

# Selective Licensing Consultation Report

October 2021



# Table of Contents

<b>1. Introduction.....</b>	<b>3</b>
<b>2. Background.....</b>	<b>4</b>
<b>3. Consultation.....</b>	<b>7</b>
<b>4. Resident and Business Responses .....</b>	<b>10</b>
<b>5. Landlord and Agent Responses .....</b>	<b>13</b>
<b>6. Key Stakeholder Views .....</b>	<b>15</b>
<b>7. Council Response and Next Steps.....</b>	<b>16</b>

## 1. Introduction

The private sector in East Staffordshire has increased significantly since 2001 with some wards experiencing a high concentration of rented properties, significantly higher than the national average. Whilst the private rented sector provides an essential role in the Council's housing market, there has been a significant increase in the amount of complaints received in relation to poor housing conditions. These complaints tend to focus on the areas in which there is a high proportion of rented accommodation.

Following the completion of the private sector housing stock modelling exercise in April 2014 and a review of the local trend in relation to housing complaints, East Staffordshire Borough Council identified selective licensing as a suitable option that the council can adopt to proactively improve the housing conditions of poorly managed privately rented properties in the pilot area.

In September 2017, the Council launched and implemented the first Selective Licence Scheme which covered part of the Anglesey Ward and is currently in its final year.

Cabinet has since approved a consultation on the proposal to introduce a second selective licensing designation in East Staffordshire.

A consultation programme on the proposal was commenced in January 2020 for a period of 10 weeks in order to obtain the views of tenants, residents, landlords, letting/managing agents and stakeholder/representative organisations.

This document collates and considers the responses that have been received during the consultation exercise and where appropriate, provides a response to comments that have been submitted.

## 2. Background

The Selective Licensing Scheme Proposal document detailed the background evidence to support a selective licensing scheme in East Staffordshire, the proposed details of the scheme and how it would work in practice. It was written in accordance with non statutory guidance detailed in the DCLG guidance document ‘Selective Licensing in the private rented sector: A Guide for Local Authorities’.

The document considered neighbourhood and local data to identify a second scheme focused on improving housing conditions. Five designated streets were identified that would benefit from the introduction of selective licensing. These are:

Street Name	Ward
Branston Road	Anglesey & Burton
Goodman Street	Eton Park
Shobnall Street	Shobnall
Uxbridge Street	Anglesey & Burton
Waterloo Street	Shobnall

These five streets contain 1296 households with an anticipated 496 properties that are subject to selective licensing.

These areas were identified as exceeding the national average for rented accommodation and have the highest rated of housing complaints reported over 4 years.

Our aims of selective licensing are:

- To protect private rented tenants and vulnerable groups from the social and health effects of poorly managed and maintained properties within privately rented accommodation
- To create sustainable private rented sector tenancies attractive to good tenants
- To make the area safer and a desirable place to live and work in by reducing the detrimental effects of poor tenancy management
- To encourage good landlords to operate within the area

Our objectives of selective licensing are:

- To improve property conditions and reduce overcrowding within the designated area.
- To improve the management of properties within the designated area
- To improve landlord and tenant awareness of their responsibilities and rights

- To reduce anti-social behaviour caused by private rented tenants
- To reduce the number of empty properties
- To reduce the number of problems associated with private rented properties that contribute to a high level of deprivation
- To improve the image and perception of the area making it a more desirable place to live

The consultation report considered whether there were alternative courses of action available that would achieve the same objectives as the selective licensing scheme. These include special interim management orders, empty dwelling management orders, demolition orders and clearance orders, additional licensing of houses in multiple occupation and private landlord's accreditation schemes. Whilst each of these tools focus on a specific issue such as anti-social behaviour, poor housing conditions or low demand, they do not provide a strategic response to improving the overall standards of accommodation within the wider target area. The proposal concluded that there are no practical and beneficial alternatives to the designation of a selective licensing scheme.

East Staffordshire Borough Council will work with the following internal and external partners to achieve the objectives of the selective licensing pilot scheme:

- East Staffordshire Borough Council Enforcement Team- to monitor and enforce against flytipping, untidy gardens, and dog fouling to improve the image and perception of the area.
- East Staffordshire Housing Options Team- to provide assistance in accordance with our legal duties in relation to homelessness and illegal eviction and to implement initiatives to reduce the number of empty properties and improve the image and perception of the area.
- East Staffordshire Landlord Liaison- to provide increased landlord forums focussed on the provision of training and information in relation to increase aware of responsibilities and rights.
- Staffordshire Police- to work together through the Community Safety Partnership to advise, monitor and enforce against incidents of anti social behaviour and crime to manage and reduce the incidents of anti social behaviour within the designated area.
- Staffordshire Fire and Rescue- to work collectively to improve fire safety controls within private rented accommodation improving property conditions

The following strategies and policies will provide a co-ordinated approach in dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector in combination with the selective licensing scheme:

- Housing Strategy 2021-2025- recognises the effect that poor housing conditions have on a person's health. The housing strategy identifies a number of issues surrounding private rented accommodation and acknowledges that targeted additional pro-active enforcement on properties

owned by landlords with a poor record of compliance could reduce these problems. An action is therefore identified within the housing strategy to consider a pilot project of targeted pro-active enforcement, which the selective licensing scheme aims to address.

- Housing Stock Model Strategy- this was formulated in response to the housing stock model survey undertaken in 2014 which recommends additional enforcement action which recommends the development and implementation of a project for improving the quality of housing in Anglesey ward, to improve the condition of private rented accommodation within parts of the borough most in need of housing improvements. Conditions set by selective licensing will ensure that properties are managed properly and can contribute to an improvement in the well-being of occupants and the wider community
- Anti-Social Behaviour Policy- the Council will continue to work alongside partner agencies through the community safety partnership providing a joined up and consistent approach for the enforcement of anti-social behaviour. Licence conditions have been introduced requiring landlords to take action to deal with such behaviour and tenant referencing will ensure that tenants with known background of anti-social behaviour are not allowed to rent in the area. and conditions within the licence will work towards ensuring that tenants are aware of their responsibilities and landlords work with partner agencies to deal with tenants that are known to be causing anti-social behaviour
- Homelessness Strategy- the Environmental Health team will work alongside the Housing Options Team to prevent homelessness through illegal eviction and will ensure that tenants and landlords are aware of their rights and responsibilities in relation to eviction.

The Selective Licensing Policy and Housing Enforcement Policy provide a framework for the delivery and enforcement of selective licensing by the Environmental Health Team along with internal and external partners. These policies work in combination with the strategies detailed above to provide a co-ordinated approach to the implementation of selective licensing to meet the identified objectives.

### 3. Consultation

3.1. The consultation programme commenced on 20<sup>th</sup> January 2020 and continued for ten weeks, closing on the Monday 30<sup>th</sup> March 2020. The selective licensing proposal was detailed on the consultation pages of the Council's website along with a copy of the full consultation document.

3.2. Two online questionnaires were created to gather opinions and feedback in relation to the selective licensing proposal and the area that has been proposed for the scheme to be implemented. The questionnaires were anonymous but enabled the respondent to indicate which area they resided in or whether they owned properties within the area. Both questionnaires were made available online on the consultation page of the website and questionnaires were also posted to all properties within and on the outskirts of the proposed area along with a reply pre paid reply envelope. A dedicated email address was set up to enable online responses to be sent as an alternative to the completion of the questionnaires and an address for responses was also made widely available.

3.3. Council officers also attended consultation meetings on 10<sup>th</sup> & 11<sup>th</sup> February and 4<sup>th</sup> March 2020 within the affected streets, to present information about the proposals and answer questions. This meeting was attended by landlords owning properties within the area.

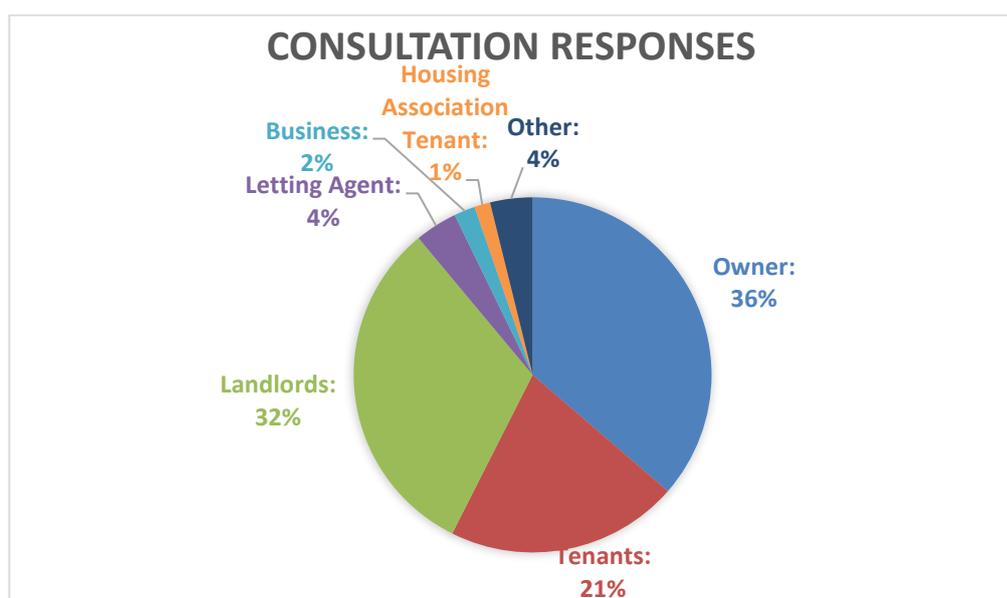
3.4. The consultation was publicised in the following ways:

Date	Activity
W/c 20 <sup>th</sup> January 2020	<p>1200 letters and questionnaires hand delivered to properties within and on the outskirts of the proposed pilot area.</p> <p>Letters sent to key stakeholders including:</p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire and Rescue Service</li> <li>• Social Services</li> <li>• Letting/ managing agents in East Staffordshire</li> <li>• Landlord organisations including RLA and NLA</li> <li>• Housing Associations</li> </ul>
9 <sup>th</sup> January 2020	Presentation to the Landlord Forum detailing the scheme and provision of the full consultation document and questionnaires
10 <sup>th</sup> February 2020	Landlord and tenant drop in session held at the Town Hall where officers were available to discuss the proposals and answer any

	questions. Full proposal documents were made available along with consultation questionnaires.
11 <sup>th</sup> February	Landlord and tenant drop in session held at Queen Street Community Centre where officers were available to discuss the proposals and answer any questions. Full proposal documents were made available along with consultation questionnaires.
4 <sup>th</sup> March 2020	Landlord and tenant drop in session held at Town Hall (evening session) where officers were available to discuss the proposals and answer any questions. Full proposal documents were made available along with consultation questionnaires.
Prior to and during consultation period	Advertisements and press releases within the local paper
Throughout consultation period	Promotion via social media- Twitter and Facebook
Copies of this proposal and associated leaflets were available to view at The Town Hall and the Customer Service Centre for the duration of the consultation.	

3.5. A total of 209 responses were received within the consultation period.

3.6. The number of responses received per respondent type is detailed below, with a relatively equal response rate for owner occupiers, private tenants and landlords as shown in chart 1:



3.7. Of these responses 136 respondents indicated that they lived within the area and 62 landlords indicated that they owned properties within the area.

3.8. The results from the consultation survey and separate individual submissions are detailed within the following chapters which have been broken down into separate stakeholder groups.

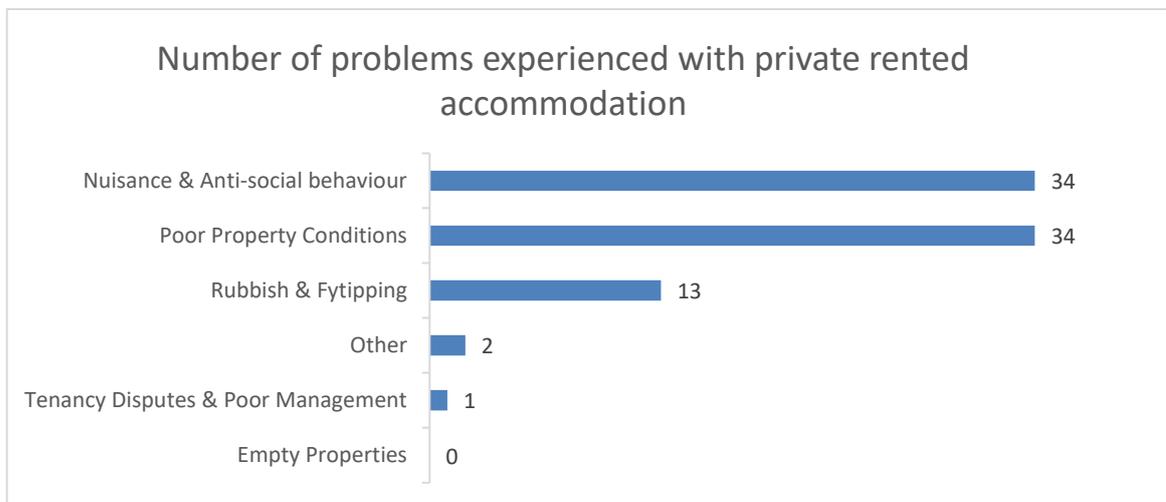
## 4. Resident and Business Responses

4.1. 139 respondents completed the resident and business questionnaire which is broken down into the following respondent types:

Respondent Type	Number of responses
Private Tenant	44
Owner Occupier	76
Housing association tenant	3
Landlord	9
Business	4
Other	3

### *Property conditions*

4.2. The number of respondents that indicated that they had experienced problems with private rented property in the area was disproportionately higher than that reported by Landlords (see para. 5.2). 76 respondents (56%) indicated that they had experienced problems with a privately rented property in the area within the last 5 years, with 89 issues reported, as detailed below:



### *Experience of private tenants*

4.3. Focussing on the experience of tenants living in private rented accommodation, tenants of private rented accommodation indicated that they had concerns about their accommodation, with 44% indicating concerns about the condition of the property, followed by concerns about fire safety and lack of adequate kitchen or bathroom facilities, as detailed below:



### ***Views on the scheme***

4.4. General views on the introduction of selective licensing were surveyed using a number of quantitative questions designed to gauge opinion on the impact of selective licensing followed by a free text field for respondents to add general comments on the scheme.

4.5. The majority of residents and tenants indicated that they agreed or strongly agreed with the proposal to introduce a selective licensing scheme in the proposed area of Anglesey. The majority of residents and tenants indicated that the scheme will improve the standards of management from landlords, improve the conditions of properties and improve the area.

4.6. The majority of residents and tenants indicated that the scheme would not reduce anti-social behaviour and nuisance in the area.

4.7. 71 residents and tenants provided additional comments within the free text field of the survey. A summary of responses are:

- |   |
|---|
| <p><b>For:</b></p> <ul style="list-style-type: none"> <li>• Will improve the neighbourhood and this improvement is urgently required.</li> <li>• Will hopefully solve over occupancy &amp; ASB</li> <li>• If Landlords are held accountable they may be more responsible</li> <li>• Should also include Byrkley Street</li> <li>• Should be an easy channel to report against landlords not managing properties properly</li> <li>• Licence fees are too low</li> <li>• Poor conditions have an impact on mental health and physical well being</li> <li>• Cleaner area and less crime</li> </ul> <p><b>Against:</b></p> <ul style="list-style-type: none"> <li>• Tenants need to be better controlled to avoid the area becoming a ghetto</li> </ul> |
|---|

- Council money making scheme
- Fees will be passed onto tenants
- Rent increase
- Increased Council Tax
- Lead to less rental properties making it difficult for people to find accommodation
- There are lots more urgent improvement needed in this area
- House prices will drop
- More empty properties

General comments:

- Ashamed of where I live
- Landlords don't care
- Gullies and Potholes need work
- Its drug and local policing issues
- This is related to immigrant tenants and behaviour. Lack of respect

**Summary**

Overall, the majority of responses agreed or strongly agreed with the proposal for a selective licensing designation, indicating that it would improve standards of management and the overall area. Additional comments were provided supporting the scheme and detailing how the scheme would improve the area. The questionnaire has also identified a significant number of residents that have experienced a problem with private rented accommodation and a number of tenants that have experienced issues with the condition of their accommodation. However, concerns were also raised about the fee being passed on to tenants and an increase in empty properties.

## 5. Landlord and Agent Responses

5.1. 70 respondents completed the landlord and letting agent questionnaire which are broken down into respondent types below. It is important to note that of these responses only 62 own or manage private rented properties within the proposed area.

Respondent Type	Number of responses
Landlord	57
Managing/letting agent	8
Other	7

### *Property conditions*

5.2. The number of landlords and letting agents that indicated that there are problems with private rented accommodation in the proposed area is significantly lower than that reported by residents and businesses. Only 12 indicated that they thought there were problems with private rented properties in the proposed area compared to 76 residents and businesses as discussed in para. 4.2. However 30 problems were recorded including nuisance and anti-social behaviour, rubbish or flytipping and poor property conditions as the majority of responses.

### *Views on the scheme*

5.3. Landlords and letting agents general views on the introduction of selective licensing were surveyed using a number of quantitative questions designed to gauge opinion on the impact of selective licensing followed by a free text field for respondents to add general comments on the scheme.

5.4. 83% of landlords and letting agents indicated that they disagreed or strongly disagreed with the proposal to introduce a selective licensing scheme in the proposed area compared with only 12% that agreed or strongly agreed. This is in strong opposition to the views and responses of the residents and businesses. Similarly, a large majority of landlords and letting agents indicated that the scheme would not improve management standards or the condition of properties, which is also in opposition to the views of residents and businesses.

5.5. A higher proportion of landlords and letting agents indicated that selective licensing would not have an impact on the reduction of anti-social behaviour or have an impact on improving the area.

5.6. Landlords and letting agents proposed a variety of suggestions for incentives that could be provided to landlords to ensure they manage their properties to a high standard. The main responses include the provision of grants, provision of

education and training, support with bad tenants, better street cleaning and the use of enforcement to increase standards.

5.7. Landlords and letting agents provided additional comments within the free text field of the survey which are summarised below:

For:

- Long overdue to Uxbridge Street and some in Eton Park
- Great idea

Against:

- Grants for landlords
- Do not penalize good landlords only those who do not meet the standards expected.
- New build properties at the end of Shobnall Street should be exempt.
- Telling my tenants I'm selling so they will have to find alternative accommodation
- Unfair to pay for licence who maintain their properties.
- What an absurd logic to obtain money from all landlords in a hot spot area.
- Waste of Time and resources
- Charities like Shelter says the system doesn't help tenants or housing stock
- Racial discrimination scheme seems to be only in Asian area
- Enough pressure on landlords without creating extra unnecessary costly conditions
- Use existing enforcement powers to tackle the problems
- Shouldn't be to certain streets, it should be for all of Burton

General comments:

- Fix blocked drains
- Resurface pavements & pot holes
- Should be an area not certain streets – Clarence St, Alma St, Stafford St Sydney St, Hunter St, Thornley St

### **Summary**

Overall, the majority of responses disagreed or strongly disagreed with the proposal for a selective licensing designation, indicating that it would not improve property conditions. Additional comments were provided highlighting concerns that good landlord would be affected and that existing enforcement powers should be used as an alternative.

## **6. Key Stakeholder Views**

6.1. Key stakeholders provided responses to the consultation, including Staffordshire Police, Staffordshire Fire and Rescue, Housing Options, Anglesey Parish Council, Residential Landlords Association, National Landlords Association, and the Member of Parliament for Burton. Whilst we received a number of queries in relation to the planned delivery and operation of the scheme we did not receive any responses for or against the proposal.

## 7. Council Response and Next Steps

- 7.1. The consultation has highlighted opposing opinions on the Selective Licensing Designation. Residents of the proposed pilot area largely support licensing whilst landlords are opposed to it. However, it would not be appropriate to simply base a decision on a majority view. The strength of the arguments and the evidence put forward by both sides needs to be appropriately considered and the merits of different positions given careful consideration.
- 7.2. Whilst the response rate overall has been good with a total of 209 responses based on an area containing 496 properties that would be affected by the proposed selective licensing designation. The questionnaires that were used were available online and paper versions were sent to 1200 properties and premises within and surrounding the proposed areas.
- 7.3. Whilst the questionnaires enabled a respondent to remain anonymous this poses a risk as to the validity of the person completing and submitting the form, and therefore the reliability of the responses based on the respondent type is questionable. These are recognised drawbacks of questionnaires and therefore the results should be used as a guide only.
- 7.4. Following the consultation for the current pilot scheme which was designated in September 2017 a number of concerns were raised in relation to the fee and concerns that this would be passed on to the tenant leading to an increase of homelessness. This has not been evidenced during the current scheme and it is noted that these concerns have not been identified as significant concerns.
- 7.5. One of the main alternatives suggested by landlords is to use the current enforcement provisions instead of selective licensing. This was also raised in 2017, however it is important to highlight that it can be difficult to identify the extent and nature of problems caused by poor landlords, as we rely on concerns being raised by tenants or neighbours. Vulnerable tenants can often be afraid to raise these issues due to fear of eviction or harassment, or unaware of their rights which results in tenants often living in poor standards of accommodation. The current Selective Licensing Scheme has demonstrated that it provides a proactive inspection regime that ensures that a minimum standard of accommodation is met by all landlords, preventing properties being rented in a poor, unsafe condition.
- 7.6. Training and advice has also been raised as an alternative option. It is acknowledged that the scheme already promotes landlord accreditation schemes through the website and as a discount for the selective licensing fee. Such schemes provide a wealth of information, advice and training that assists landlords in meeting their legal duties. The Council also run a landlords forum

throughout the year which also provide advice and guidance for landlords during which speakers are invited to attend to provide training and guidance on key areas such as electrical safety, tenancy deposit schemes etc.

7.7. East Staffordshire Borough Council will need to base its decision having regard to its understanding of the law, both current and proposed, the strength of the evidence concerning poor property conditions in the proposed area and the outcome of the consultation process.

7.8. The main aim of the selective licensing scheme has been identified as improving property conditions and the proposal has focussed on those areas which have the highest rate of rented properties and complaints concerning property conditions. Selective licensing aims to address this issue by improving the standard of privately rented accommodation and improving the standard of management to provide an overall improvement in living conditions. This will also have a knock on effect to levels of crime, ASB, nuisance, creating a better place to live and a better quality of life for residents in all tenures. This improvement will lead to both better landlord management and also better tenant behaviour.