

Licensing landlords of privately rented properties

CONSULTATION QUESTIONNAIRE

Housing is a key priority for Birmingham residents and the City Council, and it plays a significant part in residents' lives.

Over the last decade, there has been a significant increase in the number of properties in Birmingham that are rented out by private landlords. The importance of good quality, private sector rented accommodation cannot be underestimated, and so Birmingham City Council is now consulting on a proposal to designate parts of the city as subject to a selective licensing scheme for most private rented properties.

You can read about the proposals for the new scheme in the Council's consultation document, which is available at www.birminghambeheard.org.uk/place/selective-licensing-consultation

For a printed copy of the document, please email simon.beasley@birmingham.gov.uk

To give your feedback, please complete the questionnaire online at the website address above, or complete this paper questionnaire and return it FREEPOST to the address on the back of this questionnaire. All responses must be received by **9am on Tuesday 4th January 2022**.

Birmingham City Council has appointed Opinion Research Services (ORS), an independent research company, to manage the questionnaire responses and other consultation feedback. ORS will produce an independent consultation report in which feedback from individual members of the public will be anonymous, but views from organisations or people acting in their official capacity may be attributed.

All the questions are entirely optional, and any information that you provide in response to this consultation will be processed by ORS in accordance with the latest Data Protection regulations. Information will only be used to inform this consultation and any personal information that could identify you will be kept for no more than 1 year after any decisions have been finalised. For further information, please see birmingham.gov.uk/info/20154/foi_and_data_protection/384/privacy_statement and www.ors.org.uk/privacy

YOUR CONNECTION WITH THE CITY OF BIRMINGHAM

Which of the following apply to you? PLEASE TICK ✓ ALL BOXES THAT APPLY

<input type="checkbox"/> Live in Birmingham	<input type="checkbox"/> Private landlord in Birmingham
<input type="checkbox"/> Represent an organisation based in or covering Birmingham	<input type="checkbox"/> Letting or managing agent with properties in Birmingham
<input type="checkbox"/> Own or manage a business in Birmingham	<input type="checkbox"/> Have another connection with Birmingham
<input type="checkbox"/> Work in Birmingham	<input type="checkbox"/> No connection with Birmingham

LOCAL ISSUES?

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

PLEASE TICK ✓ ONE BOX IN EACH ROW

	Not a problem at all	Not a very big problem	A fairly big problem	A very big problem	Don't know
Crime e.g. burglary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deprivation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor property conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Antisocial behaviour e.g. noise, rubbish, vandalism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant / empty properties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homelessness and rough sleeping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE PROPOSED NEW LICENSING SCHEME

Selective licensing is a tool that local authorities use alongside their normal enforcement powers, to target specific issues affecting the local authority and its communities. In Birmingham, the Council feels that selective licensing will contribute toward reducing deprivation and crime (please see the consultation document for more details). It also feels that selective licensing aligns with the Council's priorities for appropriate housing and reducing homelessness (by preventing illegal evictions).

The Council is therefore proposing to introduce a selective licensing scheme covering part of the city, that would require landlords to obtain a licence in order to rent out any accommodation that is occupied by a single household i.e. is not a House in Multiple Occupation (HMO). He/she would need to be a 'fit and proper person' and competent to manage the property.

The licence holder would then be required to abide by various conditions aimed at ensuring licensed properties are safe, meet basic standards and they are managed in a satisfactory way.

If approved, the designation would last for five years.

The penalties for not obtaining a licence (where one is required) include prosecution, fines, and being banned from operating as a landlord. Details of properties that would be exempt are outlined on page xx.

The Council believes that selective licensing would be beneficial in identifying private rented properties and ensuring minimum standards. It believes it would allow landlords operating illegally to be identified and enable their properties to be targeted for inspection, which should help to improve conditions. It would provide a level playing field for legitimate landlords, reduce the risk of tenant exploitation and provide clear guidance for landlords on the expected standards for property conditions and management. It also clarifies ownership and responsibility, which the Council believes should lead to simpler, more effective enforcement.

The Council has considered several other courses of action to address the issues, but does not believe that they would be as effective in tackling deprivation and crime in the city.

To what extent do you agree or disagree with the principle that the Council should introduce some form of selective licensing scheme? PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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As outlined above, the Council believes selective licensing can help contribute to its objectives for reducing crime, for example: by leading to a reduction in incidents of environmental crime (by ensuring appropriate waste disposal facilities at the property), reducing home burglary rates (by ensuring entry points are secure), promoting the welfare and safety of occupants in privately rented homes (by ensuring the landlord is 'fit and proper'), preventing illegal evictions, and promoting better information gathering to reduce financial crime such as fraud. It also believes selective licensing can help address some of the elements that cause deprivation, by improving housing standards and the external physical environment (e.g. by requiring landlords to ensure their properties are in a good state of repair, adequately heated and not overcrowded etc).

To what extent do you agree or disagree that a selective licensing scheme would contribute towards the Council's objectives of reducing crime and deprivation? PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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The Council is proposing a licensing designation covering **25 wards**. The criteria that were used to determine which wards would be included were as follows:

- The proportion of properties in the ward that are privately rented is higher than the national average (i.e. higher than 19%);

And, at least one of the following applies:

- The ward is in an area that experiences high levels of deprivation;
- The ward is in an area that experiences high levels of crime.

The 25 wards included in the Council's proposal for a selective licensing scheme are: Acocks Green, Alum Rock, Aston, Balsall Heath West, Birchfield, Bordesley Green, Bordesley & Highgate, Bournbook & Selly Park, Edgbaston, Gravelly Hill, Handsworth, Heartlands, Holyhead, Ladywood, Lozells, North Edgbaston, Small Heath, Soho & Jewellery Corner, South Yardley, Sparkbrook & Balsall Heath, Sparkhill, Stockland Green, Tyseley & Hay Mills, Ward End, Yardley West & Stechford (**please see the areas marked red on the map overleaf**).

This designation would cover around 54,000 private rented properties, which accounts for around half of Birmingham's private rented sector. A fuller explanation of the evidence used to identify these particular wards can be found in the 'Justification for Designating Areas for Selective Licensing' section (starting on page 14) of the Council's consultation document, available at:

www.birminghambeheard.org.uk/place/selective-licensing-consultation .

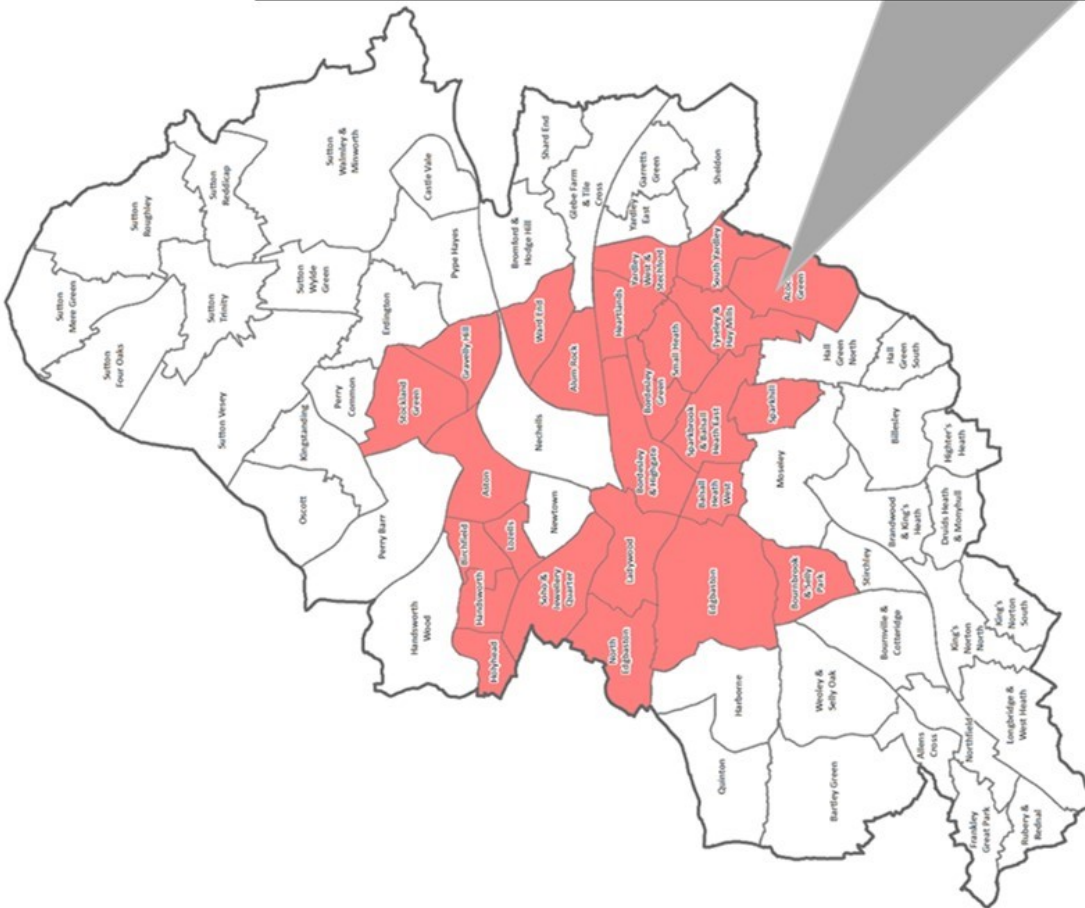
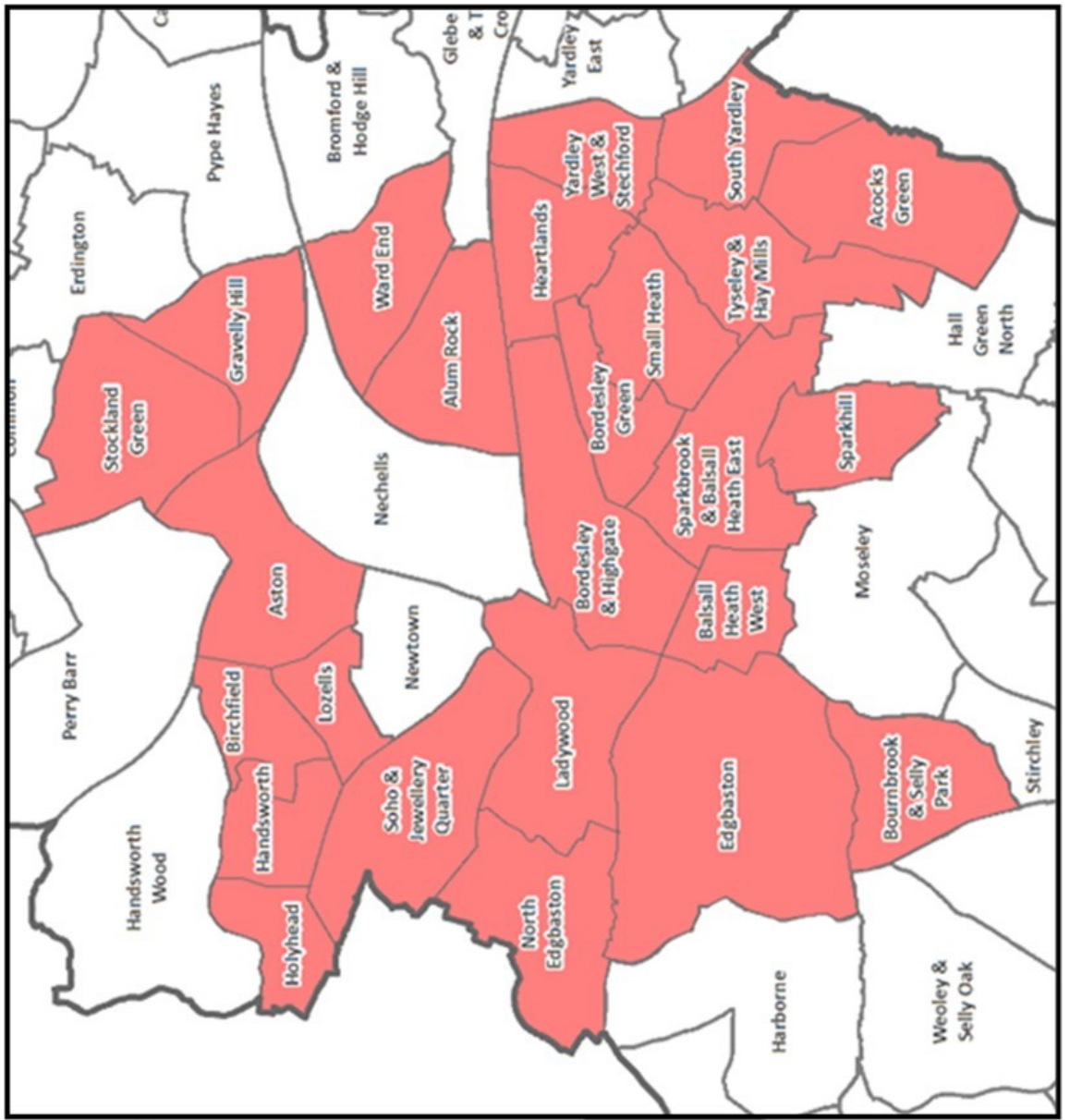
If you aren't sure what ward a particular rented property is in, there is a facility on the Council's website that can help you identify this – please visit www.birmingham.gov.uk/councillors/search and enter the postcode.

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

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Please use the space below to provide any comments about the area that any new licensing scheme should cover, and explain any alternative approaches that you think the Council should consider (i.e. alternative approaches to reducing deprivation and crime associated with privately rented properties, and/or improving their condition and management).

PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY



PROPOSED LICENSING FEE AND LICENCE CONDITIONS

In calculating the proposed licence fees, the Council has considered the process for handling a licence application, for example: the set up costs and the administrative process involved.

*As a result of this, it is proposing that the fee should be **£670 per licence application**.*

The Council has opted not to propose a discounted fee e.g. for accredited landlords or early applications, preferring instead to keep the fee as low as possible for all applicants.

The fee would consist of two parts: the first part (£375) is for the assessment and processing of the application and is payable when the licence application is submitted; the second part (£295) is to cover compliance/enforcement, and would only be payable if the application has been successful. Once issued, the licence would remain valid for the remaining duration of the scheme (i.e. up to a maximum of 5 years), as long as the landlord adheres to the conditions.

More information is provided in the 'Licence fee' section starting on page 32 of the consultation document, available at www.birminghambeheard.org.uk/place/selective-licensing-consultation.

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

I think the fee is much too high <input type="checkbox"/>	I think the fee is a little too high <input type="checkbox"/>	I think the fee is at about the right level <input type="checkbox"/>	I think the fee is a little too low <input type="checkbox"/>	I think the fee is much too low <input type="checkbox"/>	Don't know <input type="checkbox"/>
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The Council proposes that any licences issued under a new scheme should require landlords to comply with a range of conditions, aimed at ensuring appropriate standards of tenancy and property management.

In addition to certain mandatory conditions set out in the Housing Act 2004 (which cover aspects such as gas, electrical and furniture safety; provision of smoke alarms (and carbon monoxide alarms in certain circumstances); tenant references; and tenancy agreements) the Council intends to include other licence conditions designed to help meet the objectives of the scheme.

These other proposed conditions would require licence holders to:

- *Notify the Council within 14 days if there is any change in their details*
- *Provide new tenants with a valid Energy Performance Certificate*
- *Ensure occupancy levels within the property do not exceed a certain level*
- *Take steps aimed at ensuring the security of the property (e.g. repair of damage to entry points)*
- *Take reasonable steps to prevent / address any criminal or anti-social behaviour committed by tenants*
- *Ensure adequate storage for waste/recycling, and provide tenants with information about its disposal*
- *Demand references from prospective tenants and give consideration to their previous tenancy history, and provide evidence this has been done if requested by the Council*
- *Carry out a detailed inventory at the start of a tenancy and provide the tenant with a written copy*
- *Ensure that there is a record of all rent payments received, with occupiers to be provided with a rent book, rent statement or similar*
- *Provide tenants with alternative emergency contact details if the licence holder is unavailable*

You may wish to review full details in the Appendix of the consultation document (starting on page 39) before answering the following.

In general, to what extent do you agree or disagree with the proposed licence conditions?

PLEASE TICK ✓ ONE BOX ONLY

Strongly agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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DO YOU HAVE ANY FURTHER COMMENTS?

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

PLEASE ANSWER IN THE BOX BELOW AND CONTINUE ON A SEPARATE SHEET IF NECESSARY

LICENSING DESIGNATION

Birmingham City Council is legally obliged to offer to send you a copy of the Licensing Designation before any licensing scheme is introduced. These are supporting documents that define various things including the area where licensing will be required, as well as detailing the commencement and duration of the designation.

If you would like to receive a copy of the Licensing Designation in the event of a scheme being approved, please provide your name with either an email or postal address below. Your contact details will be separated from your questionnaire response before being shared with Birmingham City Council; your answers will remain anonymous in the results and report findings received by the Council. Your contact details won't be passed to any other parties, will only be used by Birmingham City Council to contact you about the Licensing Designation and will be kept for no longer than three months after any final Licensing Designation is made. For more information, please visit: www.birmingham.gov.uk/info/20154/foi_and_data_protection/384/privacy_statement_and_ors.org.uk/privacy

INFORMATION ABOUT YOU

Birmingham City Council has a duty to promote equality and want to make sure all parts of the community are included in this consultation, but these questions are optional. All consultation responses will be taken fully into account when making decisions, regardless of whether you provide your details.

If you are providing your own personal response

→ PLEASE ANSWER THE QUESTIONS BELOW
TICK ✓ ONLY ONE BOX FOR EACH QUESTION

What was your age on your last birthday?

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> Under 25 | <input type="checkbox"/> 55 to 64 |
| <input type="checkbox"/> 25 to 34 | <input type="checkbox"/> 65 to 74 |
| <input type="checkbox"/> 35 to 44 | <input type="checkbox"/> 75 to 84 |
| <input type="checkbox"/> 45 to 54 | <input type="checkbox"/> 85 or over |
| <input type="checkbox"/> Prefer not to say | |

What is your gender?

- Male
 Female
 Other
 Prefer not to say

What is your ethnic group?

- White
 Mixed or multiple ethnic groups
 Asian or Asian British
 Black, African, Caribbean or Black British
 Any other ethnic group
 Prefer not to say

What is your full home postcode?

*This will help us understand views in different areas.
Your full postcode will not be passed on to Birmingham City Council*

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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In what way does your household occupy your current home?

- Own outright or own with a mortgage
 Rent privately from a landlord
 Rent privately through a letting agency
 Rent from the Council or a housing association
 Other
 Prefer not to say

If you are responding as a private landlord or a letting or managing agent

→ PLEASE ANSWER THE QUESTIONS BELOW

Which of the following apply to you?

PLEASE TICK ALL THAT APPLY

- Own or manage a property that would be licensable under the Council's proposal (i.e. a non-HMO property within the proposed 25-ward area)
 Own or manage a non-HMO property elsewhere in Birmingham (or exempt from the proposal for some other reason)
 Own or manage a HMO anywhere in Birmingham
 None of the above (e.g. only operate outside Birmingham)
 Prefer not to say

How many properties do you own or manage in total in Birmingham?

WRITE IN OR LEAVE BLANK IF YOU PREFER NOT TO SAY

If you are submitting a response on behalf of an organisation

→ PLEASE ANSWER THE QUESTIONS BELOW

What is the name of the organisation and who does the organisation represent?

Please be as detailed as you can. So, for instance, if you are responding on behalf of a group or department, please say the name of the group.

PLEASE ANSWER IN THE BOX BELOW

THANK YOU VERY MUCH FOR YOUR TIME

Please return this questionnaire to arrive by 9am on 4 January 2022 to

Opinion Research Services

FREEPOST SS1018 · PO Box 530 · Swansea · SA1 1ZL

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