

## Appendix 4 Summary of issues raised in 4 week public consultation

106 Respondents completed the questionnaire.

Summary of the issues raised	How the issues have been acted on or not
<p>It will be at a cost to the tenant and will lead to evictions and homelessness</p>	<p>Over the 5 year duration of the scheme the cost to an accredited landlord is £2.25 per week and a non-accredited landlord is £2.69 per week. The costs are a small price to pay for ensuring homes are safe and comply with the minimum legal standards. The council cannot prevent landlords from passing on the costs to their tenants but would encourage landlords to keep rents fair and take into account the wider benefits of the scheme and potential to improve the areas and potential to increase the value of their asset through the duration of the scheme.</p> <p>The council has not observed an increase in homelessness as a direct result of the Netherfield pilot. The aim of the scheme is to improve standards and property management, it is the council's view that the introduction of the scheme can improve the private rented sector and availability of good quality housing.</p> <p>The Government is currently reviewing the section 21 no fault evictions process to provide greater security to private rented tenants.</p>
<p>This is just another tax. Rather than individual council's operating their own schemes it should be done by central government for all properties to discourage investors moving to and from areas where there are schemes or not.</p>	<p>The revenue generated from the scheme is used to fund the resources to administer the scheme. The Government has not currently adopted a mandatory licensing scheme for all homes only 5 occupant HMOs. The council can only implement a 'selective' licensing scheme based on local need in accordance with the Government guidance.</p>
<p>The scheme does not catch rogue landlords. Good landlords are being punished. Cannot see a benefit for tenants. Enforce the rules you have not make more.</p>	<p>Through regulating the private rented sector effectively via selective licensing the council can address rogue landlords and improve housing conditions. 78% of properties in the Netherfield scheme had hazards below the minimum legal standards. 40 properties had imminent hazards requiring immediate action. The council has taken</p>

	<p>action against unlicensed properties and required licence applications to be submitted and inspections carried out. The council has also served 7 civil penalties totalling over £18,000 in fines for failure to licence. Implementing a selective licensing scheme generates revenue for the council to ensure the legal standards for rented accommodation are regulated. Without introducing a selective licensing scheme the council does not have the resources to enforce standards in all private rented homes.</p>
<p>Stronger powers for the council to act with rogue landlords but don't understand why every landlord good or bad has to pay</p>	<p>Agreed the introduction of a selective licensing scheme will strengthen the council powers. The scheme meets the Government criteria and therefore all landlords renting out homes need to apply. The evidence from the Netherfield pilot shows that many landlords who perceived themselves as 'good' landlords were actually renting out homes with hazards below the minimum legal standard which can potentially lead to accidents or health problems and burdens on the public sector services as issues arise.</p>
<p>If a landlord can demonstrate that energy efficiency, gas and electric appliances are met the licence cost should be reduced further.</p>	<p>Currently the fee structure is a flat fee for accredited on non-accredited landlords. Meeting gas and electrical are minimum legal requirements that all landlords should achieve. The council has considered introducing EPC related fee structure however this could penalise landlords with older housing stock. The council will keep the fees under review as the scheme progresses and or new requirements are introduced such as the decent homes standard and minimum energy efficiency standards. The council has used information gathered through the Netherfield pilot to target energy efficiency schemes such as the Green Homes Retrofit scheme.</p>
<p>You say Netherfield was a success, rents have risen putting tenants in poverty. With a shortage of properties this is the wrong time to be extending the licensing scheme and think it risky that more landlords could either sell or put rents up again.</p>	<p>The Netherfield pilot has been a success in terms of improving housing conditions and identifying hazards to health below minimum legal standards. It is a political decision and judgement call for the council whether to implement a new scheme. Similar comments were raised prior to</p>

	<p>the introduction of the Netherfield scheme. The council has monitored rents in the borough and had not found evidence that rents rose faster in Netherfield than other areas in the borough or locally. If rogue landlords sell up and move out of the area that could be viewed a positive outcome.</p>
<p>Asking a landlord to pay fees of £700 is a rip off. If the council truly wants to improve standards, they can ask landlords to submit documents of compliance as evidence without charging landlords any fees. If a landlord is found not being able to comply then they can be charged fees for this.</p>	<p>The licence fees are competitive with other local authorities some councils charge considerably more for a licence. The revenue generated from licence fees covers the council costs for administering the scheme. In the council's experience a voluntary type scheme as described would not work as landlords would not be compelled to issue documents nor would the council have the resources to administer. This approach would not work unless the council or Government were to raise general taxation. The proposal ensures that the businesses who are being regulated bear the cost of the regulation rather than the general population.</p>
<p>Private landlords keep their properties up to standard well. Private landlords are being penalised for keeping their properties in good order</p>	<p>Whilst many landlords do keep properties well maintained. The pilot in Netherfield showed 78% of properties had hazards below the minimum legal standard and 40 homes had imminent hazards requiring urgent action to address to protect the health and safety of tenants. Evidence suggests similar hazards are likely to exist in the phase 2 selective licensing area due to the type of housing stock and condition.</p>
<p>This makes absolutely no difference to tenants. As a former private tenant I know nobody wants to raise concerns for fear of being evicted under section 21 no fault eviction.</p>	<p>The scheme will benefit tenants as it strengthens the council enforcement powers and also through proactive inspections of homes the council can address disrepair with landlord or agent without the need for the tenant to report issues. The Government is currently reviewing the section 21 no fault eviction process.</p>
<p>Having been subject to the selective licensing scheme in Nottingham City it did absolutely nothing to address antisocial behaviour. The good landlords followed the scheme and the rogue landlords continued to provide low quality properties and did not address any other issues. I would start by improving the council homes and</p>	<p>It is unfair to criticise Gedling Borough Council for a scheme operated by a different council. As a result of the Netherfield pilot Gedling officers and Nottinghamshire Police work closely to share intelligence and address any antisocial behaviour affecting the community where selective licensing exists. Should the phase 2 scheme be</p>

<p>areas which are 90% of the problem in the areas which become licensed.</p>	<p>implemented the partners will continue to work with landlords, agents and tenants to address ASB. The council works with social landlords where issues arise. The legislation introduced by Government to implement landlord licensing does not apply to social landlords.</p>
<p>If the problems you refer to are mainly in the private rented sector why is this not a national initiative across the whole country? If you want to better help tenants, start a scheme whereby they can report issues directly and then act and punish a few bad apples rather than all good landlords</p>	<p>The Government decided not to introduce mandatory licensing for all rented homes but instead selective licensing where the secretary of state guidance and criteria have been satisfied. Currently tenants can report issues however as the Netherfield pilot showed many issues go unreported. The intention of implementing a scheme is to improve housing and the local areas an implement good practice. The introduction of licensing across all sectors is about improving and implementing minimum standards not about punishing good operators.</p>
<p>Selective licensing does not allow the landlord to control tenants behaviour</p>	<p>The licensing conditions require a licence holder to take certain steps where antisocial behaviour exists. These steps will help to address the tenant's behaviour if it has become unacceptable. The introduction of the selective licensing scheme ensures the council has extra resource and powers to tackle tenant's behaviour and work with the landlord, agent, Police and other partners to change behaviour.</p>
<p>The type of problems identified on inspections where "86% had problems" has not been broken down this needs to be done as it has massive cost implications.</p>	<p>Due to the way the council database is structured it is not possible to extract the information requested. Typically the most common hazards are damp and mould, excess cold, fire safety, electrical, and fall/tripping hazards. However any of the 29 Housing Health and Safety Rating System hazards could exist. Through the Netherfield pilot we have found often tenants, landlords and agents unaware that the hazards existed in their homes. The costs to rectify hazards will vary depending on the nature of the defects, availability of labour and materials, but also the degree of risk and urgency to rectify. The council does not hold data on the cost of works as in the majority of cases the licence holder will</p>

	<p>commission these without the council having to carry out works in default.</p>
<p>Sadly the biggest problem for renters these days is not just the quality of housing but its affordability. The people who I work with (prisoners) are now often priced out of the rental market altogether and are often forced to sleep rough. This scheme will only add to the problems of renters and could increase criminality if people are forced to be homeless they cannot afford to pay their rents with housing benefit.</p>	<p>This issue is specific to offenders and ex-offenders and not the general private rented sector tenants. The council does not encourage criminality and provides support via the Housing Regeneration and Welfare Service to find housing solutions for those who become homeless. As stated above - over the 5 year duration of the scheme the cost to an accredited landlord is £2.25 per week and a non-accredited landlord is £2.69 per week. The costs are a small price to pay for ensuring homes are safe and comply with the minimum legal standards. The council cannot prevent landlords from passing on the costs to their tenants but would encourage landlords to keep rents fair and take into account the wider benefits of the scheme and potential to improve the areas and potential to increase the value of their asset through the duration of the scheme.</p>
<p>Be selective and see exactly where such problems actually apply, research the problem areas, work with the Police/Fire services BEFORE 'slapping' across a geographical area NOT AFTERWARDS. If this is done Gedling Borough Council could then be truly selective and deal with the problem landlords. Through research, we have found the same schemes in Liverpool have been cancelled and Nottingham City scheme is under review by auditors.</p>	<p>The council would disagree and would consider the proposed scheme is targeted at 665 private rented homes in the areas where the secretary of state's guidance is satisfied. The council has consulted and liaised with the police and fire service in developing the phase 2 proposal.</p> <p>The secretary of state has approved the renewal of the Liverpool city wide scheme. Officers have not been made aware of any issues with the operation of the Nottingham City scheme and would expect a scheme of that scale to be subject to an audit.</p>
<p>With the rising cost of living this will hit hard people who are already struggling. If people are already struggling to find money for food and heating, adding the extra burden to their rent will only increase problems. Could we provide a reactive 'whistle blower' approach instead where problems are reported and enforced?</p>	<p>The rising cost of living is a relevant factor to consider which is currently affecting all of society. One view could be that without introducing such a scheme landlords may be less likely to invest in repairs or maintenance leaving tenant's more vulnerable and at risk. Similar comments were raised prior to the Netherfield pilot selective licensing scheme which did not lead to significant negative impacts. As stated previously the cost of a licence over the 5 year duration of the scheme</p>

	<p>is not excessive. If landlords were faced with a repair bill would they automatically increase the rents?</p> <p>As stated previously there is evidence to suggest tenants are unlikely to report disrepair for a variety of reasons. The reactive approach does not lead to the scale of improvements in housing that can be delivered via a licensing scheme. As the proposal demonstrates the phase 2 areas satisfy the Government's criteria for introducing a selective licensing scheme.</p>
<p>Good landlords will sell up and move out of the sector. Poor landlords will simply ignore the scheme</p>	<p>Similar comments were made prior to the introduction of the Netherfield scheme where 635 licensable properties were projected. In relate the number of licence applicants exceeded projections with 747 applications, 51 were subsequently withdrawn (some being exempt). Currently there are 696 licence applications being processed for phase 1. It's true that some landlords will attempt to ignore the scheme, the council has systems in place to address this including an online report form where intel can be shared of potential licensable properties. The council has carried out investigations into unlicensed properties which in all licensable cases have led to applications being submitted. 7 civil penalties have been issued for failure to licence with penalties totalling over £18,000 being issued.</p>
<p>This is simply a money making excuse for the council</p>	<p>The purpose of the scheme is to improve housing conditions and property management to improve communities. All revenue generated from the scheme is used to administer the scheme and regulate housing conditions in the private rented sector in the proposed areas. The council cannot use the income generated to fund alternative projects or services. Without the income generated from the scheme the council does not have the resources to regulate the private rented sector to the same effect as a licensing scheme.</p>

<p>Colwick is not a high crime area. Colwick is the Cinderella area of Gedling borough, scruffy, no investment and no help to be quite honest.</p>	<p>The data available to the council suggests the Government's criteria for introducing selective licensing in the proposed area of Colwick has been satisfied. Netherfield and Colwick have for many years been a 'priority plus' area due to the incidence or crime and ASB.</p> <p>The proposed selective licensing area aims to bring about improvements to the community through improving property management and housing conditions. The council will ensure properties are inspected and where necessary brought up to standard. Council officers can also address quality of life issues in the community and signpost tenants and landlords to services that can improve the community and where possible bring in grant funding or investment.</p>
<p>Stay out of peoples PRIVATE business. What happens between the landlord and tenant is NOTHING to do with the council.</p>	<p>The purpose of the scheme is to improve housing conditions and property management. Poor quality housing and poor property management places a burden on public sector services such as the council, NHS, Fire Service and Police. Through ensuring minimum standards are achieved the scheme can reduce the demands on public services for the benefit of the community, the scheme does not interfere with the contractual agreements between tenant and landlord.</p>
<p>Has the study confirmed the issues are really happening in the private rented sector? If you look at the Nottingham scheme has it really addressed problems or just moved it to another section. It still won't tackle commercial landlords or public housing areas.</p>	<p>The proposal document outlines the evidence available to the council which indicates the Government's criteria and guidance for introducing a selective licensing scheme into the proposed areas has been satisfied.</p> <p>There is potential that rogue landlords could look to avoid selective licensing areas and invest in areas not covered by licensing. Therefore it is possible some landlord may have moved from the neighbouring Nottingham scheme and into Gedling it is therefore even more important to ensure standards are maintained in Gedling borough and not declining further.</p>

	<p>All private rented landlords in the licensable areas will need to apply for a licence from the council including commercial landlords. Registered social landlords are exempt from landlord licensing in accordance with the legislation introduced by central Government.</p>
<p>Licensing requirements need to be consistent across all wards of Gedling BC. Either all properties require a licence or none do.</p>	<p>The current approach adopted by Government does not require mandatory licensing for all private rented homes. Instead the approach is to introduce targeted schemes on a needs assessed basis where certain criteria are satisfied. The only exception is HMO licensing which applies to at 5 occupant households who are made up of 2 or more households – this is due to the risks associated with such household e.g greater fire safety risks.</p>
<p>I am a landlord, not a police officer or social worker. I do not see how a landlord can stop their tenants’ antisocial behaviour.</p>	<p>The scheme aims to address this view. Landlord’s can play a significant role in changing tenant behaviour if they work in partnership with the council and Police to address ASB. Simply writing to a tenant and warning them their tenancy could be at risk if they are causing ASB or breaking the law can help address unacceptable behaviour. Landlords are operating a business in the community and need to ensure minimum standards and good practice achieved as failure to do so can have detrimental effects on communities.</p>
<p>I do not understand why it is targeted at certain areas of Newstead Village and not to all.</p>	<p>The Government guidance stipulates certain criteria must be satisfied in areas where selective licensing schemes are to be introduced. The criteria does not currently apply to the whole of Newstead Village. The Government guidance and approach doesn’t currently enable licensing of all rented homes unless they are 5 occupant HMOs or the selective licensing criteria are satisfied.</p>
<p>The terminology used stating the Netherfield scheme is a “successful pilot” is misleading. How is it successful and where are the results that show what would have been achieved to just target the rogue landlords rather than introduce the scheme to all ultimately punishing those who have decent standards.</p>	<p>Licensing is not a punishment it is a mechanism to introduce good practice and minimum standards. The council in the current economic climate does not have resources without selective licensing to target rogue landlords. 78% of properties inspected has hazards below minimum legal standards and 40 homes had imminent</p>

	<p>issues requiring immediate action. Without a selective licensing scheme it not have been possible to address these housing conditions.</p>
<p>Not all landlords are doing this to make profit. We rent our flat to our son and cannot afford the licence fees.</p>	<p>As stated previously the licence fees spread over the 5 year period of the scheme are only £2.25 per week for an accredited landlord and £2.69 per week for a non-accredited landlord. To effectively manage and maintain a private rented home landlords must ensure they have the resources to maintain the property and pay for ongoing running costs like e.g gas safety and electrical certificates, and insurance. The cost of a licence is likely to be comparable to other business running costs the landlord is liable for.</p>
<p>Instead of using licensing as a way to make money under the pretence of monitoring landlords, we should ask tenants to provide references on their landlords to future tenants. This will make the landlords address the issues of maintenance and bad behaviour. The council and police should already be monitoring antisocial behaviour as part of their role anyway.</p>	<p>An interesting suggestion but not something the council can implement. The council is not involved in the handover of current and future tenants for private landlords and cannot require landlords to provide references of their own conduct to future tenants. Landlord accreditation provides this function to a degree and through the pilot scheme in Netherfield a substantial increase in accreditation was observed partly due to the discount offered for licence fees.</p> <p>Selective licensing enhances the partnership working between police, council and landlords and tenants to address anti-social behaviour. The licence conditions ensure the landlord and tenants engage in the partnership approach.</p>
<p>This new licence scheme is causing more landlords to sell off properties and making less properties available for private tenants.</p>	<p>Similar concerns were raised prior to implementing the pilot in Netherfield. Whilst some properties have changed ownership there is still a high proportion of private rented accommodation in Netherfield and the number of licence applications exceeded the anticipated levels in the area. This shows that the availability of private rented homes remained healthy after the scheme was implemented in Netherfield. The homes will remain in the area so it is not anticipated there will be less properties available for private tenants.</p>

<p>Providing the council with referencing information is a breach of GDPR and should only be provided under a court order/warrant</p>	<p>The licence conditions require the referencing to be carried out prior to a new tenancy but do not require the details to be shared with the council</p>
<p>I am expected to provide tenants a right to enjoyment of their property, yet the scheme indicates that I should monitor the property if there is a report of antisocial behaviour. This is contradictory to the point of allowing the quiet enjoyment.</p>	<p>The licence conditions do not require monitoring in the physical sense, instead the council would expect the landlord to monitor complaints received about antisocial behaviour either directly to the landlord/agent or via the police or council. The conditions require the landlord to assist the council and police by engaging with tenant and informing them that complaints have been received. The council or police will carry out the detailed investigation to identify if the complaints are justified and whether further intervention with the tenant is required.</p>
<p>Visual inspection of electrical appliances is not something that is widely available.</p>	<p>A visual inspection does not need to be completed by a qualified electrician, provided the person has a basic understanding it can be carried out by the landlord or agent to identify visible defects or damage that would need repair by a competent person.</p>
<p>Smoke alarms are fitted on each level of my property, as is a carbon monoxide detector in the room where there is a gas appliance, however it should not be down to the landlord to ensure these are maintained in proper working order while the house is tenanted.</p>	<p>The council would expect the licence holder or person in control to take reasonable steps to ensure smoke alarms and carbon monoxide detectors are working for the duration of the tenancy. Hard wired or non-removable long life battery systems are recommended.</p>
<p>There is no legal requirement for landlords to be trained. There are several different courses and it's not clear who would cover this time off work.</p>	<p>The licence conditions require landlords to be trained in order to professionalise the service and ensure the competent and aware of their responsibilities. Some training course are available online and can be completed outside of working hours.</p>