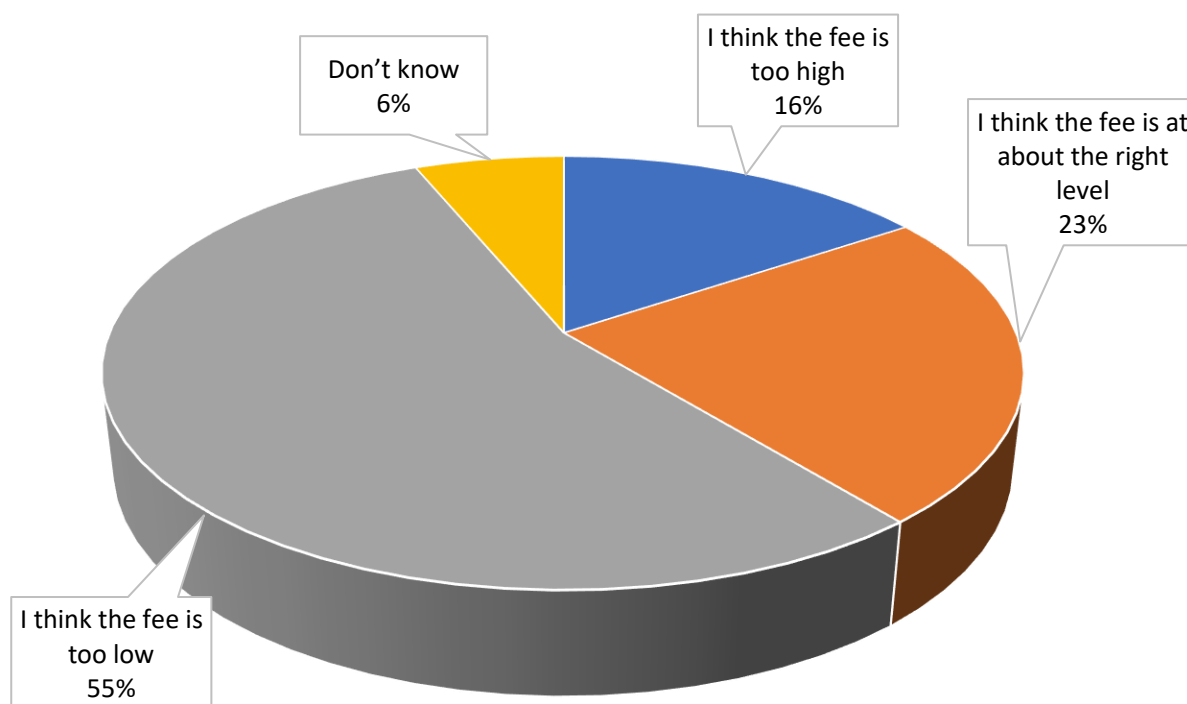


Figure 11: Pie chart showing views of survey respondents to the proposed licencing fee of £755 for a licence of up to five years

18.2 Around a quarter (23%) of respondents to the consultation felt that the proposed fee was about right, compared to over half who felt the fee was too low, and 16% too high.

- 18.3 There was however a disparity between the views of landlords and other respondents, with 60% of landlords believing the proposed fee to be too high. 16% of landlords consider the fee is too low, with 18% believing the fee is about right.
- 18.4 Some respondents to the survey provided additional comments in relation to the proposed fee. These included:
- 18.4.1 The fee feels quite low, given that landlords tend to be making a fair profit on these properties. I would consider £1000-£1250 a more appropriate fee. I think the Council should be looking to do more than just cover its costs for this new licensing.
- 18.4.2 The fee cost covers "expenditure costs of administering the scheme", it doesn't say how it is going to monitor it or improve the city.
- 18.4.3 The biggest problem is an unreasonable fee. £755 is 1 half times more than the rent I charge.
- 18.4.4 I am hugely concerned that landlords will pass this cost onto tenants onto tenants via tenancy agreements. This must be prevented as part of the proposal. Landlords disproportionately do not care about the community and are wealthy, so should pay for the burden they are having on the community, not tenants.
- 18.4.5 I think the income from the fees should be spent on policing it.
- 18.4.6 I feel the fees/requirements should be higher/stricter for those with a larger number of properties versus those with only one.
- 18.4.7 I feel the fees for this HMO license should be based on the size of the property. Perhaps a £200 levy per bedroom or something like that.
- 18.4.8 Incentivise licence fees to reward the compliant and punish the non-compliant.
- 18.4.9 How will you deal with unlicensed HMOs? Will you charge them an additional fee or reduce
- 18.4.10 The fee should not be a way for the Council to make money.
- 18.4.11 The license fee needs to be higher. But how many staff does the Council have to come out and sort out issues.
- 18.4.12 The license fee is too low. The growth of HMO's in Brum is costing a whole range of our public services in different ways.
- 18.4.13 I feel that any extra costs will inevitably be passed on to tenants.
- 18.4.14 Structure the fee so that the poorer performing landlords pay more for their license, after all they are making your job more difficult and time consuming compared to the landlord who makes the process seamless.
- 18.4.15 Licence fees should take into account how many people it is let to. I don't think £755 is an appropriate amount to those houses (especially in Selly Oak) that have a high number of renters.

- 18.4.16 Put the fee slightly higher, then landlords more likely to make sure licenses are adhered to, as there are investing so much.
- 18.4.17 The licence fee should be annual as this would help fund additional enforcement.
- 18.5 The Council is entitled to charge a fee that would be used to cover the costs of administering and enforcing the licensing designation whilst in force. The decision is that the grant of a licence would be subject to the payment of a fee. The proposal has set fees for licence applications that take into account all of the Council's costs in administering and carrying out its licensing activities and carrying out its functions under the Housing Act 2004.
- 18.6 The proposed fee structure has been 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.
- 18.7 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 makes it clear that fees cannot be used to raise extra revenue for the local authority.
- 18.8 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 that HMOs in the city are being mismanaged and the need to address this in the proposed designation.
- 18.9 A 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.
- 18.10 As additional licensing only covers a small range of occupancy levels (3 or 4 persons) a sliding fee structure is not seen as being appropriate. The mandatory HMO fee structure does however have a sliding fee structure to reflect the greater time resource required to licence and inspect larger properties.
- 18.11 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.
- 18.12 As part of the Council's enforcement work in identifying unlicensed landlords, the Council will check property records against the databases held for council tax and housing benefit purposes. This can help with identifying whether a property is rented.
- 18.13 As the Council is required to publicise the designation widely. This will ensure that landlords, tenants, 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.

- 19.0 Landlord consultation events
- 19.1 Two virtual consultation events were held on the 24 August 2022. These events, arranged and facilitated by the National Residential Landlords Association, were attended by 78 landlords over the two events.
- 19.2 The Council presented an overview of the proposed scheme and attendees had the opportunity to ask the Council questions. Attendees also had the opportunity to present their views using the chat function.
- 19.3 A summary of the key themes highlighted by attendees can be found below.
- 19.3.1 It was generally believed that that the cost of the licence would most likely be handed down to tenants in the form of increased rent.
- 19.3.2 This was seen as problematic since many tenants are already struggling financially. Some participants suggested that this could create further issues as tenants could fall into arrears and become homeless.
- 19.3.3 Attendees questioned whether the predicted number of HMOs referred to in the Council's evidence report was correct and whether it included Exempt Accommodation.
- 19.3.4 Attendees voiced concerns over the financial viability of retaining their rental portfolio going forward, with particular reference to recent tax changes and possible future changes announced in the Government's white paper on the private rented sector.
- 19.3.5 Some warned that they would "sell up" if additional licensing was introduced, thereby reducing private rented accommodation in the city and leading to an increase in homelessness.
- 19.3.6 Warnings that they and others may choose to let their property to the exempt accommodation sector, thereby exacerbating an already existing problematic area of the housing sector in the City.
- 19.3.7 Concerns were raised over the Council's ability to adequately administer a discretionary scheme when there have been significant delays in assessing mandatory HMO licence applications.
- 19.3.8 The Council was asked why it was not offering a discounted fee to landlords who are members of landlord accreditation schemes and why licence renewal fees are the same. These are fee discount structures that are in place at other Local Authorities.
- 19.4 As per 18.9, a 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 Council acknowledges that this report looked at the impact of selective licensing but considers that the conclusions can be applied to additional licensing.
- 19.5 The private rented sector is a competitive market and market forces mean that rents are set at a level the market will bear. An analysis of Valuation Office Agency data on private rent levels in licensed areas does not support the claim that licensing has had

a demonstrable effect on rent levels. On average, lower quartile rents in the areas interrogated increased by 274% over a representative five-year period (during which licensing was introduced in each case), whilst the licence fee alone (spread over 60 months) would account for an average increase of less than 3%. Even in the minimum case, the data found that the rent increase over the five year period was over 22 times the increase that can be put down to the licence fee alone. This is compelling evidence that the impact of market forces on rent levels dwarfs that of the cost of a licence.

- 19.6 The mandatory HMO licensing scheme has undergone a significant review and a new operating procedure was introduced on the 1st April 2022. This procedure has ensured that the backlog of applications built up during the Covid period has been resolved. New applications are being dealt with in a timely manner via the new online procedure.
- 19.7 A private member's bill introduced the Supported Housing (Regulatory Oversight) Bill on 15 June 2022. The long title of the Bill says it will "make provision about the regulation of supported exempt accommodation; to make provision about local authority oversight of, and enforcement powers relating to, the provision of supported exempt accommodation; and for connected purposes."
- 19.8 The second reading is scheduled for 18 November 2022. If the Bill gains Government support it might be the vehicle through which changes to Exempt Accommodation occur.
- 19.9 In the future this could result in a registration scheme modeled local authorities' licensing powers in relation to HMO, new powers for local authorities in England to better manage their local supported housing market ,and mechanisms that ensure that rogue landlords cannot exploit the system to the detriment of vulnerable residents and at the expense of taxpayers.
- 20.0 Written Submissions
- 20.1 During the formal consultation process, 49 individuals provided written submissions. Some of these were from organisations representing landlords and agents, and tenants and residents. Others were received independently from citizens.
- 20.2 All the written submissions have been reviewed and themes summarised below. None have been disregarded even if they were not expressed in a formal way. The process has identified the main issues raised by respondents
- 20.3 The written submissions referenced in this section vary between brief statements and detailed documents, sometimes being strongly polarised in their support for, or argument against, the proposal. The following overview gives a sense of the types of issues raised. Where appropriate, relevant sections of submissions have been included in their entirety.
- 20.3.1 Landlords were largely opposed to the proposals and questioned the data and how the scheme would achieve the Council's objectives. Responses from individual landlords and representatives of landlords displayed scepticism and disapproval of the proposed scheme.
- 20.3.2 The most common reasons given for this were the believe that the proposed additional licensing scheme would not be effective at addressing anti-social

behaviour and waste incidents, and that the costs of the licence would be passed on to the tenant by increasing their rent.

- 20.3.3 Many responses questioned how the Council expected the proposed licence scheme and conditions would reduce anti-social behaviour and waste incidents as it claimed that it would. It was suggested that if the licensing scheme was to be introduced, then information on its success should be assessed regularly and made publicly available. It was 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.
- 20.3.4 Landlords cited concerns over the financial viability of retaining their rental portfolio going forward, with particular reference to recent tax changes and other possible changes announced in the Government's white paper on the private rented sector.
- 20.3.5 Some landlords warned that they would "sell up" if additional licensing was introduced, thereby reducing private rented accommodation in the city and leading to an increase in homelessness.
- 20.3.6 Some warned that property owners may choose to let their property to the exempt accommodation sector, thereby exacerbating an already existing problematic area of the housing sector in the City.
- 20.3.7 Publicity should make it clear when a licence is required.
- 20.3.8 One of the key aims of the proposal is 'Improve intelligence and data on HMOs, leading to better regulation of the sector, and detection of non-compliance'. Specific thought should be given to how this data is shared with partner agencies, such as the Police, who may find this information useful when looking at targeted operational policing to prevent and reduce crime and ASB.
- 20.3.9 A multi-agency approach is best ensured through effective governance. With one of the key ambitions for additional licensing being improved intelligence, there needs to be clear oversight of the intelligence which is gathered and where it is fed into. Further, the challenges faced in Birmingham could extend to other areas within the West Midlands, which is why regional representation needs to be factored into the oversight of this schemes rollout. Preventative factors need to be put in place to ensure that the problems we are seeing with exempt accommodation and HMOs do not manifest themselves elsewhere.
- 20.3.10 Emphasis was placed on the importance of tenants knowing and understanding their rights in connection with this proposed additional licensing scheme. It is important that information is provided publicly, in person, as well as online. For example, having leaflets/posters at GP services and other public buildings which signpost to services or drop-in sessions at support services. Additionally, the information provided to tenants living in HMOs is not sufficient, with tenants being unaware of what their rights are and what support is available to them. Tenants should be provided with welcome packs by landlords containing all relevant information relating to their legal rights.
- 20.3.11 Landlords questioned the Council's ability to successfully administer the scheme in light of their view of the Council's performance in respect of mandatory licensing which many saw as being poor.

- 20.3.12 While supporting the introduction of additional licensing in principle, resident groups were concerned that the targets for inspection, licensing and compliance are surprisingly low and unambitious, given the rationale and need for the introduction of additional licensing in the first place.
- 20.3.13 Resident groups advocated the use of LSOA/small area data to develop an accurately targeted multi-disciplinary neighbourhood approach. Using LSOA data avoids neglecting neighbourhoods with endemic poor housing, high crime, high deprivation, and environmental street scene issues, which ward data averages hide.
- 20.3.14 The same groups advised that resident engagement as vital to the implementation of the additional licensing proposal. For the proposed scheme to be successful requires the Council to harnesses the invaluable knowledge of residents. Residents must have a mechanism for comment on new licence applications and for reporting non-compliance with existing conditions and other related issues.
- 20.3.15 There was a call on the Council to mitigate the risk of landlords displacing their activities from the HMO to the exempt accommodation sector in response to the new licensed environment for HMOs.
- 20.3.16 It will enable the Council to adopt a more comprehensive approach to HMOs by extending licensing from mandatory licensing applicable by statute to larger HMOs to all HMOs including smaller ones across the city. This will enable the Council to adopt intervention strategies which relate to whole neighbourhoods, as there will be no Ward boundaries demarking areas included in the Additional Licensing Scheme from those excluded from the Scheme.
- 20.3.17 As the whole city will be included in the proposed additional licensing designation, this will reduce the risk of landlords shifting their HMO activity from one part of the city to another to evade licensing.
- 20.3.18 It will enable a more strategic and interventionist approach by the Council as the proposal will permit the Council to contact landlords of small HMOs proactively, something which does not occur without a licensing scheme. This should permit improvement at scale and pace not achievable through a reactive, complaints driven approach.
- 20.3.19 The scheme will provide a clearer and stronger motivation for landlords to comply with Licence conditions, as compared to the existing and more reactive enforcement processes. This will also help to drive up standards across the smaller HMO sector faster and on a larger scale.
- 20.3.20 Respondents expressed concerns over the Council's proposed targets with some believing that the target of licensing only 75% of licensable properties over the five year period of the designation to be too low. Some also felt that the related target of inspecting 80% of licensed properties was also too low i.e if only 75% of properties are licensable properties are licensed, and only 80% of licensed properties are to be inspected, this means that only 60% of licensable properties will be inspected
- 20.3.21 Some view the targets of reducing HMO-related anti-social behaviour incidents and HMO related waste management incidents by only 20% is too low.
- 20.3.22 There were queries as to the criteria by which the Council would identify the pool of 25% of licensable properties that it would decide not to license.

20.3.23 Alternative options were also put forward which could rectify the identified problems as part of the Council's housing strategy. These include:

- Criminal Behaviour Orders
- Crime Prevention Injunctions
- Interim Management Orders
- Empty Dwelling Management Orders
- Improvement Notices (for homes that do not meet the Decent Homes Standard)
- Litter Abatement Notices (Section 92 of the Environmental Protection Act 1990)
- Fixed Penalty Notices or Confiscation of equipment (Sections 8 and 10 of the Noise Act 1996)
- Directions regarding the disposal of waste (for example, Section 46 of the Environmental Protection Act 1990)
- Notices to remove rubbish from land (Sections 2 and 3 of the Prevention of Damage by Pests Act 1949)

20.3.24 We are fully in support of the Council's Proposed Licensing scheme. Without this the prospect of improving standards in HMOs across the city is very significantly diminished. However, the Council needs to address the real and present risk of landlords decamping from the HMO sector as it becomes licensed into the more opaquely regulated Exempt Accommodation sector.

20.4 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.

20.5 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.

20.6 Additional 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.

20.7 Other forms of enforcement as detailed in 20.3.23 can be expensive and would require funds being taken from the General Fund (predominantly Council Tax funded) with no guarantee that costs could and would be recovered. This would be unfair when many of the problems are due to poor management practices by landlords or agents operating in a high demand sector. Additional licensing would be self-financing with the fee covering the cost of licensing and paid by the licence holder, not by the wider community. Other enforcement approaches can also be seen to be heavy handed and can cause problems for the Council when attempting to work with and engage with landlords.

20.8 Ultimately, none of the alternative options above give a long-term solution to the problems within the HMO sector and are largely reactive in nature

- 20.9 The purpose of additional licensing is to enhance and exploit opportunities for delivering overall neighbourhood improvements. It is not intended to be a standalone scheme, and for that reason we have sought to demonstrate with the evidence report how it fits into the Council's Plan and other strategies.
- 20.10 The Council has set clear targets 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 target at landlord forums and on its website.
- 20.11 The experience of other Local Authorities and housing consultancies has shown that high levels of licence compliance to be challenging to achieve. The targets the Council are higher than elsewhere as it has the benefit of the Article 4 Direction and knows where many of the HMOs in the city are located. Targets will be kept under continual review and changed as required.
- 21.0 Exempt Accommodation
- 21.1 Whilst the proposed additional licensing scheme does not cover exempt accommodation, many respondents provided additional comments in respect of this type of housing, given the extent of these comments and the weight of negative feeling, this report will include and respond to these.
- 21.2 Respondents views included:
- 21.2.1 You need to tackle the exempt accommodation in our city. Our area has been destroyed by exempt properties and this licensing does nothing at all to tackle them. I have lived in Birmingham all my life and the area I live in has changed for the worse forever. We feel unsafe as a group of residents and no one should have to live the way we do due to a flood of exempt accommodations bringing people from all over the UK with serious needs and criminal intent.
- 21.2.2 This needs to cover exempt sector
- 21.2.3 HMOs have been the bane of residents lives in the B23 post code area. Many residents have moved because of the proliferation of HMOs and Exempt properties in and around the area.
- 21.2.4 The Council should lobby central government for changes/tightening in legislation to require social exempt property owners are bound by the same licensing conditions. The license conditions must be met by the owner, not the social exempt license holders.
- 21.2.5 Increased regulation of the provision of care given to those in exempt properties. It is clear just from working/living near these properties that these people do not have the support they need. Landlords, specifically in Bournbrook should be targeted for this and all other issues. The waste problems and overcrowding are all immense.
- 21.2.6 If exempt HMOs (supported living) were brought into licensing, then that would help with anti-social behaviour and rubbish issues.
- 21.2.7 I want to have easy access to the data that the Council collects on numbers of exempt houses in an area, the makeup of occupants, level of support to this very vulnerable

group of residents. The quality and quantity of home/support visits. The logging of incidents that involve emergency services or neighbours . The landlords are running a business that we pay into I want and legally should have an account of how my money is being used.

- 21.2.8 100 percent landlords of exempt houses to be licenced. Record of supported visits, the aims and progress recorded for effectiveness and outcomes for the resident, and documentation of incidents involving emergency services and the wider community. I am giving these landlords a large sum of money and I have a right to know if it is getting results for people.
- 21.2.9 It should ensure that landlords who are not granted an HMO license are prevented from turning their property into exempt accommodation which is happening a lot all over Birmingham and especially in areas with large single house stock.
- 21.2.10 Landlords who are put off by the scheme should also be prevented from turning their properties into exempt accommodation which is blighting the city.
- 21.2.11 If the legislation around HMOs is tightened landlords will just let as exempt accommodation, far more lucrative with zero checks.
- 21.2.12 The problem HMOs are in the exempt sector and this licencing is only applicable to the private rent. We need national regulation. We need an audit of all current HMO properties, with a focus on the exempt accommodation sector.
- 21.2.13 All supported accommodation should have a HMO licence as-well and they should not be exempt. These are causing a misery to local neighbourhood and these are popping up everywhere on every road and need to be capped and need to be stopped causing a lot off anti-social behaviour. You have drug dealing going on everywhere where there is a supported accommodation property.
- 21.3 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. These exemptions Exempt Accommodation.
- 21.4 The Council is aware of a number of issues in the supported exempt accommodation sector, which 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.
- 21.5 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.
- 21.6 In December 2021, a report from the Birmingham City Council Overview & Scrutiny Committee has produced some further key recommendations which include the following:
 - Building on the success of the pilot, continuing inspection teams and ensuring resolution of concerns from local citizens.

- 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
- Supporting the Housing Benefit process through additional multi-disciplinary reviews
- Strengthening planning controls through a review of existing practices and enforcement policies.
- Working with regional partners and other local authorities to reduce 'lifting and shifting' of vulnerable people from elsewhere in the country
- Continue to lobby the government to address the national issues and lack of regulation set out in the Scrutiny Committee report

21.7 All feedback referencing Exempt Accommodation has been anonymised and passed to the relevant team within the Council. This information will help support the Council's case for greater regulation of the Exempt Accommodation sector.

Appendix 1

Of the 545 respondents to the survey, the percentage who answered each equality question was as follows:

Age group: 99.45%

Sex: 98.72%

Ethnic group: 67.52%

Religion or belief: 95.96%

Sexual orientation: 96.15%

Physical or mental health condition: 97.98%

A detailed breakdown of the responses can be found in the tables below.

Respondents by age group

Age group	Number of respondents	Percentage of respondents
15 - 17	1	0.18%
18 - 19	0	0.00%
20 - 24	18	3.30%
25 - 29	25	4.59%
30 - 34	41	7.52%
35 - 39	55	10.09%
40 - 44	72	13.21%
45 - 49	52	9.54%
50 - 54	58	10.64%
55 - 59	52	9.54%
60 - 64	46	8.44%
65 - 69	39	7.16%
70 - 74	32	5.87%
75 - 79	12	2.20%
80 - 84	2	0.37%
Prefer not to say	37	6.79%
Not Answered	3	0.55%

Respondents by sex

Sex	Number of respondents	Percentage of respondents
Male	218	40.00%
Female	261	47.89%
Prefer not to say	59	10.83%
Not Answered	7	1.28%

Respondents by ethnicity

Ethnic Group	Number of respondents	Percentage of respondents
English/Welsh/Scottish/Northern Irish/British	324	59.45%
Irish	12	2.20%
Gypsy or Irish Traveller	0	0.00%
Polish	1	0.18%
Baltic States	0	0.00%
Jewish	4	0.73%
Other White European (including Mixed European)	20	3.67%
Any other White background (please specify)	7	1.28%
Not Answered	177	32.48%

Respondents by religion

Religion	Number of respondents	Percentage of respondents
No Religion	174	31.93%
Christian (including church of England, Catholic, Protestant, and all other Christian denominators)	164	30.09%
Buddhists	1	0.18%
Hindu	4	0.73%
Jewish	7	1.28%
Muslim	71	13.03%
Sikh	7	1.28%
Any other religion (please specify below)	3	0.55%
Prefer not to say	92	16.88%
Not Answered	22	4.04%

Respondents by sexual orientation

Sexual Orientation	Number of respondents	Percentage of respondents
Bisexual	13	2.39%
Gay or Lesbian	31	5.69%
Heterosexual or Straight	367	67.34%
Other	5	0.92%
Prefer not to say	108	19.82%
Not Answered	21	3.85%

Respondents by physical or mental health conditions

Physical or mental health conditions?	Number of respondents	Percentage of respondents
Yes	98	17.98%
No	367	67.34%
Prefer not to say	69	12.66%
Not Answered	11	2.02%

Of those answering yes to physical or mental health conditions*

Condition	Number of responses	Percentage of respondents
Vision (e.g. blindness or partial sight)	8	1.47%
Hearing (e.g. deafness or partial hearing)	23	4.22%
Mobility (e.g. walking short distances or climbing stairs)	46	8.44%
Dexterity (e.g. lifting and carrying and carrying objects, using a keyboard)	11	2.02%
Learning or understanding or concentrating	8	1.47%
Memory	14	2.57%
Mental Health	37	6.79%
Stamina or breathing or fatigue	15	2.75%
Socially or behaviourally (e.g. associated with autism, attention deficit disorder or Asperger's syndrome)	9	1.65%
Other (please specify)	11	2.02%
Not Answered	444	81.47%

* Respondents could indicate more than one health condition and the number and percentage of responses may not match the figures in the "Respondents by physical or mental health conditions" table.