

London Borough of Enfield Selective and Additional Licensing

Council's consideration of Consultees' responses to the public consultation

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A range of responses were received during consultation relating to the proposed schemes and alternatives to licensing, licence conditions; licence fees; the designation area; landlord and tenant support, as well as more general responses. The following is the Council's formal response to these representations, which have been carefully considered and informed a number of changes to the proposed schemes, which are listed below.

1. Changes made to the proposed schemes by the Council in consideration of the responses to the consultation

Topic	Change	Scheme(s) affected
Licence conditions	Removal of draft condition 3.5 from the additional and selective licence conditions (external property decorative order)	Additional and Selective Licensing Schemes
Licence conditions	Removal of draft conditions 8.1, 8.2 and 8.3 from the additional licence conditions (Financial management-council tax responsibility and payment)	Additional Licensing scheme
Licence conditions	If there are concerns about the licence holder or management of the property, we may impose a condition requiring the licence holder to be accredited but this will be on a case by case basis if considered necessary	Additional and Selective Licensing Schemes
Licence/Fee	We will cater for one application (rather than several) for a selective licence (one licence holder) for a building with a number of lets where all of the flats covered by the application are: <ul style="list-style-type: none"> • Are separate dwellings in the same building; and • All under the same ownership and management control; and 	Selective Licensing scheme

	<ul style="list-style-type: none"> • All let on tenancies or licences which are not exempt tenancies or licences, and • Clear responsibility for the licence conditions is achievable <p>The licence fee will be the full selective licence fee for the first flat (£600), and a £100 discount on each subsequent flat (so the fee will be £500 per subsequent flat) recognising the reduced administrative fee in processing the licence under part 1 of the fee as the flats have a common owner/manager for the whole building.</p> <p>Alternatively, the Council may decide that each separate dwelling in the building should have its own licence, and the applicant will be notified of this and the reasons why.</p>	
Information and guidance	We propose to set up a stakeholder group involving landlords and letting agents operating in the borough to work with us on setting the guidance and information we provide to landlords.	Additional and Selective Licensing Schemes
Information and guidance	We will provide dedicated webpages on the Council's website to provide information, guidance and signposting for tenants and landlords, including their rights and responsibilities and any sources of funding for energy efficiency etc for landlords	Additional and Selective Licensing Schemes
Information and guidance	We will provide an online 'report it' form to report problems with private rented properties, a dedicated email address and telephone number	Additional and Selective Licensing Schemes
Information and guidance	We will provide resources to support to tenants and landlords to help sustain tenancies and to deal with severe anti-social behaviour	Additional and Selective Licensing Schemes
Enforcement	We will seek to introduce civil penalties for breaches of housing legislation as an additional enforcement tool (maximum fine of £30,000 for most severe cases)	Additional and Selective Licensing Schemes

2. Council's consideration of feedback from stakeholder interviews

Ten key stakeholders were interviewed, some of whom also provided a written response to the consultation. The organisations were split across the public/third sector area and landlord/agent associations and included the local Citizens Advice Bureau, Safer Renting, Metropolitan Police, the Fire Service, London Assembly and some landlord & letting agent associations.

Whilst the Public Sector organisations and those supporting tenants tended to be in favour of the proposals, they had concerns about some similar issues:

- a) That the housing issues affect all parts of the borough and that the selective licensing designation is not large enough
- b) That the costs of the licences would eventually be passed on to the tenants
- c) That it could lead to an increase in evictions and homelessness.

There were also some specific clarification questions that they wanted answered:

- d) That properties over shops, often the most at risk from issues, should be included in the licensing.
- e) That there should be greater clarity on whether Section 257 HMOs are included.

The Council's consideration

- a) We are aware that there are issues with poor housing conditions and property management across the borough particularly in HMOs. That is why the council is proposing a borough-wide additional licensing scheme, which will improve property conditions and the management of these smaller HMOs in every ward. There are also issues with poor conditions and property management in single household dwellings but at this point it was considered that only the worst 14 wards should be included in the selective licensing designations as this is considered a proportionate approach to improve the quality of private rented accommodation. The Council will keep under review all areas to ensure the issues do not significantly increase in those wards not currently covered by the proposed selective designations.
- b) Licensing schemes have not shown to increase rents levels. In a recent report "An Independent Review of the Use and Effectiveness of Selective Licensing", commissioned by the Ministry of Communities, Housing and Local Government, published June 2019, the authors concluded that *'Analysis of Valuation Office Agency data on private rent levels in licensed areas does not support the claim that licensing has had a demonstrable effect on rent levels. Even in the minimum case, the rent increase over the five-year period was over 22 times the increase that can be ascribed to the licence fee alone. This is compelling evidence that the impact of market forces on rent levels dwarfs that of the cost of a licence.'* In one stakeholder interview for the Council's public consultation it was noted that in *'Waltham Forest [which has large scale licensing] rents have actually been going down, which shows that it is market forces driving rents.'* Licensing will not only deliver improvements to properties but will ensure tenant's rights and responsibilities are recognised as part of the licence conditions (eg requirement to issue a tenancy agreement).
- c) In regard to eviction rates, the Government's report "An Independent Review of the Use and Effectiveness of Selective Licensing", noted that there was *'no direct evidence of any meaningful displacement effect'*. Interestingly, with regard to ASB and eviction, it stated that *'tenants tend to ultimately comply with requests to moderate their behaviour rather than risk eviction.'* It also noted that *'several authorities reported that their landlord training and support schemes had a focus on reducing the need for evictions'*

through helping landlords to work more effectively in dealing with anti-social behaviour. Furthermore, joint working to tackle issues uncovered through licensing such as alcoholism, drug addiction, unemployment etc. serve to tackle the root causes of anti-social behaviour rather than simply move the problem on. Insofar as these strategies are effective, the overall rate of eviction would be expected to go down, thus such a scheme reduces rather than contributes to displacement. The Council's Preventing Homelessness and Rough Sleeping Strategy also plans actions to reduce evictions and the Licensing Team will work closely with the Homelessness Prevention team to support landlords and tenants to sustain tenancies. This is outlined in the Cabinet report paragraphs 5.47-5.54.

If the licensing schemes are introduced, the council proposes to increase the landlord forums and support events, with help and guidance to dealing with anti-social behaviour as part of the programme. In relevant cases, the Council will also provide further support for responsible landlords who are struggling with their tenants' behaviour and causing deliberate ASB.

Despite the evidence to the contrary, due to the concerns raised by partner organisations during this consultation, the Council will be monitoring eviction rates and will provide support to landlords and tenants who may be at risk of eviction. The Licensing Team will be working closely with the homelessness services to ensure that there are systems in place, both for reporting issues and monitoring eviction rates. This will also include augmenting the partnership with Cambridge House, Safer Renting to support tenants who have been illegally threatened with eviction.

- d) Where there is a mixture of residential accommodation and business or commercial premises, for example, flats located above shops, any multi-occupied residential flat, may be subject to licensing under the recent Mandatory HMO reforms, The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018. Such flats are only required to be licensed if they are not purpose-built flats situated in a block of three or more self-contained flats.
- e) The additional licensing scheme proposal does not include HMOs defined under Section 257 of the Housing Act 2004 (a building converted into self-contained flats but does not meet the standards of conversion required by the Building Regulations 1991, and where less than two thirds of the flats are owner occupied). However, individual flats might be subject to additional or selective licensing, dependent on the occupancy and number of households in the property.

The organisations representing landlords were not as positive about the introduction of the schemes and also had a number of concerns. These included:

- a) The targets for the scheme were unrealistic
- b) That recruitment in housing is challenging and this may cause issues with the implementation of the scheme
- c) That having selective licensing and additional licensing side by side can be very complicated and confusing.

The council's consideration

- a) The scheme objectives have been carefully set balancing the need to improve conditions in the private rented sector but recognising there are potential operational restrictions. This will be monitored on a regular basis if the schemes are introduced.
- b) We are aware that recruiting the right staff is key to a successful scheme and will be looking at a number of ways to ensure a competent and dedicated team is recruited and maintained.
- c) We are aware that properties can easily fall from one scheme to another depending on occupancy/households and will be providing clear guidance and information for

landlords and tenants on what type of licence is required for their situation. This will be augmented with a series of forums and training for landlords.

There were some operational suggestions from the landlord associations that the council has considered as part of the consultation:

- a) That the designation is too big and that it should be rolled out gradually starting with 2 or 3 wards
- b) That HMOs have specific issues and that there should be a dedicated team dealing with these
- c) That ASB should be dealt with by the Police
- d) An early bird discount should be strongly considered.
- e) The council should consider a delivery partner, with the partner managing the paperwork (processing) which would leave the council to concentrate on raising standards with enforcement against sub-standard housing and overcrowding etc.
- f) More transparency about how the scheme is achieving its goals. There should be an annual report to show the impact of the scheme, for example, how long is it taking on average to licence a property, how many properties have been inspected, how many are licensed, how many prosecutions etc. The performance measures should be in actual numbers of properties, not percentages, as this is often unclear.
- g) That a stakeholder group should be set up to work with the Council on the implementation, rollout and monitoring of the scheme. This should include landlords and agents, who would be able to advise on what is practical, easy to do, unnecessary etc.
- h) That landlords need to have advice and information in terms of room sizes and that a child is half a person when it comes to room sizes and accommodation.

The council's consideration

- a) Whilst we understand the reasoning behind this suggestion, the level of problems in the borough is so great that implementing the scheme as widely as possible from the beginning is, we believe, the best way for the council to be able to start bringing the worst properties up to standard.
- b) The scheme design includes multi-faceted teams who will deal with the licensing and inspection of properties and have the skills to inspect both HMOs and properties subject to selective licensing. We will provide increased support for landlords of HMOs who may require additional advice and assistance to ensure their properties meet the minimum property and management standards for HMOs.
- c) ASB is a complex issue and one that may need a range of tools including multiple agency partnerships, such as the police, to deal with it. Licensing is only one tool which can form part of a coordinated response to tackle persistent and serious ASB.
- d) The fees for the licensing schemes have been carefully and robustly calculated to cover the costs of administration and enforcement. The fees are considered reasonable and proportionate. If an 'early bird' discount was offered this would compromise the success of the schemes if expenditure were reduced, and so the only way to cover the costs of the schemes would be to raise the licence fees at the end of the early bird period.
- e) The administration of the scheme will be carried out in-house. We do not believe an additional partner is required for these roles as they are administrative and do not present a recruitment challenge.
- f) The council will consider publication of an annual report on the progress of the scheme.

- g) The council has considered this response and as a result will be implementing a stakeholder group to provide information and advice on some of the implementation processes if the schemes are agreed.
- h) Guidance and information on the Council's website, plus a programme of landlord training and forums will be part of any new schemes.

There were several specific comments from stakeholders that the council has considered:

Comment from Stakeholder Interview	Council's Consideration
<p>For selective licensing, the council cannot include anything about property conditions – this is only for additional licensing. The council cannot impose property standards for selective licensing, only general management standards.</p>	<p>The Council must impose a series of mandatory conditions which apply to the regulation of the management, use or occupation of the house. We are aware that licence conditions cannot be imposed relating to the 'condition' for selective licensing. We have taken legal advice about the proposed licence conditions and are satisfied that they meet the legal requirements. However, we have decided to remove condition 3.5 (decorative order to exterior of property) as case law is not clear whether it would be considered to fall under 'management'.</p>
<p>If the council have only managed to license a small number of HMOs and haven't done them all, how are they going to license thousands of properties – they just don't have the experience to launch such a large-scale scheme as this one.</p>	<p>The number of staff required to implement any new scheme has been carefully considered so that the schemes will operate successfully. Additional staffing will be required. This includes staff for the administration, inspection, licencing and enforcement of the schemes</p>
<p>The stakeholder queried the license fees stating that Part 3 of the Housing Act enables that you can have 1 licence per block not 1 per unit, so others have 1 per block and then a smaller fee per additional unit (e.g. Hackney and Croydon)</p>	<p>Some landlords own buildings that are divided into a number of separate dwellings, which are either purpose built or conversions.</p> <p>We will consider a selective licence application for a building containing a number of lets (one single licence holder). The Council will need to be satisfied that conditions below are met and this approach is the best course of action.</p> <p>This will apply <u>where all of the flats covered by the application</u> are:</p> <ul style="list-style-type: none"> • Are separate dwellings in the same building; and • All under the same ownership and management control; and • All let on tenancies or licences which are not exempt tenancies or licences, and • Clear responsibility for the licence conditions is achievable

	<p>The licence fee will be the full selective licence fee for the first flat (£600), and a £100 discount on each subsequent flat (so the fee will be £500 per subsequent flat) recognising the reduced administrative fee in processing the licence under part 1 of the fee as the flats have a common owner/manager for the whole block.</p>
<p>Does the data that the evidence that all of this is based on include properties that should fall under the mandatory scheme as part of the evidence base and not just properties that would fall under additional. If this is the case, then it cannot be used as evidence for selective/additional licensing.</p> <p>For Additional Licensing - wanted to know whether the evidence base is based on all HMOs, including mandatory as they should not be included and open to challenge. The stakeholder also wanted to know how many of the HMO licences should actually come under mandatory licensing rather than additional?</p>	<p>The council commissioned independent research to review tenure levels and housing conditions, deprivation and ASB in the borough in the private rented sector which included HMOs.</p> <p>The analysis of this research data showed that of the predicted 9,661 HMOs identified, it is estimated that 915 HMOs are likely to fall under the Mandatory HMO licensing scheme. The majority of the HMOs (8,746) would come under the proposed additional HMO licensing scheme. The evidence shows that a significant number of the additional HMOs are ineffectively managed.</p>
<p>There was hardly any information about the implementation process – this would need to go live at least 3 months prior to licensing, otherwise it is a criminal offence</p>	<p>This appears to be a misunderstanding. Section 82 of the Housing Act 2004 specifies that the (licensing schemes) designation cannot come into force any earlier than three months <u>after</u> the date on which the designation is made/approval given. We have taken legal advice and cannot see anywhere in the legislation that the designation must be implemented within 3 months.</p>
<p>There is lack of information about how this is going to work with other strategies and other partners – it just states what other strategies are in place, not how it will work with these. Also, there is no mention of how the council will work with partners such as F&R, police, NHS, as the Council cannot deal with the problems they say licensing can address without these other partners.</p>	<p>Paragraphs 5.47-5.54 provides some further information about how the designation of the additional and selective licensing areas is consistent with the authority's overall housing strategy, and that it is adopting a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector. In particular, the licensing team will be working closely with the homelessness team to both monitor eviction rates and to support landlord and tenants who may be at risk of eviction, as well as augmenting the partnership with Cambridge House Safer Renting to support tenants who have been threatened with eviction.</p> <p>The council's Community Safety Team already offers a joint working approach with</p>

	<p>both internal and external partners to tackle complaints of ASB in the borough. The proposed licensing team will work closely with the ASB team and its partners to deal with severe and complex cases of ASB within the private rented sector.</p> <p>The Housing Enforcement Team already works with other council teams in Working Groups and Boards, and with partners such as the London Fire Brigade, Police and Health Services. The Licensing Team would also do so.</p>
<p>The objectives stated show that the council is actually prepared to let criminal landlords continue to work under the radar as they say they want to licence 95% of properties, so are prepared to accept the 5% that won't.</p>	<p>The proposed licensing schemes will have a robust enforcement programme to enable the council to find and enforce against landlords who do not licence their properties. The council acknowledges that despite this, realistically there is likely to be a very small proportion of properties that might be hard to locate.</p>
<p>There is no information about the number of inspections that the Council is planning to do.</p>	<p>The council will be inspecting all properties related to the application for an additional licence before the licence is determined. There will be an intelligence-led, targeted inspection regime for properties with a selective licence, over the life of the scheme.</p>
<p>Would this affect landlords who house other councils' tenants in Enfield? If landlords wouldn't be subject to licensing if this was the case, then more landlords would want to get round licensing by trying to let out their properties to other councils or via other loopholes.</p>	<p>The council will be following the licensing exemptions defined in the Housing Act 2004, which include certain local authority temporary accommodation schemes used for the purposes of housing homeless families where the tenancy agreement is held directly between the council and tenant. Properties procured by Enfield and other local authorities will have already been inspected to ensure they are of a satisfactory standard and safe prior to being let for temporary accommodation.</p>
<p>It is surprising that Bush Hill Park isn't included in the selective licensing scheme as there are lots of private rented properties there.</p>	<p>All wards in the borough have more than the required 19% of private rented sector. However, the 14 wards with the worst combined elements of poor property conditions, deprivation and ASB were selected to be in the selective licensing designation. This selection did not include Bush Hill Park at this point, but the inclusion of further wards in the future will be kept under review.</p>

<p>Is there anything included here about planning permission, particularly about residents being able to object to planning applications, as there should be?</p>	<p>In October 2013, Enfield introduced an Article 4 Direction on HMOs across the borough. This means that residential houses and conversions will require planning permission if they are to be used as HMOs. Landlords will be expected to ensure they have all the appropriate planning permissions. In the event a property is found not to have the appropriate planning permission, the Licensing Team may issue a one year additional HMO licence, giving the landlord the opportunity to apply for planning permission or revert the property back to its original use. Residents would be able to make representation against a planning application in the normal way.</p>
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d) Positive comments made by stakeholders

There were also several positive comments made by stakeholders:

“It can only be a good thing. The council must protect tenants from landlords doing what they want. Licensing adds another string to the council’s bow in terms of options, and that there are no negatives.”

“There is not much evidence that rents have gone up in other areas of London, and the cost for a licence is a fraction of what landlords earn. Rents are dictated by market forces, not landlords. In Waltham Forest, rents have actually been going down, which shows that it is market forces driving rents.”

“We are generally in favour of selective licensing and would hope that it would drive up standards. Licensing would be beneficial in the following ways:

- Would help everyone understand the actual current picture – the council would have up to date knowledge about housing and the gaps there are.
- Tenants are often afraid to report things – if this gives them a way of doing it privately then this should help report bad landlords.
- Hopefully it would put people off being landlords who are just in in for the money and don’t care about anyone.
- It should generally drive up property standards.”

“Very strongly in favour of Additional Licensing. HMOs are popping up everywhere and it is very difficult for licensing teams to identify them. There is also confusion amongst landlords, with many being accidental landlords and not really knowing what they should be doing – this will help them to have greater understanding.”

e) Responses from the questionnaire to the introduction of licensing schemes

Example comments from consultees	Council's consideration
Theme: It is a money-making scheme for the Council	
<i>It's just a money-making scheme</i>	<p>The law is very clear. The council is not allowed to make money from the schemes, and the licence fee must be reasonable and proportionate. The proposed fee structure was calculated on the basis that the costs of running the schemes would be met by the anticipated income from the number of properties expected to be licensed under the designations. So the fees were set to cover the costs of setting up, administering, operating and enforcing the schemes to meet the stated scheme objectives so as to be cost neutral to the Council.</p>
<i>This is simply a ruse to take money from Landlords based on dubious studies to fund council coffers.</i>	
<i>This is a scheme for the council to attract income.</i>	
<i>It appears to be just another ruse to raise revenue.</i>	
<i>As a landlord where is the money going, what is the end game, what is the money going to be used for?</i>	
<i>For a landlord like me who makes sure the property is in good condition throughout the year, fixes any problems straight away when they arise, and has never had any issues with my tenants it seems this scheme is just a money-making exercise. Good landlords should not be made to pay for the bad landlords' failures to rent their properties properly.</i>	
<i>This is just another attempt from council to blame others for the problems in the borough. This will fix nothing, council already have enough power and rules to do what they are claiming to do with the licence scheme. It's just money grabbing exercise for the council.</i>	
Theme: It is penalising good landlords	
<i>Policing rogue landlords does not require you to penalise all landlords in the area.</i>	<p>We recognise that many landlords who rent out properties in the private sector manage their properties responsibly. However, the evidence shows that the borough is experiencing large scale issues in the private rented sector with poor property conditions and management, deprivation and ASB.</p> <p>We consider that additional and selective licensing will assist us to make the necessary improvements.</p> <p>We will use the regulatory framework provided by additional and selective licensing schemes to focus on those that do not comply and impact negatively on the reputation of those responsible landlords as well as having a detrimental effect on tenants and neighbourhoods. We will develop guidance and work with landlords</p>
<i>Good landlords offer a much-needed service and are already losing any rights when we have bad tenants. Don't penalise the good landlords.</i>	
<i>I am a responsible landlord with references from my tenants. Now I am being penalised for bad landlords/tenants out there. I own 1 property...I pay my taxes on this (and on account now) and cannot afford the astonishing £600 you want to steal from me and the pockets of the other landlords. I will have no choice but to sell now.</i>	
<i>I am a landlord of an immaculate house. Why should I be penalised because some landlords rent out disgusting houses. Target them not respectable landlords like me.</i>	

<p><i>Landlords should be responsible and should look after their properties. Good landlords should not be penalised for bad landlords that neglect properties and ignore bad tenants.</i></p>	<p>to bring about compliance where possible, but we will also use robust enforcement against wilfully non-compliant landlords.</p>
<p><i>I have had no issues in the 15 years of renting and running of my property. Therefore, I strongly disagree that all landlords should be required to pay and apply for this scheme due to the carelessness of other incompetent landlords.</i></p>	
<p><i>It is punitive on decent landlords. It imposes completely unfair charges on decent landlords. In our experience Enfield Councils own properties are amongst the worst kept in the borough so it is highly peculiar that the council doesn't tackle this first before charging large sums of money to law abiding landlords who quality accommodation.</i></p>	<p>The Council's 'Housing and Growth Strategy 2020 – 2030', aims to seek improvements in all housing tenures in the borough. In terms of its own housing stock, the Council will deliver a housing investment programme, as part of a new council housing asset management strategy, to make all council homes in the borough meet a standard so that they are fit for the 21st century. For example, in 2019/20 the council launched a £41m investment programme to improve the condition of its housing stock. This includes renewing council homes so that they are compliant with all national standards, with the safety of council homes being a key priority.</p>
<p>Theme: <i>It will result in an increase in rents</i></p>	
<p><i>An additional bureaucracy. How this will help? This is a way to collect more money from landlords. That money will come from people renting the properties.</i></p>	<p>The proposed licence fees have been set to cover the costs of setting up and running the schemes. The council will not make a profit from the licencing schemes. A selective licence obtained at the start of the five-year scheme for a property will pay a one-off fee of £600 (which equates to around £2.30 per week) and for an additional licence will pay a one-off fee of £900 (which equates to around £3.46 per week). Whilst we recognise that the licence fee is a cost to the landlord, this is not considered unaffordable compared to the average rental income obtainable in Enfield at present.</p> <p>Evidence from authorities who have been operating licencing schemes have seen no evidence that landlords have increased rents to cover their licence fee costs or that landlords have moved elsewhere. Similarly, research carried out by an independent agency on behalf of the government</p>
<p><i>Landlords will increase rent to cover the cost of licence. Already a shortage of housing, this will reduce availability/supply.</i></p>	
<p><i>This is at a time where Brexit is looming, and pretty much all tax allowances for landlords have been abolished. These changes will no doubt will force landlords to increase their rents to cover the extra requirements, which will cost councils more for their tenants.</i></p>	
<p><i>This will force landlords to push some of the licencing costs to the tenants; with the government changing what costs are taxable being a landlord can sometimes mean barely breaking even each year and more often than not being out of pocket, additional fees mean that rents will increase for some properties as landlords can't keep up.</i></p>	

<p><i>The licence will obviously have a fee which in turn will just be passed onto the tenant increasing their rent. I own HMO's and I consider myself a reputable Landlord and consult my tenants regularly. The Government has already imposed tax regs etc so this is effectively another tax on Landlords. The Landlord will not be paying for this the tenant will.</i></p>	<p>showed that selective licensing did not result in an increase in rents in areas with a scheme, that market forces dictated the rent levels.</p>
<p><i>I will pass on the cost to my tenants of the licensing fee.</i></p>	<p>As above, there is no evidence to support the idea that landlords pass on the licensing costs to tenants, more that market forces set the rents in local areas. If landlords want to increase the rent, there are procedures which must be followed and any increase above market rents levels can be challenged via the Residential Property Tribunal.</p>
<p><i>I have wonderful tenants that pay low rent. However, I am happy with them and the rent reflects the way I trust and like them. HOWEVER, licensing ME would cost and then the fee would be put onto the tenant.</i></p>	
<p>Theme: <i>It is not needed</i></p>	
<p><i>If a landlord manages his property correctly and through an agent this is not needed.</i></p>	<p>As above, the evidence shows that there are large scale issues in the borough's private rented sector which licensing can address. The Council wants landlords to responsibly manage rental accommodation and where landlords are not able to effectively manage properties themselves, we do encourage the use of regulated letting agents. We can offer guidance to landlords to help make informed decisions over their management of licensed properties.</p>
<p><i>The council already have adequate legal powers to manage the private sector.</i></p>	<p>We have considered a number of other courses of action or alternatives to selective and additional licensing, but do not believe that, individually or collectively, they are sufficiently effective, in addressing the poor housing conditions and tackling ASB in the borough, or of delivering the scale of improvement that we believe is required in the private rented sector. The Council has significantly increased the use of its enforcement to enforce existing powers but this has not been sufficient on its own to address the large scale improvement needed. This includes the use of Part 1 Housing Act 2004 enforcement powers [HHSRS] and Public Health powers but these powers do not place any obligation on landlords to be proactive in improving conditions and formal action is generally a slow process. We will also look to introduce civil penalties under the Housing and Planning Act 2016</p>
<p><i>The current regulations are adequate</i></p>	
<p><i>I am not convinced this will yield the desired results. There are already systems in place to report these types of problems as evidenced in your case studies. In addition, many of the problems described can be seen in existing council-managed properties in my area (which are exempt from this scheme).</i></p>	
<p><i>There is already sufficient legislation protecting the tenant and this licencing is not required</i></p>	
<p><i>The law as it stands today offers ample protection to tenants but there is a broad brush and unfair momentum of anti landlord sentiment</i></p>	
<p><i>The law already exists to stop revenge evictions. The tenants are already able to complain to the council about the state of the property. The council already has the</i></p>	

<p><i>address of the property as they pay housing benefit.</i></p>	<p>as another enforcement tool to sit alongside prosecutions.</p>
<p><i>What do we pay council tax for? This council service for the operation of the so called 'selective services' and 'additional service for HMO' surely should be a service that the council is already providing.</i></p>	<p>The Council is not required to have an additional and selective licensing scheme so is not a service funded by the Council. Such schemes are introduced by Councils when there is an identified need in their borough. Additional and selective licensing schemes are funded from the licence fee.</p>
<p><i>I have 4 properties at the borough and they are all up the standards or above the standards, I do not see any point of having a licence or paying a licence fee which is unnecessary for me. Instead council can arrange yearly inspections and the inspector fee can be paid by the landlord and the inspection should be compulsory then there is no need for unnecessary licensing.</i></p>	<p>As above, the evidence shows that there are large scale issues in the borough's private rented sector which licensing can address.</p> <p>Whilst we recognise that there are many responsible landlords operating in the borough, there are many who are either not aware of their responsibilities or are flagrantly ignoring them. We have set challenging inspection targets for the new schemes, including the inspection of all HMOs before a licence is issued and to ensure compliance with licence conditions and improve property standards in at least 75% of licensed properties. Yearly inspections would be more expensive for landlords so we will use intelligence and audits to identify the properties that require the most intervention from the council. We will be working with other departments in sharing information to ensure that we concentrate our resources on those who do not comply.</p>
<p><i>Provide the evidence that this is needed so that I can compare it to the social housing data.</i></p>	<p>An independent review of the private rented sector was commissioned by the council. Evidence from this review was published as part of the consultation and shows that that in all the proposed wards there are significant problems with poor property conditions.</p> <p>The evidence from this research also showed there are high levels of ASB linked directly to private rented properties in the wards identified in the proposed designation one, especially compared to other tenures. Privately rented properties are almost twice as likely to have an ASB incident compared to social housing properties.</p> <p>The council has a separate regulatory framework to address disrepair and ASB in</p>

	social rented accommodation and this is outside the scope of these proposals.
Theme: It won't work	
<p><i>What does registering achieve as the end problem is that the council need to build new social housing, private landlords have provided a service which Enfield no longer fulfils and is never going too.</i></p>	<p>The Council's Housing and Growth Strategy: 2020-2030 will be submitted to Cabinet for approval and its first priority is for "More genuinely affordable homes for local people. Building more homes that are the right kind of homes, in the right locations and for local people. This means homes that are well-designed and are the right size, tenure and price that local people can afford." So, the council is prioritising the building of new social housing but the council also recognises that the private rented sector is also a valuable provider of accommodation for the residents of Enfield, but which also needs to be better regulated to protect tenants and vulnerable renters.</p>
<p><i>This proposal is an unnecessary action that rogue landlords will ignore anyway.</i></p>	<p>The scheme has challenging objectives to ensure that at least 95% of licensable properties are licensed by the end of the scheme and to ensure compliance with licence conditions and improve property standards in at least 75% of licensed properties. The council will be actively inspecting for unlicensed properties and take robust enforcement action against those who wilfully refuse to license their properties.</p>
<p><i>Rogue landlords will operate as normal as they remain unnoticed and are able to operate freely.</i></p>	
<p><i>I'm not sure it will affect the worst offenders, since they are the least likely to apply for the license.</i></p>	
<p><i>Unnecessary and will be ignored by rogue landlords anyway.</i></p>	
<p><i>As a landlord with over 30yrs experience of BTL [Buy To Let] in Enfield, including 10yrs renting HMOs under licence, your scheme will not work as the council does not have the financial capacity or determination to enforce the proposed scheme.</i></p>	
<p><i>I am a member of the NLA they keep me updated on the changes to the law. Dodgy landlords will not register.</i></p>	
Theme: It's overly bureaucratic	
<p><i>Unnecessary additional red tape.</i></p>	<p>Please see above considerations about the demonstrable need for licensing schemes, and that existing powers and enforcement alone are not sufficient. The schemes will be designed to make the online application and payment processes as quick and streamlined as possible, whilst still meeting the statutory requirements.</p>
<p><i>The council should weed out landlords who clearly are not providing quality accommodation, it should not force all landlords to pay money and jump through unnecessary hoops.</i></p>	
<p><i>There are already laws to deal with these issues and councils have powers to address them. This should be further considered before spending more money designing more hair brained bureaucracy</i></p>	

<i>into the process. Just use the powers you already have!</i>	Landlords are already required to meet the minimum space and room standards for private rented properties.
<i>The landlord will be forced to have less people renting the property and get all these extra documents and the tenants will have an increase in rent.</i>	
Theme: Dealing with anti-social behaviour	
<i>It is councils' responsibility to control anti-social behaviour. It is also responsibility of all residents of the borough, not only landlord.</i>	We agree that it is the responsibility of all residents in the borough not to cause anti-social behaviour and that the council (and others) has various powers to enforce against this. We do not expect landlords to be responsible for the behaviour of their tenants, but landlords are expected to manage their tenancies and ensure that any ASB caused by their tenants is effectively addressed and if necessary appropriate action is taken. The introduction of licensing is an additional tool that, used in conjunction with existing powers, allows the council to ensure that ASB is not allowed to continue to affect other residents who are taking their responsibilities seriously.
<i>The Council is unable to deal effectively with anti-social housing standards issues in its own portfolio of social housing why, who and how is this increase in staff demand going to be funded and performed effectively</i>	It is considered that landlords of all tenures, be they Council, Social Housing Providers and landlords that rent out privately have a responsibility to address unacceptable behaviour with their tenants. The Council addresses and enforces unacceptable behaviour by Council tenants via its own Anti-social behaviour policy ¹ Our research shows that ASB incidents are twice as likely in private rented properties than social housing properties.
<i>In my experience anti-social behaviour does not entirely emanate from tenants within the private rented sector. I am a landlord and also a managing agent who, since the introduction of the scheme in other boroughs, has not seen a change or improvement as the tenants and properties are always looked after well.</i>	
<i>Harsher penalties for tenants that are antisocial. Why should I be penalised if they play there music too loud?</i>	
<i>Because the most problems we experience are from LBE tenants causing the nuisance, who in turn are told by LBE to stay put until bailiffs evict them, thus prolonging the aggravation for the neighbours and landlords.</i>	
<i>How is the local authority going to police licensing when the local council cannot control their own tenants in council flats.</i>	

¹ <https://new.enfield.gov.uk/services/housing/council-housing/council-housing-information-asb-policy-june-16.pdf>

<p><i>The council can't even deal with their own anti-social tenants properly, how are they in a position to give advice to other landlords, of which most are good?</i></p>	
<p><i>I can't see this reducing anti-social behaviour from tenants. If you want to stop that you should licence the tenants.</i></p>	<p>The council can only use the legislation that is currently available and that does not cover licensing of tenants, only of privately rented properties. Whilst tenants who cause ASB do get prosecuted or fined the landlord ultimately has the responsibility to make sure their tenants know their responsibilities and comply with their tenancy conditions. The council will offer support to landlords dealing with serious cases of ASB and more general advice on tackling ASB at the landlord forum events.</p>
<p>Theme: Comments about property conditions</p>	
<p><i>In our experience Enfield Council's own properties are amongst the worst kept in the borough so it is highly peculiar that the council doesn't tackle this first.</i></p>	<p>As part of the 'Housing and Growth Strategy 2020 – 2030' the council has committed to deliver a housing investment programme, as part of a new council housing asset management strategy, "to make all our council homes meet a standard that is fit for the 21st century". For example, in 2019/20 we launched a £41m investment programme to improve the condition of our housing stock. It is important that <i>all</i> homes in the borough, whether they are council/social housing, owner occupied or privately rented, meet the minimum safety and condition standards. Additional and selective licensing is a way to ensure that rented homes are improved, but the council is also committed to improving its own homes.</p>
<p><i>Licensing in other areas has not been proven to improve any conditions for tenants.</i></p>	<p>The recent Government review of selective licensing schemes, 'Independent Review of the Use and Effectiveness of Selective Licensing' states that the '<i>research overall indicates that selective licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes</i>'.</p>
<p>Theme: other comments</p>	
<p><i>As a private landlord we use a registered property management company to ensure we meet all requirements on us as landlords and pay for that service. I think the licence should apply to the property management company not each private landlord.</i></p>	<p>The council must comply with the legislation which states that the licence holder must be the most appropriate person who has control of the property. This is usually the registered owner. Not all owners use property management companies. However, a named person in a property management company can be the licence</p>

	<p>holder, but they must sign a declaration stating that they are willing to do this and the council will check the length and terms of the lease agreement or contract to ensure there are adequate property management arrangements in place between the two parties.</p> <p>It is also worth noting that licences are non-transferable, so if that person leaves the company then a new licence will be needed (and the additional cost of that).</p>
<p><i>... I don't have a degree in licensing and the time to decipher all the documents linked to this survey- absolutely ridiculous and not a fair consultation.</i></p>	<p>It is a legal requirement that the Council must demonstrate the need for additional and selective licensing schemes, and to explain the proposals for the schemes including fees and conditions, as part of a public consultation. It is important that those likely to be affected by the scheme have sufficient enough information to respond to the consultation proposals.</p>
<p><i>From our experience in property management over the past 10 years with some other councils that have introduced these licences I can confirm that we have seen no improvement in any of the points you mentioned.</i></p>	<p>The recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' found that the 'research overall indicates that selective licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes'.</p>
<p><i>It appears to me that the Council is unable to do the tasks it is already responsible for, refuse collection, street cleaning etc. The last thing we need is LB Enfield taking on more tasks and staff.</i></p>	<p>Waste management and street maintenance are two of the council's statutory functions. Many of the complaints received by the council concern the over-generation of waste and contaminated bins. One of the mandatory licence conditions imposed by the Government for HMOs is the storage and disposal of household waste. Landlords will be required to ensure tenants are informed about the council's refuse and recycling scheme. This requirement will address the poor property management standards provided by some landlords.</p>
<p><i>There is no genuine evidence to support the "need" to licence. By adding additional costs all you do is pass costs on to responsible landlords who will seek to pass on to tenants in much the same way the new tenants fees legislation has done so. Often three sharers take on a two/three bedroom home to share costs. All you do is add to costs without adding any improvements. Enfield Council needs to save £12 million next year - how will this meet that goal. Enfield council should work to address its statutory duties and not</i></p>	<p>Whilst there is no statutory duty for the council to have an additional and selective licensing scheme, the evidence provided in the consultation (Appendix 3) demonstrates that the current situation in the private rented sector is poor and getting worse. Rented properties are putting a strain on the council by requiring a high level of interventions. The scheme will be cost-neutral to the council but by tackling the problems associated with the sector, the council is aiming to improve conditions for residents.</p>

<i>spend resources on areas where it is not under a statutory duty to do so. If you know the bad landlords and problems then you already have a tool box to address this but what you are doing is adding red tape to an area you simply are under no obligation to do so.</i>	
<i>As a privately licensed landlord one would lose the right to use section 21 of the Housing Act. This would mean that the Council would be withdrawing the landlords legal right to use this act. As a byelaw or an amendment to a byelaw, a Council cannot cancel out or override a statutory law that already exists. Therefore, the Council would be breaking the law by introducing licences and also depriving landlords of Enfield their statutory rights.</i>	This comment appears to be a misunderstanding of the law. If a property requires a licence but isn't licensed, a Section 21 of the Housing Act 1988 notice may not be considered valid. Licensing does not prevent a landlord from issuing a Section 21 notice unless it is unlicensed and should be licensed. A landlord is entitled to seek possession against their tenants, but they must follow due process in doing so.

f) Responses specific to additional licensing

Example comments from consultees	Council's consideration
Theme: Geographical coverage	
<i>It doesn't cover Grange Ward which has a large amount of rented property especially in Chalkwell Park Avenue area of the ward.</i>	The additional licensing scheme is borough-wide and covers all HMOs in Grange ward, including Chalkwell Park Avenue. (For the reason explained above, the proposal is to introduce selective licensing in 14 wards but does not include Grange ward).
<i>There is already much legislation surrounding private rental properties and thus additional licencing is not required and just adds additional bureaucracy and expense I strongly disagree in cases where the property is being let through a professional letting agent. This is because the goals of the Council's proposed license are already being met by such letting agents. This is because professional letting agent's already have to ensure the properties they let comply with legally binding standards.</i>	Not all landlords use letting agents. Unfortunately, in our experience and as shown in the evidence, properties that would fall under additional licensing are some of the worst managed in the borough. Not only do they have the worst property conditions but they have higher levels of property-related ASB, overcrowding and require high disproportionate levels of intervention from the council. Whilst many letting agents are professional and responsible, we have also have experience of poor and even criminal agents to know that using a letting agent in itself is not enough to guarantee compliance with the required standards.
Theme: Other comments	
<i>Currently, the council appear to be non-committal dealing with domestic rubbish and not considering waste capacity for the individual tenancy will create. domestic</i>	The proposed licence conditions for additional HMOs requires that the HMO is occupied only by the maximum number of persons/households permitted; as

<p>waste currently been discarded around the streets of Edmonton and no signs of abating. 3 individual persons in one dwelling not connected to each other is likely be doubled by the fact that partners and children will then join them therefore creating more waste and no provision to deal with increase.</p>	<p>determined by the amenities available, size and layout of property. In addition, the Licence holder must ensure that suitable and adequate provision is made for the storage of household refuse and recycling. The standard bin size for 1-3 tenants is 140L (one for rubbish and one for recycling). Larger 240L bins are available for 5 or more tenants (one for rubbish and one for recycling). It is possible to buy additional bins at reduced cost with the waste services changes in February 2020.</p>
<p>Although I have read what I think I need to read from the relevant documents it is not clear if a licence is required for each property or only one which covers all properties owned. If additional licences are required for each property, the financial burden on the landlord would be far too much.</p>	<p>The legislation and proposals cover <u>each</u> property, not one licence for all properties owned.</p>
<p>HMO's are already required to be licensed under the existing mandatory HMO licensing scheme for England Wales</p>	<p>Mandatory HMO licensing is national legislation and covers HMOs that have 5 or more persons in 2 or more households and share amenities. Additional licensing (3 or 4 persons in 2 or more households and share amenities) applies to smaller HMOs that do not fall under the mandatory HMO licensing scheme. Our evidence shows that these properties have the worst property conditions, overcrowding and higher levels of property-related ASB and require disproportionate levels of intervention from the council.</p>
<p>These are not mandatory HMOs so you are now just trying to charge people because they don't fall into the old category.</p>	<p>As above.</p>
<p>Mandating HMOs with 3 tenants will have no benefit.</p>	<p>In our experience, there are often vulnerable tenants in private rented accommodation including HMOs that are not aware of suitable standards and do not raise issues with their landlords.</p>
<p>Any HMO nowadays have educated people and they speak up when things are not right.</p>	

g) Responses specific to selective licensing

Example comments from consultees	Council's consideration
<p>Theme: Geographical coverage</p>	
<p>Why not all wards?</p>	<p>Whilst there was evidence to support all wards to be included in the selective licensing designation due to the criteria of</p>
<p>It should cover Grange Ward. I am chair of Chalkwell Park Avenue Residents</p>	

<p><i>Association and we have had issues with multiple occupancy rented properties.</i></p>	<p>poor property conditions, it was considered more targeted and proportionate to select the wards with the highest levels of poor property conditions, deprivation and anti-social behaviour that also create the highest demands on council services.</p> <p>The proposed additional licensing scheme covers the whole of the borough.</p>
<p><i>Also, there are 21 wards in the borough but the proposals are only targeting 14 of the 'poorer' wards. Effectively a landlord that owns a property in the more 'exclusive' wards will not be required to get a licence. How is this fair?</i></p>	
<p><i>It does not cover all wards.</i></p>	
<p><i>I don't think it should be implemented at all. But if it is to be implemented it should be across the whole of Enfield, as these changes will force rentals to go up in these areas making them less competitive thus people will move to other wards where rents are not as high because the scheme has not been implemented.</i></p>	
<p><i>There are 21 wards in the borough, why are only 14 wards being included. Just because a property is rented in one of these selected wards does not mean that the landlord is not a legitimate landlord and does not manage and maintain their property correctly. Also, this does not determine that they type of people in these wards are going to be causing Anti-Social Behaviour.</i></p>	<p>The evidence for licensing single family dwellings (selective licensing) is in the evidence pack (appendix 3), which was part of the consultation documentation. It shows that there are issues with poor property conditions, factors that exacerbate deprivation and significant property-related ASB.</p>
<p><i>I don't understand the need for small private rentals that aren't HMOs. I particularly don't understand the need for this in just those specific 13 wards and the reason for that has not been made clear at all.</i></p>	
<p><i>For houses/flats with single occupant/family unit residing, issues should be resolved by eviction or conflict resolution between landlord and tenant.</i></p>	<p>Unfortunately, our experience is that many tenants are not aware or have little knowledge of their legal rights as tenants and who are faced with illegal evictions often through no fault of their own. Enfield has a serious problem with high rates of evictions and the subsequent homelessness this causes. We will support and provide information for both tenants and landlords on their rights, responsibilities and how to deal with issues that arise in order to sustain tenancies and maintain their landlord and tenant relationship.</p>
<p><i>This scheme would not have helped me when I lived in Enfield. I have been evicted twice under section 21 by unscrupulous landlords wanting to charge more money.</i></p>	<p>The scheme aims to educate both landlords and tenants on their rights and responsibilities. Licensing will aim to work with both landlords and tenants and, where possible, to sustain tenancies.</p>
<p>Theme: Other comments</p>	

<p><i>Many privately (sic) flats come under the control of management companies this will affect their rights to manage the whole development and its care for the benefit of all residents especially those that own their properties</i></p>	<p>Leaseholders are expected to comply with all requirements of their lease, including the right to let their property. The licensing process includes notification of all interested parties, including freeholders. As above, if relevant, we will cater for a single licence application (rather than several) for blocks where all the flats are in common ownership or management and all the flats are rented out with non-exempt tenancies/licences.</p>
<p><i>You are penalising everyone. Which will result in the single landlord in the long run selling their property. Please take note of what happened in Germany when this same legislation was brought in. Landlords sold their properties with the end result, rental properties reached epidemic levels as there was not being enough properties on the rental market.</i></p>	<p>London does not reflect the rental model in countries such as Germany and as such cannot be directly compared. There is no evidence that established licensing schemes causes landlords to leave the market. It is more likely that criminal landlords may leave the market to avoid licensing and implementing stipulations of the licence conditions. In this case, this could give opportunity for professional landlords to take over these properties.</p>

h) Positive comments about the introduction of licensing schemes

There were a number of positive comments from consultees. These were mainly in themes:

- It's a good idea
- It's good for tenants
- It's long overdue
- I'm glad the council are going to check everything
- Landlords need to be controlled and accountable for their properties

There were also a number of specific comments about how the schemes will be able to improve conditions, stop overcrowding and anti-social behaviour, and deal with poor HMOs.

- *Evidence from Hastings shows the Selective licensing scheme has made improvements to ASB and property conditions.*
- *Given the increase in rented properties I think it is high time that some controls are introduced. There has been a general increase in overcrowding, rubbish, noise, etc and an overall decrease in the quality of life in the neighbourhood. Private landlords are only interested in their income and not concerned about the effect on the neighbours.*
- *Good proposal. It will tackle the issue of overcrowding and ASB as well.*
- *I am wholly in favour of licensing for the private rented sector within Enfield. Landlords stand to make a lot of money from their properties and too often they are not providing safe, comfortable homes. I work in Haselbury ward and therefore am aware of the level of overcrowding in some properties and the ASB this can lead to. I am lucky to live in Town ward where the level of deprivation is low but having a rental property close to your house should not be something to be afraid of, and at the moment, too often it is.*
- *I have been subject to antisocial behaviour from HMO occupants on several occasions during the 30 years I have lived at my current address in EN3 and would welcome any steps to make landlords responsible for their tenant's behaviour & the standard of their*

accommodation. As it stands, many don't appear to give a toss and just wish to collect the money from their investment. I therefore support this scheme.

- *I hope this is successful and implemented at the earliest possible date. Parts of the LB of Enfield have become quite unpleasant to live in over the past ten years and if this scheme is successful it may turn Enfield into a borough people want to come and live, work and socialise. LB of Hackney is a good example i.e. high property prices, business start-ups, Hackney is a desirable area to live, work & socialise!!!*
- *I think a licensing scheme would be a very good idea providing breaches are dealt with in a robust way I have had evidence the landlord of an HMO close to me when he became aware that Council Officers were coming to visit the next day. Came around and ordered all the tenants to leave the day before the proposed visit. Greater protection should be given to tenants under these circumstances. Many are from overseas and are easily exploited by unscrupulous people using bullying to achieve what they want.*
- *I think it is a good idea and Landlords should be responsible for their properties and their tenants. I have seen my neighbourhood deteriorate over the years and now live next to a property where the managing agent did not carry out repairs. All the windows are boarded up and it is an eyesore - not very helpful if I wanted to sell my property. I feel that the introduction of licences will help the Council achieve their objectives on Enfield being a safe place to live.*
- *It's good to have some standards in rented properties. some landlords are just collecting the rent and they don't bother about the living environment for their tenants.*
- *Steps, such as this, to help swing the balance from a property as an investment to someone's home are welcome. The knowledge of who is responsible for inappropriate letting conditions to tenants and property upkeep and management for the local community is welcomed. Minimum checking requirements of tenants, either by the landlord or their agents, may be a positive step. Landlords would retain the right to take a view on any apparent shortcomings but the documentation, and resultant decision, would be available as evidence.*
- *The schemes are long overdue! As a resident, I am constantly aware of run down rental properties around the borough that are not maintained properly and do not appear fit for purpose. It is not good for tenants, and makes areas unattractive for residents and difficult for them to sell their properties apart from to landlords likely to behave in a similarly irresponsible way.*
- *These schemes can't come into force too soon as far as I am concerned. There are so many rogue landlords out there letting their properties to people whom they do not vet or whose living conditions they do not care about, so long as their rent is paid on time.*
- *This is long overdue. I am aware that in my area tenants are living in squalor in some properties and that there needs to be enforcement of higher standards. The noise, dirt and rubbish coming from some HMOs is not acceptable and has a bad effect on all residents.*

Council consideration – The evidence shows that there are high levels of poor property management. The objectives of the proposed schemes are to bring improvement to the sector; to reduce this kind of behaviour, support tenants and landlords and bring properties in to better condition through better management practices.

i) Suggestions for alternative to additional licensing

Example comments from consultees	Council's consideration
Theme: <i>Dealing with poor property conditions</i>	
<i>If there is a bad landlord, block his property for rental till he agrees to abide</i>	Licensing allows the council to enforce against unlicensed properties and licensed properties that do not meet the licence conditions of the scheme. If a landlord continues to disregard his responsibilities, the council can apply for an Interim Management Order under Part 4 of the Housing Act 2004 to take control of the property away from the landlord.
Theme: <i>The council should provide a service for tenants and landlords to report issues</i>	
<i>I suggest that the council sets up a help line for tenants within the Borough, whereby tenants call to lodge a grievance/ complaint and that each call is investigated by a selected team, and the landlord is fined appropriately on an individual basis, rather than unilaterally bullying and alienating all landlords.</i>	<p>There will be a number of ways tenants, neighbours and other residents will be able to get in touch with the team to report properties they are concerned about, or specific issues with a property. This will include:</p> <ul style="list-style-type: none"> • A dedicated email to report issues • A licensing telephone line to speak to officers • An online reporting form on the Council's website • A new section of the web site with guidance and information about property conditions, management of rental properties and the responsibilities of landlords and tenants, and signposting to other relevant information • A list of licensed properties and details of the licence (this is a legal requirement for the council to publish a register of licensed properties) <p>These are helpful suggestions but in themselves will not achieve the objectives that the proposed additional and selective licensing schemes seek to achieve.</p>
<i>Make it easy for tenants to register problems with their landlord, the council website is difficult to use. A dedicated and manned telephone service and the ability to email direct to the relative team dealing with tenants. Once a complaint is received the council should contact the landlord for comment and if unsatisfied arrange a joint meeting at the relative property to view / discuss etc.</i>	
<i>Enfield council just needs to create a portal for residents, tenants to report properties in bad condition. The link to portal can be published in schools' newsletters and websites. Problem solved as I don't know many people, who wouldn't report bad living conditions.</i>	
<i>Ensure that tenants have the ability to contact the local authority, identifying the issues for a particular property.</i>	
<i>There needs to be a good reporting system by which tenants can reports such conditions to the council and an action plan in place of what steps the council can take</i>	

<p><i>to address these issues/complaints which may be raised by tenants.</i></p>	
<p><i>The council should set up a call centre or website, where tenants can complain if they feel their rented accommodations fall short. Landlords found in breach will then be fined. This way, the financial burden will fall only to those who flout the rules.</i></p>	
<p><i>Regular drop in local surgeries for residents who have issues. Open line of communication, not just solely phone calls and emails. So, residents feel heard and issues can be assessed and quickly triaged</i></p>	<p>The Enfield Housing Partnership, a joint initiative by the Council and Citizen Advice, Enfield was established to raise standards within the private rented market. The Partnership holds annual landlord and tenant forums. The aim of the tenant forum is to inform tenants of their rights and responsibilities and educate tenants to know their rights and how to seek the appropriate redress. We will seek to build on this to provide more information and support for residents</p>
<p>Theme: <i>The council should inspect all properties</i></p>	
<p><i>All properties rented out should be reviewed every 6 months for conditions as they genuinely are landlord who are not rogue</i></p>	<p>It is the landlord's responsibility to inspect the property regularly to ensure there is no disrepair and that the property has not become overcrowded or is causing issues.</p>
<p><i>By Annual Property MOTs, making sure the property is in reasonable state for the tenants to live in, specific consideration should be given for properties with children and elderly.</i></p>	<p>The council will inspect all properties before an additional licence is issued and will use intelligence-led and data-driven information to prioritise the inspection of properties that require a selective licence. The licence conditions will set out appropriate requirements for the management of properties.</p>
<p><i>The Council should inspect properties every 3-5 years and if there is any breach a fine should be imposed on the landlord/ tenant. Between £40 to £ 60 should be charged for the inspection. For antisocial behaviours and overcrowding, the tenant should be prosecuted.</i></p>	<p>This would not be possible without having the proposed licensing schemes in place to operate a large scale inspection programme.</p>
<p>Theme: <i>Better educate tenants</i></p>	
<p><i>Better inform tenants (easily done with housing benefit tenants) and letting agencies to report disrepair issues against bad or criminal type landlords - council can</i></p>	<p>As above. We already visit at tenants' request, advise and enforce poor conditions. However, the large scale of the problems in the private sector means that</p>

<p><i>then attend properties at tenants' invitation or request and help with proving property issues or disrepair, and assist tenant to get things done. Good landlords will not be penalised so they can focus and carry on without more stress, interference and precious time and energy being engaged unnecessarily and inefficiently with councils in endless phone calls, emails, letters etc – time which no one has to live a normal life – can you imagine what quality of life good landlords have with all the work they have? Then those bad landlords can be placed on a communication/monitor/check list and eventually all bad landlords will be known as well as the council should work better with those bad landlords to carry out repairs. Licensing fees will be wasted on council attending all properties – most which will have no issues and so is a complete waste of landlord's monies and council resources, totally inefficient and ineffective in getting rid of bad landlords – who are no doubt repeat offenders as is always the case. There are more ways but the council needs to work with and invite ideas from landlords not make them pay for their failings/inaptness/slowness etc. Those that aren't familiar or aware of this shouldn't be telling others what's best.</i></p>	<p>this current enforcement is not enough on its own.</p> <p>There will be a range of ways that both tenants, residents and landlords will be given advice, information and guidance on the schemes. These will include:</p> <ul style="list-style-type: none"> • Landlord forums • Guidance documents • New information on the web site • Tenants information
<p><i>Council may continue to create awareness of landlord and tenant good practices. Encourage tenants to at least read how to rent guide. Once informed, tenants and landlords will take corrective action.</i></p>	
<p>Theme: <i>Work with existing letting and estate agents</i></p>	
<p><i>If a property is rented through a Registered Estate Agent the relevant checks as to the good condition and safety checks on the property being rented should automatically in place. The council should work with them.</i></p>	<p>Not all landlords use letting agents.</p> <p>We recognise that there are good and reputable letting agents working in the borough and we look to work with these to encourage the best possible management practice for landlords.</p>
<p><i>Properties that are currently managed by and are regularly monitored by REPUTABLE licenced Property management /Letting agents who have meet council set criteria should be exempt. This scheme would mean that</i></p>	<p>We are also aware that there are some disreputable agents working in the borough and we will be working to improve these, stop them carrying out bad practices and</p>

<p><i>landlords/property owners who have Letting agents fully manage the property for them in their absence will end up having to pay twice or actually be taxed extra because they are reputable owners who want to a) have their property maintained to a good to very good standard and b) be responsible landlords responding to tenants needs. Yes, I do agree that rogue landlords or poorly managed tenanted properties need to be sorted by DON'T punish those doing the RIGHT thing by adding an extra tax that benefits .no-one. Focus your attention on properties that are not under management of reputable management agencies or those privately managed. This would then free up capacity to focus on problem Landlords especially with not having to deal with properties that are already managed and meet all the tenancy legislation requirements.</i></p>	<p>encouraging and educating landlords on how to choose a good letting agent.</p>
<p>Theme: Create a register of all landlords in LBE</p>	
<p><i>Well first of all, you need a register of every landlord. It seems Enfield do not even know which properties are HMOS or rented out. Maybe ask everyone to report their neighbours as HMOs and also make it illegal not to declare your home as an HMO/rented out. This would also make sure that people are declaring their rental income with HMRC.</i></p>	<p>Voluntary registration schemes do not capture all landlords operating in an area. The licensing schemes would allow us to do exactly this. Whilst we have good predicted data of which properties are rented, we will be carrying out checks and enforcement activity to ensure properties are identified and landlords apply for a licence. Neighbours, tenants and residents will also be able to report an unlicensed property and it will be illegal not to declare your property is being rented.</p>
<p><i>A completely different strategy is needed. Abandon proposals for Licencing, but announce to all residents, businesses, tenants, landlords, and service providers that firstly the Council wants to build accurate data about the scale of PRS in the Borough and secondly it wants to establish exactly how well it serves the community, including positive factors, negative factors and what improvements are necessary. Develop a Rating and Category System with the help of all stakeholders. Ask Landlords and Tenants to jointly submit evidence in return for Free Registration. The above would be essential building</i></p>	<p>The Council have increasingly inspected and enforced within the existing legislation to try and combat the extent of the problems in the borough, but still large scale improvement in the private rented sector is needed, as evidenced in Appendix 3. Voluntary registration schemes do not capture all landlords operating in an area. Any system that is not obligatory has been shown in many other boroughs to have a poor take up and is therefore not a feasible option to resolve these issues.</p> <p>We propose to set up a landlord stakeholder group involving landlords and</p>

blocks for a Quality System. Enfield could take a pioneering role instead of following the herd of Councils pursuing Licensing on the strength of weak evidence of any real widespread success. I strongly recommend the Council should study opinion provided by the Residential Landlords Association on such Licensing Schemes. RLA comments on Stoke's Licensing Proposals
<https://news.rla.org.uk/wp-content/uploads/2018/05/Stoke-on-Trent-Selective-Licensing-consultation-response-002.pdf>

letting agents operating in the borough to work with us on setting the guidance and information we provide to landlords.

We welcome suggestions and have read and considered the content of the RLA letter to Stoke on their selective licensing scheme proposal. We recognise that many of the points raised in that letter have also been raised during this consultation by respondents, and carefully considered and responded to by this Council.

j) Responses concerning fees

We received a range of responses in relation to fees, including those respondents who considered that the licence fees should be lower and landlords should be offered discounts and those who expressed opposing views (commenting that they should be higher).

We have considered the representations and a summary of our response is as follows:

Our approach in respect of the proposed licensing schemes is that the grant of a licence would be subject to the payment of a fee. The proposal that was consulted on was to set fees for licence applications that took into account all of the council's costs in administering and carrying out its licensing functions and carrying out its functions under Chapter 1 of Part 4 Housing Act 2004. The proposed fee structure was calculated on the basis that the costs would be covered by the fee income from the estimated number of properties that would fall to be licensed under the schemes so as to be cost-neutral to the council.

The Government's recent 'Independent Review of the Use and Effectiveness of Selective Licensing' for the government noted that: "*Genuinely self-supporting (no subsidy) schemes are in the minority and typically have higher licence fees. The largest single cost of operating a scheme is staffing; setting a fee too low can have significant consequences – usually a reduction in the percentage of properties inspected, delays in issuing licences etc.*"

We have calculated the licence fees based on the Council's proposed schemes. However, for information only, we have compared our proposed fees with other London Boroughs that have large scale licensing schemes. We consider that our proposed fees compare favourably with these authorities.

London Borough	Selective Licence	Additional HMO Licence
Enfield	£600	£900
Redbridge	£604	£1,198
Waltham Forest	£650	£1,000
Newham	£750	£1,250

Taking all relevant factors into account, we have decided not to make any changes to our proposed fee structure.

Below is a sample representation of comments received that relate to the licence fee and the Council's response to the comment:

Example comments from consultees	Council's response
Theme: <i>The fees are too high</i>	
<i>£600 is a lot of money. There is no need to penalise good landlords by charging them this fee. Bad landlords will not register anyway</i>	<p>The scheme is self-financing over the five-year period it is in force and the licence fees are set at a level which is estimated to cover the costs of implementing, administering, inspecting and enforcing the scheme. We are aware that there are many professional landlords in the borough and will be looking at ways we can support them, whilst focussing enforcement activity at unlicensed and non-compliant landlords. There are two proposed new schemes; selective licensing for single family dwellings with a licence fee of £600 for up to 5 years; additional licensing for small HMOs, with a licence fee of £900 for up to 5 years. A property will fall under one of these, not both, so only one licence fee is applicable.</p> <p>Licensing for larger HMOs is already in force under Mandatory HMO licensing as it is a statutory requirement of the council. The council proposes to adopt a two-stage fee structure;</p> <p>Part 1 – to cover the costs of setting up the schemes and processing and administering the licence application up to the point of granting or refusing a licence, and Part 2 to cover costs undertaken after the grant of a licence; such as compliance and enforcement of the scheme. Part 2 fee will not be payable if an application for a licence is refused.</p> <p>Case law has clarified that it is legal to cover enforcement costs in the licence fee.</p>
<i>£600 upfront fees are likely to increase the risk of landlords being evasive, trying to get around the fee, etc. and seems disproportional for an admin expense. A smaller annual fee would / could be more attractive optically and less likely to encourage avoidance.</i>	
<i>A lot of landlords will go underground due to this extra fee. Great idea but fee is too much.</i>	
<i>I would agree on licencing but with a fairer fee</i>	
<i>I recognise the need for such a scheme and appreciate that administering such would create cost, however the fee proposed is way too much. Halve the 600 proposed and then I think this would be justified. Until the council can demonstrate agile efficient working practices employed by many privately run organisations, it is ridiculous to expect these high costs to be covered by landlords.</i>	
<i>If a fee is charged it should be minimal. If the landlord has outstanding or recurrent tenant issues then they should be charge more. Just like an insurance policy and bonuses.</i>	
<i>You have stated that you are using these funds for enforcement action, my understanding it is illegal for you to do this. Any such action must be funded by the council and not by asking good landlords to remove bad landlords. The costs are also extremely steep for an administrative role in checking a form if an administrator is paid £15.00 an hour this is 17 .3 hours to check one selective licencing form, whilst I appreciate that a wage cost is not the only expensive the council need to justify the extend of these costs. To put this into context the government have recently set a cap of £50.00 for an estate agent to administer a tenancy swap which is a vast amount of information similar to that of a licensing form how is it justified that this is</i>	

<p><i>the cost to an letting agent but the council are able to charge effectually 5.2 times what the government feels is a fair cost for checking tenancy related forms for a letting agent?</i></p>	
<p><i>900 + 600 = £1500 per property every 5 years That's £300 per year, I don't even make that profit in a year on 1 property This is a joke. How do you justify that cost? This is only to benefit the council's pocket</i></p>	
<p>Theme: <i>There should be an early bird discount scheme or a discount</i></p>	
<p><i>Please ensure you have an early bird discount scheme, and ensure it's well publicised.</i></p>	<p>The fees for the licensing schemes have been carefully calculated to cover the costs of setting up the schemes, administration and enforcement. If an early bird discount was offered this would undermine the success of the schemes by reducing the costs and so the only way to ensure the schemes' viability to achieve the council's set objectives would be to raise the fee level after the early bird period. However, the fee levels will be kept under review during the lifetime of the schemes.</p>
<p><i>The fee structure should provide discounts for portfolio landlords, paying £600 for 1 single property is one thing, but if you have a considerable number then there is no justification to charge a minimum of £600 for each</i></p>	
<p><i>There should be a clause in that scheme that landlords will introduce a rent cap.</i></p>	
<p><i>They should give some kind of incentive for early users of this license</i></p>	
<p>Theme: <i>The fees are not high enough</i></p>	
<p><i>£500 per 5 year period for selective & £1000 per 5 year period for additional seems fairer, as many multiple rental properties are alleged to be more open to abuse of the system & subsequently letting their tenants down.</i></p>	<p>The council must comply with the requirements of the legislation when setting fee levels in that the fees must be reasonable and proportionate to the cost of the schemes. The cost of an additional licence is higher than a selective licence based on the extra resource required to process and administer an additional licence. The fees will be kept under review.</p>
<p><i>Additional License fee should be higher cause they receive a lot of rental income.</i></p>	
<p><i>I feel that the fees proposed are not enough - particularly for those landlords who have more than one property. I am sure that they would have more than enough money to pay for the licences as they charge their renters a high amount in rent. It is not fair to these people who struggle to pay an extortionate amount in rent.</i></p>	
<p><i>I welcome the proposed fees which will hopefully make the landlords think carefully about a: the type of tenants b: making the tenants aware of rubbish collection, antisocial behaviour and the possibility of a non-renewal if landlords breach the licence fees rules. The fees should be higher as often these landlord are making a major financial income from the tenants</i></p>	<p>The fee levels are reasonable and proportionate, and have been set in relation to the cost of the schemes. The licence conditions have been prepared to address the issues that the licensing schemes aims to address and improve.</p>
<p><i>If anything, these fees should be higher - and require renewal when there is a change of tenant to prevent high turnover, which</i></p>	<p>We welcome suggestions to help reduce the turnover of tenants, and provide secure, well maintained properties for residents. Whilst making landlords renew their licence</p>

<p>leads to dumping of possessions around neighbourhoods.</p>	<p>every time a tenancy changes may reduce turnover, the council has no legal basis to implement this. One of the scheme objectives is to reduce the kind of property-related ASB, including “dumping of possessions” in the streets and is addressed in the licence conditions. Persons found doing this will be subject to enforcement action.</p>
<p>Theme: The fees seem fair or the right amount</p>	
<p>Also essential is the introduction of rent controls. While I think the fees are appropriate given the current outrageous rents, I have no doubt that as it stands the fees will simply be passed on to tenants.</p>	<p>As above, the Council considers the licence fees to be reasonable and proportionate. Government research carried out by an independent company ‘An independent review of the use and effectiveness of selective licensing’, found that selective licensing did not result in an increase in rents in areas with a scheme.</p>
<p>As long as that fee will not pass in to the tenant, I am happy with it and it look reasonable to me.</p>	
<p>As long as they don't put it in our rent it's fine for us.</p>	
<p>As compare to their rent it's almost nothing.</p>	
<p>Bad landlords don't care, they want only their rent. So, it's a good net to catch them. This fee is quite reasonable and for 5 years it's not a big deal.</p>	
<p>They charge a lot of money as rent so it's affordable to them.</p>	
<p>As long as the fee is for 5 years and not payable every year that is ok. Consideration needs to be given to change of tenant during that time, otherwise short term lets will lead to excessive fees being paid</p>	
<p>Theme: The fee should be per landlord not per property</p>	
<p>1) If we have to have a licensing scheme, it should be per landlord and not per property; 2) The fee should relate to the typical market rent for the property. It is unfair to charge the same for all properties.</p>	<p>The Housing Act 2004 is clear. It is the property that is licensable, not the landlord. As above, the licence fee is also set based on the costs of the schemes. It cannot be set based on the number, size or rental value of the property.</p>
<p>Fees should be charged per landlord. Not per property as I'm sure from your analysis that a problem landlord will have multiple problem properties. And again, a good landlord will suffer from these fees if they have multiple properties. I feel we should have a licence per landlord not per property</p>	
<p>Perhaps the fee charge should depend on the number of properties you own rather than individually charged per property. Individually charged Enfield Council is making an awful lot of money out of people who do not rent property as a business i.e. own lots of rental properties</p>	

Theme: The fee should change depending on the property (e.g. size or market rate)	
<i>£600 for a studio flat is extortionate and suggests the council is very inefficient. The council is not considering affordability by not differentiating between a luxury large home which could be rented out for £5,000 per month versus a studio flat which could be rented out for £900 per month.</i>	The Housing Act 2004 is clear. It is the property that is licensable, not the landlord.
<i>Cost of this scheme should according to the size of a property.</i>	As above, the licence fee is also set based on the costs of the schemes; setting it up, administering the licences, inspections and enforcement. The fee is not permitted to be set based on the number, size or rental value of the property.
<i>Fee should reflect the rent of rented property.</i>	The cost of administering an additional HMO licence is greater than for a selective licence as the intention is that all additional licence application will be inspected before determining the licence. Also, HMOs generally require greater resources for inspection and enforcement.
<i>Fees are rather a blanket amount. A landlord renting out a studio flat to one person would be paying higher per cent age than HMO property owner with maybe 6+ tenants Landlords will look to recouping money through rents Some schemes just make a flat rate charge</i>	
<i>Is the Council really going to ensure that some of the antisocial aspects are dealt with such as rubbish left outside of bins even when they are provided? Will there be procedures in place for the council to enforce licensing when landlord provides evidence that tenants are non-compliant?</i>	It is the landlord's responsibility to ensure that their tenants are aware of and abide by their tenancy conditions, including disposal of household waste and any anti-social behaviour. If landlords have demonstrated that they have informed tenants of the refuse storage and disposal requirements and they flout them, enforcement action will be taken against the tenants.
<i>Landlords should be charged in proportion to the number of properties under their management, not a set fee for everyone. Additionally, there should be an increase in fees when the council has to intervene to ensure compliance to one of the stated objectives of the scheme</i>	As above – the fee has to be based on the costs of the scheme. If licence holders are not compliant with the licence conditions, then enforcement action can lead to a financial penalty.
<i>People who own one house should be charged less than the fee here. However, I believe that people who own more than one rental property should be charged a lot more. at least £1000 per additional property. Enfield residents do not want to live in a borough where every property is owned by a landlord, as such, everything should be done to make it as hard as possible for people to buy up properties in bulk to rent them. We want our younger people on the housing ladder and house prices to be reasonable. We want to live in a clean tidy borough where people stay.</i>	As above – the fee has to be based on the costs of the scheme. The Council's Housing and Growth Strategy: 2020-2030 addresses the housing market in the borough and has its first priority for <i>“More genuinely affordable homes for local people. Building more homes that are the right kind of homes, in the right locations and for local people. This means homes that are well-designed and are the right size, tenure and price that local people can afford.”</i>
<i>Price should differ according to the number of families</i>	As above – the fee has to be based on the costs of the scheme.

Theme: The licence lasts too long	
<i>5 years is too long. Consideration should be given to a shorter term. May be 3yrs</i>	The legislation states that the Council can designate licensing schemes for up to 5 years. We consider that 5 years is preferred rather than 3 years to bring about the large scale improvements needed.
<i>I think it would be better to reduce the length of the licence and the cost proportionately.</i>	We are not aware of any Council that has implemented a licensing scheme for less than 5 years.
<i>Think it should be for 3 years.</i>	
Theme: There should be a reduced fee for "good" landlords	
<i>Agree with the majority. Think there should be some timescales included in which the landlord is expected to repair or sort out any issues in the property especially if they affect health. For good landlords, there should be some recognition. I believe in carrot not just stick, so maybe encouraging landlords to carry out certain tasks and ensuring all is kept well in their property, they should be an incentive, such as reduced fees, a recognition scheme which gives the landlord a star rating of some sort, encoring tenants their way. And then the stick to penalise landlords that misbehave!</i>	<p>The landlord will be required to comply with their repairing responsibilities and licence conditions. Failure to adhere to the licence conditions would result in enforcement action taken, and in serious cases may result in the licence being revoked.</p> <p>The rationale for the fee levels has been explained above.</p> <p>Properties that have been licensed are required to be published on a public register on the council's website. This informs prospective tenants of properties that are licensed and compliant with the minimum property standards required.</p>
<i>I have to do this from memory as link to the "Proposed fee structure" and "here" on this questionnaire did not work. Therefore, from memory, the administration of the scheme is costing significantly more than enforcing it. Surely this split can't be correct. All the properties need to be inspected. Where a LL has more than one property in the borough then the fee should be reduced to reflect the lower amount admin. Enfield council are concerned that some LL don't know their legal responsibilities. Some LL can prove they keep up with housing and legislation by being "Accredited". The cost of the licence should be reduced where the LL is Accredited.</i>	<p>The Council appreciates that there are responsible landlords and that some landlords are members of Landlord Accreditation schemes.</p> <p>The law is clear, and the fees for the licensing schemes have been carefully calculated to cover the costs of setting up the schemes, administration and enforcement. If a discount was offered for accredited landlords, this would undermine the success of the schemes by reducing the costs and so the only way to ensure the schemes' viability to achieve the council's set objectives would be to raise the fee level for non-accredited landlords.</p> <p>The council is required to structure the fee in two parts; Part 1 – to cover the costs of setting up the schemes and processing and administering the licence application up to the point of granting or refusing a licence.</p>

	<p>Part 2 to cover costs undertaken after the grant of a licence; such as compliance and enforcement of the scheme.</p> <p>The Part 1 split of the fee is generally higher as it incorporates the setup of the schemes. All additional HMO licence applications will be inspected under Part 1 of the fee (before the licence is issued). A targeted approach will be used for selective licence applications and so not all of these will be inspected before the licence is issued but will be inspected over the life of the scheme.</p>
Theme: The fee should change with inflation/annually	
<p><i>Both licence fees must be increased annually by the highest of the CPI or RPI rate of inflation applicable at the time. Landlords must realise that they are subject to the same inflationary pressures as everyone else.</i></p>	<p>The licence fee will be kept under review during the course of the five-year scheme to take account of any increased costs.</p>
<p><i>Raise them annually</i></p>	
Theme: The fee should be charged in instalments	
<p><i>Council shouldn't charge it in the start but it should be in instalments.</i></p>	<p>As above, the fee is required to be charged in two parts:</p> <p>Part 1 – to cover the costs of setting up the schemes and processing and administering the licence application up to the point of granting or refusing a licence.</p> <p>Part 2 to cover costs undertaken after the grant of a licence; such as compliance and enforcement of the scheme. Part 2 fee will not be payable if an application for a licence is refused.</p> <p>We are not aware of any Council that takes the fee payments in instalments.</p>
<p><i>Due to this fee many landlords will leave this field so it should be a smaller fee annually.</i></p>	<p>There is no evidence to support landlords leaving the market as a result of licensing schemes being introduced.</p>
<p><i>I they should introduce a monthly payment so that will be easy for landlords</i></p>	<p>The use of instalments automatically puts an additional administrative burden on to the scheme and would result in the fee level being raised. It was considered that this would be less acceptable to landlords.</p> <p>We are not aware of any Council that takes the fee payments in instalments.</p>
<p><i>I think it is too much for them.it should be around £100 annually</i></p>	
<p><i>It seems quite big chunk of money, so they should introduce annually instalments system.</i></p> <p><i>It would be great to have a scaling option or a way to refund if the property is sold within the term.</i></p>	

<p><i>Please review the fees and consider a reduction or payment plan for those who cannot pay the initial application fee</i></p>	<p>It is already a legal requirement to get a gas safe certificate annually and for the electrics of a property to be maintained in a safe condition.</p>
<p><i>The cost will be a big burden because there will be additional cost electrical / gas certification requirements. The total cost of £500 charged by most boroughs would have been more considerate. Furthermore a 3 x instalment payment plan would be more helpful. Most of us rented our property to the council tenants and we are not making profit. I think council tenants should have separate classification or reduced rate.</i></p>	
<p><i>The fee needs to be higher and charged annually, and enforced, to make renting more legalised.</i></p>	
<p>Theme: <i>The fee should be pro-rated</i></p>	
<p><i>The fees should be for no less than 5 years from the start date of the license, not up to 5 years. This is because there will be a perception of unfairness based on the value of the License depending on how long it lasts for, unless the fee charged is pro-rated.</i></p>	<p>Licences will be issued for the period up to the end of the scheme. However, shorter licences may be issued is there are concerns about the licence applicant or the property. The licence holder would be required to apply for a new licence after the shorter period and pay the full fee.</p>

k) Responses to the licence conditions

Licence type	Licence condition	Comment from stakeholder interview	Council's consideration
Additional	<p>1.4 The licence holder must ensure that*:</p> <p>a) the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;</p> <p>b) the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;</p> <p>c) the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;</p> <p>d) any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.</p>	<p>This will mean some people having to move out if their room is just a bit too small which is not fair on them if they want to stay. It will cause them stress and affect their mental health, as well as potentially cost them more in higher rent in their new place. This is just wrong if they are happy to stay.</p> <p>Under this scenario, a HMO room which is marginally below 6.51 metres, however with a tenant who is very happy there for many years, wishes to stay and who pays a reasonable rent, would be forced to move out and so completely uproot and disturb their lifestyle, with all the instability that that brings, causing them stress and affecting their mental health, just because the Council, an anonymous body who do not know these individuals, decided to bring in this ill-advised regulation. This person may have been paying a fair rent, but would now be forced to pay a market rent for the sake of a few centimetres. What is worse, the landlord would now have a room that 'regulation' says they could not use, so they would be forced to increase the rent for the remaining HMO tenants in their other rooms to make up</p>	<p>The lack of space and overcrowding (and affordability) is a serious problem which can cause a number of physical and psychological health problems.</p> <p>The Government recently introduced these new minimum space requirements for HMO lettings in a bid to reduce problems of overcrowding identified in many HMOs. This specified condition is a mandatory requirement of the HMO licence set by the Government.</p>

		the shortfall, as for many landlords, losing one lettable room means the difference between break-even and a loss.	
Additional and Selective	2.3 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in an authorised statutory tenancy deposit scheme. The licence holder must ensure compliance with the requirements of the tenancy deposit scheme as set out at Part 6 Chapter 4 and Schedule 10 of the Housing Act 2004. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council if requested.	The tenancy deposit scheme –this is incorrect.	It is a national legal requirement that if the landlord takes a deposit, the landlord must protect a tenancy deposit in one of the authorised tenancy deposit schemes and to provide the details of that scheme to the tenant.
Additional and Selective	2.4 The licence holder must provide to the tenant/occupier at the start of their tenancy, whether in the tenancy agreement or licence granted or otherwise: <ul style="list-style-type: none"> - A copy of this licence and conditions attached to it - Provision of an emergency contact name and number (including out of hours) - A clause making it clear that the occupants of the house are responsible for both their behaviour and that of their household and visitors; - A copy of the current valid gas safety certificate 	Could the information that landlords are required to give tenants be given electronically rather than physically? A copy of the information provided to the tenants/occupiers must be kept for five years and provided to the Council if requested"- this is too long; length of the tenancy or 6 months after termination.	The Housing Act 2004 and The Deregulation Act 2015 stipulate the prescribed documents that must be given to a tenant at the start of their tenancy or before, and in what format. We request these documents and property inspection records are kept by landlords for the duration of the licence in the event of an enquiry by the council relating to the tenancy or management of the property. The documents can be provided in hard copy or electronically so long as the

	<ul style="list-style-type: none"> · A copy of the Energy Performance Certificate (EPC), and · Written information about waste and recycling detailing: - <ul style="list-style-type: none"> o The collection days for the refuse and recycling bins/sacks for the property and where to place the waste on the day of collection o Details on what they can and can't recycle (for more information, see the Council's website here) o How they can dispose of bulky waste (for more information, see the Council's website here) o General waste guidance from the Council's website (for more information, see the Council's website here) <p>A copy of the information provided to the tenants/occupiers must be kept for five years and provided to the Council if requested</p>		tenant has acknowledged receipt of them.
Additional	2.7 The licence holder shall ensure that inspections of the property are carried out at least every three months to identify any problems relating to the condition and management of the property. This must include evidence of checks that the property is being occupied by the level of occupancy specified in the licence. As a minimum requirement the records must contain a	<p>Could the council provide landlords with an example, otherwise they could be breaching what the council requires</p> <p>3-month inspections of HMOs are too much for tenants – could be 6 months?</p> <p>Inspection every 3 months is too often. Tenants do not really like the landlord constantly trying to arrange meetings. I</p>	<p>Guidance will be provided by the council to support landlords with property inspections.</p> <p>It is recognised that inspections at three monthly intervals may be considered too frequent. However, this is not considered unreasonable given the risks associated particularly with HMOs and</p>

	log of who carried out the inspection, date and time of inspection, issues found and action(s) taken. The records of such inspections shall be kept for the duration of the licence. Copies of these must be provided to the Council if requested.	fully understand this, I would start to get annoyed if every 3 month someone wanted to visit the house! Why not when the contract is renewed?	the need to check regularly to identify any issues.
Additional and Selective	3.5 The licence holder must ensure that the exterior of the property is maintained in a reasonable decorative order and state of repair.	This cannot apply to selective licensing only additional licensing (about property conditions)	We have taken further legal advice on this licence condition. We are aware that licence conditions for selective licences should not be set for (property) 'conditions.' The case law is not yet clear on whether this licence condition would be considered 'management' or 'condition.' This being the case, we have therefore decided to remove this proposed licence condition.
Additional	3.11 The licence holder must ensure that a Fire Risk Assessment is undertaken in accordance with The Regulatory Reform (Fire Safety) Order 2005 and that action to minimise the risk of fire at the HMO is taken in accordance with the assessment. The licence holder must ensure that any fire detection equipment, fire alarms and emergency lighting at the HMO are maintained in good working order by competent persons. The licence holder must ensure that the Council is provided with, if requested, a copy of the Fire Risk Assessment, all periodical inspection reports and test certificates for any automatic fire alarm system, emergency	Condition queried	This is a condition specifically relating to fire safety in HMOs. We request a Fire Risk Assessment as means of assessing the adequacy of the fire safety measures in HMOs. Fire safety provisions in HMOs will be subject to the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005

	lighting and fire-fighting equipment provided in the HMO.		
Additional	<p>4.1 The licence holder shall display the following information in a prominent position in the common parts of the property:</p> <p>a) A copy of the licence and these conditions, particularly highlighting the occupancy limits</p> <p>b) The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent</p>	How can landlords enforce this? Could they not give it electronically to them when they sign contracts?	<p>For HMOs due to the different households sharing, we consider this is an appropriate measure to take.</p> <p>The council will be offering guidance on how to comply with each of the licence conditions as part of the launch of the schemes.</p> <p>This information can also be provided to the tenants as well as being displayed.</p>
Selective	5.1 The licence holder must inform the Council if they no longer reside at the address given in their application form, and must provide the Council with their new address and contact details within 21 days.	There is too much responsibility put on the landlord to provide certain information to the council e.g. No 5.1 The landlord should advise the council of a forwarding address of the tenant to the council within 21 days. When tenants leave, a forwarding address is not always given to the landlord.	There seems to be a misunderstanding in this comment. The condition is to inform the council of the licence holder's change of address, not the tenants'.
Additional	<p>7.2 The licence holder shall if requested provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the house:</p> <ul style="list-style-type: none"> · The names, dates of birth and numbers of individuals / households accommodated specifying the rooms they occupy within the property. · number of individuals in each household and/or property. 	Is it lawful (example is for children and giving names/addresses etc for all people – why would this be needed for children?)	<p>For HMOs due to the different households sharing, we consider this is an appropriate measure to take.</p> <p>The number of children in a property would contribute to whether the sleeping room and/or property is occupied by the permitted numbers and is not overcrowded.</p>

Additional	8.1 The Licence Holder must provide the Council with details in writing of the payment arrangements to settle the annual council tax account within 21 days of request	What information are they after or what is the purpose of it?	The person liable for council tax on a property let as an HMO is the owner rather than the occupier (Council Tax (Liability for Owners) Regulations 1992. We find that many landlords have been illegally passing their council tax liability onto tenants. However, we have decided to remove this licence condition from the additional licence conditions
Additional	8.2 Where the council tax account is in the name of the occupiers of the HMO, the licence holder must contact the Council Tax department to change the account into the licence holder's name within 21 days of request.	This may not reflect council tax legislation.	As above, Council tax legislation states that the owner will always be liable to pay council tax when the property is an HMO. However, The Valuation Office Agency (VOA) has different definitions for HMOs and they are valued for council tax bands as one or multiple dwellings depending on the extent of adaptations to the property and the degree of self-containment within the individual units. Therefore, due to these differing definitions of HMOs, we have decided to remove this licence condition from the additional licence conditions.