

**Consultation Report (inc Scheme Review)**  
**Proposed Renewal of Selective Licensing Schemes in**  
**Stanton Hill and Sutton Central (New Cross)**

## **1. Introduction**

On 7<sup>th</sup> December 2021 the Council's Cabinet agreed the following;

'approval be given in principle to the renewal of the existing Selective Licensing Schemes for a further 5-year period, subject to a 10-week period of public consultation with the consultation period beginning immediately after the provisional decision is made and relating to both the terms and conditions of the scheme and the geographical boundaries of the designated areas;'

Prior to consultation a desktop review of the existing Selective Licensing Schemes was conducted to ensure that lessons learnt from the first 5 years are acted upon, that the schemes are fit for purpose and that they are operating as effectively and efficiently as possible.

## **2. Timetable**

Consultation to run for a 10 wk period, commencing 13<sup>th</sup> December 2021 and closing 28<sup>th</sup> February 2022. The findings are to be evaluated and reported to Cabinet 29<sup>th</sup> March 2022

## **3. Scheme Review**

The aims and objectives of the scheme remain the same, namely

- Improve housing standards property conditions within the private rented stock
- Improve management practices
- Improve levels of demand for housing and reduce the number of empty homes
- Contribute towards partnership working to improve wider community issues including crime, Anti-Social Behaviour (ASB) and domestic nuisance

The focus of the review was the functioning of the scheme. Key areas to consider include the following;

- Geographical boundaries of the scheme – are the original boundaries still relevant and appropriate? Do we need to add or remove streets to ensure we are focused on the areas of highest need?
- Fee structure – is the licence fee fair and reasonable? Do we need to consider a different structure or offer discounts to landlords?
- Licensing conditions – are they appropriate, necessary and achievable for tenants, landlords and for the Council?
- Support for landlords – do we have the balance correct between supporting tenants and landlords? Do officers need to be more visible and available to landlords to provide them with the support and advice they need?
- Administration of the scheme – are processes automated? Are there any unnecessary processes or procedures that can be eliminated in order to improve efficiency?

#### **4. Review recommendations**

- **Geographical boundaries**

A review of the streets included in the original Selective Licensing Schemes was conducted. A small number of streets have been excluded prior to consultation commencing. These were streets where the proportion of private rented homes was low and the number of reported incidents in respect of disrepair, management practices, empty homes, ASB, etc was also low.

Streets that were not included in the original Selective Licensing Schemes but that are in close proximity were considered to see if there was evidence to support their inclusion in the consultation proposals. A number of streets including Welbeck Street, Bainbridge Terrace, Cochrane Terrace and Marshall Terrace did not meet the threshold for inclusion, others, including Bentinck Street and Portland Street did. The table below includes those that were shortlisted for consideration and inclusion in the consultation proposals

Street	Estimated number and percentage of properties that would require a licence	No. of reported disrepair and nuisance cases 2021-22	Crime figures for 2019 Within 0.5 miles of the Street	Waste on land complaints 2020-21	Property price difference from Sutton average
<b>Sutton Central (New Cross)</b>					
<b>Priestsic Road (New Cross end )</b>	Approx 40 properties of which 50% would require a licence	13 – of which 65% relate to licensable properties	554 - 7% of Streets in the UK have higher levels of reported crime.	9	25 % less
<b>Bentinck Street</b>	Approx 40 properties of which 70% would require a licence	11 – of which 39% relate to licensable properties	740 - 5% of streets in the UK have a higher level of reported crime.	4	50% Less
<b>Portland street</b>	Approx 40 properties of which 50% would require a licence	6 – of which 39% relate to licensable properties	740 - 5% of streets in the UK have a higher level of reported crime	5	40% Less
<b>Stanton Hill</b>					
<b>New Lane including Longden terrace</b>	Approx 40 properties of which 60% would require a licence	7 – of which 30% relate to licensable properties	180 - 32% of streets in the UK have a higher level of reported crime	3	60% Less
<b>Victoria Street</b>	Approx 30 properties of which 50% would require a licence	8 – of which 53% relate to licensable properties	196 - 29% of streets in the UK have a higher level of reported crime	3	50% Less
<b>Stoneyford Road</b>	Approx 10 properties of which 50% would require a licence	4 – of which 80% relate to licensable properties	159 - 36% of streets in the UK have a higher level of reported crime	0	40% More
<b>Albert Street</b>	Approx 20 properties of which 50% would require a licence	5 – of which 50% relate to licensable properties	196 - 29% of streets have a higher level of reported crime	1	40% Less

Revised boundary maps have been produced for the purpose of the consultation and are included at Appendix A. The streets listed in green were be included in the new boundary, those in orange excluded, with the exception of Welbeck Street as this sits in the middle of the designated area.

- **Fee Structure**

The majority of feedback from landlords and agents relates to the licence fee. This includes the level at which the fee is set and the fact that all landlords pay the same amount without any consideration of how they manage and maintain their homes.

A desktop exercise comparing the Council's selective licence fee with other local authorities showed the Council's fee was lower than that of our neighbours;

- Nottingham City – licence fee of £780, discounted to £480 if the landlord is accredited with DASH or similar agency
- Gedling BC – licence fee £700, discounted to £550 if the landlord is accredited.
- Charnwood (pending) – licence fee £700

Consideration has been given to the projected number of licences that will be issued and the costs to administer and deliver the scheme.

The recommendation is to consult on the basis of the existing licence fee of £350 per property being retained and a discount of £100 per property being offered to landlords who are full members of a landlord affiliated body, such as DASH, at the point of application.

- **Licence Conditions**

Upon review, officers considered the majority of the original licence conditions to be appropriate and achievable and they should form the basis of the consultation.

One proposed change was to end the need for landlords to submit gas safety certificates annually. This will be replaced with the certificate being provided on application, advice being given about the legal obligations to have a valid certificate in place and random checks being undertaken, especially where issues of disrepair have been identified.

- **Administration of the selective licensing schemes**

The original schemes operated on the basis of a lengthy paper application form and supplementary evidence being provided in a range of different formats. The schemes were admin intensive, with a disproportionate amount of officer time and resources being spend managing the application process. Forms were often returned to landlords with errors or omissions and landlords often commented on their frustrations with the system.

An online application and case management system has been developed that should make the application process easier and quicker for landlords and should streamline the back office admin. The amount of time spent administering the original schemes was a burden and did significantly detract from the amount of time officers could spend supporting tenants and landlords.

- **Support for landlords**

A common question asked by landlords was what benefits they received when licensing their home? The view being that the majority of time is spent inspecting homes, giving instructions to landlords and supporting tenants.

There is a real commitment under the renewal for officers to be more visible and accessible to those landlords who need help and advice. Introducing the online application process will free up officer time and the time saved will be dedicated to supporting landlords in the most appropriate way. Further discussions on how best to achieve this will take place with landlords.

## **5. Stakeholder Consultation Schedule**

Comprehensive information regarding the proposal to renew the selective licensing schemes was included on the Council's website on 17<sup>th</sup> December 2021. The site included;

- Selective Licensing Evaluation Report
- Proposed Selective Licensing Scheme Consultation summary
- Proposed Selective Licensing Conditions
- Selective Licensing Consultation FAQ's

- Selective Licensing Consultation Feedback

Consultees were encouraged to submit their views on the proposals via an online form. A dedicated email address was also made available and for those who attended one of the drop-in sessions feedback forms were completed to capture the comments made.

Three drop-in sessions were held where additional information on the proposals was made available and where local tenants and residents who may struggle to register their views online could attend:

- Tuesday 18<sup>th</sup> January 2022 - Council Offices Urban Road, Kirkby in Ashfield
- Wednesday 2<sup>nd</sup> February 2022 - Healdswood Community Centre, Skegby
- Tuesday 8<sup>th</sup> February 2022 - New Cross Community Church, Sutton in Ashfield

The consultation was publicised in the following ways:

<b>Consultation Activity</b>	<b>Date</b>
Live Website	17 <sup>th</sup> December 2021
Email with link on the proposals sent to 800 Landlords and Agents	17 <sup>th</sup> December 2021- 17 <sup>th</sup> January 2022
Consultation letter and leaflet sent to over 3000 addresses, including every home in the proposed selective licensing areas and those in some neighbouring streets	11 <sup>th</sup> , 12 <sup>th</sup> 13 <sup>th</sup> 14 <sup>th</sup> and 17 <sup>th</sup> January 2022
Ashfield District Council Facebook Posts	17 <sup>th</sup> January, 31 <sup>st</sup> January, 28 <sup>th</sup> February 2022
Published on Ashfield District Council Website – Latest News section	17 <sup>th</sup> January 2022
Article in Mansfield and Ashfield Chad Local paper	17 <sup>th</sup> January 2022
Selective Licencing awareness Nottinghamshire Housing Working Group – a countywide group of	18 <sup>th</sup> January 2022

Environmental Health Teams where issues are discussed and good practice shared.	
Article in Landlord Zone	19 <sup>th</sup> January 2022
Scrutiny Committee Presentation and question and answer session	20 <sup>th</sup> January 2022
Meeting with Neighbourhood policing inspector	21 <sup>st</sup> January 2022
Meeting with DASH – landlord accreditation	21 <sup>st</sup> January 2022
Meeting with EMPO – landlord accreditation	24 <sup>th</sup> January 2022
Invitations to respond to consultation sent to: <ul style="list-style-type: none"> <li>• Primary care trust</li> <li>• Social Services</li> <li>• Letting/ managing agents</li> <li>• Nottinghamshire fire and rescue service</li> <li>• Nottinghamshire Police</li> <li>• NRLA</li> <li>• EMPO</li> <li>• DASH</li> </ul>	25 <sup>th</sup> January 2022
Members Briefings	16 <sup>th</sup> February 2022

## 6. Consultation Responses

Responses have been received from a range of stakeholders; these are set out in full at appendix 2.

Response rates from tenants and residents in the selective licensing area was disappointing (10) but this may be not surprising as most will have lived with the original schemes for some time. The small number of tenants and residents who did reply to the consultation were generally supportive, most praised what the original schemes had achieved and supported their renewal.

A healthy number of responses (18) were received from landlord with homes in the selective licensing area. Responses were mixed, a small number of landlords were dismissive of the

proposals, stating it was unnecessary or unfair. A number could see the positives and negatives of the proposals and a small number were outright supportive.

A comprehensive response was also received from a national body representing private landlords, National Residential Lettings Association (NRLA). Many of their comments were about the Council’s approach to the private rented sector and a separate response will be sent to NRLA to address the points raised.

Many of the issues raised by landlords and by NRLA are those that officers were aware of from the original schemes and that had been considered as part of the review of the original scheme prior to consultation.

A summary of the main themes and key issues raised by stakeholders during the consultation period, along with the Council’s response is explained below.

<b>Summary of themes and key issues raised during consultation</b>	<b>Council response</b>
It is wrong to target all landlords, the Council should focus on the bad ones	We have some sympathy with this view, however selective licensing treats all landlords in an area the same and creates a level playing field and all rentals within the selective licensing area will have to apply for a Licence. The Council would like to think that the whole landlord sector benefits. The Council does actively enforce the licensing conditions and will take action against those landlords who wilfully fail to comply.
The licence fee is too high, it is a money-making scheme for the Council.	The licence fee will cover the cost of administering the licensing scheme and we have calculated it on this basis. None of the licence fee income will be spent on other Council services. A dedicated Selective Licensing Team will be in place that will be funded by the licence fee and whose sole focus will be the administration of the scheme.
Should the licence fee be reduced to reflect the fact this is a renewal?	The licences issued to landlords under the original schemes have now ended and so the intention is to go



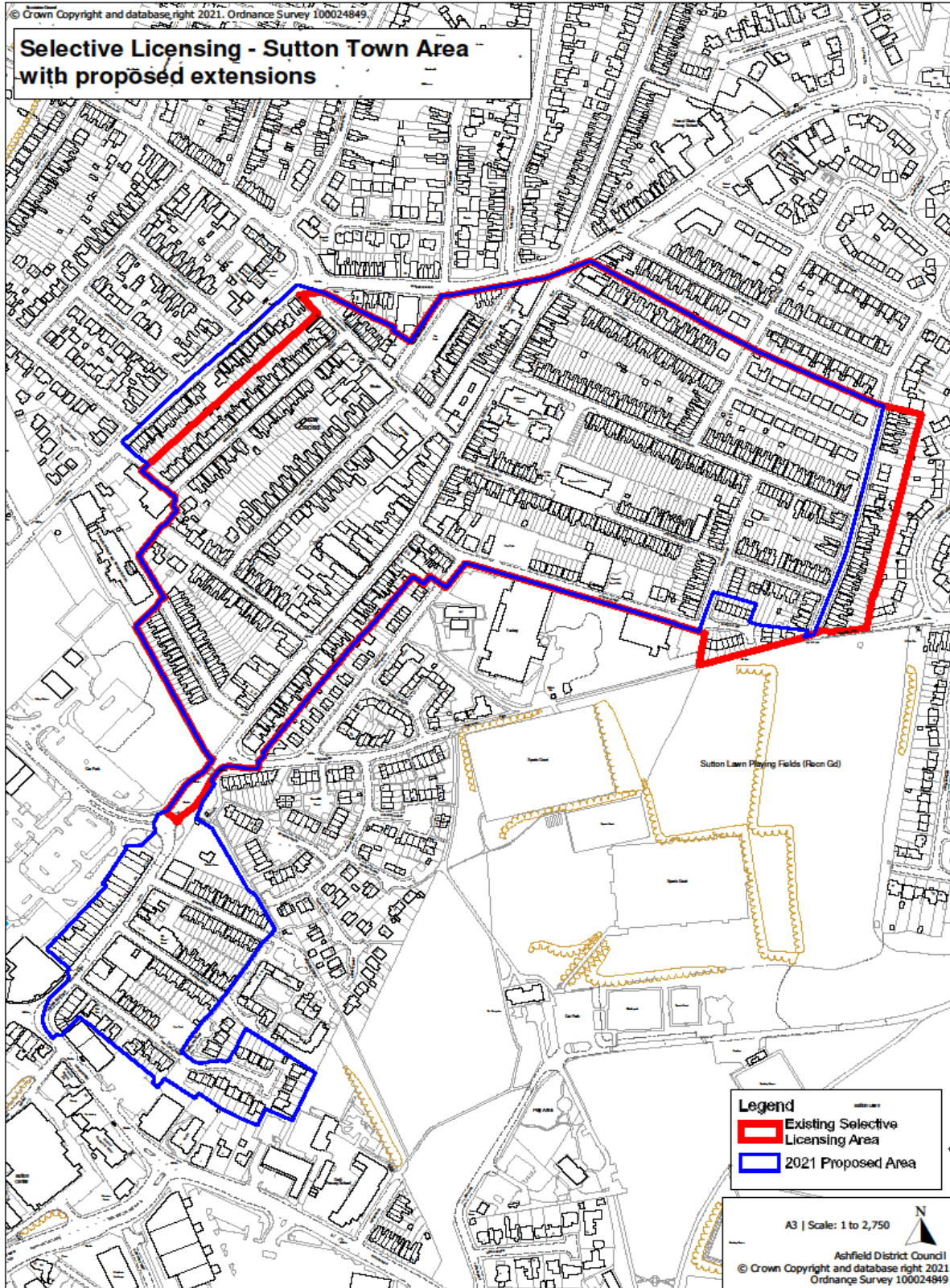
	<p>through a similar application and assessment process, there are no time or resource savings associated with the renewal.</p>
<p>If a reduced fee is offered to accredited landlords are those paying the lower amount being subsidised by those paying the full fee?</p>	<p>The lower fee reflects the fact that the Council anticipates there being less administration associated with properties from accredited landlords. Landlords paying the full licence fee will not be subsidising those accredited landlords who pay the lower fee.</p>
<p>As a landlord what do I get for paying the licence fee?</p>	<p>Council Officers will work alongside and in support of landlords from when they submit their licence application, through the inspection and assessment process to the point the licence is issued.</p> <p>Ongoing advice, support and training will be offered to landlords to help them manage and maintain their home. There will be dedicated resources and officers will be more visible and accessible to landlords to provide advice and assistance as needed.</p>
<p>Should there being a tenant licensing scheme to ensure they know what is expected of them when they take on a tenancy?</p>	<p>Selective licensing will help ensure prospective tenants receive the information they need so they understand their rights and responsibilities before they sign for their tenancy.</p>
<p>Should the Council undertake multiple property inspections, rather than 1, to push criminals out of the sector and push up standards?</p>	<p>Through selective licensing the aim is to ensure all private rented homes meet the required standard. This can normally be achieved through a single property inspection and further advice and discussion with the landlord.</p> <p>Further inspections can be conducted as and when appropriate, including when there are any concerns about potential criminality.</p>
<p>Does the council have an active enforcement policy, that supports good landlords and targets rogue landlords?</p>	<p>The Council will always support good landlords. The Council has an established track record of taking action against those landlords who wilfully disregard their responsibilities and who put tenants at risk and who tarnish the reputation of other landlords in the sector.</p>
<p>How will the Council promote and share existing good practice amongst private landlords?</p>	<p>A focus of the renewed Selective Licensing Schemes is to work better with good landlords, providing them with easily accessible advice and support when needed. Part of this</p>

	<p>will involve sharing how other landlords in the sector operate and how they deal with commonly experienced problems.</p>
<p>How will landlords be supported if they come across issues such as overcrowding in their home or a tenant in need of assistance due to their health and vulnerabilities?</p>	<p>The Council will look at options such as a dedicated contact phone number or email for landlords in the selective licensing area who need help and support. Briefing and training will also be made available. Officers will be able to advise and signpost landlords to help them deal with any specialist problems.</p>
<p>Why is the Council not considering expanding the scheme to other areas?</p>	<p>The legislation is clear that selective licensing can only be introduced if an area meets specified criteria. Councillors have asked that consideration be given to introducing selective licensing in other areas, this will be considered separately from the consultation and renewal of the existing schemes.</p>

## Appendix A – Proposed Scheme Boundaries for consultation

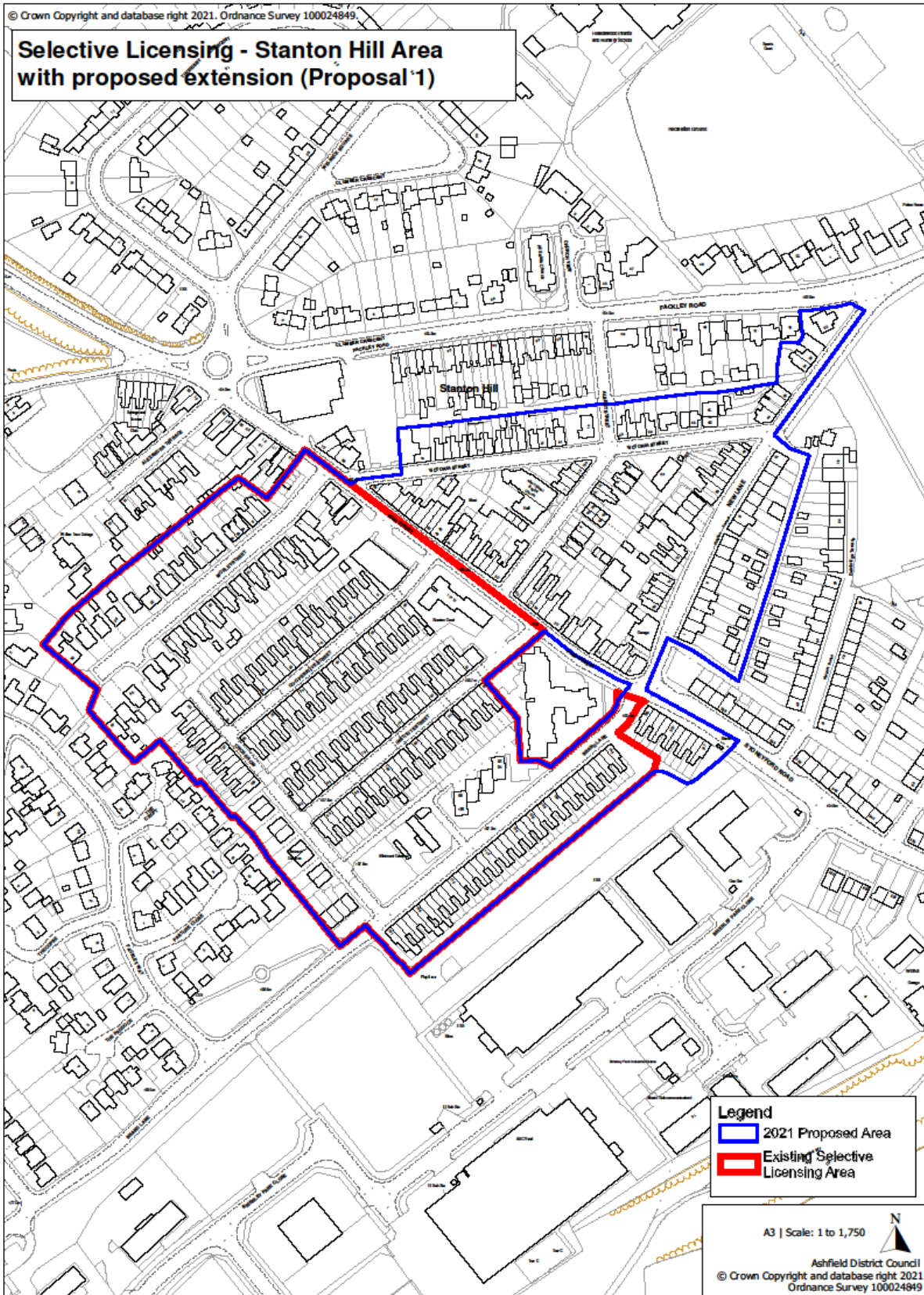
- Sutton Central (New Cross)

Double click on the map to open as a PDF





- Stanton Hill



## Appendix B – Consultation Responses

### Appendix B – Consultation Responses

#### Online responses and those made by attendees at the roadshows

Ref	Landlord / Tenant / Other	Comment
MS	Other – Retailer	This license could reduce the occurrences of vulnerable individuals being evicted without good reason!
FB	Landlord	I want to buy a property in the selective licensing area. I think it is a good idea but want to know as a landlord what I get in return. I think it has given landlords the opportunities to buy properties.
TJ	Landlord	I totally support the licensing scheme the council have given me so much guidance and support when I was struggling with my tenants and showed me the right way to get things done . It was worth the 350 over the 5 years and in the long run has saved me time and money . I'm not overjoyed to have to pay this money again but compared to other schemes this is significantly lower. If it means other landlords are supported like I have been then this can only be a good thing  After speaking with Stacy in the team I feel reassured about what the proposed scheme means and will look forward to working with the team again in the coming years, should the scheme go ahead
WB	Tenant in SL area	I agree with the scheme
CJ	Resident in SL area	The streets are getting better but still a long way to go. Those who move in seem to be staying longer and that is helping. Too much crime though.
TG		It's rubbish to think you have brought this back in. Landlords have enough fees to pay without this, ridiculous.
SB	Landlord	This is an excellent scheme .  I welcome the extension of the scheme.  I would hope that all new landlords are thoroughly vetted for their suitability to be a responsible person.  I also hope that enforcement procedures of failing landlords are robust, ensuring that tenants live in reasonable living conditions.  Rents however need to be fair and reasonable.

		<p>I hope this all leads to more responsible landlords and tenants, and to reduce the amount of anti social behaviour in the licensing areas .</p>
JK	Landlord	<p>Brand Lane – issues with ASB, Police always there 2 properties. Why should they pay licence when others do what they like. Feels unfair to landlord who do as asked. Are being penalised for the half way houses causing issues. If the half-way houses were not there would these street be included? 10 year battery smoke alarm/non wired, why has it got to be done if previous one okay?</p> <p>Agree houses must/should be to a standard to let them. Tenants need to work with landlords.</p> <p>Stanton hill has improved in the last 5 years but the 2 houses on Brand Lane set it back.</p>
KL	Landlord	<p>I think the licence is a good idea as there are rogue landlords out there that let sub standard properties. That said, I find it unfair that the landlord is forced to pay £350 for the enforced license and the £100 discount only applies if they are accredited. My properties are managed by a reputable letting agent so if I'm forced again to pay for a licence the £100 discount should be eligible for using a reputable letting agent.</p> <p>The money I'm forced to pay for the license is money that won't be available to spend on maintaining the property which I believe is part of the reason stated for introducing it.</p>
	Tenant in SL area	<p>I do not feel that this scheme in its current format helps residents within the area. I do not feel that the communication about the scheme is adequate for tenants and that there is still a very big fear that reporting problems will mean that you lose your home.</p> <p>My landlord put in the relevant smoke alarms and since then i have never heard from the team or that they came back to ensure that the work had been done. They took my landlords word that the work had been done, on this occasion it had but how is that helpful.</p> <p>I do not back the scheme or the reinstatement for another 5 years.</p>
SM	Landlord	<p>As a Landlord in this area i feel the proposed renewal has positives and negatives.</p> <p>It is good to know the scheme has helped some vulnerable Tenants, but it makes me wonder if there should be a free Tenant Licensing scheme? This scheme would educate Tenants to the expectations required to rent properties ,therefore highlighting vulnerable Tenants straightaway and educating them to understand acceptable tenant like behaviour... at least 50% of the issues mentioned in the evaluation relate solely to Tenant behaviour .</p> <p>Yes there are some rogue Landlords which a Licensing scheme does hopefully in time eliminate, so i do think a Licensing scheme for Landlords does need to remain but do feel it should not include Tenant behaviour. There should also be a reduction in price for a renewal . A renewed License is less work for the council than issuing a new one.</p>

KS	Landlord	<p>Having just received your letter concerning the proposed renewal of the selective licencing area in New Cross, we own and live in a property on Russell Street that backs onto many of these rented properties in Mucky Lane off Outram Street. I was interested to read about this as obviously the scheme is already in place however it does not seem to be working in the local vicinity at all! This is an area of crime, drugs, and abhorrent behaviour not too mention very poor living standards. 2 years ago there was a walk around this area with Police, Councillors, Landlords and Homeowners we were promised that everything was in hand to correct these problems and steps were in place for evictions and landlords to answer to council notices against them and their tenants.</p> <p>Fast forward to 2022....we are no further forward to solving any of these issues and if this scheme has already been in place over the last 2 years why are we no further forward?</p> <p>As a private house owner who pays council tax it seems to me that there is nothing in place to protect us and our families from the anti social behaviour, abuse, fly tipping, dog excrement, drug dealing and theft in this area. Seems to me that the New Cross area has just become a dumping area for all these no hopers with landlords who do not comply with rules as long as they are getting their rent, most of which comes from benefits because these low lifes certainly do not work! We have had our Conservative MP Lee Anderson trying his best to get things done but unless ADC truly start to listen to constituents and act on things we will never move forward. This scheme is not working!</p>
HA	Resident in SL area	<p>Thank god that the scheme is being reintroduced. The environmental health team are the only ones who have ever done anything to improve the area.</p> <p>I had reported wasted and neighbour issues to the Asbo team on more than 4 occasions but was fobbed of again and again.</p> <p>A lady and man came from environmental health and sorted the problems I was having in weeks .</p> <p>If this means they can do more in this area this makes me happy and is good sense of the council to spend money for us in this way.</p> <p>I pay my mortgage and responsibility is mine landlord and tenant must always do the same to make it better for us to live here.</p>
MG	Landlord	<p>I own a property on Short Street which is managed to a very high standard by XXX lettings. All the items in your list of requirements are carried out by the agents with notification to me and assistance from me wherever needed. The house was fully renovated when I bought it in 2016. Any maintenance issues are dealt with promptly and the property is inspected regularly by the agents. The tenants are extremely happy in their home and have rented from the date it was first ready, in July 2017.</p> <p>I must admit I do not see any huge value from your 'service' which appears to be yet another of the many taxes on the landlord. I struggle to see what benefits I get from it. Despite that I realise I have no option other than just to pay it.</p>

SC	Resident in SL area	<p>I have seen some improvements in the area I live since selective licencing was introduced . I am not sure how this affects me personally, however have seen that some of the really rubbish landlords have now gone . There are some left so perhaps there is need to have more licencing to stop the crappy landlords taking advantage .</p>
LW	Other - Lettings Agent	<p>I just wanted to feedback that we manage a few newer-build type properties within the zone, for example 3 on Stoney Street and 1 on Walton Street. As a competent agent we of course ensure that all Electrical, Gas, EPC certificates etc. are in place / renewed, that the properties are maintained to a high standard and that the tenants are looking after the properties and keeping them in a good order as required. As these 4 mentioned properties are 'newer build' types with EPC grade C or higher etc., it seems a little unfair for these properties to continue to require the licence in the second phase that is being considered. - To be honest it felt a little harsh the first time around!! However the landlords in question were 'partially on-board' thinking (hoping) it may just be a one-off exercise for them...</p> <p>These property owners feel that they are being tarred with the same brush (so to speak) as the landlords who own the lesser-quality terraced type properties which are largely located within the 2 zones. It does feel a little like a money making exercise when it comes to these property types that just happen to be located within the zone.</p> <p>Whilst we are certainly on-board and agree that a renewal of the licensing would be largely beneficial for the continued improvement of the area, we feel that some consideration must be made to avoid alienating landlords that are doing everything right, keeping their properties to a good standard, employing a good agent and who own the more modern newer type properties.</p> <p>I just wonder if a better approach might be to require licence renewals for the properties (Landlords) whom you deem to be of a higher 'concern' level going forwards into the 2nd phase, then you could use any leftover resources to consider another area such as Carsic, Leamington or other similar estates in Huthwaite and Kirkby.</p>
RP	Other - Letting Agent	<p>We currently manage several properties in the selective licence area and whilst we are fully in support of selective licencing, it would be useful to know some results of having this scheme in place. We have had antisocial behaviour issues in neighbouring properties and this has been addressed through environmental health as it would in non-selective licence areas, so we cannot see first hand what difference it has made.</p> <p>The streets where the scheme has been in place do not appear to have changed much from our perspective, but this may not be reflective of the bigger picture.</p>
LT	Tenant in SL area	<p>I think it is a good idea, they could look at other areas in Sutton because these need help too.</p>
MN	Landlord	<p>I have only received the information that this scheme is being proposed through a third party. As a registered, licenced landlord in the area I am disappointed that you have neither informed me of this proposal to renew nor contacted me at all in regards to the evaluation of the first scheme.</p> <p>You have sent me no information since my houses were first inspected. I have had nothing from you at all regarding how to cope with the Covid pandemic, though you claim to have done this in your evaluation report.</p> <p>The only contact we have had has been one- sided i.e. my regularly sending copies of gas safety certificates when</p>



		<p>due.</p> <p>I suppose that I have to accept what is a fait accompli, but I hope the new scheme is more literate and efficient and addresses some of the major problems in the area such as lack of a local police facility and parking problems and that there is practical help with improving energy efficiency for all tenants, not just those on benefits.</p>
EW	Landlord	<p>I own 3 properties in the new areas proposed by this scheme. I understand why these areas are being considered but also wonder why worse areas are not being included particularly New Street and Newcastle Street in Huthwaite. I own properties on both these streets and the other owners on these streets are the reason why landlords have a bad name.</p> <p>I welcome being licenced as it shows my tenants I am responsible and also I know my property is the best it can be.</p> <p>Too many people are have a go landlords who have no real clue and don't understand that property is an ongoing investment.</p> <p>Look after your property make sure you vet your tenants and the rest will look after itself.</p> <p>Hopefully this will improve the areas like proposed, I for one want to work with the council.</p>
	Landlord	<p>The proposed fee is cheaper than other areas in Nottinghamshire, in one of the schemes I'm involved in I have seen benefits, in another nothing. So there can be positives and negatives.</p>
TD	Landlord	<p>This scheme has been running in Stanton hill for a few years now, but is not enforced, there is persistent anti-social behaviour issues, littering and fly tipping, and constant drug taking, and drug dealing. A lot of properties in this area are and have been in a poor state of repair and have gardens piled up with rubbish for many years.</p> <p>I have reported all the above issues to the council and the police over the last 4 years and very little has been done, and what has been acted upon was hard work on my behalf to get there.</p> <p>We also have unregistered HMO'S in Stanton hill that go unchecked.</p> <p>I welcome the Licensing scheme however it needs to be monitored and enforced for it to work, otherwise we will just have what we have now which is purely a tick box exercise just to say there is a policy in place.</p>
DW	Landlord	<p>Albert St – mainly private owned, unfair, brings the price down, will put buyers off. New Lane should not be in either. What will you do with the money, why should good landlords be penalised? Why not just the properties with issues?</p>
	Other - Councillor	<p>I think this scheme will be great to stop future rogue landlords like the one my resident has had to unfortunately put up with though and is great to see the council using the powers that they have to get tough on them.</p>

	Tenant in SL area	I found this proposal very deceiving if I'm honest. You have different mapped areas showing different things in two different places. In the FAQ's you have an up to date map of the area of Stanton hill showing what has already been licenced and then the proposals for the other side of Stanton hill for the 'proposed extension'. The correspondence which was put through everyone's letter box made it look like you were looking at what had already been licenced, there was only a barely visible line around the proposed extension. I notice the consultation period ends 28th February, were you hoping that everyone would ignore it and then you could say 'well no-one gave us any feedback' and then hit people with big bills? Under the heading of 'Proposed Selective Licensing Scheme Consultation' you have a very out of date map which looks like you are looking at High Street (partial) Stanton Hill Cooperative Street Stanton Hill Brand Lane (partial) Stanton Hill Institute Street Stanton Hill Morley Street Stanton Hill Cross Row Stanton Hill, this has already been done. It doesn't show any of the new houses that were built on Cross Row and Brand Lane. But going back to proposed extension....I do not want to have a charge of £350 passed on to to me by my landlord for someone to come and inspect my house. We already pay enough Council tax. My landlord is a very good landlord. If something needs attention it gets done straight away, I don't need some council official with nothing better to do coming and inspecting my house. Where I live I would defy anyone to walk down the street and tell me there is house that looks like it needs attention.
M	Other - Resident in SL area	While I absolutely agree with the scheme and feel any help with tackling antisocial behaviour, crime and buildings in poor condition in this area is a good thing, as someone who has lived here for a few years now I can tell you that most of these problems arise from XXX Association properties. Can something be done with regard to inspections by them and holding their Tennant's to certain levels of cleanliness and behaviour. The no alcohol consumption in the streets needs to be enforced and we need help with large groups of children playing football in the narrow streets and damaging cars.
SS	Tenant in SL area	This needs to be promoted
WRN	Landlord	<i>No comment regarding consultation proposals</i>
AS	Other - Resident in SL area	I live on Morley Street Sutton-In-Ashfield.  In my opinion the scheme should continue. It ensures fairness to tenants and landlords alike. When the scheme first came out i thought it was a good idea and my opinion is still the same.
	Landlord	This licensing scheme is necessary in the area to maintain and drive improvements in the property standard. Too often properties are left in a state of disrepair as rents are collected regardless. The scheme should continue.
CC	Other – Business in SL area	I feel that selective licensing is a brilliant initiative which has a proven track record across all the districts which have chosen to embed it. The number of rogue landlords has decreased and as a result those tenants quality of life has improved. It can also contribute towards decreasing demand levels on the public sector and supporting partners and for the above outlined reasons I feel it would benefit all involved with Selective Licensing if it was to be extended for a further 5 years.
BD	Landlord	I was told by your colleague how pleased you are with my property and management.

		<p>I can't increase my rent so it would be useful if the license for A class landlords was 150.00 and a sliding scale upwards for those who do not have a good reputation.</p> <p>Self inspection and regulation by A class landlords would be more sensible and closer scrutiny with b and c. Thus the cost and attention is concentrated for perpetrators.</p> <p>In my case I also pay my agent to make sure we are compliant while others do it themselves.</p> <p>We get feedback from our tenants regularly and the agent inspects</p> <p>A feedback form for tenants who don't have access to a rental agent or have a known awkward situation would be great and could be done online.</p>
HB	Other – business in the SL area	Have you considered a discount for landlords who use accredited agents and are therefore already compliant?

## **Responses from other agencies regarding renewal of selective licensing.**

### **Nottinghamshire Police**

I have reviewed the scheme's impact in relation to crime and ASB and how we have been able to work together to make Ashfield safer. The New Cross and Sutton Central area account for 11.4% of all crime in Ashfield. Given the relatively small area this is concerning. To try to reduce crime in the area Nottinghamshire police are carrying out a range of actions in the area including additional targeted high visibility patrols, joint ASB reduction patrols, the area is targeted for pro-activities operations such as stop searches of persons and vehicles for drugs and weapons. These actions have been successful in managing crime, but have not yielded a reduction.

To support each other, Nottinghamshire Police and Ashfield District Council have worked together in a range of capacities, with the Selective Licensing being one of them. Through the use of Selective Licensing we have been able to obtain closure orders, close HMO's causing issues, support people living in unsafe premises, and disrupt crime and anti-social behaviour. Nottinghamshire Police are committed to working closely with ADC and have worked on various projects together, and this relationship is continuing to grow further.

It is my observation that the Selective Licensing scheme is extremely successful and a great asset to keeping Ashfield safe. Whilst the success is hard to quantify through figures, local residents are happy, vulnerability has been reduced and the areas becoming more positive. Further plans are in place to work closely on the Police ran Vulnerable Adult Safeguarding and Support scheme, which supports Ashfield's most vulnerable adults, which will have a positive effect both on those affected but also local residents. Plans are also in place for more community based events to raise the profile of both the scheme and the joint agency approach to encourage the public to report their local issues. Whilst this will create demand for services for all partners, it will no doubt vastly improve the area.

### **Ashfield District Council Community Safety Team**

Tackling anti-social behaviour and environmental crime are key priorities for the Council, extending the Council's Selective Licensing scheme for a further 5 years will contribute to

these priorities enabling additional powers for the Council to tackle localised problems in areas of New Cross and Stanton Hill, Sutton-In-Ashfield. Following consultation at a number of community events, the scheme is largely seen by members of the public as an effective approach to improving housing standards and supporting place enhancement through regulation, education and prevention, and will continue to contribute to the Council's safer and stronger

### **Housing Options Service**

Our concern when selective licensing was introduced was that homelessness would increase as landlords who disagreed with the scheme sold their homes and moved out of the sector. In practice this did not happen. Some landlords did move out but those replacing them seem to be managing their homes really well. We are not seeing the same level of bad management practices, such as attempted illegal evictions, nor the same number of homelessness applications from residents in the selective licensing areas. If the schemes continue to support tenants to stay in their homes and help landlords manage and maintain their homes correctly then it is something to be supported.

### **DASH (Decent and Safe Homes)**

During the meeting with DASH they were positive and eager to promote landlord training and awareness to encourage good landlords and help support landlords who are less aware.

They considered selective licencing is a useful correctly and said they can see the changes from the initial scheme and hope that reflection on this will lead to a more effective and well-structured scheme.

### **EMPO (East Midlands Property Owners)**

The discussion with EMPO was positive. EMPO raised concerns on behalf of their members regarding the licence fee, lack of policing resources, parking issues and the benefits for landlord.

EMPO were pleased that the Accredited landlord discount was for the whole extent of the scheme and felt the fee was reasonable particularly with the discount. EMPO wanted to encourage good working relationships with landlords and the council moving forwards, including the offer of a free training event which is to be confirmed for the spring.

Discussion took place regarding the benefits of selective licensing in the holistic sense, promoting joined up working to deal with local issues

## **Landlord body – correspondence from National Residential Landlords Association (NRLA)**

### Introduction

The National Residential Landlords Association (NRLA) exists to protect and promote the interests of private residential landlords.

The NRLA would like to thank the council for the opportunity to respond to the consultation. We are happy to discuss any comments that we have made and develop any of the issues with the local authority.

The NRLA 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.

### Summary

The NRLA believes that local authorities need a healthy private rented sector to compliment the other housing in an area. Ashfield has seen the development of an unhealthy situation due to a lack of house building both owner occupier and social housing renting, the private rented sector in being used by many who need alternative housing. It is also being used by large amounts of casual labour in the just in time economy. While the private rented sector has the ability to provide a variety of housing types and can be flexible around meeting the needs of both the residents that live and want to live in the area and the landlords in the area. There are already significant challenges around housing in Ashfield.

The sector is regulated, and enforcement is an important part of maintaining the sector from criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is important as it will remove those that exploit others and create a level playing field. We have concerns around the council's approach to licensing. Some schemes are delivering multiple inspections, up to 3 of every property. If the problem exists as the council has outlined then more inspections of the property will be required. Equally if it was dealt with in the first scheme, the second would not be required. This is not being proposed within your scheme. Multiple inspections pushes criminals out of the sector and drives up the standards for landlords and tenants.

Landlords are often victims of criminal activity with their properties being exploited, both through subletting and criminals exploiting properties through county lines and other criminal activity.

We believe the council should adopt an approach similar to the Leeds rental Standard, which supports the compliant landlords and allows the local authority to target the criminals.

Having considered the evidence presented, as well knowing the area very well and having undertaken our own evaluation of the circumstances faced by landlords, tenants and residents of Ashfield, a number of questions are raised:

- In following Hemmings and the Gaskin court cases, and with the fee is split. Monies paid by a landlord clearly now coming under the service directive (which has been adopted into UK legislation). Can the council provide a breakdown between part A and part B monies paid by a landlord and how you make sure that it is apportioned to the individual landlord and works done in connection to the license.
- You highlight discounts, how much money has been made available from the general fund for this, as a landlord cannot subsidise another landlord under the Gaskin ruling of the service directive. Therefore a landlord can not support another landlord all monies paid by a landlord have to be spent on them.
- Will you be providing a list of landlords annually to the NRLA to see if they are still members, if they have taken a discount?

- The documentation provided fails to indicate what additional funding will be available to support the expansion of licensing. Adult social care services while come under the county there will still be a cost around housing. How do landlords' access this for their tenants?
- The council fails to say how the proposal will tackle rent-to-rent, modern day slavery, indentured labour, subletting, criminal enterprise/county lines or even Airbnb. These are all increasing in the county.

We would like clarification on these points so that the private rented sector has confidence in any scheme that is delivered, and it will deliver against its set aims. Equally the current proposal for fees is not outlined, we expect these to be corrected in line with the law. What is the service that a landlord can expect in line with the service directive which has been incorporated into UK law.

The NRLA will judge the scheme against the criteria that the council is proposing the scheme under. We are not opposed to licensing schemes, what we wish to see is them delivered against what they are proposed to do. What we wish to know is how is the local authority going to deliver against what it is proposing. As you will be aware, the NRLA publishes data against performance

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. How does the local authority plan to communicate best practice to the landlord and tenants of Ashfield? Will Ashfield inspect each property at least once?

## Consultation

Licensing is a powerful tool. If used correctly by Ashfield Council, it could resolve specific issues. We have historically supported/worked with many local authorities in the introduction



of licensing schemes (additional and selective) that benefit landlords, tenants and the community. From what has been presented there is still work needed to be done to make a scheme work. Equally you have not looked at other more successful schemes which have delivered better outcomes, and managed to inspect all the properties multiple times for the local authority, tenants and landlords.

A joined-up coordinated approach within the council will be required. Additional costs in relation to adult social care along with children's services and housing will be incurred if the council's goal is to be achieved. Yet there is no evidence from the council that this will be done – can this be provided? How will landlords feed into system if they suspect a tenant is at risk of over crowding? What support will be put in place so a landlord can support a tenancy where a tenant has mental health, alcohol, drug issues or they have problems and need support.

### Criminal Activity

The proposal does not take into account rent-to-rent or those who exploit people (both tenants and landlords). Landlords who have legally rented out a property that has later been illegally sublet, the property still has a license. The landlord does not rent the property as an HMO, but is illegally sublet. The license holder can end the tenancy (of the superior tenant, the sub tenants have no legal redress) but the landlord would need support the local authority in criminal prosecution. But what is the process for landlords, it would help if the council could document how this would work. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened? Will the council support an accelerated possession order?

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.

## Tenant behaviour

Landlords are usually not experienced in the management of the behaviour of tenants, and they do not expect to, with the expansion of the scheme this will be drawn into licensing. The contractual arrangement is over the renting of a property, not a social contract. They do not and should not resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. nuisance) 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 Ashfield, but does not actually help the tenant, who could become lost in the system, or worst moved towards the criminal landlords. They will also blight another resident's life. There is no legal obligation within selective licensing for the landlord to resolve an allegation of behaviour. Rather, a landlord has a tenancy agreement with a tenant and this is the only thing that the landlord can legally enforce.

## Tenancy Management

In many situations, the council should consider enforcement notices and management orders. The use of such orders would deliver immediate results.

We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. 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.

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 in hope of getting their deposit back, 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 while staying in the framework of a local authority.

### Current law

A landlord currently has to comply with over 130 pieces of legislation, and the laws with which the private rented sector must comply can be easily misunderstood. A landlord is expected to give the tenant a 'quiet enjoyment' of the property. Failure to do so could result in a harassment case being brought against the landlord. The law within which landlords must operate is not always fully compatible with the aims of the council. For example, a landlord keeping a record of a tenant could be interpreted as harassment.

### Changes to section 21

We would like clarification on the council's policy in relation to helping a landlord when a section 21 notice (or future notice as currently being consulted upon under the renters Reform Bill) is served, the property is overcrowded or the tenant is causing antisocial behaviour, as per what the council says in the consultation. What steps will the council take to support the landlord? It would be useful if the council were to put in place a guidance document before the introduction of the scheme, to outline its position regarding helping landlords to remove tenants who are manifesting antisocial behaviour.

The change to how tenancies will end 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. We would be willing to work with the council and develop a dispute resolution service which we have with other local authorities. It also poses a question where does the council expect people to live who have been evicted due to a tenancy issue.

### **Ashfield District Council Scrutiny Panel**

Scrutiny Panel A have been working with the Service Manager for Strategic Housing & Lettings and the Environmental Health Team Leader throughout the last six months on a review of Tenancy Support. During the review, Members agreed to focus on the Selective Licensing Scheme to consider the impact the Scheme has had to tenants, landlords, the Council, and the District.

The Selective Licensing Scheme, which was due to end after the agreed 5-year period, had been established to tackle unprofessional landlords and their inadequate maintenance and management of rental properties in the designated areas of Stanton Hill and Sutton Central and New Cross.

In consideration of whether the Scheme should be renewed, Members of Scrutiny Panel A had some initial concerns about the Scheme, whether it was fit for purpose and if it had achieved the objectives underpinning the establishment of the Scheme.

Members identified and sought further information on a number of issues within the Scheme including:

- Impact on tenants reporting landlords
- The possibility of costs associated with required improvement being transferred to tenants through rent increases
- Capacity issues in processing applications and supporting the Scheme
- Possibility of some rogue landlords exploiting the Scheme
- Some landlords having to front the costs for problem tenants
- Empty private sector houses in the District in disrepair

As part of the review process, Members considered the following areas before concluding the review in March 2022. This included reviewing the tangible improvements across the District, such as reducing the number of empty properties (within the designated area), ensuring accountability for both landlords and tenants, and improving communications and decision making. Furthermore, with the Scheme being funded by the license fee, improvements were being made without impacting the delivery of other services.

Evidence gathering included Members examining both performance data and case studies of properties before and after intervention through the requirements set out within the Scheme. Members welcomed the work of the Team and recognised the benefits that had been demonstrated within the designated areas of the pilot. This included:

- Landlords having to improve the standards of accommodation in the private sector
- Economic benefits to tenants through housing improvements such as more economical energy usage and confidence in the return of deposits
- Wider community improvements through street scene of fit for purpose, tidy properties and less unoccupied properties that often-attracted crime and disorder
- Better management of properties which benefitted both tenants and landlords

Following the consultation period, Scrutiny Panel A were confident in recommending the Scheme be renewed in the designated area. Furthermore, due to the tangible improvements identified, Members are also recommending that Cabinet explore whether there are any other areas within the District that would fit the criteria for Selective Licensing in the future.

Members agreed that any scheme that offered improvements to tenants, landlords, the community, and the Council should be applauded and considered for potential wider roll out in the future.

Whilst Scrutiny Panel A were happy to agree the two draft recommendations in principle, final agreement on the report and recommendations is due to be considered by the Panel on the 10 March 2022.