

# Selective Licensing in Hastings & St Leonards Consultation Report

Report for Hastings Borough Council

March 2020



## Version Control

Version	Comment	Date
V1	Interim draft	23/2/20
V2	Updated draft	08/3/20
V3	Draft for Cabinet	11/3/20
V4	Revised draft for Cabinet	11/3/20

# Table of Contents

<b>1. Introduction .....</b>	<b>2</b>
<b>2. The Consultation.....</b>	<b>4</b>
The Online Survey .....	5
Property conditions, anti-social behaviour, health and deprivation.....	6
Views on the proposed Selective Licensing area .....	9
Licensing fees & conditions.....	11
Landlords, agents & property ownership .....	13
Business responses .....	14
Private tenants' views.....	14
Online survey comments .....	16
Consultation Public Meetings .....	20
<b>3. Key Stakeholder Views.....</b>	<b>21</b>
<b>4. Key Issues for the scheme arising from consultation.....</b>	<b>25</b>
<b>5. Conclusions .....</b>	<b>26</b>
<b>6. The way forward.....</b>	<b>27</b>
<b>Appendices.....</b>	<b>28</b>
Appendix 1 - Comments on proposed Selective Licensing scheme conditions .....	29
Appendix 2 - Comments on dealing with poor property conditions, management, anti-social behaviour and deprivation.....	33
Appendix 3 - General comments about the proposed Selective Licensing scheme .....	40
Appendix 4 - Key issues raised at consultation public meetings.....	54
Appendix 5 - Submissions from key stakeholders.....	57
Appendix 6 - Equalities Information .....	71

# 1. Introduction

- 1.1 Hastings and St Leonards has a growing private rented sector (PRS) and at 38% of the total housing stock is now twice the national average. In at least three wards the PRS exceeds 50% of all housing in the area. Across the town there are an estimated 14,500 privately rented homes.
- 1.2 Hastings Borough Council's Cabinet approved the introduction of a Selective Licensing scheme in March 2015 covering all privately rented accommodation in seven wards: Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings, Ore and Tressell. The scheme started on the 26 October 2015 and lasts five years finishing on 25 October 2020. The purpose of the scheme is to help secure a reduction in anti-social behaviour (ASB) associated with private rented homes, whilst at the same time driving up the management of the private rented sector (PRS) and improving housing standards.
- 1.3 Following a review of progress against the agreed outcomes and a review of future options for the scheme<sup>1</sup>, Hastings Borough Council (HBC) has reached the conclusion, that although ASB levels have reduced significantly across the Selective Licensing area, there remains a significant problem of poor housing conditions across the area. A combination of survey information<sup>2</sup> and experience from running the scheme for four years is that in six of the seven wards there remains a significant number of PRS dwellings with Category 1 and 2 hazards requiring inspection to secure housing improvements. Consequently, HBC is considering the designation of a further Selective Licensing scheme, once the current scheme ends, to secure an improvement in general housing conditions, when combined with other measures being taken by the Council. The proposed scheme would cover the following six wards:
- Braybrooke
  - Castle
  - Central St Leonards
  - Gensing
  - Old Hastings
  - Tressell
- 1.4 A consultation programme on the proposal was commenced on 13 December 2019 for a period of 12 weeks in order to obtain the views of landlords, letting/managing agents, tenants, residents and stakeholder/representative organisations. Inevitably the different stakeholder groups will have different perspectives on the proposals and there is no methodology available for combining results to yield a single outcome that will reconcile the differences in order to recommend a best way forward. As such there can be no right answer and it will be for HBC to base its policy decisions in respect of the proposed licensing scheme on the consultation outcomes and an

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<sup>1</sup> [https://www.hastings.gov.uk/content/housing/landlord/new-licensing-scheme/pdfs/Selective\\_Licensing\\_Progress\\_Review\\_v5\\_-\\_141119.pdf](https://www.hastings.gov.uk/content/housing/landlord/new-licensing-scheme/pdfs/Selective_Licensing_Progress_Review_v5_-_141119.pdf)

<sup>2</sup> Hastings Stock Condition Survey 2016 - Opinion Research Services

assessment of the relative merits of the various points of view from different stakeholders.

- 1.5 It is important to note that under the legislation governing Selective Licensing the local authority is required to consider any representations made in accordance with the consultation.
- 1.6 The outcome of the consultation programme and the feedback received is summarised in this report without making any recommendations to HBC about specific policies. The report summarises the views of key stakeholders based on individual submissions and written responses to the online survey alongside the quantitative results from the online survey questionnaire. It also provides a summary of the key issues raised for HBC to consider should it decide to proceed with the proposed Selective Licensing scheme.

## 2. The Consultation

2.1 The consultation programme commenced on 13 December 2019 and continued for 12 weeks until 6 March 2020. HBC's proposals were summarised in a consultation document that was made available in the consultation pages of the Council's website. Responses to the proposals were invited via an online survey questionnaire and through individual written reply by letter or email.

2.2 The consultation was publicised in a number of different ways:

- Email sent to all landlords and letting/managing agents of licensed properties
- Letters sent to landlord organisations such as the RLA and NLA and to the Leaseholder Association
- Email sent to private tenants in licensed properties
- Flyers given to housing benefit enquirers at HBC Contact Centre
- Information posted on HBC web site
- Email and briefing sent to private tenant organisations: Generation Rent and Tenants Union UK
- Email to voluntary organisations such as Brighton Housing Trust, Citizen's Advice Bureau, Hastings Voluntary Action, Hastings & Rother Mediation service and Homeworks
- Email and briefing sent to statutory agencies such as Sussex Police, East Sussex Fire and Rescue, Public Health, East Sussex County Council and Rother District Council
- Email to registered providers of social housing, Optivo and Orbit
- Consultation briefing for HBC councillors
- Email banner attached to all housing service emails
- Flyers emailed to all schools in the area for inclusion in newsletters
- Press release and adverts in Hastings Observer
- Promotion via HBC Facebook pages and Twitter
- Information days at Priory Meadow and a local supermarket in the proposed area

2.3 Despite the wide-ranging publicity, there was a relatively low response to the consultation. A total of 171 responses were received - 156 from the online survey and 15 separate responses were received by email or in writing. 67% of all responses were from landlords, agents or landlord organisations. The number of responses by category of respondent was as follows:

- 110 - landlords - ranging from small to very large portfolios
- 4 - letting/managing agents
- 20 - owner-occupiers
- 22 - private tenants
- 1 - social housing tenant
- 4 - businesses
- 2 - landlord organisation
- 1 - advice agency/housing support service

- 2 - registered provider/housing association
- 5 - other local authorities/statutory agencies

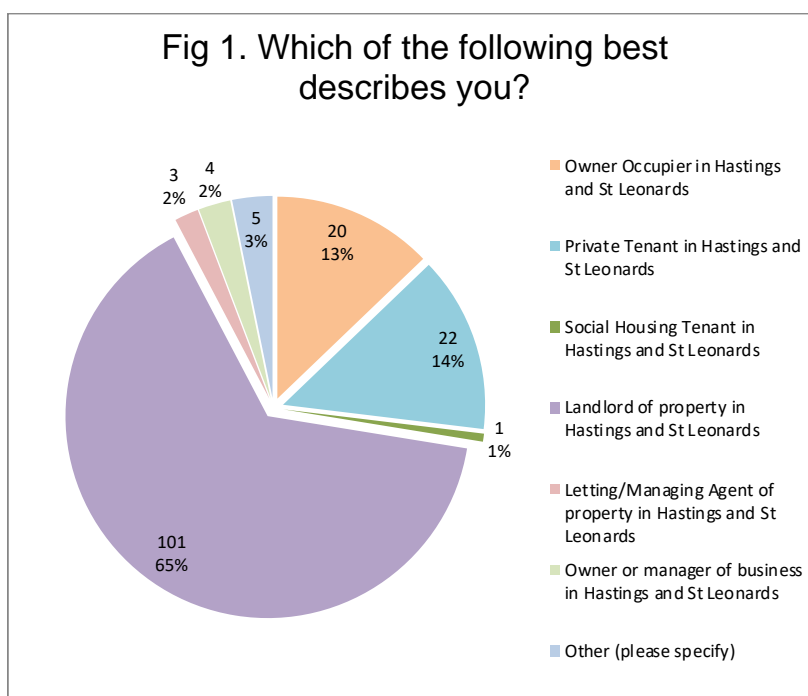
The majority of responses were received via the online survey questionnaire. Within the online survey, in addition to quantitative answers, general comments were received in open text fields.

2.4 HBC officers arranged two public meetings (daytime and evening) and attended a meeting called by the National Landlord Association to present information about the proposals and answer specific questions. The meetings were reasonably well attended and reached out to in excess of 120 people.

### The Online Survey

2.5 Residents, landlords, managing/letting agents and businesses were all invited to respond to an online survey. The survey questionnaire was sub-divided into questions for all respondents and some sections to reflect the different categories of respondent. It was not possible to analyse the responses to all questions by respondent type due to the structure of the questionnaire.

2.6 156 full responses were completed. The breakdown of respondent types is set out below (Fig 1). The largest number of responses came from landlords and agents (67%). A relatively small number of responses were received from owner-occupiers (13%) and private tenants (14%). Significantly, more landlords responded to the survey than private tenants, other residents and all other respondents combined.



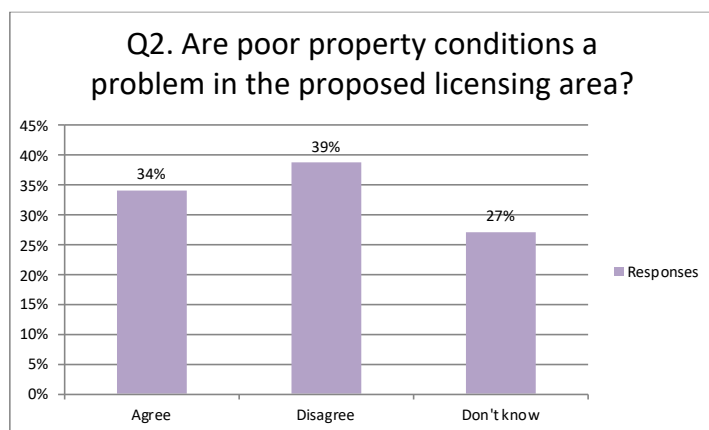
2.7 The online survey sought peoples' views on a range of issues:

- Property conditions, anti-social behaviour, health and deprivation
- Whether or not a further selective licensing scheme was supported and, if so, the scope of the area
- The level of fees and licensing conditions if a scheme were to be designated

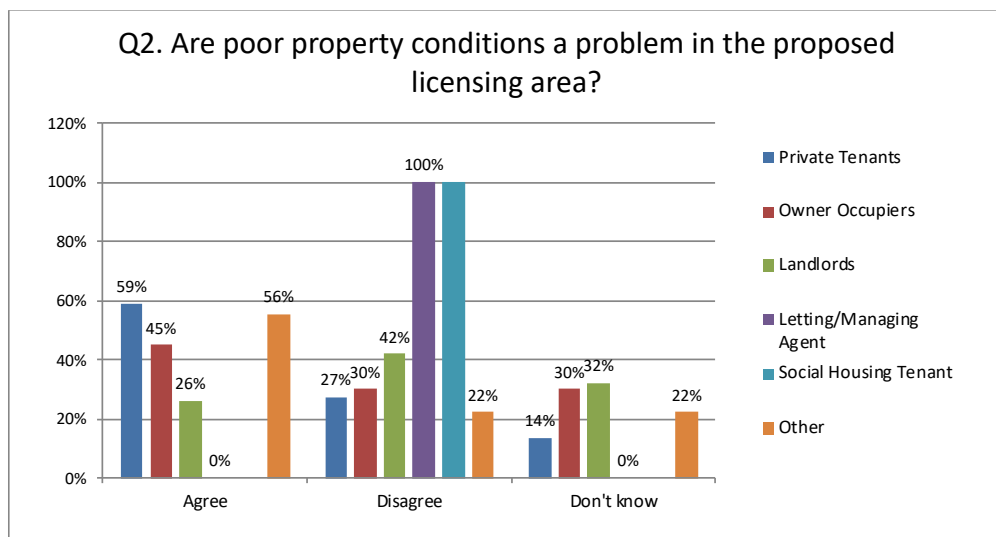
- 2.8 Private tenants were asked to respond to a number of questions about letting practices and tenancy management issues to enable comparison with similar questions asked in the Hastings Stock Condition Survey 2016 (HSCS 2016).
- 2.9 All respondents were invited to complete standard questions on equalities issues and the responses are attached at Appendix 6.

**Property conditions, anti-social behaviour, health and deprivation**

2.10 When asked whether poor property conditions posed a problem in the proposed area, 39% of respondents disagreed. 34% agreed but 27% didn't have a view.



2.11 Analysis by respondent type provides a slightly different picture. Significantly, 59% of private tenants and 45% of owner-occupiers agreed that poor conditions were a problem. By contrast, 42% of landlords and 100% of letting agents disagreed and only 26% of landlords agreed poor conditions were a problem.



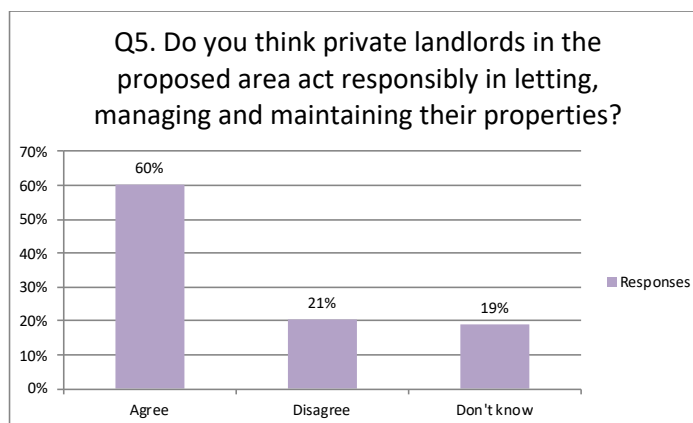
2.12 When asked whether they or their property had been affected by the poor condition of private rented property in the proposed area (Q3 below), 74% of respondents disagreed; 17% agreed and 9% didn't have a view.



2.13 Respondents were asked whether private landlords maintain their properties in the proposed area to a good standard (Q4 below) and 52% agreed this was the case; 19% disagreed and 28% were not sure.

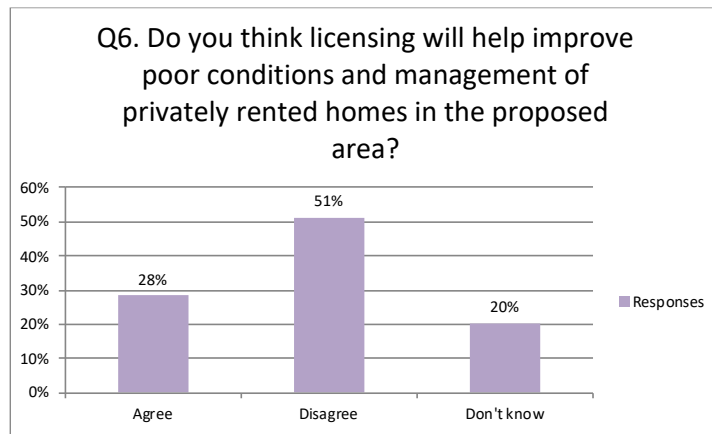


2.14 When asked whether private landlords in the proposed area act responsibly in letting, managing and maintaining their properties (Q5 below), 60% of respondents agreed they did; 21% disagreed and 19% didn't have a view.

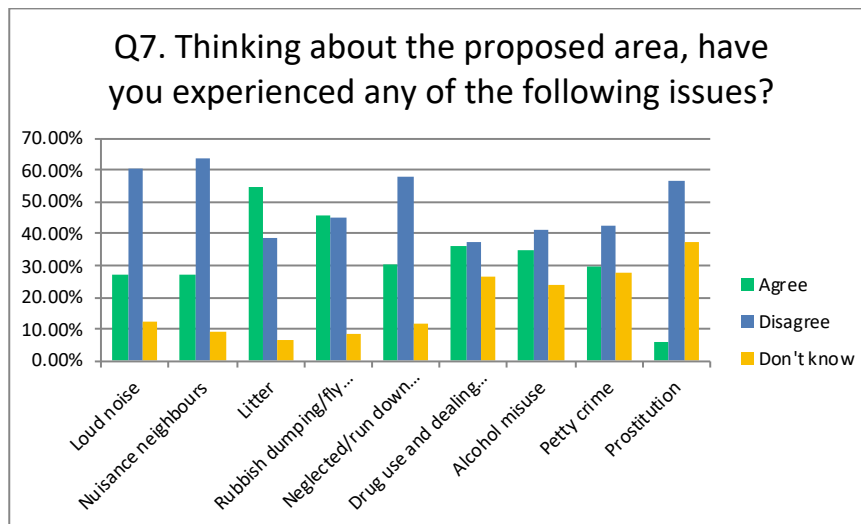


2.15 Respondents were asked whether they thought licensing would help improve poor conditions and management of privately rented homes in the proposed area (Q6 below). 51% stated that they didn't think it would; 28% agreed it would and 20% didn't have a view.





2.16 Respondents were asked whether they had experienced any of a range of issues associated with anti-social behaviour (ASB) (Q7 below). The majority disagreed that loud noise, nuisance neighbours, petty crime, prostitution and neglected/run down properties were a problem in the proposed area. This may reflect the overall reduction in ASB in the current scheme area and progress being made to deal with empty properties. A greater proportion of respondents felt that litter and rubbish dumping were problematic than those who didn't. Roughly even numbers of people agreed and disagreed that alcohol misuse and drug use and dealing were an issue in the area.

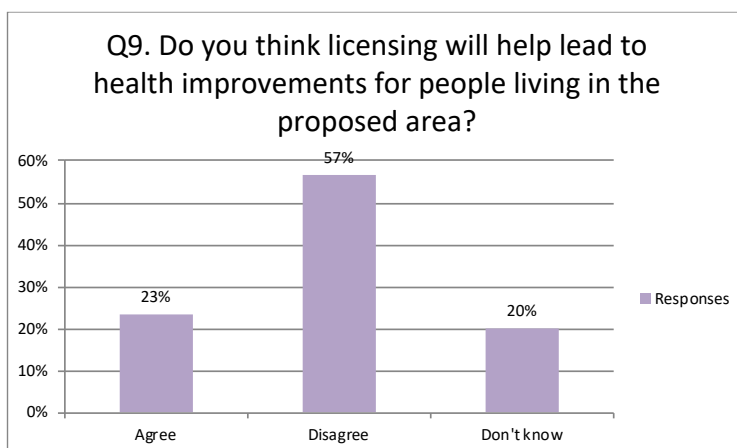


2.17 Respondents were asked whether they thought licensing would help to reduce ASB associated with privately rented homes in the proposed area (Q8 below).

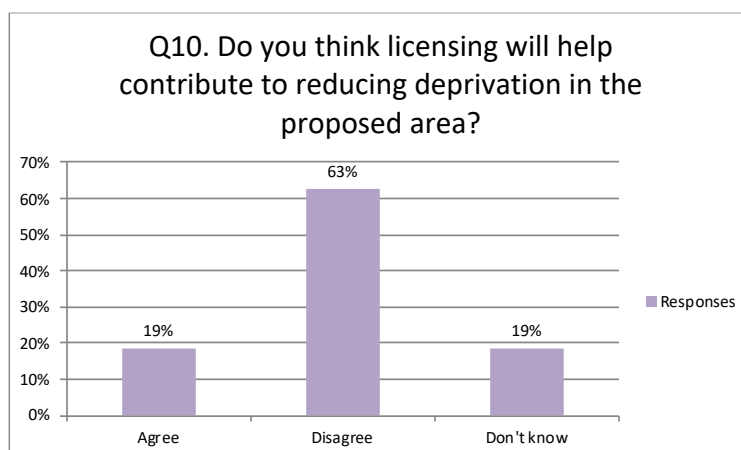


67% disagreed that licensing would achieve this; 17% agreed and 17% didn't have a view.

2.18 When asked whether licensing would help lead to health improvements for people living in the proposed area (Q9 below), 57% of respondents disagreed; 23% agreed and 20% didn't have a view.



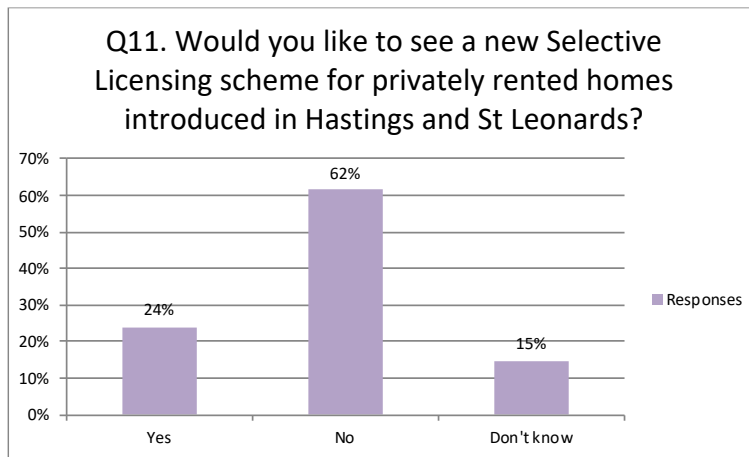
2.19 Respondents were asked to indicate whether they thought licensing will help contribute to reducing deprivation in the proposed area (Q10 below). 63% disagreed that licensing would achieve this; 19% agreed it would and 19% didn't have a view.



2.20 Overall, the majority of respondents disagreed that licensing would help improve poor housing conditions, health and deprivation, or reduce anti-social behaviour. However, it should be borne in mind that 65% of all respondents were landlords the majority of whom are opposed to licensing as shown in the next section.

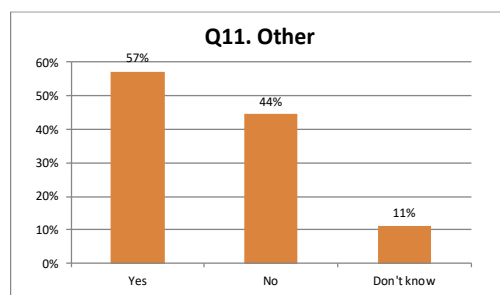
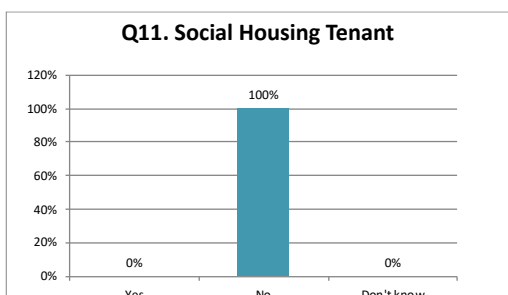
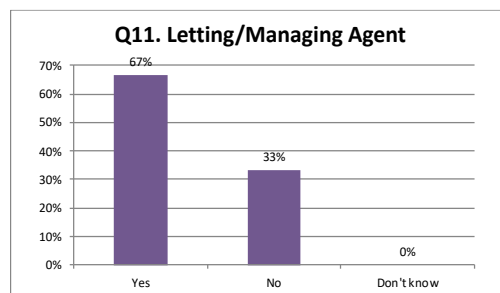
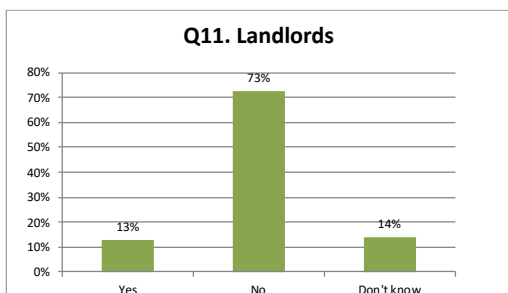
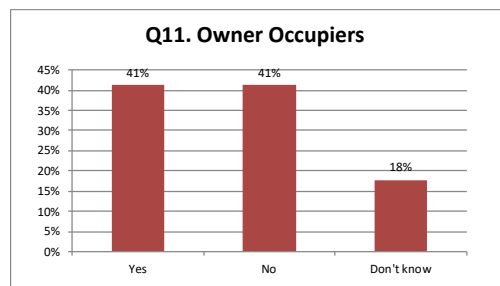
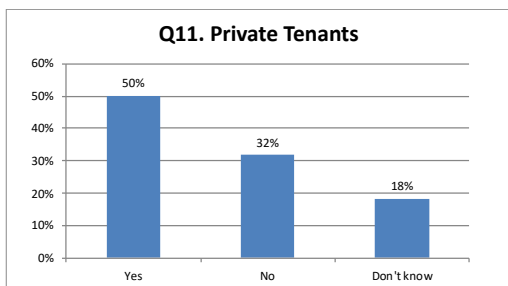
### Views on the proposed Selective Licensing area

2.21 When all responses are aggregated, 62% of respondents did not support the introduction of a new Selective Licensing scheme (Q11 below); 24% of respondents supported the proposal and 15% were unsure.

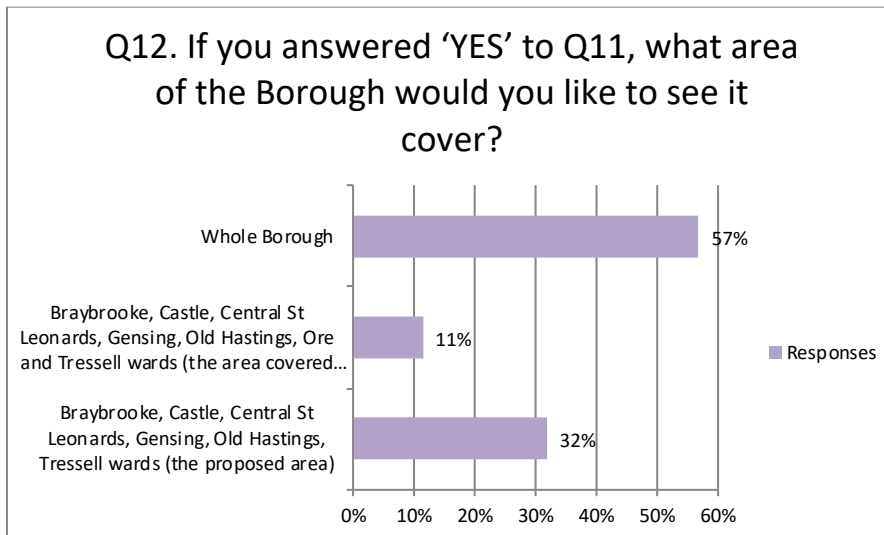


2.22 The apparent overwhelming lack of support for a scheme may well be explained by the disproportionate representation of landlords (65%) in the online consultation responses. As indicated in the charts below, when broken down by respondent type, 73% of landlords oppose the licensing scheme; 13% support the proposal and 14% didn't have a view. By contrast 67% of letting agents support the proposal and 33% oppose it. 50% of private tenants support the proposed scheme; 32% of tenants were against it and 18% didn't have a view. The response from owner-occupiers was evenly split at 41% for the proposal and 41% against with 18% of respondents uncertain.

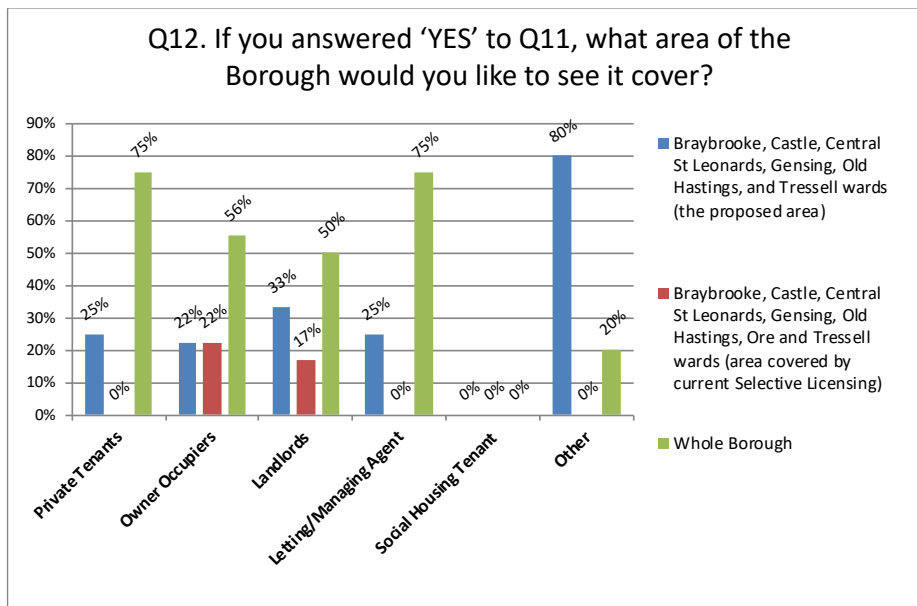
**Q11. Would you like to see a new Selective Licensing scheme for privately rented homes introduced in Hastings and St Leonards?**



2.23 57% of respondents in favour of a scheme expressed a preference for a Borough wide scheme (Q12 below). 32% favoured the proposed six ward area. At 11% the least preferred option was to continue the existing 7 ward scheme.

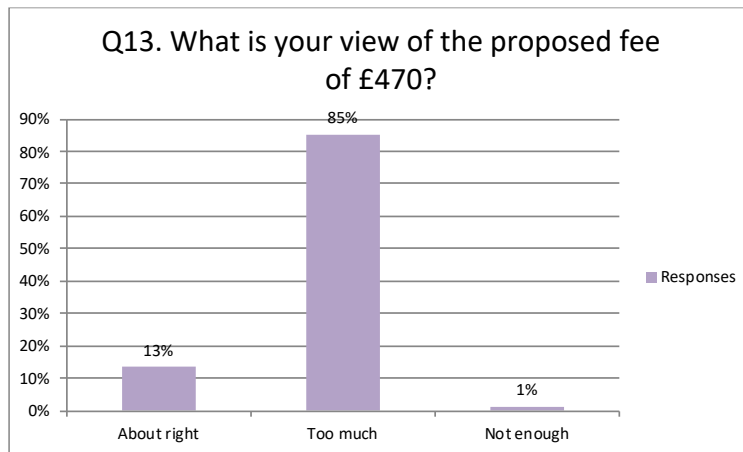


2.24 As the chart below shows, for those supporting a scheme, the preference for a Borough wide scheme was shared by all respondent types, with the exception of those in the 'other' category, the majority of whom preferred a scheme covering the proposed six ward area.

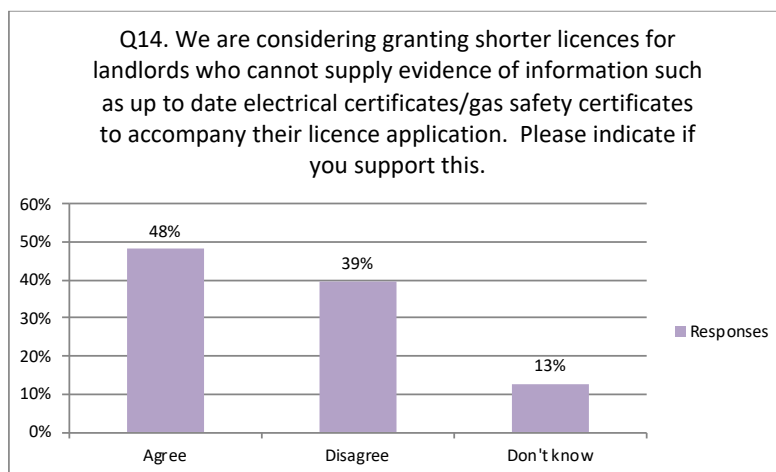


### Licensing fees & conditions

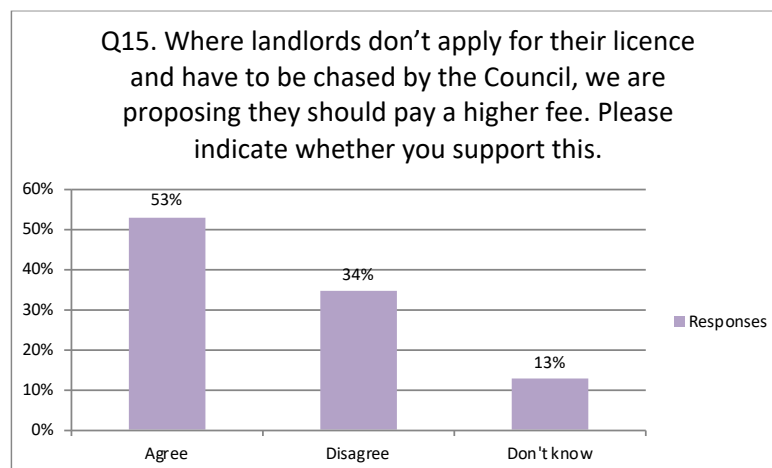
2.25 85% of respondents felt that the proposed fee of £470 was too much (Q13 below). Only 13% felt it was about right.



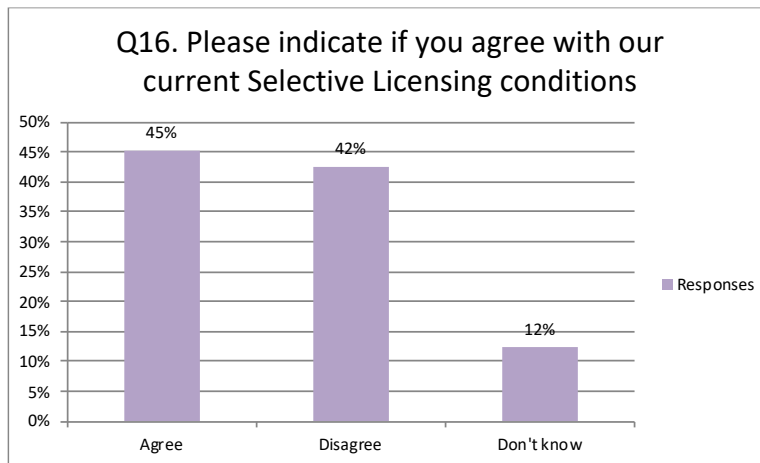
2.26 There was support for granting shorter licences to landlords unable to supply all the required evidence to accompany their licence application (Q14 below). 48% of respondents agreed with this; 39% disagreed and 13% were unsure.



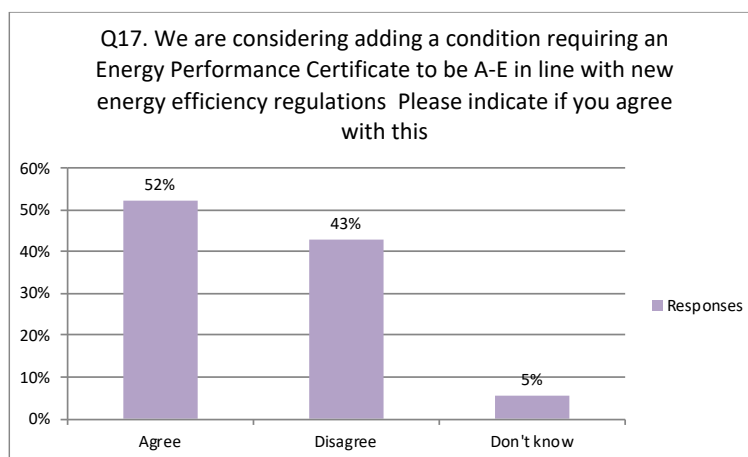
2.27 Likewise there was support for charging a higher fee where landlords fail to apply for a licence and have to be chased by the Council (Q15 below). 53% of respondents agreed with this; 34% disagreed and 13% were unsure.



2.28 Respondents were asked whether they agreed with the proposed Selective Licensing conditions (Q16 below); 45% agreed with the conditions; 42% disagreed and 12% didn't have a view.



2.29 Respondents were asked whether a new condition should be added requiring an energy performance certificate to be A-E in line with new energy efficiency regulations for the private rented sector (Q17 below). 52% of respondents supported the proposal; 43% disagreed and 5% didn't have view.



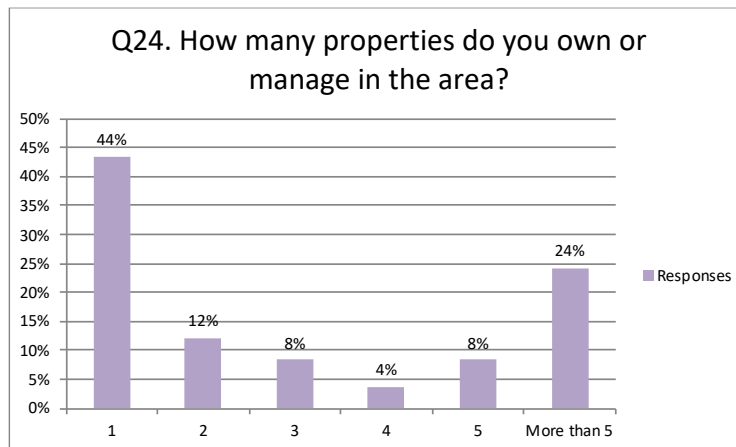
### Landlords, agents & property ownership

2.30 There were 101 responses from landlords, 4 from letting agents and 2 from managing agents (Q23 below).



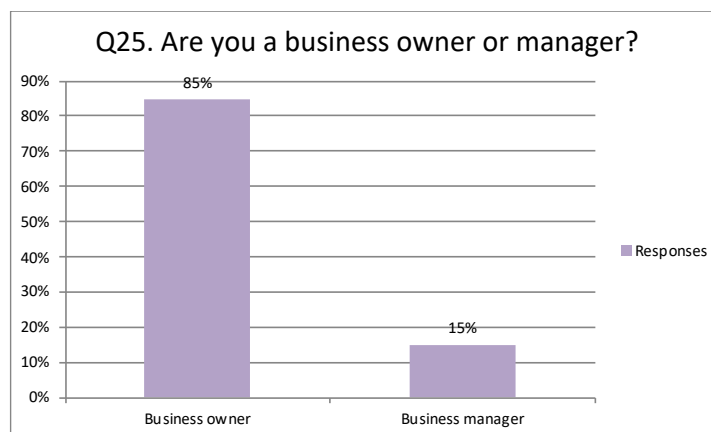
2.31 The majority of respondents were small landlords. 56% stated that they owned or managed one or two properties in the proposed area (Q24 below). 44% indicated

that they owned or managed three or more properties in the area and 24% indicated more than five.



### Business responses

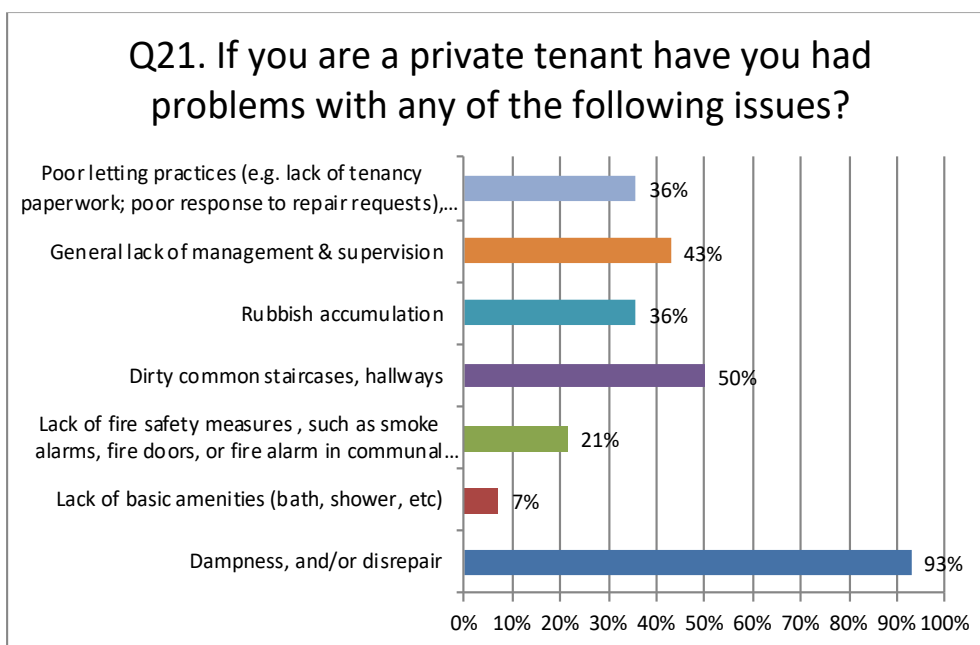
2.32 There were 20 responses from businesses; 17 from business owners and 3 from business managers (Q25 below). 38% were involved in businesses within the proposed Selective Licensing area (Q26 below).



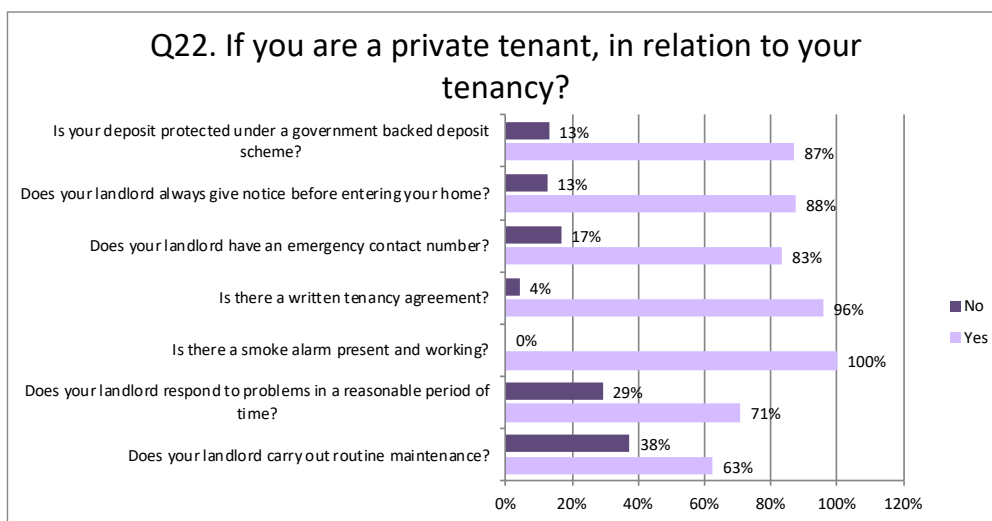
### Private tenants' views

2.33 An improvement in management standards is a desired outcome of the 2015 Selective Licensing scheme and the measurement of tenant satisfaction with their

living conditions is one means of assessing this. The report on progress and future options<sup>3</sup> prepared for the consultation exercise considered information about tenant satisfaction with their living conditions from the HSCS 2016 stock survey. This provided a useful baseline in 2016 and the report recommended that questions included in the stock condition survey be repeated at an appropriate point to help inform the decision about any future Selective Licensing scheme. The consultation questionnaire provided an opportunity to achieve this and thus private tenants were asked similar questions about housing conditions and letting practices concerning their current accommodation. The response to Q21 below shows that 93% of private tenants reported problems of dampness and disrepair, 21% reported lack of fire safety measures, 43% reported a general lack of management and supervision and 36% expressed concern about letting and management practices.



2.34 The response to Q22 below shows that with the exception of working smoke alarms, where all tenants were satisfied they had one, to varying degrees landlords were



<sup>3</sup> Selective Licensing in Hastings and St Leonards - Report on progress and future options - November 2019 - RJFP Resourcing Ltd



falling short on other issues. In particular, 38% of tenants felt that their landlord didn't carry out routine maintenance, 29% felt that their landlord didn't respond to problems in a reasonable period of time and 17% had no means of contacting their landlord in case of emergency.

2.35 The table below (Fig 2) compares responses from the recent consultation survey with those from the 2016 stock condition survey. Although the sample size of the consultation survey is quite small, the answers to the questions broadly mirror those of the 2016 survey. Notably, the responses suggest improvements in some areas, e.g. provision of smoke alarms, written tenancy agreements, government backed deposits and giving notice before entry. However, the position regarding carrying out routine maintenance and responding to problems in a reasonable period of time appears to remain broadly the same or if anything marginally worse. Regrettably, given the small sample size, it is not possible to reach firm conclusions.

<b>Fig 2. Private rented sector - Tenant satisfaction with living conditions</b>		
<b>Issues arising</b>	<b>Private tenants who answered 'Yes'</b>	
	<b>Stock Survey 2016</b>	<b>Consultation 2020</b>
Is there a written tenancy agreement?	91%	96%
Was deposit NOT protected under a government backed deposit scheme?	20%	13%
Does the landlord respond to problems in a reasonable period of time?	78%	71%
Does the landlord have an emergency number?	85%	83%
Does the landlord carry out routine maintenance?	65%	63%
Does the landlord always give notice before entering the property?	78%	88%
Is there a smoke alarm working and present?	82%	100%

Source: Consultation Questionnaire 2020 & HSCS 2016

### **Online survey comments**

2.36 Survey participants were invited to leave written comments on a number of issues, such as future licence conditions, potential impact of licensing on poor property conditions, management, anti-social behaviour, and deprivation and general comments about the proposed scheme.

### **Future licence conditions**

2.37 The comments made about licence conditions are set out at Appendix 1. In summary, the key points made are as follows:

- Rethink annual PAT testing
- Electrical wiring inspections
- Evidence of compliance with fire safety
- Sound proofing between flats
- Child safety - window catches
- Regular (quarterly) property reviews by landlords

- Energy efficiency requirements hard to achieve
- Include leasehold requirements re noise, rubbish, etc., in licence conditions

2.38 Many respondents used this field as an opportunity to give general comments about the scheme and on the whole these mirror comments made by others in the general comments section, so are not repeated here.

***Impact of licensing on poor property conditions, management, anti-social behaviour, and deprivation***

2.39 The comments made on the likely impact of licensing are set out at Appendix 2. In summary, the key points made are as follows:

- Property conditions and management
  - Inspect more properties to check on quality and that information provided is correct
  - Tougher fines needed for poorly managed properties
  - Freeholders of apartment blocks need to be more responsible
  - Make tenants more aware of their rights and flag up poor condition properties so tenants are aware that they are unsuitable
  - Reduce Council Tax on empty properties to help improvement works
- Enforcement
  - Be more pro-active at identifying landlords with poor condition properties
  - Prosecute and fine non-compliant landlords rather than make all landlords pay for licensing
  - Prevent non-compliant landlords from renting out property
  - Focus on larger scale landlords rather than small landlords
- Anti-social behaviour
  - HBC needs to demonstrate how they plan to enforce the scheme to address ASB
  - Better education, life opportunities and support for vulnerable people to help prevent ASB
  - More support needed for landlords to deal with tenant ASB from HBC and the police
  - Greater police presence and get outlets selling all-day alcohol to contribute
- Rents
  - Licensing just pushes rents up - promote opportunities for tenants to communicate issues
  - Increase level of housing benefit to cover the full rent
- General comments
  - Make more accommodation available for the homeless to help avoid rough sleeping

## *General comments about the proposed Selective Licensing scheme*

2.40 The general comments made about the proposed scheme are set out at Appendix 3. In summary, the key points made are as follows:

- Proposed Scheme Area
  - Taking Ore ward out of the scheme is sensible
  - Remove other less problematic wards from the scheme, e.g. Old Hastings
  - Not fair that only some parts of Hastings have licensing
- Fees & Scheme Costs
  - Proposed cost of a licence is way too expensive
  - Why no 'early bird' discount as for current scheme
  - Cost of renewing an existing licence way too high given amount of work involved
  - Renewals should involve a smoother process
  - Unlicensed landlords should pay a higher fee
  - Scheme doesn't give enough capacity to inspect all properties
  - No charge if a property complies with all the rules and was licensed under the current scheme
  - Discounts needed for good landlords
  - Not fair to offer discounts to those who are members of professional associations
  - Concession needed for landlords who own the freehold and all the flats in a building
- Impact on Rents
  - Landlords will pass the cost on to tenants. Concern of tenants and confirmed by some landlords
  - Better for licence costs to be used to carry out maintenance
- Harmonising with HMO Licensing
  - If a building has an HMO licence separate licences should not be required for each flat
- Alternative approaches
  - Inspect PRS properties and take action
  - Target poor landlords and charge them a fee
  - Tougher penalties for rogue landlords
  - Fees being paid to managing agents so perhaps they should be licensed
  - Get landlords to sign up to a code of conduct with serious consequences if they let poor condition or unsafe properties
  - Encourage landlords on environmental issues
- Communication about licensing
  - Many landlords do not know about the current scheme, better publicity and targeted information is needed for landlords and agents
  - Perhaps a joint venture with estate agents to ensure properties are licensed before renting them out
- Properties being withdrawn from the PRS

- Licensing will result in more landlords switching to holiday lets and Airbnb
- A discount for good landlords might stop them selling up
- Ultimately loss of properties to the PRS will create a housing shortage
- Opposition to Selective Licensing
  - Licensing penalises good landlords, concentrate on the bad ones
  - Rogue landlords will avoid licensing
  - Just a money-making scheme as paying for a licence doesn't mean the property will be inspected
  - Another tax on landlords
  - All the money spent on licence fees could be spent on maintenance
- Impact of licensing
  - Number of properties inspected, action taken and improved is very low
  - Noticeable improvement to properties in the area due to the scheme
  - No apparent difference between Hastings and Ramsgate where there is no licensing
  - Scheme is a good idea but the cost to good landlords with well above standard properties is too high
- Anti-social behaviour
  - HBC statistics show that licensing has no effect on ASB it is probably making things worse
  - Inadequate policing of ASB
- Other issues
  - Rethink annual PAT testing
  - Ward boundary changes have brought some properties into the scheme area e.g. from Maze Hill ward - owners should not have to pay full licensing fee
  - Licensing is affecting trust between HBC and private landlords
  - Owner-occupiers renting out basement flats should not be covered by the scheme

2.41 Two landlords used the general comments field to make individual reasoned submissions. One states that they represent a group of landlords and agents who between them own/manage 7,500 properties in Hastings and St Leonards. They challenge the view that 'licensing does not appear to be having a negative effect on the PRS, which continues to grow'. They make the point that landlords have not seen a negative effect as they have increased rents to cover costs but this and the high demand for rented accommodation is having a negative impact on tenants and the costs associated with homelessness. Their position is that good landlords are not against licensing, but HBC should reduce the cost of the licence so that rents do not have to be increased above inflation. In the event that licensing costs cannot be brought down they urge HBC not to bring in the scheme and instead use its Housing Act powers to deal with rogue landlords and the Police for anti-social behaviour. The

other submission is from an individual landlord who challenges the rationale and the need for the scheme and urges the decision makers to vote for 'Option 1: Do nothing'; by this is meant that the Council should continue in its work to assist tenants, as it does in other areas of the borough, without Selective Licensing. Both submissions are included in full at the end of Appendix 3.

## Consultation Public Meetings

2.42 Two consultation public meetings (daytime and evening) were held in January and HBC officers attended a meeting called by the National Landlord Association in February to present information about the proposals and answer specific questions. The meetings were well attended and reached out to in excess of 120 people. The vast majority of attendees were either landlords, managing agents or letting agents.

2.43 The meetings enabled detailed discussion of many of the concerns and issues raised in comments left on the online survey. A summary of the discussion and key issues raised at the meetings is available at Appendix 4. Much of the discussion focused on the cost of running a future scheme and the level of fees, particularly where properties were already licensed and had met the required licensing conditions and housing standards. For the most part the discussion was constructive and provided HBC officers with the opportunity to provide clarification on key points but also to take on board feedback from landlords with both large and small portfolios for further consideration.

2.44 A list follows of the main issues discussed:

- Fees and cost of running the scheme
- Streamline fees for compliant landlords with current licences
- Charge higher fee for those landlords who avoid licensing
- Payment of fees by instalment for all landlords
- Impact of licence fee on rents and vulnerable tenants
- Abolition of Section 21 ground for possession and effect on homelessness and ASB
- Adverse impact of benefit rent cap and avoiding overcrowding if landlord offers smaller accommodation
- Energy efficiency and difficulties in achieving new Band E requirement in older buildings
- Harmonising HMO Additional Licensing with Selective Licensing
- Leaseholders with shared freehold
- Impact of licensing on anti-social behaviour and support for landlords
- Effect of ward boundary changes
- Improvements in housing conditions lower than might be expected
- Impact of licensing on Empty homes
- Tenancy management data only from tenants' perspective
- Success measures and outcomes - better targets required
- Unlicensed properties need to be HBC's first priority
- Holiday lets and Airbnb likely to grow as a way round licensing

### 3. Key Stakeholder Views

- 3.1 15 separate written submissions were received during the consultation as follows:
- 10 - landlords
  - 2 - landlord organisations
  - 1 - letting agent organisation
  - 2 - statutory organisations, e.g. Police, Director of Public Health
- 3.2 Responses from individual landlords on the whole mirrored comments from the online survey and these are covered by chapter 2 and in appendices 1, 2 and 3. However, important submissions were received from two landlord organisations, the Residential Landlords Association and the National Landlords Association. A written submission was also received from 'safeagent' an organisation that licenses letting and managing agents.
- 3.3 Submissions were also received from the East Sussex Director of Public Health and Sussex Police.
- 3.4 Copies of the detailed submissions are attached at Appendix 5. The key points raised by each organisation are summarised below:

#### ***Residential Landlords Association (RLA)***

- Electrical and PAT testing conditions are unlawful and should be removed if the scheme is approved
- Little evidence that licensing improves housing conditions. Scarce resources should be directed at using Housing Act powers to identify PRS dwellings and take action where necessary.
- Landlords may become risk averse to the type of tenants they let to and this could lead to increased homelessness and pressure on other statutory services
- There are over 150 acts of parliament and more than 400 regulations affecting private landlords available to the Council to deal with problems and these powers should be fully used.
- The Council has access to the Controlling Migration Fund and this provides resources to help tackle rogue landlords and drive up standards.
- New legislation is also becoming available to provide guidance and support to local authorities in dealing with letting agent requirements.
- The Council should look at alternatives to licensing such as using Council Tax records as a means of more effectively identifying and targeting properties owned by criminal landlords to root them out of the sector.

#### ***National Landlords Association (NLA)***

- Landlords have very limited authority when dealing with matters related to anti-social behaviour, especially if it happens outside the curtilage of the property.
- The scheme should take into consideration the proposed changes to Section

21. A tribunal service to solve issues before they escalate.

- The interaction between adult social care/children's services will have to be involved as many tenants have mental health, alcohol, or drug related illnesses. How will this work – we would like to work with you on this issue?
- The Council should establish a system to prevent malicious claims of poor property being made, which could result in high costs for the landlord and the Council.
- The Council should publish a strategy for dealing with chaotic and antisocial tenants. This should run in conjunction with the current proposal.
- An issue for landlords is tackling waste left by tenants. Access to removing this will prevent conflict between parties
- The Council should work with landlords on tackling rent-to-rent and subletting, including Airbnb.

### *East Sussex Director of Public Health*

- Supports the Council's proposal to introduce a new Selective Licensing scheme for privately rented homes in parts of the town.
- Housing is one of the major determinants of health; one cannot maintain good health without good housing, and we all have a role to play in ensuring that everyone has a decent home that meets their needs.
- Poor and unsafe housing can occur across all forms of home ownership and occupancy, but in general, and in East Sussex, the private rented sector has the highest rates of poorer housing. Homes in the private rented sector also have higher levels of damp than other sectors, are twice as likely to be in poor condition and one in five households within private rented accommodation are fuel poor.
- A growing proportion of the population now live in privately rented properties. Tenants often feel insecure in their housing due to the shortness of contracts and seeming lack of legal protections.
- The 2017 East Sussex Community Survey showed that 7% of respondents in Hastings reported dissatisfaction with the quality of their housing, which was significantly higher than the rates in Rother (3%), Wealden (3%) and East Sussex as a whole (4%). Importantly, the survey also found that people who rent privately were most likely to be dissatisfied with the quality of their housing (14%).
- Need to aspire for better conditions in private sector housing because the quality of housing impacts so significantly on the health, wellbeing and overall life experiences and opportunities of its occupants.
- Impact of poor housing on the health of East Sussex residents is such a concern that the Director of Public Health's Independent Annual Report for 2019/20 is dedicated to this issue ([www.eastsussexjsna.org.uk/publichealthreports](http://www.eastsussexjsna.org.uk/publichealthreports)).
- Recently published independent review of the use and effectiveness of selective licensing has indicated that selective licensing can be an effective policy tool, with many schemes across the country achieving demonstrable positive outcomes.

- Collaborative working on fuel poverty reduction is just one example of how the scheme has supported the health and social care system more widely. Selective Licencing has enabled better promotion of initiatives that help residents keep warm and well at home, e.g. East Sussex Warm Home Check service and the NHS project funded to offer new heating systems for vulnerable households in target wards within the borough.
- Better collaboration has enabled the challenge of poor practice and provided a useful lever for improvement.
- The proposed new scheme will strengthen this ongoing work to improve the estimated 1,000 privately rented homes within the borough that fail current housing standards and up to 1,000 homes that fall below the minimum Band E rating required under the domestic private rented property minimum energy efficiency standard.
- The proposed focus of the new scheme is supported and its intention to address the significant numbers of private rented homes that have poor housing conditions is welcomed.

### *Sussex Police*

- Welcome the renewing of Selective Licensing and placing of greater responsibility on landlords to ensure that the properties they are offering are decent and fit for habitation.
- Would welcome a mechanism for making referrals to HBC licensing team
- Give consideration to enforcing security on derelict or empty properties undergoing renovation as youths gaining entry is an ongoing issue for the police and the fire service.

### *Safeagent*

- Supportive of initiatives such as Selective Licensing, providing they are implemented in a way that takes account of the Private Rented Sector's own efforts to promote high standards.
- Positive engagement with voluntary schemes and the representative bodies of landlords and agents (such as **safeagent**) is essential to the success of initiatives such as Selective Licensing.
- Lettings and management agents have a key role to play in making licensing, accreditation and other, voluntary regulatory schemes work effectively.
- Welcome the targeted nature of the licensing proposals
- Flexibility needed on the fixed 5-year term fee - not reasonable to charge the full fee where landlords and agents take on properties part way through the life of the scheme.
- Support shorter licences for landlords unable to supply required supporting documents but only if a pro-rata fee is introduced for compliant landlords or agents
- Support higher fees for landlords who do not apply for a licence and have to be chased by the Council but only if a pro-rata fee is introduced for compliant landlords or agents
- The proposed licence fee is reasonable



- HBC urged to offer fee discount of £100 for agents who are members of **safeagent** where they are the licence holder or for landlords who engage agents that are members of **safeagent**
- Waive the licence fee where a landlord is assisting HBC by offering accommodation to meet homelessness duties
- Support the proposed licence conditions but would welcome other conditions, e.g. related to tenant referencing, tenancy management and training for agents.
- Support HBC's drive to improve property standards and the inclusion of a condition requiring an EPC to be in line with the new energy efficiency regulations.
- It is not reasonable to expect agents and landlords to play a disproportionately large part in tackling anti-social behaviour as the causes are many and varied; landlords and agents have clear responsibilities to manage their properties professionally but cannot reasonably be expected to tackle wider social problems.
- It is important that lettings and management agents belong to recognised accrediting bodies who themselves apply a 'fit and proper' person test and appropriate complaints procedures.
- HBC's extensive evaluation of the existing scheme is welcomed. Regular information in a clear and consistent format should be provided for landlords, agents and other key stakeholders.
- Discounted fees for **safeagent** members would be a significant incentive to positive engagement by agents. In return, the Council would experience reduced administration and compliance costs.

## 4. Key Issues for the scheme arising from consultation

4.1 The following table provides a summary of the key issues raised that will need consideration if the proposed Selective Licensing scheme were to go ahead.

	Issue
1.	Reduced fee for those landlords who already have a property licence under the current scheme
2.	Enable fees to be paid by instalments
3.	Discount for 'early bird' applications
4.	Discount for members of landlord or letting/managing agent organisations, e.g. RLA, NLA, 'safeagent'
5.	Transitional arrangements need clarification for landlords with licences under the current scheme
6.	More transparent success measures are needed to show whether or not the scheme is being effective, with regular progress reporting for key stakeholders
7.	Harmonise HMO Additional Licensing with Selective Licensing and clarify the position where the freeholder also owns all the flats in an HMO
8.	Prioritise identifying and inspecting unlicensed properties
9.	Charge a higher fee for those landlords who have avoided licensing their property
10.	Remove electrical inspection and PAT testing from licence conditions
11.	Do not include achieving Band E energy efficiency rating in licence conditions, as covered by other legislation
12.	Penalise non-compliant landlords where their property is found to be below standard and levy increased fees to cover costs of investigation and enforcement
13.	Provide support for landlords and agents to help tackle ASB and develop a partnership approach with HBC and the police
14.	Provide clarity for the position of leaseholders who share the freehold
15.	Improve publicity and information about the scheme for landlords and tenants; make tenants more aware of their rights and good properties
16.	Consider action to deal with the increase in holiday lets and Airbnb

## 5. Conclusions

- 5.1 The relatively low level of responses to the consultation exercise from private tenants and other residents is disappointing but nonetheless the consultation has highlighted a broad range of views together with a lack of consensus about the likely effect of licensing on improving housing conditions. The majority view of private tenants (50%) who support the scheme contrasts with strong opposition from private landlords and landlords' associations, 73% of whom oppose licensing. By contrast 67% of letting agents were in favour of a scheme. Many are critical of licensing in principle as in their view it penalises good landlords unfairly and is tantamount to an additional tax on the sector. Some question the impact of the 2015 scheme and whether it has contributed to the reduction in ASB or delivered significant improvement in housing conditions. Landlords and agents felt they should not be held responsible for the actions of tenants in causing problems of ASB, because they were unable to control their behaviour.
- 5.2 Concerns were expressed by landlords and tenants alike that the cost of licensing would be passed on to tenants, many of whom are vulnerable and on low income. Those on benefits affected by the cap on rents would need to pay for this additional cost out of other benefit income.
- 5.3 It is unsurprising that no overall consensus about a new licensing scheme emerged in the consultation, but it has identified a range of important issues for HBC to consider based on those who have experienced the operation of the current scheme. Landlords and agents criticise the costs and the unfairness of charging good landlords as well as bad and would prefer a scheme that is funded by higher penalties for those who deliberately aim to evade licensing. Many are suspicious that licensing is a money raising exercise for the Council.
- 5.4 The separate written submissions and wide-ranging comments from the online survey, all make important contributions to the debate about the merits of licensing. Some respondents have made suggestions to make the proposed scheme more palatable for them should it go ahead, and these are listed in section 4 above. These suggestions are welcome, and it is important for HBC to give them full consideration. Submissions from the RLA and the NLA focus on the legality of the licensing proposals and alternatives to licensing. They urge HBC to look at alternatives to licensing as in their view it does not work and to consider developing a partnership approach with landlords to help achieve improvements in the PRS.
- 5.5 The East Sussex Director of Public Health wholeheartedly supports the proposed focus of the scheme and its intention to address the significant numbers of private rented homes that have poor housing conditions because the quality of housing impacts so significantly on the health, wellbeing and overall life experiences and opportunities of its occupants. Sussex Police also welcome the proposed scheme as it will place greater responsibility on landlords to ensure that the properties, they are offering are decent and fit for habitation. All of these differing views clearly raise important issues for the Council to consider.

## 6. The way forward

- 6.1 It is not appropriate for this report to make recommendations to HBC based on the consultation exercise. The consultation has highlighted opposing opinions on licensing. Tenants largely support licensing, although some do have reservations or oppose it. Whilst landlords on the whole are opposed to it the majority of letting agents who responded support the proposed scheme. Other residents are split evenly on support and opposition to the scheme. However, the sample size of respondents to the consultation, especially from residents and tenants, is relatively small and it would not be appropriate to simply base a decision on a majority view. The strength of the arguments and the evidence put forward by both sides needs to be appropriately considered and the merits of different positions given careful consideration. Consequently, the role of this report is to present an analysis of the information, views and opinions expressed during the consultation but not to recommend any particular option or way forward.
- 6.2 HBC will need to base its decision on whether or not to proceed with the proposed Selective Licensing designation in the six wards, having regard to its understanding of the law, the strength of the evidence concerning poor property conditions and the PRS weighed against the outcome of the consultation process. Senior officers and elected members must review the issues that have emerged from the consultation while taking account of other relevant evidence. This will inform the final decision by HBC Cabinet members who will need to assess the relative merits of the Selective Licensing scheme before adopting or rejecting it.

## **Appendices**

**1 - Comments on Selective Licensing scheme conditions**

**2 - Comments on dealing with poor property conditions, management, anti-social behaviour and deprivation**

**3 - General comments about the Selective Licensing scheme proposal**

**4 - Key issues raised at consultation public meetings**

**5 - Submissions from key stakeholders**

**6 - Equalities Information**

## Appendix 1 - Comments on proposed Selective Licensing scheme conditions

**Question 18: Please suggest any other conditions you think should be included in the licensing scheme.**

Issue	Comment
<p><b>Comments on conditions</b></p>	<p>You should re-Think need for annual PAT testing, no foundation for this - just a burden.</p> <p>Remove Annual PAT testing, no basis for such regular testing - most items, fridge, freezer, washing machine, dishwasher supplied by my landlord do not have plug handled and annual checks not substantiated. I don't want an intrusion for a low value test each year</p> <p>Ensure all properties are in line with statutory requirements well maintained with gas and electrical checks, that properties have to have tenancy contracts, register deposits, fire and carbon monoxide tests as a bare minimum and enforce these basic requirements!</p> <p>Evidence of compliance with fire safety - Fire Risk Assessment carried out</p> <p>Electrical wiring needs to be checked - many buildings have not been checked for a very long time and wiring may need to be replaced</p> <p>I think the managing agents for the common parts of the building should also have a licence. Although I keep my flat OK the common parts are dreadful, and being one of 18 flats in the block they do not take much notice of me. Also they never have an AGM to discuss problems.</p> <p>An adequate amount of sound proofing between flats.</p> <p>Conditions need to go further to ensure properties are maintained to a reasonable standard.</p> <p>Child safety - window catches</p> <p>Regular (quarterly?) property review by landlord. This might help prevent properties slipping into disrepair and any potential issues.</p> <p>It is nigh on impossible for some properties to achieve a rating of A-E , certainly without significant expense. Given that landlords are losing tax relief on mortgage interest, and forever having additional costs, such as this waste of time scheme to pay for, how do you expect them to be able to afford to increase EPC ratings further?</p> <p>Requesting feedback from neighbouring properties about the rented property.</p> <p>Consequences to the landlord for not fixing and maintaining their property as in the tenancy. In 2 separate properties now, the landlord has left me in damp cold conditions leading to my health deteriorating and having to fund yet another move.</p> <p>The Council also need to work with Residents' Management or Right to Manage Companies in purpose built blocks where there are a mixture of owner-occupied and privately rented flats and include lease conditions required to be met by all residents in the block as part of any selective licencing agreement - these will often include references to noise nuisance or inconsiderate disposal of rubbish.</p>

	<p>Single licence for flat owners who also own the freehold</p> <p>Overgrown gardens that endanger buildings, brambles in particular</p>
<p><b>Other comments</b></p>	<p>Do not extend it, it's caused increased rents. Introduce a licensing scheme for tenants, whereas they can prove they are fit to live in these areas. Check their behaviour background.</p> <p>Good landlords should be allowed to claim a rebate for maintaining the right level as many good landlords do; thereby penalising the real problem landlords who have created this problem.</p> <p>Dont agree with the licensing, i have already paid this</p> <p>Don't agree with the licensing scheme.</p> <p>The L.A. reps. are not qualifier to comment.....</p> <p>How much money did the council make off the scheme in the last 5 years and how much went back into tackling the anti social behaviour?</p> <p>We were charged £665 in October 2018, we will not be paying for a new license until the five years license period has expired.</p> <p>Some homes can not meet this grade.</p> <p>Its an absolute disgrace its just a money making scheme when our flats are let they are totally refurbished any problem that arises are handled immediately as our tenants would agree I have had in the past 3 separate lets where the flat has been totally trashed so the condition makes absolutely no difference to the quality of person you get one tenant was recommended by social services who inspected the property the lady that came enthused about the flat saying she would like to live there this tenant paid only 1 months rent and when she left the plumbing was badly damaged toilet smashed radiators ripped off wall and rubbish everywhere including used tampons another tenant turned the flat into a cannabis factory which we found on a routine inspection and yet another tenant in fact the first one we had who had taken the flat when everything was brand new cost us 10000 pound to refurb the flat after he left it was just after one of these tenants had left that we were first clobbered for 450 pounds for a licence can you wonder how angry this scheme makes me the crass stupidity of the hypothesis that is you get a flat licenced you will get a better type of person is in line with the idea that under the universal credit scheme rent allowance is paid to the tenant not the landlord because the poor will learn to manage their money better result mass evictions and hardly any landlords will take tenants in receipt of universal credit thus costing local councils a fortune in emergency housing costs I have absolutely no problem that there should be a law whereby landlords should be required to email gas and electric safety certificates to the council at the start of a tenancy but the rest of the stuff is ridiculous and the charge is onerous for the small landlord often like us oaps.</p> <p>The licence offered my landlord nothing of value. My landlord is good and does everything right first time and quickly. They were forced to buy a licence and my rent went up to cover the cost of this, but also again to cover the standard increase. The landlord had no choice and I'm annoyed the council made them get one in the first place.</p>

If I caused ASB issues, the licence wouldn't help the landlord sort it out, so it's not right to say that a licence would help with these issues.

I believe the licensing scheme should only apply to landlords that do not use management agents as many of the issues that are outlined above are not relevant to responsible landlords or those that are employing reputable management agents. I feel like this is a financial penalty for the behaviour of others. Whilst I understand the desire to improve conditions for tenants of irresponsible landlords, there should be some way of making it apply to only those that are problematic. I am paying simply to be on a list held by the Council. I see no added value as there have been no checks on me or my property that I am aware of.

I did not find it at all easy to find the key points of the new selective licensing scheme within the report, so could not respond with informed answers to those questions here. Could these be provided in short summary points on your website? It isn't easy to understand how the scheme might be changing...

I've already been told to expect another rent increase to cover the cost of legislation for the building and I'm on low income (but can't get any social support).

Social landlords have loads of ASB issues but don't have to licence! It's a rigged system to tax people more.

Penalties and higher rates for regular landlords with out licenses.

Penalties and higher rates for landlords who have several properties in disrepair.

I don't believe the existing scheme has been effective, and as proposed I don't have any reason to believe the new one will be either. With improvements in landlord/tenant legislation and legislation to improve property quality, licensing schemes simply duplicate existing legal provisions for no additional benefit and extra costs to landlords. This is expenditure by landlords that could be directed into property improvement

I think you should give a discount to Landlords who have had a Selective Licence previously.

Selective licensing discriminates against good landlords financially. I pay a property management team to upkeep my property and then I pay again. Why? Another tax that's why. Your not interested in people only money. More red tap and bureaucracy you love that. Basically if do a good job you don't pay but that's not what this is about. Control and tax. That's what this is about.

I think you should take action against those who do not have a licence.

What about licensing tenants? In the block where I live it's the behaviour of tenants and not the state of the rented flats that's the issue!

Financial penalties should be imposed on landlords, who do not complete the licencing process once they have been identified and those that do not comply with ant requirements within a period of time (say 3 months).

That those properties that are currently licenced and have no adverse conditions and have an EPC of E or above should pay a reduced fee for renewal of a licence.



I think the council should look to take action on ANY building owner that causes problems, regardless of being a landlord or not.

Under the current licensing scheme, serious disrepair and anti-social behaviour, including criminal activities and behaviour including sexual harassment and discrimination by landlords is not being taken into account. All it's done is increase the rental costs in the area.

Seems like you've already decided. Putting the CON in consultation. No doubt this shall be passed over.

I am a good landlord and always have been, yet I'm being punished by an extortionate licence fee and additional paper work. It's like charging everyone for speeding, when of course, most people are innocent. Charge a fee for those with properties in poor condition.

I think the entire cost of rent needs to be reviewed and far across the board. People are living on the bread line whilst landlords benefit.

How can the same house cost £1000 to rent and only £400 social housing. If this was regulated people would be in a much better situation . The government penalise you for trying to buy but quite happy pay housing benefit to greedy landlords.

No tenant should be discriminated against for ethnicity or anything else.

Tenants have a right to go to council to request a review of the licence if landlord does not maintain property to a suitable standard.

There should not be a license. You are charging good landlords a great deal of money to carry out the enforcement of standards you are supposed to carry out and do not. Licensing just sets staff to issuing licenses and administering them instead of finding and dealing with sub standard properties as you are supposed to do and for which taxpayers pay their Council Tax. This is an unfair supertax on landlords who do the right thing and obey the law

Actually doing something to the Landlords who do not have a licence.

Landlords with selective licences already in place AND properties in good condition should be "rewarded" by only paying an admin charge for renewal NOT a whole new licence

1. The whole proposed scheme is an unnecessary bureaucratic biased intervention.
2. Enviomental Health previously dealt with complaints of property condition.
3. Antisocial behaviour is a Police matter- who can remove people, and close the property.
4. Why selective, if you require more revenue increase council tax and close this extra department.
5. Tenants and Landlords are capable of negotiation their own requirements. (Historically the government decided I should live in a tent with day clothes a sleeping bag and a hole in the ground as a toilet at minus 15 deg C. I had a democratic choice - LEAVE)

A READABLE MAP WOULD BE USEFUL

All landlords should be "fit and proper persons" as per Taxi and Private Hire drivers and operators.

## Appendix 2 - Comments on dealing with poor property conditions, management, anti-social behaviour and deprivation

**Question 19: Do you have any suggestions for alternative ways the Council can address poor property conditions and management, anti-social behaviour and deprivation in private rented homes in Hastings & St Leonards?**

Theme	Issue/Comment
<p><b>Property Conditions &amp; Management</b></p>	<p>Get the grot busters off their backsides and pay them on results, there are many privately owned properties, in disgusting conditions.</p> <p>Inspect more premises when issuing licences to ensure information provided is correct</p> <p>By having tenants complaining and paying a visit to the property, no need to tax all landlords who are honest and considerate.</p> <p>Well as our flats are not in poor condition I cannot comment but I would think housing officers should inspect the flats one warning if the flats are not repaired in say two weeks have enormous fines that are transferred to pay for repairs and the salary of the housing officers if you could find something to make the tenants behave like not re housing them if they are evicted for non payment of rent or unsocial behaviour and that includes people with children</p> <p>Inspection regime to check on quality of housing provided</p> <p>The freeholders of apartment blocks need to be made more responsible. It is often the case that leaseholders try to get the freeholders to address repair and maintenance issues within the building which are ignored and delayed by the freeholder making the conditions for tenants worse. When asked for assistance the council's response is that it is the landlords responsibility, - however the leaseholders have no real means of forcing the freeholders to act. The council also needs to address the behaviour of certain tenants who carry out the antisocial behaviour, and the fact that some tenants choose to live in a deprived state. The only reason that landlords require deposits is because a small minority of bad tenants have no respect for the home that live in and damage it, and there is no real means for landlords to get the true cost of the damage repaid.</p> <p>Make tenants more aware of their rights, and publicise the environmental inspections available if conditions are substandard. Consider imposing punitive levels of licensing on landlords who abuse their tenants, or evict them when they complain. Publicise examples of good landlord/ tenant relationships.</p> <p>Flag up every property that is not suitable so that vulnerable tenants especially don't end up being consistently abused by landlords</p> <p>Inspection of properties.</p>

	<ol style="list-style-type: none"> <li>1. Introduce more effective inspection of all properties and landlord compliance, perhaps, utilising rental agents or 'mystery shopper' tenants for information. You already make it mandatory for landlords to submit to Council existing legal certification, e.g, tenancy agreements, EPC, gas and electrical safety certificates. The law exists already to protect tenants, without requiring additional licensing. The full costs of any enforcement by the council for lack of compliance should be borne by the offending landlords, and not by those that are doing 'the right thing' by their tenants</li> <li>2. Reducing council tax for empty properties so that landlords can do improvements without financial penalty I do not agree that licensing is effective. Currently, money that could be put into more effective inspection, is instead spent on administration on an unnecessary scheme that duplicates existing legislation.</li> <li>3. Introduce improvement grants for qualifying properties in areas where you believe this would be beneficial for the local population</li> <li>4. Allow landlords to consent to use of previous application data to reduce administration fees</li> <li>5. Introduce KPIs into any licensing scheme and refund landlords if KPIs are not met</li> <li>6. Introduce transparency into administration costs of any scheme, and introduce refund mechanism for compliant landlords if income from fines/penalties from non compliance exceeds administration costs</li> <li>7. Introduce stage payments for fees</li> <li>8. Remove other 'less problematic wards' from the scheme to improve enforcement and administration capacity, specifically I propose you remove Old Hastings, which is in the top three wards for highest percentage point reductions in ASB and also has one of the lowest growth in PRS properties (section 3.3). Your reported inspection rate (section 2.5) shows that intervention by council has improved only 300 of 3220 (9%) PRS dwellings failing the decent home standard. You clearly need additional capacity to make more statistically significant volume of interventions.  Use the rental address of the council tax to investigate whether the property is in poor condition, or simply the tenants would report it anyway if the condition is poor.  Is there somewhere where a person can lodge complaint or comments regarding poor property conditions at this present time?</li> </ol>
<b>Enforcement</b>	<p>Focus on the larger scale landlords who are repeat offenders rather than the majority of good smaller scale 1-2 property landlords who are there trying to do their best in an environment which is becoming increasingly more legislative. Is there a way or identifying landlords who receive housing benefit from their tenants (as they are surely the more vulnerable tenants in terms of choice of housing stock) and ensure they fulfill their licensing requirements and housing standards.</p> <p>Instead of making all Landlords pay for a licence which then penalises responsible Landlord's, why not penalise the ones that aren't being responsible by fining those ones or placing prohibition orders on their properties so that they cannot let them out.</p> <p>You should target landlords/freeholders separately who do not maintain their properties and fine them, rather than imposing a tax for everyone which is totally unfair.</p>

	<p>Prosecute the 2,500 Landlords who do not have a current licence.</p> <p>Why do you not fine those landlords found to be behaving poorly in order to fund this program rather than punishing those landlords who are doing their bit? I comply with all that is required of me, but I feel like I am being penalised.</p> <p>More work needs to be done to track down the estimated 2,000 unlicensed privately rented properties. It is not fair on the good landlords or tenants that the rogues are allowed to sidestep the system and give the whole privately rented sector a bad name.</p> <p>The council need to be more proactive at following up on those landlords who don't have a licence - there are simple checks which can be done land registry v council tax records, housing benefit records etc, which can clearly identify landlords.</p> <p>Enforce recommendations from the environmental health team where there are several improvements required.</p> <p>The council needs to concentrate on enforcement of existing legislation before inventing schemes such as licensing. Few landlords trust the councils evidence, few landlords believe the true motive to be improving the PRS moreover the increased revenue licensing fees bring in.</p> <p>Crack down. Fine the landlords. Do it quicker as having to wait 3 months as a tenant is too long, when I've already given the landlord 6 months chance to fix it</p> <p>Poor Property - Serve the landlord/Owner a dilapidation order for any buildings to reach a basic required standard within 6 months with work starting within 6 weeks of notice.</p> <p>The Council already have enforcement powers and don't need to introduce licensing to improve rented properties.</p> <p>Yes, use existing legislation to identify rogue landlords who currently operate under the radar and don't apply for licences rather than targeting the good landlords who look after their properties and tenant welfare.</p> <p>Regular check of properties where complaints have been lodged and significant fines for landlords who refuse to deal with them.</p> <p>Deprivation - More needs to be done to prosecute those non-compliant landlords that have unsuitable property with the need to serve closure orders and not allow these units to be let. Give these landlords a chance then hit them with a big penalty if non-compliant</p>
<p><b>Anti-social behaviour</b></p>	<p>Anti social behaviour and deprivation would be better approached from an education angle. Better education and more life opportunities. People need support so they can settle in a normal life style. Some have mental health issues. The flat can be very nice but the tenant who has issues can destroy the flat. Universal Credit does not help. Education and better social services will improve people's living conditions.</p>

The council also need to demonstrate how they plan to enforce the rules of the scheme, we have anti social behaviour in our building and the landlord licence should be revoked but isn't so in extreme cases the licence is ineffective.

Keep property rental and anti-social behaviour separate... they are not linked .

yes, the police should be responsible as tax payers responsibilities as a selective licence payer as in other L.A.

The police dont want to deal with this issues. after i went to see then last year about a neighbour.

Active management. Not rehoming problem tenants. How do you justify that imposing a licence is a good way of stopping people drinking, not taking drugs, not carrying out criminal activity, and generally being antisocial. This is a problem with society, not one that is going to be solved by charging landlords licence fees for something that will not, in any way whatsoever resolve the issues faced today.

Fast track access to court if the need should come for a landlord to evict a tenant. Access to legal support to deal with ASB. The licence does NOTHING to help deal with these issues.

ASB was already on the decline before the current scheme was brought in - half of the 8 sets of statistics show this - dog nuisance and noise from parties were the only areas on the increase. HBC should already be inspecting all rented properties regularly starting with those rented by people on housing benefit as they are the most vulnerable and least likely to complain about conditions for fear of being evicted.

Support for landlords in removing anti-social tenants if needed.

Make it easier for residents to report issues anonymously. Anti-social behaviour is intimidating and poor tenant behaviour can seriously affect the lives of those in neighbouring properties.

ASB can only be solved by more police presence, and outlets serving alcohol. Many of the big tourist events are ruined for families by drunks. The venues who are serving all-day alcohol should be made to pay for extra police on duty.

Make it easier to evict nuisance tenants.

Invest in housing officers who can deal with the anti-social behaviour for all sectors as most is from social housing anyway

Look at local social housing, often used for anti social tenants from out of the area, Amicus houses are of poor conditions, tenants are problem tenants, why should private landlords have different standards to keep when the council housing does not set the example, it's just a money making scheme.

Invest more in social care, activity centres, youth clubs, mental well-being help and other under-resourced social areas that causes the problems in the first place.

	<p>Anti-Social Behaviour - Ensure that the streets are maintained to a better standard than they are at present. Too many roads look scruffy with lack of attention given to weeding a plant/bush cutting. More glass recycling availability. Try to eliminate those retailers selling cheap alcohol. Try to accommodate the homeless.</p> <p>The anti-social behaviour (alcohol, drug taking and especially drug dealing) takes place away from rental properties and needs greater monitoring by police/council</p> <p>Better Policing and assistance in quickly evicting bad tenants</p> <p>Use HHSRS to deal with property conditions and the police for anti social behaviour - how can a landlord be responsible for the actions of their tenants?</p> <p>It is very difficult to encourage tenants to respect properties even when it is in their interest to do so.</p>
<p><b>Rents</b></p>	<p>They should increase the DHS payments towards rents. My tenant has never had an increase in 4-5 years of living there, and yet costs to me as landlord have increased, and I could certainly get more rent if I let to someone in the private sector. It is not fair to expect tenant to pay increase out of own social security payments (as suggested to me by letting agent) as they don't have much.</p> <p>Promote opportunities for tenants to be able communicate issues. Licensing is not the answer - it just pushes rents up.</p> <p>Bad idea = higher rent = tenant tax</p>
<p><b>General Comments</b></p>	<p>Chase and prosecute bad landlords, do not use good landlords as a cash cow for the Council to plunder at will!</p> <p>These questions are rigged to make you answer in a certain way. They are not neutral and it seems sneaky of the council trying to manipulate the answers they want.</p> <p>Use legislation we already have to hand and in particular charge / prosecute the bad landlords instead of bashing all landlords, in particular the good ones (because they apply and pay quickly). In my opinion the scheme is just a money-making exercise for the Council.</p> <p>Instead of penalising the good landlords (because of course it's the good ones who pay up as directed), make bigger fines, assert them and hold them to account when a bad landlord is identified. Stop attacking the good landlords.</p> <p>Use current budgets more wisely and don't burden tenants and owners with the additional cost The selective licensing scheme is only fuelling the shortage of available property to rent in Hastings and Saint Leonards area as landlords find there are fewer incentives to invest in property to rent. Invest in existing resources to enable the authority to respond in a quicker more effective manner when tenants approach the council for specific issues with their housing.</p> <p>I consider myself to be a "good" landlord. I feel penalised by the scheme. Good landlords should receive a deep discount and/or exemption.</p>

If the council truly cared about the conditions of property they wouldn't charge such a high rate for a licence. I've had a license from you and all you did was visit the property once, add my documents to the file and charge around £700 for the privilege. How do you think this is reasonable?

More accommodation should be made available for homeless. It is unacceptable in a historic and tourist town to see people sleeping in doorways or by the sea.

I have paid my license for several properties on time, supplied certificates for all properties on deadline. I do the utmost to deal with all my tenants issues and maintainance quickly, with minimal inconvenience to all my tenants. I have never had a property visited by the licensing schemes representatives. So, I think this scheme is vindictive towards good landlords and a way for the councils to make a quick buck, it's outrageous! This time and man power should be used to get inspectors out into the rental community to inspect. Not sit in a nice warm office and paper shuffle.

Leave the good landlords alone ... you know who they are. Spend your time getting the bad landlords and make them pay. Don't penalise the good ones by making them pay for the bad ones. Get staff in to do the job too, which you don't at the moment

I am a good landlord and always have been, yet I'm being punished by an extortionate licence fee and additional paper work. It's like charging everyone for speeding, when of course, most people are innocent. Charge a fee for those with properties in poor condition.

As always is a money grab. I go inside a lot of council owned or housing association houses for my job, some of them are dreadful. Sort your own house out before taxing others.

Yes. If a tenant complains, sort it out. You don't have to tax everyone. Get the bad guys, but this is about money. As always. Why £500 for a license. Why not £50, but who's pension does that pay for.

HBC needs to concentrate in putting its own housing stock in check first before attempting to interfere in the private sector. We have experienced little or no evidence of improvement in our area since its introduction, and whilst in theory the scheme has suggests positive attributes, it appears to not be being policed correctly and more of a way of generating income as a stealth tax rather than improve standards.

It is your business to do that not landlords'. You could survey tenants, you could make visits you could check registers of gas safety certificates to see where known rented houses haven;t got them You should have been doing this for years. You could have landlords self certify by sending you copies of the documents required. I don't see any evidence whatsoever that you have been proactively carrying out any of your duties better because you have extracted large sums from landlords, equivalent to an entire month's rent in many cases.

Would be better to target the landlords doing a bad job rather that place financial burden on all landlords which drives rent up

The council was doing this effectively before the Selective Licensing Scheme.

	<p>YES, Build houses in competition with the private sector. They could reduce rent by, save 20% on VAT save on "in house bureaucracy". This would put the "bad" landlords out of business. It has been done before. After the first and second world wars.(town of Peacehaven WW!, Pre-fabs WW2). I understand some Park Homes and Container Homes are better than the Private Rented Sector's offerings and would fulfil HMG's requirement to build more homes by LA's reporting all development land available. Aided by the Planning Inspectorate.</p>
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### Appendix 3 - General comments about the proposed Selective Licensing scheme

**Question 20: Any other comments you wish to make about the proposed new Selective Licensing scheme in Hastings (also includes individual responses received by email)**

Theme	Issue/Comment
<p><b>Proposed scheme area</b></p>	<p>Think that taking ore out of scheme is sensible considering low level crime &amp; property of good standard overall.</p> <p>We fully support the move to remove the Ore Ward from the licensing schme. As a responsible landlord I have questioned the assumption that the property condition is the cause of poor and antisocial behaviour. I can assure you - my properties have always been well maintained and yet my tenants have in the past left it in a dreadful state and caused antisocial problems to neighbours. That is a reflection of wider social issues/poverty/lack of education rather than the housing stock per se. As a result after 15 years of being flexible I have decided to no longer take Housing benefit tenants, which is a real shame as i fundamentally believe everyone deserves a good home irrespective of income or job status.</p> <p>Why is only some parts of Hastings have licensing, it is not fair.</p>
<p><b>Fees &amp; scheme costs</b></p>	<p>I am landlord of three licensed properties. I note that the proposed new scheme splits the fee into admin and enforcement.</p> <p>For properties that will simply be renewing an existing licence, and which have already been inspected, I do not accept that the either proposed fee - but especially admin - accurately reflects the Council's costs. Please explain how the figures have been derived.</p> <p>I think the cost of licensing is too much and will be pushed onto tenants. I can't see a justification unless it increases staff capacity to follow up with buildings in disrepair, which I don't think this does.</p> <p>You should be able to 'renew' existing registered Landlord's licenses with a smoother process. Existing Landlords should just supply up to date certification and pay a smaller fee for this. Unlicensed Landlords should pay a higher amount for not coming forward voluntarily and for the higher amount of paperwork that will need to be processed.</p> <p>There should be a concession for Landlords that own all the flats in the building and own the freehold. Currently I have 4 Selective Licences AND an HMO licence. This seems excessive and is extremely expensive.</p> <p>Discounts for Landlords with a consistent good record?</p> <p>The Council already has the details of Licence holders so, with our permission, they should be able to re-use our information therefore reducing the costs.</p>

Whilst I have no real objection to the selective scheme. We are responsible landlords and keep our properties in good condition. To have to pay a significant fee is to our mind inequitable. Also it would be good to see some serious control of air B&B which needs the same level of control.

Whilst I am in agreement with addressing these issues, the current licence feels like a penalisation of landlords. The cost is exorbitant to begin with, and after the initial licence, subsequent licences purchased by the same landlord for the same property should be reduced. Decent landlords are being punished for those who do not take responsibility.

I think that this licensing scheme is unfair on landlords. Whilst I support raising standards, it feels like more of a penalisation of landlords than an aim to improve things. The cost is outrageously expensive and after the initial licence is set up, should be reduced for further applications of the same property and landlord.

I do not mind paying the Selective Licensing, although currently far too expensive. If it worked, and properties were inspected, and some of the social issues were tackled.

There should be a simplified scheme for existing selective licence holders, who have complied with all the requirements. This could be an online format completed by the licence holder with a much reduced fee. Additional fees could be charged out for inspections to properties and the licencing team should aim to inspect all the properties within the 5 year scheme period. Much higher fees could then be charged for the rogues that have to be chased to join the scheme.

Costs must be kept to an absolute minimum and the council must be able to demonstrate that the licence fee only covers the cost of the scheme and no more. Consider that landlords will pass these costs on to tenants. Only today, I was looking at 2 bedroom properties in Hastings and the cheapest I could find was £550 per month. All the others were over £600. The LHA rate for 2 bedroom is currently £536.90 - yet there is not one single property available at that price.

I believe if the property complies with the rules there should be no charge. Only if the properties require council visits etc the council should charge a licence.

The application fee is too high for small landlords. If they already have a license from the last scheme, this should be reduced.

While I agree entirely that there should be some kind of license scheme to ensure decent standards are maintained, the fee is too high and in my case wipes out any hope of making a profit on letting my property. Perhaps it would be fairer to have a lower fixed admin fee, but then charge extra based on profitability of the letting – in my case, I lose money due to the excessive license costs (perceived as just another government stealth tax), and continually escalating fees charged by property agents. I did not buy to let, I was a home owner who moved overseas with my job. Property rental income has not gone up in line with tax and other fees and I am now left with a home that leaks money. I need to keep it for when I return to UK.

If this comes in a cheaper run-on scheme for those good landlords already licensed should be put in place where they can just re-send updated information, as we currently do

Cost at £470 for issuing the same license is ridiculous. Early bird license was £185 last time. How can such a high price be justified for landlords like myself. All costs will be passed on to my already overstretched tenants. I cannot keep absorbing these costs. Maintaining a sea front block is very very expensive. Look at mine, it is maintained well.

the scheme is too expensive - properties that are already licensed merely require a new licence to be issued - this cannot possibly cost £470!!!

We have already received a licence for our property and all requirements met. I feel that once a property has been approved it should not cost so much to re-licence it. £400 odd for your first licence, perhaps £125 to renew, unless you fail on renewal, then a further charge could be made. The other comment I have, these charges eventually have to be added to the rent, which is an additional cost to the tenant, which I do not think is a good idea?

The fees are way too high. We paid £150 last time and to increase this to £470 is too much when it is effectively the same scheme

Landlords with good records and management, should receive a discount, on renewal of licence.

This should encourage landlords to keep with the spirit of the licence. Landlords with poor performance should pay a surcharge to cover costs.

The Selective Licensing scheme is unfair because the cost of the licence is too high and not every Landlord that should have one does have one. Generally the Landlord's that haven't got a Selective Licence that should have are the one's that aren't responsible, which penalises the responsible ones even more.

If your licensing scheme is seem to be fair that all landlords are included and you do not charge any landlord more than you would any landlord belonging to Hastings landlords Association meaning you don't Discriminate between one type of landlord or another.

Existing landlords that have already been seen to be compliant with obtaining Licenses and upgrading their properties/buildings should be able to face a simple renewal process that should be completed online at a nominal fee of say £100 as they have already been vetted and your team have already gone through the process of validating their properties.

Make a provision in this same Scheme to address those landlords that have single ownership of the whole buildings where there are multiple units. That scheme currently expires in a couple of years, but if it is then not renewed, there may be a bigger charge for then licensing the individual units.

A greater discount should be offered to those landlords that have multiple properties and are seen as fully compliant

We have a group of 6 owners who own the flats in our block. We each own the Freehold of the Property in a Company name registered at Companies House and have a 5 year HMO Licence. Is there a way that we could avoid the need for each flat to have a Selective Licence ?

I hope that licences that are being renewed from the previous scheme can be processed at a lower cost to the landlord.

The scheme cost should be payable on a monthly basis, rather than just as a lump-sum. This was done for the previous scheme, so should be repeatable. At the current proposed prices, I will be facing a renewal bill of nearly £11,000. This will not be easily payable in one

	<p>payment.</p> <p>I also face HMO licensing costs. I hope some way will be found to optimise the process to make the combined scheme more affordable. The council should advertise its progress through a regular (I suggest six-monthly) email to scheme members..... how many new licences issued, how many site visits, how many non-payment cases prosecuted and other key indicators of progress. The co-operative landlords need to know that the 20% of tenanted properties thought to be missing from the scheme are being vigorously tracked down. We all know that issues are likely to be concentrated within the unlicensed property.</p> <p>The fees are high when under the existing scheme, no council officer attended any of the current licenced properties. Discounts should be given for multiple properties in the same postcode (these would typically be similar properties maintained to the same standard and would be quicker to inspect).</p>
<p><b>Impact on Rents</b></p>	<p>Whilst i agree with most of what is proposed for the Selective Licensing Scheme, I do not agree with the price charged to Landlords for it. All this means is that the landlord invariably puts the rent of the property up, so its the tenants that pay in the end, as has just happened to me.</p> <p>Only the good landlords will adhere to this program and their money will simply be diverted from the maintenance of the property and/or will be passed on to the tenant in higher rents.</p> <p>This scheme is not well thought out. It is not fair on the tenant or landlord, who would need to pass the additional costs on. Where is the legal support for landlord who has difficult tenants? What problem do you think this would help resolve?</p> <p>This is a terrible idea. As a tenant I know that the license fee will just be passed straight onto me via a rent increase - this has happened to me twice before. All you are doing is passing the cost onto the tenant and making costs higher for that tenant and in turn reducing quality of life and disposable income. This isn't fair on the tenant or the landlord - neither will get anything tangible or any legal support for this additional fee.</p> <p>It's a con and the tenant always pays in the end for everything no matter what. The landlord is running a business and passes on these costs.</p> <p>The next thing will be HBC complaining about the high costs of rent, which have to contain the huge licence fee.</p> <p>The tenant will pay 100% for this licence and the time the landlord spends in admin doing this. The landlord will not foot the bill and it will be passed on in full to the tenant, along with any 'normal' rent rises.</p> <p>Making good landlords pay for the council to try and find bad landlords is not only unfair but the extra costs that this scheme imposes on landlords will be passed on in part or full to the tenants. Bad landlords will just keep ignoring the law as they have always done.</p> <p>How many of the 20,000 refugees from Syria is Hastings taking? How many will go to the Selective Licencing area? These people are getting a government subsidy, which raises rents</p>

	<p>Well-intentioned, but penalises unfairly and severely, good landlords. Costs inevitably get passed indirectly on to tenants via increased rents. Better would be to prosecute bad landlords and use the fines to fund the scheme.</p> <p>Selective licensing costs landlords a lot of time and money and some of them will pass that cost on to the tenant in the form of rent rises.</p>
<p><b>Harmonising with HMO Licensing</b></p>	<p>If a building has a HMO Licence then individual flats within it should not be required to have a Selective Licence.</p> <p>The current scheme should not include double licensing that requires a landlord to pay for HMO license as well as a selective license. Equally a landlord should just pay to be licensed once if they have more than one property and not require a license for each one. Otherwise significant costs will be passed on to the tenant and so result in increased rents.</p>
<p><b>Alternative approaches</b></p>	<p>It has been admitted that the council knows who the handful of 'trouble' landlords are and have worked in a multi-agency method to successfully address those few situations.</p> <p>Use common sense, inspect privately rented and decide if a payment or improvement order is required, not all are offenders. Punish those that deserve it, not all.</p> <p>Landlords should immediately be taken to court and all their property folios subject to scrutiny.</p> <p>I am a good landlord and always have been, yet I'm being punished by an extortionate licence fee and additional paper work. It's like charging everyone for speeding, when of course, most people are innocent. Charge a fee for those with properties in poor condition.</p> <p>Whilst you claim the licence scheme came into effect in 2015 and expires in 2020. the fact remains due to poor administration the majority of licences were never issued before spring 2016 therefore meaning they still have another year to run before expiry. Why waste even more resources in consultation fees etc. Selective licencing is both biased and unfair, either introduce it across the whole county to make it a fair tax or drop the scheme completely.</p> <p>Don't punish decent landlords in an effort to drive up standards they already meet. Target poor landlords</p> <p>I agree in principle with the scheme BUT: I rent out one 1-bedroom property and it provides nearly half my income as an OAP. I charge £510 pcm and pay an agent 10% of this. I have had repair and maintenance costs too. I'm a good landlord. I paid for the last licence and my property passed inspection easily. You should charge on the basis of which Council Tax band a property falls into - Band A: £100, Band B: £200 and increments of £100 at each band. I think that's fairer than a flat rate for all - otherwise it just looks like another easy way of raising cash for the council rather than anything else. I'm providing a home for a young couple, but will consider selling the place if I'm subject to many more extra costs of this magnitude.</p> <p>I think a licensing scheme can be useful, but disagree with the current and proposed scheme. I currently have a license (and paid £400+ for the privilege), I have seen no benefit from it and as far as I'm aware the scheme have completed no checks on myself or property since application. It is therefore a money making scheme for the council. For such a fee I would at least expect a verification visit to the</p>

	<p>property or some kind of check. I have a management agent for the property so I am also paying a fee for this. I can see no added value from having to pay a fee for having my name added to a list with the Council when you already have powers of enforcement anyway. I would recommend a scheme where landlords have to sign up to a code of conduct (I suspect very similar to your proposed licensing conditions) - there should be no charge for this. If the landlord breaks any conditions then they should be required to resolve asap and face penalties for delays or particularly bad/unsafe conditions. The scheme should also allow for landlords to be banned from letting properties if they are repeat offenders. The running of the scheme should be funded by the fines/penalties. Charging all landlords doesn't create the right incentives. I have been letting properties for over 20 years and have always been a responsible and responsive landlord - charging me £500 only helps fund the council. I respond quickly to any issues that arise in the house, keep it in good repair and have regular checks on the property via my managing agent. Alternatively those of the landlords in the area that are letting through management agents should maybe be exempt but the management agent has to assure and verify that the property is sound. Perhaps management agents could be the licensee instead?</p> <p>I think a system needs to be put in place to filter the good landlords from the bad so you can focus on the underperforming landlord and properties and reward the professional landlords.</p> <p>I am a responsible landlord and there is no need to license me in my view. However, closer controls on who can be a landlord would be welcome. Just by paying a license fee does not make one a responsible landlord.</p> <p>I would like you to introduce an encouragement for landlords to do their bit for the environment by insulating their properties and start removing gas heating when boilers reach the end of their life. One rental agent probably all of them) is pushing gas boilers and radiators as the "ideal" in this situation. Good wall-mounted electric heaters are healthier, safer, and more environmentally friendly so I suggest you invite all the letting agents to a meeting to discuss this and other environmental issues where they can encourage landlords to do the right thing. Email licensed landlords to outline these environmental issues.</p> <p>Perhaps a discount on the licence fee for the good landlords? The cost and bureaucracy of licensing is making some of them sell up and get out, so any encouragement and support would be welcome.</p>
<p><b>Communication about licensing</b></p>	<p>The council should make it much easier for local landlords to follow all the licencing that they are bringing into force and to explain much more fully the necessary licence's that someone would need. All too often I attend meetings and hear other landlords saying that they didn't know about this or that. The council has the power to make contact with all landlords on their files to keep them up to date. This last scheme that was introduced last year I only found out about after a letter was received from Mrs D Watts. 2 months after that date I was in an agents office and they had just received the same letter that had been sent to a tenant of theirs and not even to the landlord. They then told me that again they had no knowledge of this scheme.</p> <p>Something is failing in your communications. I only ever know about changes or meetings from my NLA membership. I have asked many times to be put on a circulation list so I can be kept up to date, but I do not receive anything from the Council. Landlords who rent out a single flat, probably genuinely do not know that they need a licence. I certainly wouldn't have known if I wasn't already in the rental</p>

	<p>business and a member of the NLA and people who are just renting their own flats out probably have no intention of joining the NLA because they don't know about it. How about doing a joint venture with the local estate agents that any flat that they rent out they inform the owner/landlord of the licensing requirements? How about they are not allowed to rent out a property if it is in a licensing area and they can't produce a license?</p>
<p><b>Withdrawing from PRS</b></p>	<p>All very well, I was a new landlord in Pelham Crescent, I did everything as I should do , got my licence, good standard in flat , my tenant has now smashed windows, caused constant antisocial behaviour, been visited by the police numerous times, not paying rent and not complying with leaving, what is the benefit to landlords???? Where is our help under this scheme for good compliant landlords? It will just cause more people to change to Airbnb and less stock for locals.</p> <p>If you licence private landlords and charge them, many potential landlords will go into short term unregulated holiday lets e.g AirBNB thus reducing the number of homes available, increasing the number of homeless and destroying the sense of community.</p> <p>Perhaps a discount on the licence fee for the good landlords? The cost and bureaucracy of licensing is making some of them sell up and get out, so any encouragement and support would be welcome.</p> <p>I think this scheme is and has been, from the start, divisive and unfair on proper landlords. It's merely a way of the council getting more taxes. It leads to higher rental for the tenant as Landlords cannot swallow this. It means good landlords like myself give up leaving behind the bad ones.</p> <p>The high cost of the Selective Licence scheme is also causing many Landlords to sell their rental property which in turn is creating a shortage of properties for the private rental market.</p> <p>I am a landlord and have had to increase my rents to cover the existing licensing scheme. It is not becoming cost effective, due to the high cost of licensing, to have rental properties in Hastings and I will be selling mine in the summer.</p>
<p><b>Opposed to Licensing</b></p>	<p>Throwing all the good landlords into the same pot in order to create and enlarge a council department is excessive. This is an example of the type of 'big government' that angers tax-payers.</p> <p>See above, we are good landlords and our properties are well managed and our tenants are well looked after and happy, we will therefore resist being forced to shell out more money for another scheme allegedly designed to punish and ultimately remove bad landlords. Chase them by all means but leave us alone.</p> <p>Concentrate more on the bad Landlords and less on taxing the good ones, there are actually quite a few of us good ones!</p> <p>Selective License schemes don't work if the council that imposes them are only using it as a money making project without actually following through on any checks or trying to catch the rogue landlords. Many landlords operate very safe and legal practices and the council already have all the necessary powers to convict the criminal landlords without having to introduce a needless scheme.</p>

It does not work, I already have a licence, it took 6 months to get it, cost a lot of money, no council representatives even visited the property, just a form filling exercise, in my opinion it is the Air B&B racket that needs licensing, at present there are no standards to adhere to.

Rogue landlords will still avoid and it penalises the good landlords

Tax nobody just make sure the tenant is looking after the property as we as the landlord.

It's just another tax on good landlords. You know the bad ones, concentrate on them and penalise them

It is unbelievable expensive and again shows no incentive for good landlords to continue in the line of business. With the changes in tax and these licenses, any profits I make will be slight. As a second income and more of a supplement to pension for my future, I would seriously consider giving this up. I know many private landlords they feel the same. It would be more productive to do AirBnB, where would that leave all the tenants in the area??

In my experience, Selective Licencing only penalises decent landlords financially and does little to combat rouge landlords. Decent landlords will carry out what is required without being policed by the Local authority and do not need to pay a fee to do this. Rouge landlords will continue to operate outside the law and under the radar. More effort should be made to combat these.

This is just another tax on landlords and has nothing to do with anti social behaviour or deprivation

The scheme is totally counter-productive. All the money spent on the licensing could be spent on improving the properties. As a result of the scheme I have already paid £800 that could have been spent on upgrading heating etc., and has achieved nothing whatsoever. Your definition of an HMO is perhaps legal, but completely at odds with the general view of an HMO. And the requirement for emergency lighting and a fire alarm has cost me a further £1,000. My property has only three flats, across three floors, and yet is considered an HMO. My father lives in a house in salubrious Belsize Park, London, NW3, that is divided into six flats over four floors, and is not designated as such. It is completely inconsistent.

Just target the ones that are run down. Why create a scheme that all good landlords have to join - they just have to OU up the rent to cover it.

Yet another waste of time, purely designed as a means to screw the PRS for more money to top up your ever reducing budgets from central government. Why not be honest about it for a change.

I think it is a disgrace that I have a high standard property that I rent out in a nice area and I have to pay a licence for it. But if I had a basic property in a rough area I wouldn't have to pay for a licence. You are targeting the wrong landlords. You only target us from the decent areas because you know we will pay.

High fees which is just taxing landlords nothing to do with costs.



	<p>Don't bother</p> <p>Don't do it !!!!</p> <p>I am a landlord and feel offended that you feel that a selective licence would alter my treatment of my tenants. I work hard to make sure my property is as good as if I were to live there.</p> <p>Penalises good landlords and bad ones still get away with poor properties.</p> <p>The scheme is an unfair tax on law abiding businesses. The cost is outrageous and equivalent to a month's rent for many flats in Hastings. I abide by the law because it's the law. There is also a strong pressure apart from doing it because it's the right thing and that's the high penalties, including jail, if anything happens to tenants or property because it was neglected in any way. END THIS UNFAIR TAX NOW</p> <p>Bureaucratic exercise with very little benefit to tenants</p> <p>The council already has existing enforcement powers which they should use to tackle the perceived issues.</p> <p>Many and multiple studies have shown that licensing schemes do little to improve housing standards, with the focus becoming the processing and issuing of licences, rather than management standards and property conditions.</p> <p>Rather than develop a complete new dataset and infrastructure, the council could use their excellent council tax records to identify private rented properties and landlords, which unlike self identification, could be subject to abuse.</p> <p>These schemes are another Tax and over the years this has cost me thousands of pounds which could have been spent on the properties, but now I am having to increase rents to cover these rip off schemes. The Council treat landlords and agents badly and now wonder why there is an extreme housing issue.</p>
<p><b>Impact of licensing</b></p>	<p>Although only working in the Borough I have noted the work of the scheme as you go about the areas. many properties have improved considerably. We have been contacted by local EH officers and I have been impressed by their work both with our organisation and the complainant. Continuing can only improve on work already underway. landlords should pay to register with the scheme to ensure they maintain with good quality housing as well as income stream.</p> <p>I applaud this type of scheme to try and upgrade deficient properties and rein in rogue landlords. However, there have been no measures that I needed to take to comply that I wasn't taking anyway. My tenants have benefitted not one bit from it. In effect, it is a charge on responsible landlords. I am not at all a professional buy to let landlord with a large portfolio. If I were, and was looking to expand, I would do so outside of the licensing area. Possibly not the desired result as far as Hastings BC is concerned.</p> <p>I also let a property in Ramsgate (I only have 2 properties) and they do not have a Licensing scheme there, although it is a similar depressed seaside area. From visiting both areas regularly I can see no difference in housing quality / antisocial behaviour / dumping etc etc in either area, so can only conclude the Licenses are a waste of time. I agree that some landlords are bad, but feel money better spent focussing on the few that are, rather than making another barrier to responsible renting for the majority that try their best.</p>

	<p>It is still needed.</p> <p>Reading the proposed report, the total properties inspected in nearly 5 years and actions taken against landlords with below standard accommodation is very poor. Then factoring in the dramatic increase in homelessness, serious questions need to be answered.</p> <p>I am a responsible landlord who lets out a house to higher standards than those required by the scheme. Hence neither I nor my tenants gain by the scheme. To me it is a bureaucratic cost and expense. HBC should look at ways of encouraging landlords such as myself. As it is, it would discourage me from buying another property in the licensing area. That is not a criticism of the scheme as a whole which I think a good idea</p>
<p><b>Anti-social behaviour</b></p>	<p>The statistics show that this program had no real effect on anti-social behaviour. In fact, a ward has been dropped from the scheme.</p> <p>I do not believe you have evidenced the effectiveness of the licensing scheme Anti Social Behaviour throughout Hastings is reducing, and the incremental reduction of 1 per cent in the SLS areas is not significant, and cannot be wholly and exclusively attributed to the SLS. Figures presented at the Jan 20 event show in fact that the scheme is having the opposite effect: In 2015 in the town as a whole, there were 4000 reports of ASB of which 2500 in the SLS area, equating to 62.5% of town total ASB. In 2019 there were 2200 reports of ASB in town (total), of which 1400 were in SLS area, equating to 63.6%. Why continue with a scheme that is making ASB worse proportionally? Also your comment that ASB may increase in the SLS if the SLS is withdrawn is wholly without substance. Where is your evidence for this? Furthermore, your report section 4.14 shows a 9.3% point reduction in ASB in Old Hastings ward, and only a 3.7 % point reduction in Ore, so why is it proposed to remove Ore from the scheme? Removal of Section 21 tenancy ending legislation will reduce tenants' fear of eviction following a complaint, so the licensing scheme no longer needs to fulfil this function You are also presenting tenants as helpless individuals at the mercy of rogue landlords. PRS tenants have a right to end their tenancies and move. Market forces also encourage landlords to keep their properties in an attractive state</p> <p>Drugs, shop lifters selling their goods and prostitutes are a big prob in warrior square but only responsible dog walkers are aggressively approached and fined with the deals going on in the background. Plain clothed officers and a better lit area would be a good start...</p> <p>ASB needs greater support from the local authority for those landlords that have identified a problem tenant that may need evicting. I believe a pincer action of eviction will have a more swift conclusion.</p>
<p><b>Other issues</b></p>	<p>In common with the broader political spectrum. The council has a 'trust issue' that is particularly prevalent among private housing providers. More and more PHP's deeply distrust the council.</p> <p>You should re-Think need for annual PAT testing, no foundation for this - just an unnecessary burden.</p> <p>Owner-occupiers who rent out a single unit, such as their basement flat, should not be forced to be part of the SL scheme. These people are NOT professional landlords!! The cost and liability implications will remove their flats from the supply of private rented apartments</p>

	<p>The selective licence process in this L.A. has not been utilised in any way</p> <p>More needs to be done to fine those landlords that do not currently have a license, I understand some 2000 plus homes in the area currently fall foul of the regulations and the council should be penalising these people with a large chunk of the costs of running this scheme. In an ideal world this scheme wouldn't be needed and all landlords will be responsible, and that is where the target needs to be. If the landlords that do comply have to pay every time, clearly that will create a huge amount of animosity for the scheme and council</p> <p>There should be a simple way for people to report a suspected non-registered property to the council. I suggest a dedicated phone message line, which people can call into anonymously. It will then only take a few minutes to check whether a licence is in place. It should also be feasible for any application for housing benefit/LHA to have to be accompanied by the Selective Licence number of the property in question. No tenant of mine on housing benefit has ever asked me for their property licence number. It may of course be the case that the council does this check later, but I've never come across it.</p> <p>My concern is around inspection which should be targeted and evidenced based, as it presumably would cost too much to visit all properties</p> <p>Given that the Word Boundaries have been altered (Gerrymandered) by the LA and the property that I rent out has been "moved" into the Licensing area without any consultation with me, it seems unreasonable to financially penalise me (and my tenant) for by charging me the same as license "avoiders". It has been switched from Maze Hill to Central St Leonards. It is absurd to suggest that the circumstances for the property are different to those that applied when the previous scheme was set up. It would be reasonable to exempt such properties from the new proposal or, at least to level the charges to those that apply to other landlords that complied with the previous rules.</p> <p>I will comply.</p> <p>There should not be selective licensing. All landlords should pay the council for a licence. Why should only a few pay to cover the rogue landlords? Would be cheaper and fairer to roll it out nationally.</p> <p>As a landlord I quickly realised the value and conditions of acquiring the necessary criteria for a Selective License. I think it protects and double checks the requirements of being a responsible landlord. There was a huge demand on trades people to help meet the statutory requirements and I found myself along with others employing some operatives from nearby towns. It is always good to have an opportunity to prove the provision of good practice. Thank you for this opportunity to give feedback.</p>
<p><b>Individual Response 1</b></p>	<p>February 2020</p> <p>To the decision makers for the proposed renewal of the Selective Licensing Scheme,</p> <p>Thank you for the presentation held on 20 January 2019 at Muriel Matters House regarding the continuation of the Selective Licencing (SL) Scheme. Much information was presented and I came away with the belief that the SL Scheme has not had enough significant success to merit its renewal. The 'Options to Deliver the Strategy' Slide indicated several potential courses of action: I believe that the appropriate</p>

action is Option 1: Do Nothing. And by this, I mean that the Council should continue in its work to assist tenants, as it does in other areas of the borough, and end the Selective Licensing Scheme.

As indicated at the meeting, examples of success in matters of housing concerns had little to do with the implementation of the SL Scheme but, indeed, due to the hard work of current council staff working with the relevant community partners. Staff and resources should be drawn from the council budget to deal with the stated objectives (further increase in staff is not necessary).

Please note the following:

1. Statistics on the SL Scheme's effect on ASB incidents was hardly any different than in the wards without the scheme, indicating that the scheme had little effect on these improvements (the improvements are occurring for other reasons/efforts).
2. Mr China made it quite clear that the 'rogue' landlords are already well known to the council via tenant complaints, so the need to identify them through this scheme is redundant. It is the conscientious landlords who have submitted to the scheme, making it pointless in terms of achieving this goal.
3. Statistics presented indicate that the success has been a result of HBC in partnership with other agencies. Cross agency work is key in issues with multiple factors and must be encouraged: existing laws and procedures must be utilised, not the creation of competing and/or similar procedures.
4. With the decrease in ASB across the borough and one ward being dropped from the scheme entirely, a significant increase in staff and funding cannot be justified. No new employees are needed. The current staff is efficient and sufficient.
5. The scheme is legally not allowed to be a 'profit centre': it is meant to break even. It was made quite clear that over the past five years the scheme broke even. This occurred with the majority of license holders taking advantage of the 'Early Bird' rate of £185 (v the new proposed total cost of £465). The council is proposing an increase in fees, with no early bird option. This is turning in to a money-grab in order to fund unnecessary council staff. It is cases like this that make tax payers resentful, and an example of why austerity measures were needed in the first place.
6. The council stated that it wants to be partners with the private sector landlords, which is good news. However, this scheme is the exact opposite of treating us as valued partners: I would like to be supported by the council and not treated as a source of revenue generation. The majority of landlords in Hastings are good landlords (my tenant has been with me for 9 years). Money directed toward this scheme is, by necessity, taken away from maintaining my property in good standard thus, providing adequate housing options in our town. Or, the cost of the License will be passed on to tenants through higher rents.

Finally, please consider the excellent Grotbusters program, developed and implemented by HBC. No schemes and associated revenue generating exercises were needed for this much lauded program, arguably bigger, greater in scope and highly successful. The proposed

	<p>Selective Licencing scheme is targeting the many good landlords in order to get to the few, already known rogue landlords, harming our ability to keep providing quality and safe housing options in Hastings.</p> <p>Please vote for Option 1: Do nothing, and do not renew the Selective Licensing Scheme. The evidence supports that staff and multi-agency resources already exist to address the issue of rogue landlords.</p> <p>Respectfully, Cynthia Burgess</p>
<p><b>Individual Response 2</b></p>	<p>I represent a group of landlords and agents who own/manage approx. 7500 properties in Hastings and St Leonards</p> <p>The existing scheme summary claims – “Selective Licensing does not appear to be having a negative effect on the private rented sector in the area, which continues to grow”</p> <p>Landlords have not seen a negative effect as they have increased rents to cover the costs, which is what HBC and Councillors were advised would happen when the 2015 scheme was introduced. The current demand for rented properties is at an all time high, so landlords can be more choosy than ever before as to who they accept as tenants– the negative impact has been on tenants and the costs associated with homelessness</p> <p>The proposed new selective licensing scheme is the 4th licensing scheme since 2011 – the new scheme will cost landlords a similar amount as the previous 3 schemes put together</p> <p>2011 – additional HMO scheme – raised approx. £1m</p> <p>2015 – selective licensing scheme – raised approx. £3m – early bird fee was £185 if you applied within 3 months of launch</p> <p>2018 – additional HMO scheme – raised approx. £0.5m</p> <p>2020 – proposed new selective licensing scheme – estimated 9500 properties at £470 each = £4.465m – no early bird fee proposed – effectively nearly 3 times the cost of the original scheme</p> <p>The new scheme is a repeat of the 2015 scheme – the landlord completes the application on-line and HBC check it and then effectively reprint the new licence with different dates – how can this cost £470?</p> <p>When the 2015 scheme was proposed, landlords advised HBC that the costs would be passed onto the tenants in the form of above inflation rent increases</p> <p>Rents are now 30-40% higher than 2015 – a 1 bed flat was approx. £400 now £550 – 575, 2 beds were approx. £550 now £725-750</p> <p>Rents are now unaffordable for those on low incomes/benefits – landlords are refusing to take those on Universal Credit due to lack of affordability and evicting tenants who cannot pay the higher rents and are getting into arrears</p> <p>The council then has a duty of care to house those with children/are vulnerable which has led to an increase in homelessness and the use of temporary accommodation</p>

	<p>Figures for those accepted as at risk of homelessness and in priority need have tripled in 5 years – Hastings has gone from around 100th worst area in UK to top 10 worst – temporary accommodation costs have gone from £148k in 12/13 to an estimated £1.3m in 18/19 – FOI request attached</p> <p>We are asking HBC to reduce the cost of the licence so that we do not have to increase rents above inflation – good landlords are not against licensing, we just want a fair price – if the cost can't be kept down then do not bring the scheme in and instead use HHSRS to deal with rogue landlords and the Police for anti-social behaviour.</p>
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## Appendix 4 - Key issues raised at consultation public meetings

### 1. Selective Licensing 2020 - Consultation public meeting - 15 January 2020

Panel: Matthew China (MC), HBC Housing Renewal Manager; Debbie Watts (DW), HBC Licensing Team Leader; Richard Peters (RP), RJFP Resourcing.

#### Key Issues Raised

##### 1.1. Anti-social behaviour

- is reduction in ASB really attributable to SL scheme? *[Multi-agency approach wider than just policing. SL one factor and there is a slightly bigger reduction in the SL area.]*
- Has HBC helped anyone to remove ASB tenants?

##### 1.2. Ward boundary changes

- are they incorporated in the proposed SL scheme (e.g. properties in Maze Hill now in Central St Leonards)? *[Review carried out on old boundaries as named streets in the SL area. Any new scheme will be based on an agreed street list.]*

##### 1.3. Fees - Lots of discussion, questions and concerns:

- Charge non-compliant landlords not those who've already brought their properties up to standard
- Need a two tier system where new landlords pay more than those with existing licences
- Should be a minimal fee for renewing licences on properties that HBC has inspected and confirmed are up to standard, e.g. £100, (HBC only needs to reprint existing paperwork or reissue licence electronically)
- System needs streamlining in respect of compliant landlords
- Landlords have to pass on fees via rent increase and this leads to impact on the most vulnerable tenants. Ultimately, they can't afford rent and end up becoming homeless. This has an adverse effect on landlord tenant relationships
- How long do landlords have to apply for a licence *[MCDW- grace period of up to 3 months likely]*
- Paying the fee by instalments through a payment plan should be possible *[MC - the new SL IT system may facilitate this]*
- HBC should consider using some of its homelessness budget to subsidise licensing

##### 1.4. Govt Consultation on abolition of section 21

- Landlords very concerned at this. Believe it will lead to more homelessness. Reduction in housing allowance and impact on tenants' ability to pay rent further complicates the position. *[MC doing HBC response to consultation and may be able to incorporate concerns into the response, subject to Lead Member approval]*

##### 1.5. Energy Efficiency and Band E

- Concern that it may not be possible to achieve Band E in some of the Victorian and older buildings. *[MC advice - apply for an exemption sooner rather than later and well before the 1 April 2020 final deadline]*

##### 1.6. HMO Additional Licensing & Selective Licensing

- Clarification needed on licences required where freeholder also owns all flats in the building. *[MC confirmed that whilst Additional Licensing scheme is running then in this situation the landlord would not require Selective Licences only an Additional Licence for the whole building.]*

### 1.7. Shared Freehold properties

- Clarification sought on whether leaseholders with share of freehold will require Selective Licences as well as an Additional Licence *[MC advice - each case on its merits - best to raise general query through consultation and if scheme proceeds email DW/MC with detail]*

## 2. **Selective Licensing 2020 - Consultation public meeting - 20 January 2020**

Panel: Matthew China (MC), HBC Housing Renewal Manager; Debbie Watts (DW), HBC Licensing Team Leader; Richard Peters (RP), RJFP Resourcing.

### **Key Issues Raised**

#### 2.1. Anti-social behaviour

- Lots of discussion about whether ASB was linked to the PRS; plus town centres have higher levels of ASB not due to PRS. *[RP explained that in 2014/15 ASB data was mapped to show ASB hotspots and this enabled exclusion of town centre pubs and bar areas, clear correlation with the PRS at that time]*
- ASB % figures don't show a bigger reduction in the SL area. *[RP - larger proportion of ASB in SL area, e.g. 4k ASB boroughwide in 2014/15 of which 2.5k were in the SL area. In 2019 boroughwide figure reduced to 2.2k ASB of which 1.4k were in SL area]*
- If section 21 abolished this is likely to lead to increase in ASB, as it will make it harder for landlords to deal with it.

#### 2.2. Improvements in Housing Conditions

- 300 homes improved is a relatively low figure compared to the survey figures of non-decency and those with Cat 1 hazards. *[RP - figures are only for 3.5 years (to July 2019). Takes time for major work to complete and for response to enforcement, so position at end of 5 years should show improvement on this.]*
- It was acknowledged that the figures really only included those dwellings improved by HBC intervention. Others will have been improved by landlords without this being needed. Need to make this clearer in the report.

#### 2.3. Empty Homes

- Not something that SL can really affect one way or the other.
- Unfair that landlords have to pay full Council Tax in between lettings when there used to be 3 months grace.
- Concern that major works can take more than 6 months, so unfair to include these in the figures. *[RP - reduction since 2017 positive and shows that SL is not making the position worse. The trend is important. MC - Policy on empty homes is outside the remit of SL.]*

#### 2.4. Management

- Are the HBC complaints figures a reliable measure? How many are actionable? *[MC - most of them are as tenants required to raise issues with their landlord before HBC will intervene]*
- Concern that figures from HSCS were just from the tenants' perspective.

#### 2.5. Outcomes - Success

- A number of people disputed that the evidence suggests SL is a success. Accepted that 300 homes improved so far which is positive but only a small % of the total.
- Targets should have been set in 2015 to measure success against and this needs to happen for any further scheme, e.g. If aim is to inspect 50% of all properties this should be a target.
- Concern that 2,000 homes remain unlicensed. These properties need to be targeted in any new scheme. *[MC - HBC prioritising high risk and unlicensed homes. Aim is to avoid prosecution and*



*penalties, e.g. 1,700 cases where informal action (2 stage letters) have been used but only 30 prosecutions and 35+ penalty notices resulted. HBC has undertaken the largest number of prosecutions in the south east. Example given of a case where landlord failed to apply for licence, conditions appalling, £40k work carried out in owner's default. HBC now pursuing the debt through County Court.]*

## 2.6. Fees - Lots of discussion, questions and concerns:

- Will there be an 'early bird' application fee or discount for NRLA members? *[MC - unlawful to cross subsidise within the scheme. Councillors would need to agree to subsidise from another HBC budget or increase Council Tax to cover it.]*
- Concern expressed at cost of running the scheme and value for money - £3.1m over 5 years seems too high. *[MC - reviewing ways of reducing the admin part of the fee which would benefit landlords who already have a 5 year licence]*
- Why can't HBC use existing SL scheme data to streamline renewals and do it electronically? This was the general view of the meeting. *[MC - Data Protection issues need to be resolved and he is looking at this with HBC colleagues]*
- Agreement that landlords without a licence should pay more than those with existing licences and a one year licence is a good way of encouraging landlords to bring properties up to standard.
- What happens if HBC makes a healthy surplus in a good year - will landlords get any money back? *[MC - scheme cost is spread over five years. If a surplus at the end of the scheme then HBC would be required to reimburse.]*
- Paying the fee by instalments through a payment plan is a must have for all landlords not just those with large portfolios *[MC - HBC is looking at how best to facilitate this]*
- What happens if property only recently licensed under current scheme? *[MC - whatever time left to run on licence will be carried forward to any new scheme]*

## 2.7. Unlicensed Dwellings

- Important to target the 2,000 unlicensed dwellings. Also needs to be a performance measure, i.e. set a target to achieve a reduction. *[MC - agreement with this. HBC has data on most of these dwellings and will continue to work through it. Can also access rent deposit register.]*
- What do other LAs do in relation to Cat 1 inspections? *[MC - simple answer is very few authorities use these powers.]*
- Important to streamline admin costs so that enforcement can be prioritised.

## 2.8. Inspection Criteria

- What are HBC's inspection criteria. *[MC - HBC will aim for 50% of dwellings and will prioritise using hazard rating system and data on dwellings below Band E using EPC data.]*

## 2.9. HMO Additional Licensing & Selective Licensing

- Clarification needed on licences required where freeholder also owns all flats in the building. *[MC confirmed that whilst Additional Licensing scheme is running then in this situation the landlord would not require Selective Licences only an Additional Licence for the whole building.]*
- What about shared freehold properties? *[MC - HBC looking at ways of dealing with this. If HMO Additional Licence is in one person's name this helps.]*

## 2.10. Other Issues

- Benefit cap means tenants can't afford family dwellings but landlord can't offer smaller flat if leads to overcrowding.
- Holiday lets and Airbnb - some landlords using to get around licensing. *[MC- no easy answers to this. Bye-laws being used in London but not available in rest of South East.]*

## Appendix 5 - Submissions from key stakeholders

### Residential Landlords Association

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Hastings Borough  
Council  
Hastings Town Hall  
Queens Road

15<sup>th</sup> January  
2020

#### **Selective Licensing Consultation Proposal**

Thank you for the opportunity to respond to the above consultation. Although we appreciate the issues raised by the council, the RLA believes that selective licensing does not raise standards in the PRS and has an overall negative impact on landlords, tenants and the housing market.

#### **Licence conditions**

The proposed licensing conditions include several unlawful conditions. Under *Management and maintenance of a flat or house*, the council requires the licence holder to ensure that a periodic electrical inspection is undertaken, and a PAT testing certificate be submitted to the council.

Section 90(1) Housing Act 2004, which governs Selective Licensing Schemes permits a licence to “include such conditions as the local authority consider appropriate for regulating the management, use or occupation of the house concerned.” This is in contrast to s67 Housing Act 2004, which provides the equivalent provisions for HMO Licensing Schemes, which further allows for conditions to regulate the “conditions and contents” of the property.

Our position is that the different wording in relation to permitted conditions between Selective and HMO Licensing Schemes represents an intentional distinction between permissible conditions in the two different types of scheme. The Court of Appeal also adopted this interpretation in the recent case of *Brown v Hyndburn Borough Council* [2018] EWCA Civ 242.

Following the Court of Appeal’s reasoning in *Brown*, any licence condition that seeks to regulate the condition or contents of the house is unlawful, and the local authority has no power to impose such a condition. We note that the MHCLG recently drew the attention of local authorities to this case in one of their quarterly PRS newsletters.

Likewise, In *Brown* Mr Justice Hildyard confirmed that the s90(5) of the Housing Act 2004 is not itself a source of any power, residual or otherwise permitting the local authority to include licence conditions that seek to identify, remove or reduce hazards. These are covered by Part 1 of the Act and should be enforced using the Housing Health and Safety Rating system powers in Part 1.

#### **RESIDENTIAL LANDLORDS ASSOC.**

212 Washway Road, Sale, Manchester M33 6RN T +44 (0) 3330 142 998 E info@rla.org.uk  
Residential Landlords Assoc. is a trading name of Residential Landlords Association Ltd. Company No. 2869179.

www.rla.org.uk

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Therefore, the council should remove these proposed conditions should the scheme be approved.

### **Raising Standards**

There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licences, while prosecutions centre on whether a property is licensed or not, rather than improving management standards and property conditions. Additionally, the decent homes standard is a measure of the standard of housing and has no legal applicability to PRS housing. The Housing Health and Safety Rating System (HHSRS) is the relevant standard for the PRS.

The Council already has the necessary tools to tackle poor housing management and conditions in the PRS. Rather than introduce a bureaucratic licensing scheme that will see scarce resources wasted processing applications, it should continue to direct these limited resources at identifying private rented properties and taking effective enforcement action, where necessary.

### **Pressure on non-licensed areas**

Landlords, especially those with properties outside the licence area will become risk-averse in terms of the tenants they let to. Tenant problems such as anti-social behaviour are impossible for the landlord to address alone and landlords will not wish to risk a breach of licensing conditions that may affect their ability to let properties elsewhere. Some may seek to evict already challenging tenants. This means additional costs to other council services, as they pick up the pieces created by the disruption to the lives of already vulnerable tenants.

### **Existing Enforcement Powers**

There are over 150 Acts of Parliament and more than 400 regulations affecting landlords in the private rented sector.

Councils should fully use the enforcement powers already granted to them by the Housing and Planning Act 2016, ranging from civil penalties, rent repayment orders, banning orders and the introduction of a database for rogue landlords and letting agents. This is instead of relying on licensing schemes to regulate landlords. The Council has also not taken into consideration the amount of informal enforcement activity undertaken between local authorities and private landlords.

Additionally, Hastings Borough Council has access to the Controlling Migration Fund, which allows local authorities to tackle local service pressures associated with any recently increased migration, which includes tackling rogue landlords and driving up standards. The Tenant Fees Bill has also introduced a lead enforcement authority to provide guidance and support to local authorities regarding the enforcement of letting agent requirements.

### **Conclusion**

There are alternatives to licensing that the council can consider.

The RLA advocates using council tax records to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for the small minority of criminals to operate under the radar. It would be a more

#### **RESIDENTIAL LANDLORDS ASSOC.**

212 Washway Road, Sale, Manchester M33 6RN T +44 (0) 3330 142 998 E [info@rla.org.uk](mailto:info@rla.org.uk)  
Residential Landlords Assoc. is a trading name of Residential Landlords Association Ltd. Company No. 2869179.

[www.rla.org.uk](http://www.rla.org.uk)

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effective method of targeting these criminals and rooting them out of the sector than an unnecessary licensing scheme.

Thank you for giving these views your attention, and please get in contact for further details of our response if desired. I would only like to add that the RLA's goal is to make renting better for everybody, creating a more harmonious PRS in the process.

Kind regards,

[REDACTED]  
[REDACTED]  
Residential Landlords Association  
[REDACTED]

**RESIDENTIAL LANDLORDS ASSOC.**

212 Washway Road, Sale, Manchester M33 6RN T +44 (0) 3330 142 998 E [info@rla.org.uk](mailto:info@rla.org.uk)  
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[www.rla.org.uk](http://www.rla.org.uk)

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National Landlords  
Association Skyline House  
(2<sup>nd</sup> Floor)  
200 Union Street, London,  
SE1 0LX

Telephone: 020 7840 8900

Email: [info@landlords.org.uk](mailto:info@landlords.org.uk)

## Response to Hastings Council's proposal for Selective Licensing

February 2020

### Introduction

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. The NLA represents individual landlords from around the United Kingdom. We provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
3. We seek a fair legislative and regulatory environment for the private rented sector, while aiming to ensure that landlords are aware of their statutory rights and responsibilities.
4. We thank Hastings Council for providing us with the opportunity to comment on the selective licensing proposal.

### Executive summary

5. Having considered the evidence presented, and having undertaken our own evaluation of the circumstances faced by the landlords of Hastings:
  - Landlords have very limited authority when dealing with matters related to antisocial behaviour, especially if it happens outside the curtilage of the property.
  - The scheme should take into consideration the proposed changes to Section 21. A tribunal service to solve issues before they escalate.
  - The interaction between adult social care/children's services will have to be involved as many tenants have mental health, alcohol, or drug related illnesses. How will this work – we would like to work with you on this issue?
  - The council should establish a system to prevent malicious claims of poor property being made, which could result in high costs for the landlord and the council.
  - The council should publish a strategy for dealing with chaotic and antisocial tenants. This

- should run in conjunction with the current proposal.
- An issue for landlords is tackling waste left by tenants. Access to removing this will prevent conflict between parties
- The council should work with landlords on tackling rent-to-rent and subletting, including Airbnb.

#### General feedback on proposals

6. Licensing is a powerful tool. If used correctly by Hastings Council, it could resolve specific issues. We have supported many local authorities in the introduction of licensing schemes that benefit landlords, tenants and the community.
7. The impact of selective licensing must consider the difference between LHA and market rent continues to expand. This is a problem for both the council and landlords and can inadvertently push people into certain areas and create problems, with certain areas becoming stigmatised.
8. We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of private rented stock and driving out the criminals who act as landlords and blight the sector. These should be the shared objectives of all the parties involved, to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. Working with a delivery partner would support this, it would allow the council to focus on criminal and negligent landlords.
9. In addition, the proposal should take into account rent-to-rent or those who exploit people (both tenants and landlords). Criminals will always play the system. For instance, there needs to be provision for landlords who have legally rented out a property that has later been illegally sublet. The council will need to allocate resources to tackle these problems that criminals cause. Often, landlords are victims, just as much as tenants. This is increasing, and with changes to section 21 being proposed push more tenants who do not have an adequate reference into the criminal sector.
10. The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this. #

#### Anti-social behaviour

11. Landlords are usually not experienced in the management of antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. antisocial behaviour) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the selective licensing scheme, even if the tenant has any of the above issues. This moves the problems around Hastings, but does not actually help the tenant, who could become lost in the system. They will also blight another resident's life. There is no obligation within selective licensing for the landlord to resolve an allegation of antisocial behaviour. Rather, a landlord has a tenancy agreement with a tenant, and this is the only thing that the landlord can legally enforce.
12. Referencing is not a solution as it is thought of, as a landlord can provide a reference where no offence has been prosecuted and was/is simply an allegation. Equally if a landlord is trying to move a tenant on who has been causing problems, but no prosecution has taken place, they might give a good reference to speed up the move. Although a mandatory condition of the 2004 Housing Act, with the proposed changes in section 21, this will mean that more people will not be able to access a property in Hastings.
13. In relation to the reduction of antisocial behaviour and the authority that landlords have to tackle such activity within their properties, it should be pointed out that landlords and agents can only enforce a contract; they cannot manage behaviour (NB: House of Commons briefing note SN/SP 264, paragraph 1.1). In most circumstances, the only remedy available to landlords who are confronted with serious antisocial behaviour in one of their properties will be to seek vacant

possession. In many instances, they will need to serve a section 21 notice, rather than a section 8 notice, identifying the grounds for possession. The former is simpler and cheaper and repossession (at present) is more certain. No reason need be given for serving a section 21 notice and, in this case, the perpetrator tenant can hypothetically approach the local authority for assistance to be rehoused (NB: Homelessness Guidelines cl 8.2). Crucially, no affected party needs to offer evidence against an antisocial householder, thereby reducing the risk of intimidation, harassment and, ultimately, unsuccessful possession claims. The issue of antisocial behaviour will, thus, not appear as a factor in the repossession. However, when providing evidence to support a licensing application, the document should clarify the position of all the relevant issues under landlord and tenant law.

14. If a landlord puts this allegation in a reference, they could be sued by the tenant for something that has not been proved in a court but was an allegation that was untrue. Equally, a credit reference would only show the credit history of a tenant, not anything else, but would still count as a reference.
15. At the commencement of a tenancy, the landlord outlines the tenant's obligations in relation to noise (and other matters such as waste disposal, compliance with relevant laws and having consideration for their neighbours). The landlord can manage a tenant only to the extent of their mutually agreed contract for living in the rented property – not for a tenant's activities in the street outside the property or neighbouring streets. In the case of a noise complaint, the council would have to inform the landlord that the tenant was being excessively noisy. The landlord then has the right either to warn the tenant or to end the tenancy. If the allegation is false or disingenuous, how is the landlord to know? If the same allegation is made on more than one occasion, the landlord may end the tenancy based on an unproven allegation or because the council says that there is a problem. This does not solve the problem but rather moves it around the borough. The same applies to household refuse and other antisocial behaviour issues. The tenant could be labelled as guilty without having faced a trial. Under the reference condition of selective licensing, a guilty judgment can be made without an accusation being tested by their peers in a court of law.
16. The ending of a tenancy will be a way for a landlord to resolve an allegation of antisocial behaviour, waste mismanagement or even a malicious complaint. This will not resolve the issue of high tenancy turnover; it will exacerbate it. This is another situation where a tribunal could resolve issues.
17. Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include putting waste out on the street for the council to collect. This is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy. An example is the Leeds Rental Standard, which works with landlords and landlord associations to resolve issues. This is where accredited landlords can access waste facilities or have a clear all waste on a number of occasions in a year.

#### Changes to Section 21

18. We also have concerns over how a scheme will interact with the current government consultation on Section 21. The change to how tenancies will end (via a court case) and a move to a more adversarial system, will mean landlords will become more risk adverse to take tenants that do not have a perfect reference and history. It will also increase the number of people with housing convictions and unable to obtain property. We would like to work with the council in developing a tribunal system where problems can be resolved before going to court.

#### Energy Efficiency

19. One of the challenges for a proposed licensing scheme will be the challenge to bring the housing stock up to an EPC D by 2025. This will be a significant challenge for the property stock in Hastings, Victorian and single wall. By working with a delivery partner, it can add more value to the private rented housing stock by leveraging in third parties to improve the private rented sector.

#### Tenant issues

20. The social housing sector has made many efforts to remove problem tenants, this has pushed many people into the private rented sector, many of which have chaotic lifestyles. How does the council expect landlords to solve these tenants' issues when the social sector has failed? Many of the tenants who have been removed from the social sector are now living in the private rented sector without any support. There needs to be a support mechanism put in place for landlords who have problem tenants so that issues can be resolved at an early intervention stage. Again, setting up a tribunal system to overcome these issues at the earliest stage.
21. Licensing is introduced to tackle specific issues. Many of these are related to tenants, which the council has identified. The challenge for local authorities is to work with all the people involved and not simply to blame one group – e.g. landlords. It is about working in partnership with the council to develop a route to resolving many of the issues, the link between adult social care and children's services is just as important. In many of the situations when problems arise it is due to other underlying issues in the tenancy. A route for landlords to highlight problems needs to be made and for it not to be adversarial. If a landlord has a problem tenant, it is likely to be problem for the community as well and will have an impact in other council services.
22. We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. This would look at street drinking, mental health and drugs. The issues of These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly. Many of the problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.
23. We would be happy to discuss and develop any of the points we have made.





**Department of Public Health**  
E1C County Hall,  
St Anne's Crescent, Lewes,  
East Sussex. BN7 1UE

26 February 2020

**Re: Support for Selective Licensing Scheme for Privately Rented Homes**

Dear [REDACTED], Hastings Borough Council

I am writing in support of Hasting Borough Council's proposal to introduce a new Selective Licensing scheme for privately rented homes in parts of Hastings and St Leonards-on-Sea.

We know that the condition and design of the home, and the neighbourhood that surrounds it, can impact on your health in both positive and negative ways. Housing is one of the major determinants of health; you cannot maintain good health without good housing, and we all have a role to play in ensuring that everyone has a decent home that meets their needs.

Poor and unsafe housing can occur across all forms of home ownership and occupancy, but in general, and in East Sussex, the private rented sector has the highest rates of poorer housing. Homes in the private rented sector also have higher levels of damp than other sectors, are twice as likely to be in poor condition and one in five households within private rented accommodation are fuel poor.

A growing proportion of the population now live in privately rented properties. Tenants often feel insecure in their housing due to the shortness of contracts and seeming lack of legal protections. The 2017 East Sussex Community Survey showed that 7% of respondents in Hastings reported dissatisfaction with the quality of their housing, which was significantly higher than the rates in Rother (3%), Wealden (3%) and East Sussex as a whole (4%). Importantly, the survey also found that people who rent privately were most likely to be dissatisfied with the quality of their housing (14%).

We need to aspire for better conditions in private sector housing because the quality of housing impacts so significantly on the health, wellbeing and overall life experiences and opportunities of its occupants. I have been so concerned about the impact of poor housing on the health of East Sussex residents, that I have dedicated my Independent Annual Report for 2019/20 to this issue ([www.eastsussexjsna.org.uk/publichealthreports](http://www.eastsussexjsna.org.uk/publichealthreports)).

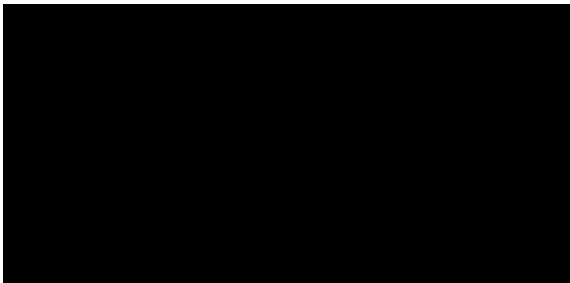
The recently published independent review of the use and effectiveness of selective licensing has indicated that selective licensing can be an effective policy tool, with many schemes across the country achieving demonstrable positive outcomes. The more successful schemes appear to be those that are part of a wider, well planned, and coherent initiative with an associated commitment of resource. Licensing provides a clear driver for effective engagement between landlords and local authorities and drives up landlord awareness of their responsibilities.

Hastings Borough Council's review of the current Selective Licensing scheme estimates that around 300 homes had been improved three years after its introduction. Our collaborative working on fuel poverty reduction is just one example of how the scheme has supported the health and social care system more widely. The Selective Licencing scheme has enabled us to better promote initiatives that help residents keep warm and well at home, including the East Sussex Warm Home Check service and a project funded by our NHS colleagues to offer new heating systems for vulnerable households in target wards within the borough. It also enabled us to better work together to challenge poor practice where this was identified, providing a useful lever for improvement.

The proposed new scheme will strengthen this ongoing work to improve the estimated 1,000 privately rented homes within the borough that fail current housing standards and up to 1,000 homes that fall below the minimum Band E rating required under the domestic private rented property minimum energy efficiency standard.

I therefore wholeheartedly support the proposed focus of the new scheme and welcome its intention to address the significant numbers of private rented homes that have poor housing conditions.

Kind regards



East Sussex County Council

**Sussex Police**

**From:** [REDACTED]  
**Sent:** 26 February 2020 10:58  
**To:** [REDACTED]  
**Cc:** [licensingrentedpropety@hastings.gov.uk](mailto:licensingrentedpropety@hastings.gov.uk)  
**Subject:** RE: Hastings BC Selective Licensing Scheme

[REDACTED]

I have read through the consultation documents, we do welcome the renewing of the selective licensing team and placing a greater responsibility on landlords to ensure that the properties they are offering are decent and fit for habitation.

We would also welcome a mechanism for us to refer to your team if we have concerns about the state of a property. Could we also ask for some consideration to me taken to those who own derelict or properties under renovation and whether there is a scheme that can be enforced to compel them to properly secure these buildings. Every year both us and the fire service receive hundreds of calls to youths having gained entry to such buildings.

With thanks,

[REDACTED]  
[REDACTED]

[REDACTED]  
**Hastings Police Station**



## HASTINGS BOROUGH COUNCIL'S SELECTIVE LICENSING PROPOSALS

### A RESPONSE TO THE CONSULTATION FROM SAFEAGENT

#### INTRODUCTION

**safeagent** [www.safeagentcheme.co.uk](http://www.safeagentcheme.co.uk) is a licensing scheme for lettings and management agents operating in the Private Rented Sector. **safeagent** agents are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Agents must provide evidence that they continue to meet **safeagent** criteria on an annual basis, in order to retain their licence. The scheme operates UK wide and has 1500 firms with over 2000 offices.

We are an accredited training provider under the Rent Smart Wales scheme. We have also been approved by Government as a provider of the new mandatory Client Money Protection arrangements.

#### SAFEAGENT AND LICENSING

**safeagent** is supportive of initiatives such as Selective Licensing, providing they are implemented in a way that takes account of the Private Rented Sector (PRS)'s own efforts to promote high standards.

**safeagent** believes that positive engagement with voluntary schemes and the representative bodies of landlords and agents (such as **safeagent**) is essential to the success of initiatives such as Selective Licensing. We are mindful that the operational problems associated with lack of such engagement have been highlighted in House of Commons Standard Note SN/SP 4634.

The same note sets out how important it is for licensing schemes to avoid being burdensome. We believe that promoting voluntary schemes, and offering discounted licence fees to accredited landlords and agents, can help to achieve this. Voluntary schemes often require members to observe standards that are at least compatible with (and are often over and above) those of licensing schemes. We believe, therefore, that if Hastings Borough Council were to allow discounts based on membership of **safeagent** (as well as other similar bodies) implementing and policing the licensing scheme would ultimately be less costly and more effective, allowing resources to be concentrated in the areas where they are most needed.

This is a commonly accepted approach by many English Local Authorities. We would further point out that, in Wales, the Welsh Government has recognised the importance of membership of specified bodies such as **safeagent** and is offering discounted fees to members as a consequence <https://www.rentsmart.gov.wales/en/>

#### PROMOTING PROFESSIONALISM IN THE PRS - THE ROLE OF AGENTS

**safeagent's** engagement around the country, with various local authorities, suggests that lettings and management agents have a key role to play in making licensing, accreditation and other, voluntary regulatory schemes work effectively. Agents tend to handle relatively large portfolios of properties, certainly when compared to small landlords. They tend, therefore, to be in a position to gain an understanding of licensing based on wider experience.

Furthermore, **safeagent** ensures its members maintain certain operational standards, have mandatory Client Money Protection arrangements in place, keep separate client accounts and comply with their legal obligation to be a member of a redress scheme. We also provide training. All this can be of assistance to councils who are trying to drive up standards in the PRS.

Although agents are now required to belong to a government approved redress scheme, display their fees and publish their client money protection status, our experience to date suggests local authorities face challenges in enforcing these standards. Membership of bodies such as **safeagent** can reduce the need for the local authority to use its formal, legal powers in these areas.

## **HASTINGS BOROUGH COUNCIL'S PROPOSALS - SPECIFIC ISSUES**

### **Proposed Licensing Area**

We welcome the targeted nature of the licensing proposals.

### **License Period, Changes in License Holder and Pro-Rata Fees**

We note that the normal license period will be 5 years. Our experience around the country suggests that the lack of flexibility in most license fee structures can militate against efforts to establish an alternative competent person to be licence holder/ manager, in cases where problems have been identified during the license period, often by the council. This is because (even accredited) agents still have to pay the full fee when they take on management part way through the license period.

Furthermore, it seems unreasonable to charge the full fee for licenses granted part way through the period – especially if there is only (say) one or two years remaining.

Whilst we understand that licenses cannot be “transferable” from one person to another, we would suggest that more flexibility is required than a fixed 5 year term allows. Landlords and agents taking on properties part way through a 5 year term should only have to pay the 5 year fee “pro rata”.

**Only as a quid pro quo to this** would we support granting shorter licences for landlords who cannot supply evidence of information such as up to date electrical certificates/gas safety certificates to accompany their licence application.

**Again, only as a quid pro quo** would we support measures whereby landlords who do not apply for their licence - and have to be chased by the Council - pay a higher fee.

### **License Fee**

We believe that the proposed fee is reasonable.

### **Fee Structure – Discounts and Accreditation**

We would urge Hastings Borough Council to offer fee discounts to:

- Agents who are members of **safeagent** (where the agent is the actual or *de-facto* licence holder)
- Landlords who engage agents that are members of **safeagent** (where the landlord is the licence holder)

We would suggest that this discount be £100.

### **Fee Waiver – Tackling Homelessness**

We would suggest that, in cases where a private landlord is assisting the Council by offering permanent accommodation to meet homelessness duties, license applications should be accepted without a fee being payable.

## **LICENCE CONDITIONS**

We are supportive of the license conditions set out. However, we would make the following points, which cover any other conditions we think should be included in the licensing scheme.

### **Tenant Referencing**

We would be strongly supportive of any requirement to obtain references for prospective tenants, as **safeagent** is actively involved in promoting good practice in tenant referencing.

### **Tenancy Management**

**safeagent** agents are expected provide and fill in a tenancy agreement on behalf of the landlord. they will always make sure the terms of the tenancy are fair and help the tenant to understand the agreement. They will always provide clear information to the tenant about any pre-tenancy payments and what these cover. They will explain any requirement for a guarantor and what the guarantor role entails.

At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.

**safeagent** agents are also required to:

- Have a designated client account with the bank
- Operate to strictly defined Accounting Standards
- Be part of a mandatory Client Money Protection Scheme.

### **Licence Conditions Relating to the Property**

We welcome Hastings Borough Council's drive to improve property standards. We believe that **safeagent's** standards go a long way to ensuring compliance with license conditions. We support adding a condition requiring an Energy Performance Certificate to be in line with new energy efficiency regulations.

### **Training**

We would welcome any condition requiring agents who are license holders to undergo training.

Membership of **safeagent** means that agents already have access to an extensive training package, engagement with which should reduce the need for the local authority to intervene. Although not a *condition* of **safeagent** membership, **safeagent** offers accreditation through an online foundation course as well as qualifications such as BTEC Level 3 in Lettings and Management practice.

We would further suggest that discounted fees for **safeagent** agents would provide an incentive to positive engagement with training that is fully compatible with the requirements of the licensing scheme.

### **Anti-Social Behaviour**

We note that there are distinctive issues around crime and Anti-Social Behaviour (ASB) in the licensing area. We also note the positive outcomes that have been achieved since 2015. However, we do have concerns about the assumed link between the amount of PRS accommodation in the neighbourhood and the incidence of ASB.

There may be some *correlation* between incidences of ASB and the prevalence of PRS accommodation on the area. However, correlation does not imply *causation*. The *causes* of ASB are many and varied. It is not, in our view, reasonable to expect agents and landlords to play a disproportionately large part in tackling them.

Furthermore, we would strongly advise against any proposals which imply a parity of approach between the PRS and the social rented sector. Social landlords are publicly funded (and regulated) to develop and manage housing on a large scale for the benefit of local communities in which they work. As private businesses, PRS landlords and their agents, whilst having clear responsibilities to manage their properties professionally, cannot reasonably be expected to tackle wider social problems.

## Suitability of Licence Holder

We note the requirement that the council would only issue a licence if it is satisfied that the proposed licence holder is a 'fit and proper' person and that there are suitable management arrangements in place. We believe that this requirement highlights the importance of lettings and management agents belonging to recognised accrediting bodies like **safeagent**, who themselves apply a fit and proper person test.

We believe this certification is broadly in line with Hastings Borough Council's licensing conditions and is another example of where promotion of **safeagent** membership through discounts could help to ensure compliance.

## Complaints

All **safeagent** firms are required to have a written customer complaints procedure, available on request. Our guidance sets out how the first step for complainants is to ask the firm they are dealing with for a copy, which will outline the method by which they can seek to resolve any issues. In line with statutory requirements, all **safeagent** members must also be members of a recognised redress scheme.

## MEASURING THE SUCCESS OF THE SCHEME

The extensive evaluation of the existing scheme that has been carried out by the Council is welcomed. Make regular information available in a clear and consistent format. Reports to local landlord and agent forums, representative bodies and other stakeholders should include at minimum:

- The estimated number of private rented properties that require licensing under the selective licensing scheme
- The number of applications received in respect of these properties
- Progress in processing (granting, querying or refusing) the licence applications received
- Analysis of the reasons for any queries or refusals and the extent to which remedial action is identified and taken as a result
- Analysis of the outcomes of ongoing inspections and the extent to which remedial action is identified and taken as a result
- Progress reports across the whole 5 year period covered by the scheme.

This should help to enable the Council to work in partnership with landlords, agents, representative bodies and other stakeholders to ensure the success of the scheme.

## CONCLUSION

It is important for landlords to work with reputable agents such as **safeagent** members. Offering a discount to licence holders who work with a **safeagent** accredited agent would help to promote this.

**safeagent** would welcome a collaborative approach with Hastings Borough Council, based on shared objectives. We believe that agents who are members of a recognised body are more likely to embrace Selective Licensing and less likely to generate complaints or breaches of their licence. Discounted fees for **safeagent** members would be a significant incentive to positive engagement by agents. In return, the Council would experience reduced administration and compliance costs.

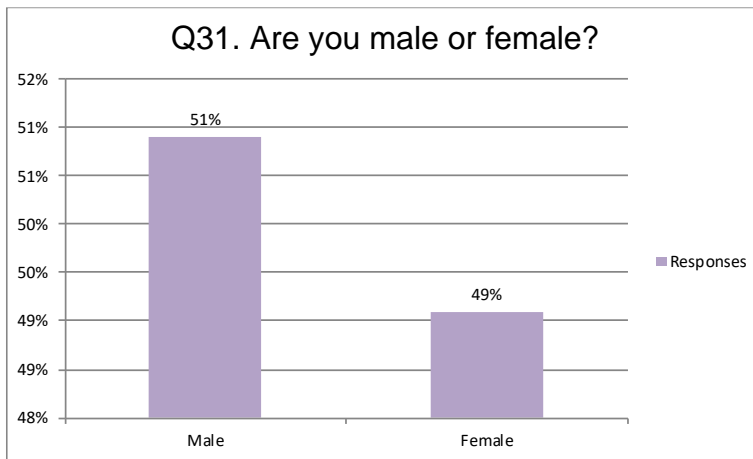
## CONTACT DETAILS

**safeagent**  
Cheltenham Office Park  
Hatherley Lane  
Cheltenham  
GL51 6SH

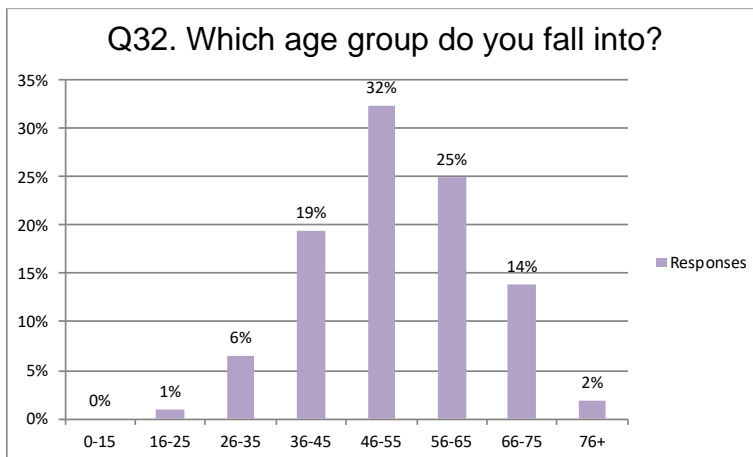
Tel: 01242 581712 Email: [info@safeagentcheme.co.uk](mailto:info@safeagentcheme.co.uk)

## Appendix 6 - Equalities Information

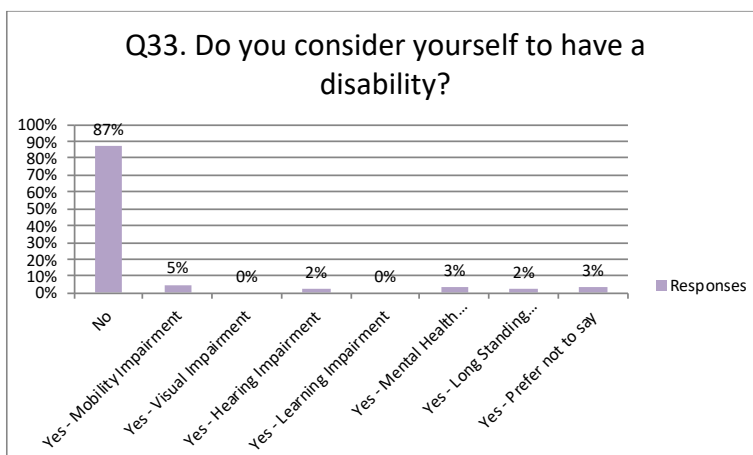
### Gender



### Age group

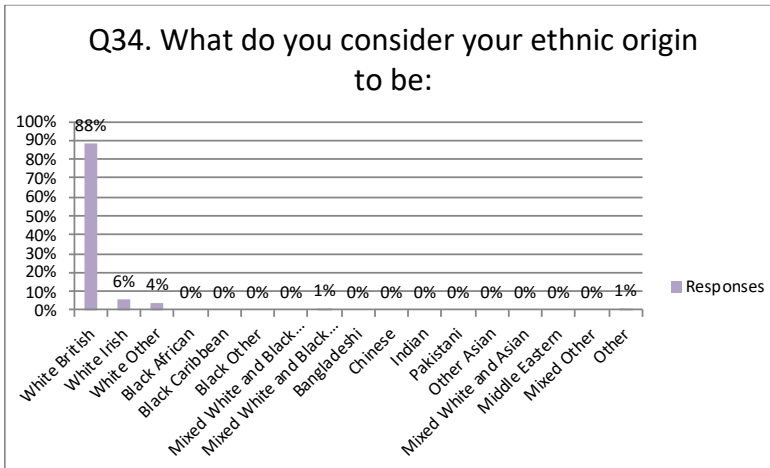


### Disability





## Ethnic Origin



## What people do

