

ACORN Brighton

Date: 3 October 2022

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RESPONSE TO EMAIL OF 20 SEPTEMBER 2022

To ACORN Brighton

Thank you for the email.

This is the first time I have been notified of the detail of ACORN's concerns. The city council's policy is to respond to queries within ten working days, so a two-day turnaround is unreasonable to be able to respond in a comprehensive fashion.

When we conduct discussions or negotiate with our valued trade unions or community and voluntary sector partner organisations across the city, we do this in a constructive fashion by arranging a mutually good time to meet. Turning up at Hove Town Hall without any prior notice and expecting me to be immediately available is not the way that we would expect to build a trusting relationship. Green councillors would welcome a constructive discussion with you, and it would be helpful to notify us of your concerns and issues communicating through the usual recognised channels.

This said, I understand and share some of the concerns from ACORN on the pace of delivery of work for tenants in the private sector. I believe that city council officials in the housing department have been working hard to progress issues. But this has been done alongside wholly unprecedented pressures over the last 2 years, including the Covid-19 pandemic. This has placed huge strain upon the city council. A good example of this is that the majority of the staff and resources in the city council's housing team were shifted over to support 'Everyone In' during 2020, which, as you know, was so important to ensure rough sleepers weren't left at the mercy of the elements.

Of course, these challenges have now been joined by the cost-of-living crisis. They come after over a decade of savage Conservative government cuts to our budgets as the Conservative party has sought, through normalising austerity, to denude the power of local councils and the communities they serve. Together, these have not only frustrated our efforts to move more quickly on important work such as that for private sector tenants, but they've even challenged our ability to deliver day to day services.

This has meant that the housing team were less able to focus on the private rented sector during this time. Nevertheless, we successfully helped lobby the government to extend the moratorium on evictions to give renters some much needed security during the, to date, worst elements of the Covid-19 pandemic. We wrote to the city's landlords again in March 2021 when the lockdowns ended, asking them not to evict tenants, and wrote again in January 2022.

The context is important also - work has continued on the joint [Housing and New Homes Strategic Delivery Targets](#) Green councillors have agreed with Labour. This work plan, alongside a series of measures, includes reviewing selective licensing, more effective enforcement and exploring the option of an ethical lettings agency.

I think we also need to acknowledge that the private rented sector is chronically unregulated due to repeated central government decisions. Accordingly, our powers to improve the private rented sector in a long-term way are limited and the legal processes to achieve positive outcomes for renters - such as selective licensing schemes - currently take an excessive amount of time. Where Greens have been in a decision-making position on these matters, such as in Scotland, we have introduced rent controls and reintroduced a ban on evictions.

For each of the requests from ACORN, I have made comments on what has been done so far and progress from the city council:

- 1. Confirm and prove that the Council's enforcement policies reflect a 'zero tolerance' approach and commit to overseeing a significant increase in the number of prosecutions and fines issued to landlords by the end of the year*

The number of prosecutions and fines is, on the whole, a poor measure of the effectiveness of the city council's approach. This fails to recognise that improvements will often be made, for example, most quickly through negotiation with landlords. Where this fails, of course, fines, prosecution and Improvement Notices are a critical part of the enforcement toolkit. This includes the rationale that although landlords will be given a realistic timeframe to make the necessary improvements for the tenant, if they fail to do so within that time frame, the council will act.

Where the city council successfully prosecutes a private landlord, we will always publicise this, demonstrating the council is taking action and acting as a deterrent to other landlords. We have introduced new performance indicators to provide greater oversight of proactive and reactive work undertaken. These will be reported to the Housing Committee. Proactive work to improve standards includes additional enforcement resources of £195,000. The city council has written to 488 landlords about minimum energy efficiency standards, which we'll be following up for compliance.

You will be aware that during Housing Committee on 28 September, we reconfirmed our intention to pursue a zero-tolerance approach to rogue landlords. More enforcement staff with additional resources are building evidence to ensure it's effective, so we build a durable, effective enforcement strategy. We have committed to bringing enforcement data to Housing

Committee through our regular performance update from the third quarter of the financial year. City council officials will start to review the work in November this year and future proposals to the enforcement strategy can be made on the basis of this review against evidence gathered.

2. Agree to implement selective landlord licensing schemes by February 2023

The city council has been working hard on options for a selective licensing scheme for some time. As you are aware this is a litigious and tightly prescribed process.

Consultants have been appointed by the council and are currently working on the evidence base. Without this, we cannot say whether we would be progressing with an application or what kind of scheme (or schemes) would be progressed. Once we have that evidence, this would still need to be assessed, with an affirmative decision from Housing Committee to commence consultation. We will push through all the next steps as soon as practicable. We expect the analysis to be available by the end of 2022 and will make a decision on any schemes to go out to consultation in January 2023.

Even if a case for an application could be supported, recent examples of local councils having selective licensing schemes approved would indicate it is still a lengthy process, as demonstrated by the review that was carried out by consultants and included in the reports to the Housing Committee in March 2022. We are pushing for the fastest solution possible.

3. Enact the recent policy commitment to end housing discrimination and implement a plan to support tenants who have been discriminated against by the end of 2022

At Housing Committee on 22 June this year, the following Notice of Motion was supported: *Stop unlawful discrimination against benefit claimants by landlords and letting agents.*

Since then, the city council has updated information on its website in relation to landlord and agent discrimination. A new page has been added under '[Housing Advice for Private Tenants](#)' signposting residents to organisations if they have suffered discrimination. The city council recently attended a webinar held by Shelter on this topic and will ensure that this knowledge is woven into future training for the housing team. The council will work with Shelter to explore opportunities to insert clauses into selective licensing schemes and charters that are brought forward in the future. Unfortunately, the city council has insufficient powers to act in this regard, and actions would need to be taken independently by individuals.

4. Convene a meeting between ACORN representatives and the Sussex Crime Commissioner to resolve concerns regarding police conduct on landlord/tenant disputes such as illegal evictions and landlord harassment

I would trust you've raised this already with the Police and Crime Commissioner as it relates to the behaviour of serving police officers. If not, I would urge you to do this at the earliest opportunity. The council would be happy to convene a meeting between ACORN representatives with the Police and Crime Commissioner to better understand the specific concerns here.

5. *Take action on the cost-of-living crisis by calling for Brighton landlords to enact an emergency rent freeze and freeze all rents up until the end of 2023.*

I am calling on the government to give the city council powers to freeze private rents for two years to help thousands of our residents struggling to cope with the rising cost-of-living.

This is because as you know, the city council, regrettably, has no current legal powers or resources to enact rent controls or freezes. The Conservative government holds this power. No English city - even those with a much broader range of powers devolved to them such as London or Manchester - has this power currently. You might know one of the things I have been campaigning for since I was elected Leader is more powers for our city and region; we will push again in ongoing discussions with ministers about devolution.

The call to freeze rents is part of the work on the cost-of-living. I have committed in the cost-of-living [report](#) going to 6th October Policy & Resources Committee, if the government won't grant the city the powers, that they instead impose a national rent freeze or cap to reduce the incidence of evictions and homelessness. I am also imploring ministers to reintroduce a temporary ban on evictions during this exceptional inflationary period, until March 2024. This would follow the recent announcement by the Scottish SNP/Green government.

We are also lobbying the government to provide increases in Local Housing Allowances and welfare benefits (including the benefit cap) in line with RPI to ensure that they keep pace with inflation as a minimum.

As well as these lobbying calls, we are bringing in a range of measures to support residents including supporting local community groups; we continue to provide a wide range of welfare advice services as well as financial hardship support, including discretionary funds, community grants, and Council Tax discounts. We are continuing to develop advice and support to improve energy efficiency.

A leaflet was sent to every household in the city early in the year outlining support and we've set up a page to access information [if you're worried about money](#) which lays out support. We will continue to identify those at risk of fuel poverty and work with community and voluntary sector organisations to reach people who may not be coming to the council but still need help. We're collaborating with Brighton & Hove Energy Services Cooperative; they are visiting lower income households offering free home energy improvements and retrofitting homes with insulation and energy saving adaptations. The local hardship fund that helps those struggling to get essentials such as beds, cookers or fridges has been boosted.

As a renter in the city, I completely understand and share lots of your frustration. We are trying to do our best in circumstances not of our making and are committed to continuing to work on this as a priority. I have raised your email with both the Executive Director for Housing, Neighbourhoods and Communities and the city council's Chief Executive to challenge assumptions about how we can adopt selective licensing scheme and push for the fastest methods for adopting it in the city.

My colleagues on the Housing Committee are closest to the detail on this and are willing to meet with you to discuss the matter further. I've copied them in here and they can take detailed queries forward. Although my diary is very busy I would be happy to attend, if possible, to ensure there's the adequate understanding of the issue and that we are working as fast as we can to help renters.

I believe we both want to make meaningful progress on these important matters for renters across the city and use the limited time and resources we have to best resist the Truss government's damaging deregulation, financial chaos, and refusal to help our city's residents with the corrosive cost-of-living crisis.

I hope this information is helpful.

Yours sincerely



Councillor Phélim Mac Cafferty
Leader of Brighton & Hove City Council

cc

Councillor David Gibson (Housing Committee Joint Chair)
Councillor Siriol Hugh-Jones (Housing Committee Joint Chair)