

HMO BULLETIN January 2018

Working for safe, well-managed housing and friendly residential communities welcoming to all
From Cllr Tracey Hill, lead councillor for private rented housing on Brighton & Hove City Council
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HMO licensing goes ahead

The decision has been made to go ahead with a new HMO licensing scheme which will now be citywide. This new scheme is likely to start in March 2018 and will apply to all HMOs with 3 or more occupants over 2 or more storeys not covered by mandatory licensing. The old scheme expired in November, but the new scheme will be retrospective so things will continue in a similar vein to before.

Amongst the new conditions are: a requirement that information about refuse and recycling be displayed within the property. Conservatories will not be able to be used as a kitchen, lounge, dining room or bedroom. The minimum room size of 6.5 square metres will be calculated only in parts of the room where the ceiling height is above 1.5m. Reports of tenant anti-social behaviour must be acted upon within a given time frame. There are extended requirements to keep the outside of the property in good condition. For a list of the conditions, see here: <https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Draft%20HMO%20standards%20FINAL.pdf> – there is a summary of changes from the previous conditions at the end of this document.

Our proposal to introduce selective licensing was also approved. This would mean that every private rented property in twelve wards in the city would need to be licensed. This proposal needs to be approved by the Secretary of State before it goes ahead.

Flats can be HMOs too

As you probably know, there are two sets of regulations around HMOs, housing regulations mainly covered by HMO licensing, and planning regulations. Our additional HMO licensing scheme defines an HMO as a property with two or more storeys (or one storey if it's above a shop). The planning definition is simply a property with three or more unrelated people. So a single storey flat with three or more people sharing could, in planning terms, be an HMO, even though it may not need an HMO licence.

This is important because there are flats in some areas which have been converted to HMO use and are being used by sharers. Sometimes you can see that from the To Let boards outside the block. If this change of use has happened since April 5th 2013, it may need planning permission. I've come across a number of these that do not have planning permission. One of them is a former two-bedroom council block which has been sub-divided to fit four people sharing. Because there is no HMO licensing requirement, developers

do not need to comply with the minimum room size requirements, so the rooms can be small.

Please be mindful of this and, if you have time, follow up on any flats that you notice by checking whether they have planning permission. This may affect other planning applications because if they are correctly identified as HMOs they should then count towards the 10% threshold which can result in other HMO applications nearby being refused.

Comments on planning applications

A lot of people have noticed that there has been an increase in comments in support of HMO-related planning applications, particularly those made by developers Rivers Birtwell. Some of these comments are made by people who live a long way from the application itself. Some people seem to be making general comments in support of multiple applications in different areas. I queried this with the planning officers. They have said that anyone is entitled to make a comment, but that comments would only be taken into account if they were considered relevant to the application, ie close enough that the person might realistically be affected by it.

Some of the supporting comments are made by current or former tenants. Sometimes tenants' comments are shown even some time after the tenant has moved out. If you know the tenants are no longer there, please report this to the planning officer so that they are aware of the situation. I was contacted by the parents of some student tenants who were visited in their home by the developer who, after a lengthy conversation, persuaded them to sign a document he had brought. Shortly afterwards they discovered that comments in support had been made online in their names.

They did not think the comments reflected their actual opinions, and it caused some friction with neighbours who were opposing the application. They had to contact the planning officer to get their comments removed. When I queried this with officers, they said that there are no checks in place to verify that the person making the comment is indeed the named person, and that this is in line with how other local authorities handle comments. I will continue to follow up on this. In the meantime, if they are given a reason to think that a comment is not genuine they will take this into account. So if there is any possibility that comments have been left online by someone other than the named person, please report it to the planning officer.

This information has also been passed to the universities so that they are aware from a tenant welfare point of view.

Appeals and Enforcements (HEG=Hanover & Elm Grove, SPNL=St Peter's & North Laine, M&B=Moulsecoomb & Bevendean, H&S=Hollingdean & Stanmer)

Enforcement notices can be issued as a result of planning refusals or directly as the result of a complaint. They can also be appealed. Details are in the enforcement register on the planning enforcement page of the council's website: <http://www.brighton-hove.gov.uk/content/planning/planning-enforcement>. **Three new HMO-related enforcement notices were issued** in November and December, at 44 Roedale Road (H&S) and 7 Windsor St (SPNL) and 103 Halland Road (M&B).

Many refusals for HMO use are appealed. If you commented on a planning application you should be notified if the decision is appealed. The documentation, including the statement from the appellant of why they are appealing, should be on the council's planning applications register. Appeals are also listed in the agenda of the monthly planning committee meetings. The link to the agendas is here: <https://present.brighton-hove.gov.uk/ieListMeetings.aspx?Committeeld=118>. You need to scroll to the end of each agenda page to see the reports on appeals.

- Up to the November meeting **five new HMO appeals were lodged**, two in HEG (33 Hallett Road and 249 Queens Park Road), one in H&S (17 Park Road), one in M&B (2 Plymouth Avenue) and one in SPNL (6 Beaconsfield Road).
- Up to the December meeting, **five new HMO appeals were lodged**, one in HEG (9 Whichelo Place), three in M&B (33 Hillside, 103 Halland Road, and 6 Nyetimber Hill) and one in SPNL (33 Baker St).

There is also a list of appeal decisions (often these refer to appeals that were made several months ago). In December, one HMO-related appeal decision was made in the Lewes Road wards, in HEG (47 Islingword Road). The appeal was allowed. Another HMO-related appeal in Wish ward in Hove was dismissed.

Anyone can comment on an appeal on the Planning Inspectorate website. You can search here:

<https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>. There is a time limit for comments to be taken into account. It generally takes a few months for the Planning Inspectorate to process an appeal.

Useful contacts for HMO tenants and neighbours:

New main web page for HMOs, including the new map:

<http://www.brighton-hove.gov.uk/content/housing/general-housing/houses-multiple-occupation>

University contacts:

- Brighton – Andy Keeffe a.w.b.keeffe@brighton.ac.uk or Kevin Mannall k.mannall@brighton.ac.uk 01273 641894
- Sussex – housing@sussex.ac.uk 01273 678219 and their office at 91 Lewes Road
- BIMM – Angelique Sabine angeliquesabine@bimm.co.uk

HMO licence register (to check if a property has an HMO licence, the landlord and managing agent: there are two lists at the bottom of this page, one for smaller and one for larger HMOs. Click on "Ctrl+F" for a search box to search for a particular property: <http://www.brighton-hove.gov.uk/content/housing/general-housing/licensing-houses-multiple-occupation-hmos>

Planning applications register (to check whether a property has applied/been granted/refused planning permission): <http://planningregister.brighton-hove.gov.uk/planning-applications> (NEW LINK)

Poor quality/badly maintained housing – interior: Private Sector Housing 01273 293156 (Mon – Fri 9am -5pm), psh@brighton-hove.gov.uk

Badly maintained exteriors, overgrown gardens: If a licensed HMO, Private Sector Housing 01273 293156 (Mon – Fri 9am -5pm), psh@brighton-hove.gov.uk

Fly-tipping, rubbish left outside a property: If on street, CityClean contact centre 01273292929 Mon – Fri 9am – 5pm. If within curtilage of a licensed HMO Private Sector Housing 01273 293156 (Mon – Fri 9am -5pm), psh@brighton-hove.gov.uk. The university contacts will also follow up on refuse/recycling complaints.

Bins, refuse/recycling collections, street cleaning: CityClean contact centre 01273 292929 Mon – Fri 9am – 5pm

Noise nuisance: EHL on ehl.environmentalprotection@brighton-hove.gov.uk or 01273 294266. NB noise is not considered criminal or anti-social behaviour so not in itself a police matter. The university contacts will also follow up on noise complaints.

Anti-social behaviour: can be reported to the Community Safety Team on 01273 292735 or communitysafety.casework@brighton-hove.gcsx.gov.uk. Mon – Fri 0900-1700. All incidents and enquiries are responded to within one working day. <http://www.safeinthecity.info/getting-help>.

Information and advice for people renting in the city: Rent Smart <http://rentsmartbrightonhove.org/>

General housing information from the council: <http://www.brighton-hove.gov.uk/content/housing/general-housing>