

Further consultation on the proposed fee structure for an additional licensing scheme for Houses in Multiple Occupation in 12 central Bristol wards

Background

The council proposes to introduce an additional licensing scheme of Houses in Multiple Occupation (HMOs) in the 12 wards that make up central Bristol – Ashley, Bishopston & Ashley Down, Central, Clifton, Clifton Down, Cotham, Easton, Hotwells & Harbourside, Lawrence Hill, Redland, Southville and Windmill Hill.

A public consultation to introduce a proposed additional licensing scheme of HMOs in the 12 central wards of Bristol was undertaken earlier this year. This would affect most HMOs with three or more unrelated people who share a rented property. The consultation finished in May 2018; its findings and the full proposal document have been published on our website bristol.gov.uk/licensingscheme

Since we consulted earlier this year, a High Court case ([R Gaskin v Richmond-upon-Thames LBC \[2018\]](#)) has determined that this type of proposed HMO licensing scheme ([Part 2, Housing Act 2004](#)) is an authorisation scheme and is subject to European legislation ([EU Services Directive 2006](#)). In order to comply with this directive the council is required to review the way it structures the proposed property licence fees.

The original fee structure that formed part of the above consultation was a one-off, overall payment covering all elements of licensing from beginning to end. However, this High Court ruling means that the property licence fee must now be split into two parts:

Part 1- Processing the application: this part of the fee, payable upon application, only covers the cost of obtaining authorisation under the scheme, i.e. processing the licence application.

Part 2 - Enforcement and administration: this part of the fee is levied only on successful applicants, to cover the remaining costs of administration and enforcement.

In addition, in order to comply with the above directive the council will no longer be able to include a significantly increased fee for late applications. The effect is that the cost of licensing proposed is now spread more evenly across the whole of the fee structure.

There has also been a reduction in the numbers of properties now expected to require a licence in the area from 5,500 to **4,300** properties. The reduction is factored into the fee calculation.

As a result of this ruling and the comments from our earlier consultation the council has restructured its fee proposal.

New fee proposal

The overall predicted cost of the scheme over five years is **£4.9 million**. This cost is broken down into £1.6m for Part 1 and £3.3m for Part 2.

This equates to a split of 33% for part 1 and 67% for part 2. The fees have been apportioned using these percentages, see Table 1 below.

There is an additional fee of **£100** for applicants who are found to be unlicensed.

The council has retained the previously proposed rewards for landlords who provide valid safety certificates (**£150**) and who are members of the West of England Rent with Confidence scheme (**£50**) at the time of application.

If additional fee and rewards are due, any addition or reductions to the fee will be applied from when Part 2 of the fee is due. For example, if you have submitted the required certificates and met the Rent with Confidence reward conditions before your Part 2 fee payment request is sent out, the rewards of £150 and £50 will be deducted from the Part 2 fee due.

If the council finds your property to be unlicensed the extra £100 due will be added to your Part 2 bill.

Table 1 Fee split

| Application Status/payment | Fee (% split) | New application ⁴ | Renewal ⁴ |
|--|------------------|------------------------------|----------------------|
| Part 1 Processing the application ¹ | 33% | £414 | £348 |
| Part 2 Enforcement and administration ² | 67% | £841 | £707 |
| Total | 100% | £1255 | £1055 |

¹payable when submitting the licence application

²payable upon successful application prior to the issuing of the proposed licence

³ the fee is split proportionately to reflect the costs of the relevant parts of the licensing function.

⁴ Less any rewards of up to £200, plus £100 if found to be unlicensed.

Table 2: Total Fee breakdown

| Application Status | Discount or (Additional Fee) Amount | Fee for New Application | Fee for Renewal Application |
|---|---|----------------------------|-----------------------------------|
| Licence application - with no discount or additions applied | £0 | £1,255 | £1,055 |
| Minus discount for Rent with Confidence membership only but no safety/EPC certificates | £50 | £1,205 | £1,005 |
| Minus discount for satisfactory safety/EPC certificates but no Rent with Confidence membership | £150 | £1,105 | £905 |
| Minus discount for both Rent with Confidence membership and satisfactory safety/EPC certificates | £200 | £1,055 | £855 |
| Plus Investigation cost for finding unlicensed property | (£100) | £1,355 | £1,155 |

1. Do you agree that this is a fair way to split the fee? Application Status Fee (New Application and Renewal application) Part1 Processing the application 33% Part 2 Enforcement and administration 67%

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

2. Do you have any other comments about the way the fees have been structured? Please also give any reason for any different structure you propose.

3. I am interested in the proposed licensing scheme because I am or represent a: (please tick all that apply)

- Private landlord with property in the area
- Private tenant living in the area
- Owner occupier living in the area
- Landlord with a property outside of the area
- Landlord association
- Tenants' organisation
- Council or housing association tenant in the area
- A provider of social housing
- Local business
- MP
- Councillor
- Other (please specify):

4. What is your postcode:

5. How did you hear about this consultation?

- | | |
|---|---|
| <input type="checkbox"/> Poster | <input type="checkbox"/> Facebook advertisement |
| <input type="checkbox"/> Letter from the council | <input type="checkbox"/> Radio / TV |
| <input type="checkbox"/> Ask Bristol notification | <input type="checkbox"/> Newspaper/online newspaper |
| <input type="checkbox"/> Citizens' Panel notification | <input type="checkbox"/> Library |
| <input type="checkbox"/> Voice and Influence Partnership | <input type="checkbox"/> Citizen Service Point |
| <input type="checkbox"/> Friends of/campaign group | <input type="checkbox"/> Council officer |
| <input type="checkbox"/> Ward councillor | <input type="checkbox"/> Word of mouth |
| <input type="checkbox"/> Twitter advertisement | |
| <input type="checkbox"/> Other (please specify): <hr/> | |

If you heard about it from a friends of/campaign group, please specify:

If you would like to be informed about the outcome of this consultation, please give your details below. Information provided will be treated confidentially and in accordance with the General Data Protection Regulations (GDPR). Personal information will be used solely for the purpose of keeping you informed about the outcome of this consultation if you have ticked the box to request this. Our privacy policy, which explains how we will process your personal information, how long we will retain it and your rights as a data subject, is available at bristol.gov.uk/surveypolicynotice or a paper copy is available on request on consultation@bristol.gov.uk or by calling 0117 922 2848.

- I would like to be kept informed of the outcome of this consultation and I consent to my contact details being used for this purpose as defined in our privacy policy.

6. Contact details:

| | |
|---------------|-------|
| Name | <hr/> |
| Organisation | <hr/> |
| Address 1 | <hr/> |
| Address 2 | <hr/> |
| City / Town | <hr/> |
| Postcode | <hr/> |
| Country | <hr/> |
| Email address | <hr/> |

Equalities Monitoring

We would like to receive feedback from people with as wide a variety of views and needs as possible in Bristol.

It would be very helpful if you could complete the following 'About You' questions. This will help us ensure that no-one is discriminated against unlawfully.

Information provided will be treated confidentially and in accordance with the General Data Protection Regulation (GDPR). Personal and sensitive information will be used solely for the purpose of equalities monitoring to ensure that everyone is treated fairly. Our privacy policy, which explains how we will process your personal information, how long we will retain it and your rights as a data subject, is available at bristol.gov.uk/surveyprivacynotice or a paper copy is available on request on consultation@bristol.gov.uk or by calling 0117 922 2848.

What is your age group?

- Under 18
- 18 – 24
- 25-44
- 45-64
- 65-74
- Over 75
- Prefer not to say

What is your gender?

- Female
- Male
- Other
- Prefer not to say

Are you transgender?

- Yes
- No
- Prefer not to say

What is your ethnicity?

- White British
- White other
- Black/Black British
- Asian/Asian British
- Mixed/dual heritage
- Any other ethnic background
- Prefer not to say

If other (please specify):

Are you disabled?

- Yes
- No
- Prefer not to say

What is your religion?

- No religion
- Christian
- Buddhist
- Hindu
- Jewish
- Muslim
- Sikh
- Prefer not to say
- Any other religion or belief (Please describe)

What is your sexual orientation?

- Lesbian, gay or bisexual
- Heterosexual (straight)
- Other
- Prefer not to say

What happens next?

The consultation is open until Thursday 20 December 2018 and you need to complete the survey and submit it before that date to ensure your views are taken into account.

You can request alternative formats of this document by contacting the consultation team on **consultation@bristol.gov.uk** or by calling **0117 922 2848**.

The findings and feedback from this consultation will form part of the report to Cabinet in April 2019, where the decision will be made whether to agree the scheme or not.