

HMO BULLETIN Sep/Oct 2017

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 Planning – now and the future

Two HMO-related papers were discussed at the last Tourism, Economy and Culture Committee on September 21st. The first was a report which I requested updating the committee on planning enforcement progress since additional funding was provided at the beginning of this financial year for HMO enforcement. There is a lot more enforcement being done and this is largely because properties are now being investigated automatically if there's an application for an HMO licence. There has also been some proactive work reporting existing HMOs which have expanded without permission, and this is set to continue.

The link is here: [https://present.brighton-hove.gov.uk/Published/C00000969/M00006941/AI00061189/\\$20170912153029_014103_0051760_CommitteeReportTemplate210617newsavedformat.docxA.ps.pdf](https://present.brighton-hove.gov.uk/Published/C00000969/M00006941/AI00061189/$20170912153029_014103_0051760_CommitteeReportTemplate210617newsavedformat.docxA.ps.pdf)

The other paper was about options for tightening the planning rules for HMO conversions. This is likely to be some way off, as needs to be considered within Part 2 of the City Plan, but the ideas presented included preventing a residential house being sandwiched between two HMOs on either side. The full paper is here: [https://present.brighton-hove.gov.uk/Published/C00000969/M00006941/AI00057737/\\$20170912153100_011733_0051761_CommitteeReportTemplate100614newsavedformat.docxA.ps.pdf](https://present.brighton-hove.gov.uk/Published/C00000969/M00006941/AI00057737/$20170912153100_011733_0051761_CommitteeReportTemplate100614newsavedformat.docxA.ps.pdf)

University head leased properties

You may have seen the press coverage recently about a change in the way university head leased properties are being treated by the planning department (link here: <http://www.brightonandhove.news.org/2017/10/04/loophole-exempts-university-managed-student-houses-from-council-crackdown/>) Due to emerging case law, the planners now feel that they must consider head leased properties up to 6 people as "C3 residential", ie they do not count as HMOs. That means that a residential house taken on by the universities or other educational establishments doesn't require a change of use and doesn't count towards the 10% threshold. This is most definitely not what the council wants to do, but the officers feel that the legal situation gives them no choice.

The view of the council (and me!) is that the universities should consider the impact of HMO proliferation and avoid taking on a head leased property if it's in an area already above the 10% threshold. However, as the article says, the University of Sussex is head leasing a house where the property next door was refused planning permission because

of the threshold. This is very frustrating for residents living in the area, and seems to send a message to developers that the University is happy to use its status as an educational establishment to allow them to get round the rules.

While the number of head leased properties is relatively small, if you and your group are concerned about this and want to express a view, I would urge you to write to the University on housing@sussex.ac.uk about this property and any others you may be aware of. As councillors we have raised this numerous times and will continue to do so in our dealings with the University on planning and housing related matters.

Rent Smart Conference

A half-day event focusing on private rented housing in the city. Wednesday November 29th at Hove Town Hall. Read more about it here: <http://rentsmartbrightonhove.org/rent-smart-conference-29nov17>

Preston Barracks

As you probably know, planning permission for this development has now been approved. While there are clear concerns about the concentration of purpose-built student accommodation along the Lewes Road, I spoke in support as I feel the benefits will mean fewer conversions to HMOs. Other local councillors and I will support local people during the development of this site to minimise the impacts. There are other purpose-built blocks opening for the first time on the Lewes Road this year, so please come forward with any experiences of how this is going.

Another new academic year

Some groups have reached out to welcome new residents at the start of another academic year. Please keep reporting any issues using the contacts below or come to me or your local councillors. I'm interested in how things compare year on year, as residents, groups and the universities are much more proactive now than before and hopefully that's making a difference. For example, the University of Sussex is running its Street Marshall programme and Brighton is also collaborating with this service.

HMO Forum Sep 21st

Thanks to those who attended the last Forum meeting. A note has been circulated on what was discussed – let me know if you'd like to see a copy. We are now doing these twice a year so the next meeting will be March, unless there's a particular reason to need to meet sooner.

Appeals and Enforcements (I will be updating this section of the Bulletin every two months)

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>. There have not been any new HMO enforcement notices since June, although some of the previous notices have now been appealed, as listed below.

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?Committeed=118>. You need to scroll to the end of each agenda page to see the reports on appeals.

- Up to the September meeting **one new HMO appeal was lodged**, in Moulsecoomb and Bevendean.
- Up to the October meeting, **six new HMO appeals were lodged** in the Lewes Road wards, one in Hanover and Elm Grove, two in Hollingdean and Stanmer, two in Moulsecoomb and Bevendean and one in St Peter's and North Laine.

There is also a list of appeal decisions (often these refer to appeals that were made several months ago). In September and October, two HMO-related appeal decisions were made, one in Moulsecoomb and Bevendean which was dismissed and another in St Peter's and North Laine which was allowed.

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://ww3.brighton-hove.gov.uk/index.cfm?request=c1199915&node=20476>

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>