

HMO BULLETIN March 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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Short-term lets

Many people are concerned about the growing numbers of short term lets and party houses, particularly through websites like AirBnB. This came up as a theme in the consultation on private rented licensing over the summer. There is now a briefing note which covers everything which the council can do, and it can be downloaded [here](#) or I can send it to you. Points of note are: the Fire Service has a programme of inspections and is starting with the biggest properties with the aim of inspecting as many as possible. In the meantime if they hear about any fire safety concerns they will take action. In terms of housing regulation, in the main this doesn't apply to a short term holiday let, but sometimes these properties are let to people who are living there longer term even though they may have signed a short term licence. In these cases there is an assumption that the tenants have the same rights as under an assured shorthold tenancy, and they may have more rights than they are aware of. There are some situations when HMO or selective licensing can apply to a property which is being let short term. In terms of planning, there is a "sliding scale" in terms of whether the use is residential or not (eg a lodger in a spare room is not a change of use, but if an entire large property is let out year-round it might be). The legislation is not very strong, but if there are complaints about a property it is more likely that the council will try and take some planning enforcement action. There is also research currently being done into hotel provision in the city, and short term lets will feature in this.

Planning success

We have had a number of successes defending our planning decisions on appeal recently. While we have no control over the Planning Inspectorate and will never be able to defend all of our decisions, we have had a number of appeals dismissed which means that developers who have done a retrospective change of use will have to make changes to comply with the city's planning policy. Sometimes this means reducing the number of occupants in an HMO and sometimes it means ceasing the use as an HMO altogether.

As there is dedicated resource in the Planning Enforcement team for HMOs, there are now more enforcement notices being served. So far this year, 18 enforcement notices have been served. See the next page for details. The council has also issued notices to developers to remove dormer windows and extensions which were done in order to accommodate

unauthorised use. Work has also started on proactive investigation of large HMOs across the city which do not appear to have planning permission. Planning enforcement is always a slow and time-intensive process, but I regularly ask for updates, and it's good that these updates clearly reflect how much more work is being done in this area.

In the meantime, work continues on Part 2 of the City Plan, ie more detail on our planning policies which underlie all our planning decisions. The draft of this is currently scheduled to be discussed at the June Tourism, Development and Culture committee (21st June). It's expected there will be proposals to tighten up the regulations around HMOs even more.

New HMO licensing rolls out

The new Additional HMO Licensing scheme for smaller HMOs went live on March 1st, and the council has already received hundreds of applications. All existing eligible HMOs need to apply for a licence so we are expecting many new applications. This doesn't mean there are loads of new HMOs, as almost all the applications will be for HMOs which were already licensed under the previous scheme. A new HMO will need planning permission in the usual way, as well as an HMO licence. Until planning permission has been received, only draft HMO licences should be issued, which will need to be renewed annually until planning permission is given.

Newsletters to landlords

The first of the council's newsletters to landlords went out in February. The council's private sector housing team set this up using email addresses we have through HMO licensing. We are intending to send newsletters around three times a year on different topics. The first newsletter was an update on licensing. The next newsletter, timed for May, is likely to include information on arrangements for end-of-year house clearances and how to avoid fly-tipping. Let me know if you have any ideas about content.

HMO Map

Thanks to those who had feedback on the HMO map. I asked that the zoom control be improved and that the property numbers could be accessed. These should now have been actioned. Please let me know how it looks. For those who haven't used it, this is a map of all licensed HMOs plus zero council tax rated properties, and is a guide both for residents and developers. The link is below.

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>. **Eighteen new HMO-related enforcement notices have been issued this year** so far, 8 in HEG, 4 in H&S, 2 in M&B, 2 in East Brighton, 1 in Preston Park and 1 in Queens Park.

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 February meeting **six new HMO appeals were lodged**, three in M&B (26 Plymouth Avenue, 135 Milner Road – already dismissed, 32 The Highway), one in HEG (24 Brading Road), one in Central Hove and one in Hangleton & Knoll
- No new HMO-related appeals appear in the March meeting papers, and there was no meeting in January.

There is also a list of appeal decisions (often these refer to appeals that were made several months ago). Prior to the February meeting, two HMO-related appeals were dismissed, one in Hollingdean & Stanmer (7 Hollingbury Road) and one in HEG (103 Halland Road). Up to the March meeting, one HMO-related appeal was dismissed, in Preston Park (9 Shoreham Road). No HMO-related appeals were allowed. NB there have been other appeal decisions more recently, but they haven't yet appeared in the papers.

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 – Angélique 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 01273 292929 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>