

Selective Licensing Consultation Questions and Responses:

Question	Response
Will it just push up rents?	It is inevitable that some landlords will look to recover the licence fee from the rental income. Market rents in the South West Ward are lower than other areas of Gainsborough and local towns, and any increase in rents is likely to remain within Local Housing Allowance rates for the property size.
Will it lead to more empty properties?	Some landlords may withdraw from the private rented sector to avoid licensing and, in the case of unscrupulous landlords, the associated conditions. Other authorities who have introduced a scheme have found that while there was an increase in empty homes initially, there has also been increased interest from professional landlords willing to invest in the area and more purchases by owner occupiers, as confidence in the market increases, and these authorities have seen a reduction in empty homes over the licensing period. The council has enforcement powers to deal with empty homes if landlords just board them and walk away.
What would I get from this investment?	The licence fee covers the council's staffing and administrative costs in processing and granting the licences only. However, landlords will receive training, access to a good tenant passport scheme, and hopefully more demand for their properties from reliable tenants, as add ons to the scheme.
What is the evidence that this would help?	Other authorities who have operated and evaluated successful licensing schemes have found that anti-social behaviour has reduced, the number of empty homes have reduced, and the private rental market has stabilised and improved. It is

	important for other projects, such as the good tenant passport, landlord training, and projects with environmental, social and economic benefits for the community to be run alongside licensing to complement the scheme.
When do I get a reward for being a good landlord?	We encourage all landlords in the district to join the DASH Lincolnshire landlord accreditation scheme. This voluntary scheme is currently free of charge, and supports and promotes professional landlords with good quality, safe, rented properties. Accredited landlords can access council services such as the Bond scheme and Home Choices tenant referrals as well as advice and assistance from the project team. Please visit www.dashservices.org.uk/accreditation for more information and to register.
Are agents going to be held responsible?	Managing agents will need to be named in the licence application, and the council will consider whether the management arrangements are satisfactory when issuing a licence. Under the legislation, only the person having control of the property, which is usually the owner, will be accountable for the licence conditions, but they can use their agent to arrange works and vet tenants etc. Landlords will want to choose an experienced, responsible agent who will safeguard the landlord's legal obligations, and poor performing agents may struggle to operate in a licenced market.
As Landlord, why is anti-social behaviour my responsibility?	Landlords are responsible for ensuring that the behaviour of their tenants, in the home and its immediate vicinity, does not cause a nuisance to the community. Landlords are expected to challenge inconsiderate behaviour and to work with the council and police to manage incidents of ASB by their tenants, which relate to the tenancy. <i>Note on new ASB powers</i>

<p>When a single bad tenant or family who frighten/threaten the landlord cause houses to be empty around them (probably largely the 'good' tenants) can this be blamed on the landlord or is it more a completely ineffective support/enforcement system?</p>	<p>Other agencies such as the Police are key partners in this scheme. Landlords are being asked to take reasonable and effective steps in regards to ASB and not to act as a enforcement agency.</p>
<p>If private landlords only make up 1/3 of the housing, why have they been identified as the problem?</p>	<p>It is believed that there is a significant link between the private rented sector and the issues regarding ASB in the area. The selective licensing legislation only applies to landlords.</p>
<p>You are now shifting responsibility to landlords. If my tenant is on the list do I make him homeless? Would you help evict him because of anti-social behaviour? Who pays for this action?</p>	<p>The landlord is already responsible for managing anti-social behaviour. Selective licensing reinforces this. The landlord is responsible for managing their tenants' behaviour through information, education, co-operation with statutory authorities, or ultimately through eviction. The council will provide tenancy management training for licensed landlords, as an additional service. Landlords will remain liable for their foreseeable business costs of tenancy enforcement and legal eviction.</p>
<p>To charge £550 per house, what for? Are we paying for the bad landlords? We already pay 8% to the agent to do all these things proposed, why not charge all the landlords who don't use an agent?</p>	<p>Some landlords who manage their own tenancies do so very well. Some agents fail to tackle problem tenant behaviour. The choice of whether to use an agent depends on an individual landlord's experience, time available, geographical location and personal circumstances. The agreement between a landlord and agent does not cover the work involved by the local authority and is not relevant to the selective licensing fee.</p>
<p>What does the £550 provide to the landlord? What does Council going do about tenants who literally damage the house? Can the landlord increase the rent to cover the £550? Or Council reduce the Council Tax.</p>	<p>Private landlords can increase or decrease rents freely in line with market forces, subject to statutory notice requirements which allow tenants to choose accommodation that offers the best value for money for their rent payments. The council does not pay for tenant damage unless this is covered by a bond</p>

	<p>agreement with an accredited landlord. The landlord should use civil court arrangements to recover their losses in case of tenant damage. The financial arrangements for selective licensing, as with any other type of licence, are separate to council tax which covers broad public service costs across the district.</p>
<p>Whilst the fee of 550 is high I feel good housekeeping from the landlord should be rewarded, so why not offer a little pay back</p>	<p>While we would like to offer discounts to landlords who are members of DASH or a recognised landlord accreditation scheme, recent case law does not allow us to charge more for landlords who require enforcement than those who comply. The fee covers the administration of the licences so is the same for all, but landlords who breach conditions are liable to prosecution and further costs through fines.</p>
<p>Electrical safety certificates - why, when it's not a legal requirement?</p>	<p>The landlord has a duty of care to ensure that the electrical installation is safe. The provision of a periodic electrical safety certificate every five years is recommended good practice to evidence this. Professional landlords do not consider this an onerous requirement.</p>
<p>"Management arrangements - Overseas landlords deemed inappropriate." This is absolute nonsense. Why is a landlord based in Cornwall more appropriate than one based in Dublin? What do you imagine a suitably located landlord can do that a non-suitably located landlord can't?</p>	<p>There are legal implications when a landlord lives overseas so we would always expect them to employ an agent with sufficient authority and financial resource to satisfy the licence conditions. If a landlord lives in the far reaches of the UK we will ask questions about their ability to inspect regularly and respond to emergencies, especially if no managing agent is named on the application.</p>
<p>Satisfactory procedures for dealing with anti-social behaviour - not required.</p>	<p>It is being requested that landlords take reasonable and effective steps when dealing with ASB related to their property and their tenants.</p>

<p>Please amplify what would be 'satisfactory processes for dealing with anti-social behaviour'/ The problem has defeated the police, and it doesn't seem fair that landlords should be penalised for tenants misbehaviour</p>	<p>It is being requested that landlords take reasonable and effective steps when dealing with ASB related to their property and their tenants.</p>
<p>The Clause "Having satisfactory procedures for dealing with anti-social behaviour" is unreasonable. If the tenant breaks the law or bylaw, then they are punished by the law, not the landlord - what control could we enforce??</p>	<p>It is being requested that landlords take reasonable and effective steps when dealing with ASB related to their property and their tenants.</p>
<p>Why is this licence non-refundable? Surely if I sell the property, I no longer need a licence.</p>	<p>The fee relates to processing the licence application, including many checks and service of notices specific to the landlord or individual licence. As these costs are incurred up front, the fee cannot be refunded.</p>
<p>Why would I need multiple licences if I have multiple properties? If the licence is about ensuring that I am a "fit and proper" landlord, what will change from one property to the next?</p>	<p>We have to consider the individual circumstances of each property and serve separate notices and licences for each address. The fit and proper person check is a small part of the process. If there is a delay between the applications for each premises, we have to check for new information.</p>
<p>Only landlords with problem properties/tenants should have to pay for licences. Why should this expense be forced upon existing landlords whose properties/tenants have never caused any problems?</p>	<p>The legislation states that the selective licensing power can only be used to cover all landlords in the designated area. Other enforcement powers such as the Housing Health and Safety Rating System are targeted towards non-compliant landlords on a case by case basis.</p>
<p>The council should pay the landlord £550 as an incentive to join the scheme. Why should the landlord pay?</p>	<p>This not allowable within the legislation.</p>
<p>Is it not the police who should be dealing with crime and anti-social behaviour?</p>	<p>Not entirely. Landlords are being asked to take reasonable and effective steps to deal with ASB issues.</p>
<p>Council should tackle landlords that are not "fit and proper" and those that are not have to suffer due to their irresponsible behaviour. There are laws etc. that are already in place. Why can't those be enforced?</p>	<p>Landlords that are not fit and proper can be tackled via a licensing scheme. Otherwise the Council cannot just assess a landlord as being fit and proper. This area is being selected due</p>

<p>All areas should be included. Why marginalise and already marginalised area?</p>	<p>to the issues relating to ASB.</p>
<p>I think the 5 year licence should be for all landlords not just the SWW What are the penalties for more compliance of the licence and how?</p>	<p>Selective Licensing can only be introduced by law where the particular factors of ASB in the private rented sector and/or low demand can be evidenced. The SWW has been chosen due to stark contrasts between it and other comparable areas in the district.</p>
<p>Why not have a scheme for all of Gainsborough? If 46% of environmental enforcement requests come from the South-West ward, then clearly 54% come from elsewhere in Gainsborough. Landlords & tenants should be subject to the same rules no matter what part of Gainsborough they own/let/rent in.</p>	<p>No, 54% come from the rest of the whole District including the towns of Market Rasen, Caistor, and all of the villages. The South West Ward is proportionately a tiny geographical area to have this amount of environmental nuisance.</p>
<p>The new licensing requirements cover landlords renting out business premises?</p>	<p>No the powers within Part 3 of the Housing Act 2004 only apply to privately rented, residential dwellings.</p>
<p>Would you be able to tackle the subject of absentee landlords in the area?</p>	<p>We will use tracing systems such as council tax records, land registry and tenancy documents to locate absentee landlords and ensure they apply for a licence or face prosecution. The licence application process and licence conditions are intended to ensure that properties are satisfactorily managed, regardless of the owner's location.</p>
<p>Our opinion is that implementation of such a scheme is likely to lead to a withdrawal of some buy to let landlords [...] has the council given this sort of action consideration?</p>	<p>Yes. This is identified as a risk to the Council.</p>
<p>What do landlords gain from this? This appears to be a form of tax on owning rented property. Is it legal? Is it compulsory?</p>	<p>The community benefits from a reduction in the impact of antisocial behaviour, and poorly managed properties which reduce housing demand. We hope that landlords will indirectly benefit from improvements in the neighbourhood leading to longer tenancies, fewer problem tenants and an increase in the value of their properties. The power to designate an area as</p>

	subject to Selective Licensing is granted to the local authority by Section 80 of the Housing Act 2004. The power is discretionary, but if introduced then a licence will be compulsory for all landlords in the designated area.
Why aren't there more police? Most of the problems are with the owner occupiers.	This question has been raised with the Police.
The authority already has the statutory powers to improve properties but chooses not to use them. Why should good landlords pay for the authority to enforce something it should already	The authority already has a mandatory duty to deal with Category 1 hazards in housing, has served a number of Housing Act notices in the Ward and will continue to do so if licensing is introduced. Selective licensing is not intended to improve the condition of properties and will not replace other statutory powers, but to tackle separate issues to complement the council's wider enforcement functions.
It sounds very expensive and what do landlords get for their £550 fee? Why only the sww. This seems very poor planning and to only target one area seems very dismissive of other areas	The fee has now been reduced to £375. Properties in the area will all be required to comply with the conditions of the licence. As a result property standards will improve, the level of ASB should reduce, which will improve the overall area.
Why just this area of GAINSBOROUGH /surely it should apply to all areas.	The area that can be designated is based on evidence in relation to levels of ASB and low housing demand. It cannot apply to all areas.
If this scheme should come in there be an extra discount if you have more than one property. Why only south west ward? What about other areas	The fee for carrying out the fit and proper persons check will be reduced for landlords with a certain number of properties.
How would the LA prevent property being rented out by irresponsible landlords without a licence?	The Council can then take legal action against those landlords.
I am not sure how you justify the fee £550 what work are you going to do for the money?	The fee calculation is shown within the report and is broken down across the tasks that are needed.
Will I get the money back if I pay your empty property rates?	If the property is empty then it is not privately let, and therefore not subject to selective licensing. Property owners

	are advised to calculate the rental income less licence fee, compared to no rental income, 150% council tax, and potential losses from vandalism and deterioration associated with leaving a property vacant.
How is this to be policed? Are you intending to recruit further officers, financed by the licence fee?	Yes. The licence fee will be used to ensure that a specific officer is allocated to the scheme.
I understand that WLDC buy empty properties to do up and re-sell in an attempt to uplift the area. It is a conflict of interests?	The Clusters of Empty Homes project aims to bring 100 long term empty homes in an area of South West Ward back to use by March 2015. Both the empty homes project and selective licensing are part of a wider programme to improve the neighbourhood, and complement each other as both aim to improve the housing stock and improve demand for homes.
Is it another way to make money out of people?	No, the scheme is self-financing but by law is not profit making.
Why should landlords have to pay more money to the council to sort out problems which you should already have dealt with?	This is a specific piece of legislation which solely concerns landlords. Alongside the scheme the council will continue to resource its services in the area.
What provisions can be made to cope with the possible cut of housing caused by landlords 'walking away' from their new responsibilities - is the council ready for the battle with unsuitable/untrainable existing tenants? Where are all of the 'unsuitable' tenants going to be housed?	The scheme allows the Council to take legal action against landlords that do not comply with the licence conditions.
How is having this licence going to actually alter anything? It will apparently impose a duty on me to provide smoke alarms and a gas safety certificate. This is already the law of the land	The licence conditions to take references, educate tenants and deal with anti-social tenants are intended to reduce incidents of anti-social behaviour and remove the stigma of the area as only suitable for trouble makers. We hope that once anti-social behaviour is reduced, and management standards have improved, a more balanced mix of tenants and homeowners will return to the neighbourhood.
It will apparently tackle anti-social behaviour, how exactly?	The licence requires landlords to take reasonable and effective

	steps to deal with ASB regarding their tenants, their tenants visitors and their property.
Why is it my responsibility to let tenants know what is and is not acceptable behaviour? Why is it just the South West ward who will have to have these licence?	It is the landlords responsibility under the licence to take reasonable and effective steps to deal with ASB. The scheme is focusing on the area within the district which is subject to the highest levels of ASB.
Isn't that a bit discriminatory to set one rule for some and another for others?	The selective licensing conditions are based on good property management practice which is already the norm elsewhere.
What exactly is a "fit and proper" person test? Who makes that decision, what is it based on? What if I fail it?	The council will consider if the licence holder has any criminal convictions, has breached other legislation, or has practiced unfair discrimination, which make him unsuitable to operate as a landlord. If the applicant is found not fit and proper, a licence cannot be granted, and the landlord would need to hand over all aspects of the property management to a non-related agent, remove it from the rental market, or if the property is occupied, the council can make a Management Order to take over the running of the tenancy.
Why pick a period of 5 years to enforce this over? Surely the problem won't just go away after that time? Or is it more about your business plan for the next few years?	Five years is the maximum licence term allowed in the legislation. After five years we will evaluate the scheme and decide whether or not to renew depending on its success and the stability of the market at the scheme end.
Where has the figure of £550 come from as a licence fee?	This figure has now been reviewed.
Where have these figures for fines come from if I don't obtain these licences, and can you actually enforce that as I am not breaking any law, just your local rules which you are making up as you go along?	Failure to obtain a licence is a criminal offence under Section (9x??) of the Housing Act 2004. This is primary national legislation in force since 2006. The maximum fines are set by government within the Housing Act 2004 and individually awarded by a Magistrates Court.
How/when do you propose property inspection?	The council will inspect each property using their powers of

	<p>entry in the Housing Act 2004 within the five year licence period and this will include an assessment of any hazards under the Housing Health and Safety Rating System as well as monitoring compliance with the licence conditions.</p> <p>We expect landlords to inspect their properties with sufficient frequency to identify and deal with disrepair and identify any misuse by the tenants, but we do not prescribe a rigid timescale. Many landlords and agents start with a bi-monthly or quarterly regime and then relax it once trust is built up with a tenant. Landlords must allow quiet enjoyment and give tenants at least 24 hours' notice of visits, preferably arranging a mutually convenient time.</p>
<p>Will you recommend or demand improvements are made where these may be advantageous?</p>	<p>We will require any deficiencies in the property which cause a Category 1 or high Category 2 hazard under the Housing Health and Safety Rating System to be remedied as under the existing Housing Enforcement Policy, but licensing is likely to identify hazards which would not otherwise be reported by tenants.</p>
<p>Where big improvements are required - i.e. new roof rewiring - are grants to be available for part of outlay needed?</p>	<p>There are currently no landlord grants available under West Lindsey's Housing Assistance Policy. Only works which make the property unsafe will be needed, and these are already the landlord's duty. Please visit www.energysavingtrust.org.uk to check availability of financial assistance for energy efficiency improvements.</p>
<p>How does imposing this fee encourage investors into the area?</p>	<p>It demonstrates that the Council wishes to see improvements in the area and provides a 5 year period during which these improvements should be seen. The level of</p>
<p>As I already comply with all the proposed conditions I will be expected to pay £550 per house for doing what I already do. What exactly will I get in return?</p>	<p>You will still be required to have and pay for a licence. The scheme should bring benefits to all landlords as the property</p>

	standards should increase and levels of ASB should reduce.
The inspections should be council (or community police?) led, because a landlord or agent has a conflict of interest.	The inspections will be carried out by the Council.
What the landlord can do is report anti-social behaviour to the police or Council and can take steps to evict the tenant and take possession of the property, but other than that what procedures could a landlord take?	The licence will require landlords to take reasonable and effective steps to deal with ASB.
Good landlords and tenants are being penalised. Does the council maintain these high standards in their own rented properties?	Any properties that the Council own in the area will meet the required standards and conditions.
I think it should be highlighted more about tenant responsibilities, not just what landlords need to do e.g. noise levels, ASB, refuse days (maybe a booklet like the selective licensing one? or a checklist?) - aimed at tenants	A tenant passport scheme will be introduced to ensure that landlords can be better informed about any prospective tenants.
The bad landlords will ignore the scheme and get away with it because so much is ignored in the ward. Will it actually be enforced?	Landlords who do not apply for a licence will be identified and enforcement action will be taken according to the Housing Enforcement Policy. This can include a criminal conviction and fines of up to £20,000.
Is this the cleansing of the poor and rich landlords have to increase the rent to maintain the standard?	No.
Can the payment schedule be reviewed to reduce the level of upfront payment?	This has been considered and is noted within the main committee report
Are there any tax related issues for the Council to consider in year 1?	Not that we are aware of, but we are continuing to look at this.
Schemes such as the Granary should be considered for removal as they are privately managed blocks of accommodation?	We intend to carry out further research to narrow down those streets where anti-social behaviour from private tenants is having a high impact.
Could the scheme be rolled out for a shorter period and if it is successful abolished part way through?	It could, but the up front costs of granting licences would be the same so the fees to landlords would be much higher with more frequent renewal periods. We would also want to be confident that the market had truly stabilised to a level where

	good management practices will continue when we look the other way.
Could property demolition and clearance be considered?	Yes, but it would not be considered as part of the selective licensing scheme.
How many accredited landlords are in this area and the district?	As of June 2014 there were 19 accredited landlords managing a total of 83 properties in the district. 29 of these properties are within Gainsborough and since the consultation period 2 additional landlords have applied for accreditation.
When tenants leave a property after trashing it what action does the Council propose to do to put landlords in contact with each other and how is this recorded by housing benefit as part of the consideration for starting a new claim?	Conduct of tenants cannot be considered by housing benefit as it is not a factor in a claimant's eligibility. We intend to offer a good tenant passport scheme which will help landlords to select a tenant with no adverse history or with appropriate support to sustain a tenancy.
Why do Acis not have to pay?	Part 3 of the Housing Act 2004 only applies to privately rented accommodation so we cannot include Registered Providers of social housing. Acis and other Registered Providers already have dedicated ASB officers to deal with similar issues.
How many of the problem properties are owned by big players like Acis and Nacro	Specific issues with properties owned by Housing Associations or charities will be raised directly with them
Most fly tipping will be from out of the area, what evidence is there that persons from the SWW are fly tipping there?	Most of the fly tipping is household waste, sofas etc. in the ten foots from local tenancy turnover, rather than builders rubble and typical fly tips from out of the area.
Is this a pilot in the SWW that will gradually be rolled out across Gainsborough or is it just a scheme to discriminate against some?	It is not intended to roll it out as the issues do not apply elsewhere.
Could a grant scheme be considered for front walls and ten foots in the whole area	Yes, this could be considered as part of the wider work in the SWW.
Can council members and family not be allowed to purchase	The Council cannot determine who can purchase property in

properties in the area due to a conflict of interest	the area. Any council members or their family who own property in the area will be subject to the same licence conditions.
Could you just increase police activity and enforcement presence in the area and achieve the same thing?	This would only tackle some of the problems and we hope to do this in conjunction with a selective licensing scheme.
If a property is sold during the licence period can the fee be recovered?	No, there are no refunds should you sell within the licence period. The new owner will then be subject to the fee also. Should a landlord decide to sell a property or wish to occupy it themselves the Council can issue a temporary exemption notice for up to three months if we are satisfied that reasonable steps have been taken to ensure that the property no longer requires a licence.