

## **CABINET 16 MARCH 2015**

**Circulated 9th March 2015**

### **Agenda Item 8 –Appendix 1**

Please find attached an amended Appendix 11 to the MEL document (Cabinet Appendix 1).



## Appendix 11 Stage 3 consultation online feedback

Respondent	Consultation Representation	Consideration & Action	Action & Date
A landlord of Croydon	I do not believe this would improve housing. There are many good landlords who have only one or two properties privately rented as an income who would go out of the market or pass the costs on to tenants. Efforts should be put in place to tackle poor landlords with support for affected tenants. There also needs to be support for landlords where tenants abuse their properties. This feels like another tax on people who have worked hard to raise money to buy properties. Please reconsider the proposals.	No consideration required:  In consultation document	Rejected
A landlord of Croydon	The proposed licensing scheme is not going to yield anything to the resident and the tenants in Croydon. It is a money spinner for Croydon Council. The anti-social behaviour will not improve by licensing the landlords. This is a matter for the police to deal with. They are powerless to control the tenant. If the landlord could afford to bring up his place they will do it as it is their property. If condition of the property needs improvement, council should give grant rather than licensing. Licensing the landlord is not going to address any of the issue the council plan to address, therefore I do not support any plan for landlord licensing scheme.	Revised fees as part of consultation process.  ASB is a key area of tenancy management in the PRS. Detailed explanation in cabinet report	Considered
A Landlord of Croydon	I am a private landlord; I manage my property carefully, with respect to my tenants and the locality. I feel Option one is a money raising exercise and will bring no value. My immediate reaction will be to pass on the cost to my tenants and the second action will be to ensure I don't take Housing Benefit tenants in future in case you bring in further restrictive policies that mean I may need to sell up and move Boroughs at short notice. With regard to a positive suggestion, why not manage properties where Housing benefit is paid more closely, my tenants never hear from anyone as to how their property is being managed, or the quality of the property. As a landlord I would welcome this move and feel it appropriate - after all the state is paying me.	Prioritisation of inspections to consider including high density of housing benefit receiving areas.	Considered
A landlord of Croydon	The area of Park Hill where I let my flats has little or no problems with anti- social behaviour. For that reasons landlords like	The scale of licensing is	Rejected

	<p>me who provide high standard flats and offer an on the same day response to issues raised by tenants most of which become friends and stay for years, object to this plan. Would it not be fairer and better for Croydon to start selectively where the problems are currently being experienced? If the scheme works you could then use it on an area by area basis as and when an area becomes a hot spot for ant- social activity. This approach would keep good landlords on side rather than encouraging them to sell up and buy elsewhere.</p>	<p>required due ti the nature and distribution of the ASB and problems across wards.</p>	
<p>An agent in Croydon</p>	<p>Anti-Social Behaviour is nothing to do with Landlord or Licensing. This is a matter for the Police to deal with. I am sorry to say Croydon council has taken a wrong direction on Licensing the Landlords. Further it is landlord's interest to keep the property in good condition as they own the place. Licensing will not improve the condition of rented property. This scheme is not fit for purpose. Therefore, I will not support this proposal.</p>	<p>ASB management is key areas of tenancy management however consider advice strategies to help landlords combat issues in practice.</p>	<p>Rejected</p>
<p>A resident of Croydon</p>	<p>Law abiding tenants should be given extra support as many times they are faced with aggressive landlords who evict at 'will'. Some landlords have also taken part of the deposit claiming that they need to clean the house/room or the tenant destroyed something etc. This they get away with because they only provide the deposit either on the day tenant is leaving or some weeks after when tenant cannot do much about it and just wants to get away from the situation. Council should have selected landlords only who will be the main providers of tenancies both for private and council tenants. Many private tenants are suffering due to lack of legal support. Landlords who provide lodging should also be checked as the law used under normal private tenancies differs, giving the landlord power to evict tenants without reason. I have moved more than 25 times within the last 8 years of living in London because landlords have decided to evict me...albeit no valid reasons prevailing. Because I am single, highly educated, working (but not earning enough) and have no 'diagnosed mental health problems' I have been sent around in circles and cannot gain access to a flat of my own as I can never get a deposit enough to get onto the property ladder.</p>	<p>Consider additional Tenancy relations liaison on behalf of tenant to prevent homelessness.</p>	<p>Agree</p>

A resident of Croydon	<p>A licensing scheme for Landlords who use a Letting Agent would have no effect other than to increase the rent to tenants as the Landlord is already paying the agent to manage the letting of the properties plus VAT. How would the option 1 to 3 have any benefit to the tenant as the Agent acting on behalf of the Landlord is being paid to manage the letting on behalf of the landlord. Would Letting Agents need to be licensed for each of the properties they manage for a Landlord? This would increase the rental charges as the Agent is already managing the letting of the properties. Any increase in costs for letting or licensing would be passed directly on to the tenant plus VAT. This would increase rents in boroughs implementing a licensing scheme which could result in a reduction of landlords operation in those boroughs and preferring to operate in adjacent boroughs which do not operate such a scheme. What would be gained by forcing elderly landlords attending courses when those landlords are paying for an Agent to take the responsibilities of managing the letting of the property? Therefore Option 4 would be more appropriate for landlords who use reliable Letting Agents take responsibility for managing the letting on behalf of the landlord.</p>	No consideration required: Licensing proposals in Croydon will require letting agents to be identified.	Rejected
A resident of Croydon	<p>There is certainly a need to prevent landlords from exploiting the housing shortage by charging excessive rents for accommodation in poor condition and by failing to make improvements and repairs. Also some landlords evict without notice when tenants ask for necessary repairs, intimidating them from insisting on these. If the accreditation scheme will prevent such practices and provide legal enforcement for tenants rights, then I would support implementation across the borough. Clearly this works both ways and tenants must do their part to report leaks etc promptly and to take reasonable care of their landlord's property. There is also an argument for regulating rents to an affordable level based on average incomes, as recommended by D. Johnson 2013 'Crumbs for Londoners' - sorry i dont have the weekly amounts to hand but could provide these in mid =january if that would be helpful.</p>	<p>Consider additional Tenancy relations liaison on behalf of tenant to prevent homelessness.</p> <p>Rent levels beyond the scope of licensing proposal.</p>	Considered
A resident of Croydon	Good idea but should be run in tandem with laws to protect landlords from undesirable and dishonest tenants who are the ones	Advice and support for	Considered

	<p>creating noise, litter, fly-tipping and anti-social behaviour!! I cannot see how landlords create this undesirable situation and tenants should be taken severely to task for ASB. Likewise there is a scam by tenants to obtain council housing by deliberate rent arrears at cost to the landlords and the taxpayer! Likewise single parent girls need to be scrutinised as to their prospects of living with their parents. It seems pregnancy is an easy path to council housing and benefits. In summary are you looking at the wrong end of the situation?</p>	<p>landlords to tackle ASB from tenants to be provided as part of the scheme</p>	
<p>A resident of Croydon</p>	<p>I would suggest Option 1 as the best option in my own view, not representative of my organisation. As a housing options caseworker for a local charity up to September 2014 I have come across many decent standard private rented flats, but unfortunately far more substandard properties, many of which are owned by non-resident landlords with a large portfolio of properties. One of the most common problems is damp and mould and clients living in these properties present a high cost to the NHS and acute services because of health problems relating directly to their living conditions. Licensing charges should be kept as low as possible so as not to penalise good landlords, and so high costs are not passed on to tenants. I agree that Option 2 would cause a displacement of problems, and might be seen to be unfair. Option 3, The London Rental Standard would be welcome but is not enforceable as far as I can see, and not particular to the problems we face in Croydon specifically. I do not feel that Option 4 would do anything to address the problems faced by either landlords or the rental tenant population. I am glad Croydon Council is consulting residents about this important issue.</p>	<p>No action required: Support for licensing</p>	<p>Agreed</p>
<p>A resident of Croydon</p>	<p>Strongly support Option 1</p>	<p>No action required</p>	<p>Agreed</p>
<p>A resident of Croydon</p>	<p>option 1 would be the fairest then all landlords in this borough would have to meet Croydon's criteria then making it less costly and easy to implement. Living next door to a (b&amp;b/hmo)? we have already seen what can happen if the landlords are not up to standard and checked.</p>	<p>No action required, further justification for borough wide scheme</p>	<p>Agreed</p>
<p>A resident of Croydon</p>	<p>IT is necessary to distinguish and regulate rented properties with live-in and live-out landlords differently. A blanket licence to cover all types are unfair and restrictive.</p>	<p>No consideration required:</p>	<p>Rejected</p>

	Live in landlords tend to offer spare rooms for rent and there tends to be higher levels of conscientiousness about the homes and lower incidence of litter. Threshold licensing for Live- in landlord should increase to 4 rather than 3.	Selective licensing applies to self-contained rental units as opposed to shared facilities, which is subject to HMO licensing	
A resident of Croydon	I believe that all landlords based in Croydon or otherwise should be held responsible for the providing a safe living space for their tenants. This means ensuring that all aspects of health and safety in the home are adhered to including suitable fire exits and tested gas/electrical equipment where provided. They should also be responsible for completing repairs within a specified period depending on the type of repair. As an example we do not want to see young children sleeping in damp rooms. This should be policed in such a way that a council employee can access a database and straight away determine if the works have been carried out and when.	No action required: Support for licensing	Agree
A resident of Croydon	Option 4	No explanation to support submission.	Rejected
A resident of Croydon	Having been hit by your HMO license i'm very much against any further restrictions!! As a good, honest, tax payer, i should have the right to rent with two friends, but due to the HMO wasn't as none of us are related. I don't see how three working professionals wanting to rent a three bedroom house is unreasonable or illegal! Yet we were turned down by every estate agent because they didn't want to help us try and find a property that had the license. Imposing more restrictions and paperwork is just going to make it near impossible for those who have to rent, and i can only see this driving up the rental prices more in Croydon. Please stop!	The scale and type of licensing is required due to nature of issues in Croydon.	Rejected
A landlord of Croydon	Team, It's really difficult (politically and morally) to argue against a campaign to protect tenants and reduce Anti-Social Behaviour. Against this context, however, the details of how this scheme will do this are light. The government requires stringent evidence (see section 5.1) before such legislation can be implemented but, when you read the proposal's problem statement, it is very hard to see such evidence (i.e. hard numbers) of the problems that Croydon	Full justification for scheme included in Consultation Document and Cabinet Report	Considered

	<p>Council believes the borough is experiencing, and therefore to logically link this through to how the scheme will make things better. Thus, whilst the scheme may seem politically expedient, I don't believe it has the real teeth needed to make a difference and also appears highly likely to be open to legal challenge from the vast majority of law-abiding landlord's resident in the borough. Here are further specific points that I believe need more rigorous thought: - Section 1 is the entire summary of the case and contains a complete absence of data that makes the problem compelling, or the type of 'burning platform' any business would need to recognise before taking decisive action. Rather, the first point raised is it will 'dispel the poor image of the sector' - reviewers may wish to reassure themselves the real drive is making things better, rather than a populist political sticking plaster. - Section 2 (the business case) contains only one hard data point, tacked onto the end of the final paragraph of section 2.1, which states that [the lack of safety, compliance, etc.,] 'is particularly evident in noise pollution and antisocial behaviour where the private rented sector is responsible for around 50% of the complaints and casework managed by these teams'. Is this the reason for the proposed legislation? If so, and if we put aside any questions this uncited data may raise (the period over which this has been measured, the accuracy of collection processes, etc) and take on trust that these are true, what is the real cost to the borough of this, and shouldn't this be stated clearly in a section calling itself a business case? This is key because it gets to the heart of whether this proposal is a 'sledgehammer to crack a nut'. It's also important, because 16% of the new costs of this scheme relate to ASB / Noise control (&gt;£0.5m per year - see appendix 8). Reviewers may wish to satisfy themselves that these numbers are linked (and legitimate), and also understand how much of these numbers represent costs associated with 'new' activities, vs. transfer from an existing enforcement budget (a cost reduction opportunity?). - Section 3 - it states there is evidence for 'displacement' - i.e. Landlords selling their properties and buying new ones in areas with less control. This seems quite an arduous (and costly) process for most landlords give the vast majority (75% - section 3.3) only own one property. Does actual, quantifiable evidence exist of this happening? If so,</p>		
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	<p>would this be a good thing to have in a case such as this? - In section 3.1, the document states 'In the last 5 months alone Croydon's Tenancy Relation Team has dealt with 104 cases of illegal eviction and of harassment from landlords'. If this is already illegal, how exactly does this new legislation help, and therefore, why is this data relevant and therefore able to result in a cost saving for the council and better service for tenants? Section 4.8 touches on some aspects but, again, no hard data is cited of a real problem that cannot be resolved by existing legislation. - In section 3.3, the Newham scheme is quoted as evidence of success. When you read through the quoted metrics of success, does this sound like compelling evidence to you? Are there any numbers to accompany the quoted benefits? - In section 5.1, it clearly states that the council can only introduce Selective Licensing in Croydon where 'persistent issues with anti-social behaviour' can be shown, because 'low demand' conditions do not exist. For all the reasons above, reviewers may wish to check whether they feel compelling evidence of this 'persistent issue' has been demonstrated to such an extent that the council is not left open to legal challenge. Furthermore, given most tenancy agreements contain a clause allowing an eviction of tenants for ASB / Noise abuse, is it really more cost effective for the borough to set up a 'Croydon Rental Standard' (section 7.1) a whole host of enforcement teams and associated infrastructure, rather than putting much simpler legislation through to insist all landlords have this in their contracts in Croydon, and ensure they enforce it. It appears to me this type of legislation would meet the stated aim (or at least as it is laid out here) at a fraction of the cost. - Finally, the report cites appendix 2 as the sole evidence that the issue is endemic across the borough. If you conduct even basic statistical analysis you can see that the data has 'significant statistical differences' between wards. What, therefore, is the compelling evidence that this problem is endemic? Given all of the above, I'm minded that this proposed course of action is overkill, and believe there to be more cost-effective, and efficient, solutions available to the council, that would result in a lower level of legal exposure. My hope is that the committee will consider these accordingly.</p>		
A landlord of	It is just another scheme to make more	Advice, support	Considered

Croydon	<p>money! The landlord get no help with anti social behaviour, and is not and should never be their responsibility. If the landlord has anti social behaviour in his property the council should take the tenants to court, or rehouse them! Referencing means nothing to future anti social behaviour unless the tenant has a criminal record and declares it! I accept a scheme that is free as this helps good landlords and good communications. Any bad landlords that don't apply will not be on the register and any tenant will know this automatically and the council can fine and get the money off the bad landlords and not penalise the good ones with fees.</p>	<p>and training to form part of licensing scheme to assist landlords exercise powers to combat ASB</p>	
A landlord of Croydon	<p>Would suggest that better protection to landlords be introduced. Particularly where tenants play the system to enforce a desired state of eviction. Landlords already comply with a property licensing scheme for HMO's. The law is there is take rogue landlords to task, further red tape and back door taxes are not required.</p>	<p>The scale of licensing is required due to the nature and distribution of the ASB and problems across wards.</p> <p>Support will be offered to landlords whose tenants are causing a nuisance</p>	Considered
A landlord of Croydon	<p>I agree in principle that buy to let properties should be registered due to the number of bad landlords and bad tenants. However the proposed fees cannot be justified. The fees would also be passed on to the tenants. Why penalise a good landlord and a good tenant. (why would it require £10m per annum to run the scheme) I think £250 would be more than sufficient possibly for a 5 year license. Income should be generated from the landlord's fines for evading the scheme or landlords who are fined for falling short of requirements. Landlords who do their job properly should not be penalised for the behaviour of the bad, and not penalised for the tenants who fall short of their own duties. Landlords who own several properties should receive a discount and landlords who conform should receive a ongoing "no claims" discount. I think all tenants should also be registered automatically with <a href="http://www.tenantshistory.co.uk">www.tenantshistory.co.uk</a> a local Croydon non-profit organization. If the scheme goes ahead a facility for both the landlords and tenant to enter details</p>	<p>Revision of fee amount in stage 2 consultation.</p> <p>Full details in cabinet report and consultation document</p>	Considered

	<p>against their own property while notifying the licensing dept and the other party at the same time in order that all parties are aware of any issues. A time limit could be set for issues to be sorted as it were internally and then cleared on the register before any action is necessary by the council dept. A separate address register should be set up for members of the public to check if the property is let, or identity properties that are overcrowded, or may housing illegals. Also to report Council and Housing Association tenants sub-letting their properties. The neighbours are the best source of information not other landlords as the government committee on this subject wrongly believe.</p>		
A landlord of Croydon	<p>Dear Sirs, We rent 4 houses in South Croydon (Croham Ward) and as responsible landlords we object to your blanket appraisal of landlords in the Croydon Council area. You blame us for:</p> <ul style="list-style-type: none"> <li>• Anti-social behaviour</li> <li>• Poor housing conditions</li> <li>• Negligent practices</li> </ul> <p>This is outrageous since in our ward:</p> <ul style="list-style-type: none"> <li>• There is no anti-social behaviour</li> <li>• Housing is generally of good quality stock</li> <li>• Houses are mostly owner occupied</li> </ul> <p>Why should we fund your initiative, a scheme that will put up the cost of rent in South Croydon and probably drive out the private rental market to other areas? Looking at the ASB data there were 7 complaints of ASB in our ward over a 20 month period the Council does not state what percentage of these were even proven. According to your data the PRS accounts for 54% of complaints, so on the basis that our ward has a similar profile this means there have been 4 PRS complaints attributable to the PRS in 20 months To charge us £3000 for 4 houses together with a raft of administration is simply outrageous on the basis that there are an average of 2.4 ASB complaints in our ward per year. Plus some of the compliance you refer to is a legal requirement anyway and Estate Agents invoke this when they are finding tenants. If landlords are not doing the legal stuff then you need to find and fine the culprits. You are mistaken if you think that your scheme will help solve the problems you blame landlords for. It will drive up the cost of rents, particularly if a percentage of landlords either sell up and move on or don't register because supply will be short and demand driven even higher. This may even drive up the number of people claiming housing benefits. Croydon has</p>	<p>The scale of the scheme is required due to the nature and distribution of ASB and nuisance identified.</p> <p>Comments unfounded: No evidence to suggest landlords exiting areas covered by selective licensing.</p>	Considered

	<p>approximately 30,000 privately rented properties if 10% move outside the Croydon boundary and some landlords fail to register then you have 3,000 less homes...is that what you want? Brixton is one such area which Croydon is now having to deal with the fallout from. Its gentrified housing is no longer in reach of the average tenant. House prices have shot up and so have rents. Also the ASB data does not show what percentage of complaints were not addressed in a satisfactory way by the Landlord...this is a key question. If the complaints are being dealt with satisfactorily by Landlords anyway, a licensing scheme is not going to improve the situation. It is extremely difficult under current laws to evict anti-social tenants and takes quite a length of time if you have a savvy tenant who knows how to play the system and many do. Are you going to offer help to landlords when they have this problem? No of course you're not – the scheme is all about stick and no carrot. Not once have you suggested helping landlords who have an anti-social tenant. Anti-social behaviour is a policing issue. What are the police doing about it in the other wards? Landlords should be responsible for maintaining their houses not policing anti-social problems. Who is going to enforce after landlord licensing? Apparently our funds won't pay for that? The recent changes in Council Tax rules whereby you charge landlords even if the property is unoccupied for a day. This drives the exact opposite of the behaviour you say you want landlords to adopt ie maintaining their properties to a high standard. If a landlord wants to freshen up a property between tenancies he now has to pay the Council for the privilege of doing so. Yet another case of landlord bashing without considering the wider consequences! Your proposed scheme will not only not solve the problems but will create others. Where do you think the anti-social sector of the market will move to? Do you think that there is sufficient social housing to take this on? Often poorly managed private rented housing is the low rental end of the market. You need to be quite sure that you have sufficient stock before you knock it out. You conveniently refer to The Housing Act 2004 which has given councils the power to introduce the licensing of privately rented properties to improve conditions for tenants and the local community. Actually the spirit of the legislation is that it should be used where there is a problem. The legislation is</p>		
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	<p>meant to target areas where there are significant and persistent problems. Whilst we would agree that this may be the case in certain wards, Croydon Council are proposing to designate the whole of the Borough as having significant and persistent problems, and you have simply failed to make this case and this may well be legally challenged, involving the Council Tax Payers in more unnecessary expense because of an ill thought out and politically motivated scheme. It's nonsense to brand areas such as Purley, Coulsdon or Sanderstead as anti-social. Designating the whole of the borough as an area of persistent anti-social behaviour will only devalue "Brand Croydon". You can rest assured that in the battle for inward investment from businesses, developers etc other local authorities will use this to Croydon's detriment. We suggest you implement a targeted scheme in the worst affected areas. Test it first to see what knock-on effect there is. This is more of a business approach, not to go in full guns blazing so that you lose your socks because you clearly don't have a full understanding of the consequences. If you have a displacement problem further down the line then you deal with it then. Of course displacement will extend over Croydon Council boundaries and then other councils will have the problem. Have you spoken to other councils in case this happens? What is their reaction? We live in one - Tandridge and as residents we wouldn't be happy for you to displace your problems onto us because you had not adequately thought about the consequences. What about offering some inducement i.e. help for landlords with anti-social behaviour. If you do then you may be lumbered with the rehousing issue which is precisely our point above...where are you going to move the low rental sector on to? Why should we fund whole departments in Croydon Council to take on; a) something that there is not currently a problem with in our ward; b) administration that is already in some respects a legal requirement, and c) a problem which would be better managed by law enforcement. If you want to do something useful, offer landlords help, don't keep blaming landlords for something that government and local policy has helped to bring about. Don't keep landlord bashing because it's not going to help your cause. The so called rogue landlords you are trying to target will not be deterred by a licencing</p>		
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	<p>scheme. These people are criminals and should be prosecuted under existing legislation. Slapping extra cost on the vast majority of good landlords will not achieve your aim. You should instead be positively engaging with the vast majority of good landlords in the borough, by supporting them. The return on our capital investment is around 3-4% something that most businesses wouldn't offer you a damp squid for. Put more cost on us and we can assure you that this will not be absorbed as you seem to think. With rental lease cycles an average of 18 months there are some tenant markets and particularly those in South Croydon that will not thank you kindly for your proposals.</p>		
<p>A landlord of Croydon</p>	<p>As a landlord we are already obliged to meet a multitude of statutory and contractual obligations and the licensing of landlords is another burden to make it more difficult to operate as a legitimate landlord. I note that the Council already has to operate the Croybond scheme, (which I have signed up to) to help get priority customers in to rental accommodation. The Croybond scheme is not an act of generosity but the reaction of the Council because there are not enough suitable homes and the Council need to incentivise landlords to make quality property available for priority housing customers. I am unlikely to sell my existing rental properties in the borough unless the obligations under the licencing requirements are very onerous because I would not wish to waste the costs of buying the property. I anticipate that the licensing obligations will be: i. direct cost, which I would assume should be small because my accommodation is good quality; and ii. extra liability where for example I am made liable for an action of a tenant. I am significantly more concerned about where I can be made liable for the actions of a tenant or another party. The licensing regime make it less likely that I buy any further properties for rental in the borough, reducing the boroughs available stock of available properties. As an example of moving the problem, I am much more likely to purchase a property in a borough or ward where licensing is not required. Note also that licensing requirements in a specific ward would also put off prospective buyers (whether for rental or to live in) because it signifies that the ward is a problem location, depressing prices and exacerbating the situation.</p>	<p>Financial discounts to landlords offering properties to the council for homeless households.</p>	<p>Considered</p>

<p>A landlord of Croydon</p>	<p>Dear Sirs We, the undersigned landlords, disagree with the council's plans to introduce a licensing scheme for the reasons given below. Further to this we have organised a public meeting regarding this on 18 March, so that landlords and tenants in the borough are made fully aware of what is being proposed, in particular to make tenants aware that if the scheme goes ahead, their rent is likely to be increased. DETAILS OF PUBLIC MEETING Venue The Ranyard Room, Croydon Conference Centre, 5-9 Surrey Street, Croydon CR0 1RG Date: 18 March, 18.30 – 21.30 hours Yours sincerely Charles Price Geoffrey West Bernie Sullivan Gerry Meredith-Smith Claire Dunn Paul Norris Andy Saunders James Walker Sue Walker Alex Hughes Judith Wordsworth Sheila Cox (n.b. Mrs Cox signs with the proviso that she strongly disagrees with the part 2 below, stating that landlords, not properties, should be taxed. If the scheme goes ahead, since many landlords have just one property she feels each property should be taxed, rather than just the landlord) Stephen Collingwood (N.b. Mr Collingwood also strongly disagrees with part 2 below, as Mrs Cox does) FACTS TO CONSIDER 1. RE ANTI-SOCIAL BEHAVIOUR, HOUSING ACT 2004 S 79,80 and 81 of the Housing Act 2004 provides for the introduction of licensing private landlords and is INTENDED to tackle (1) anti-social behaviour and (2) reduce the impact of poor quality landlords. HOWEVER 1. Anti-Social Behaviour, Crime and Police Act 2014 Part 1 S9 (arrest without warrant) s13 (power to exclude person from their home in cases of violence or risk of harm) may well be used by the Croydon Council to give powers to landlords BUT Part 3 s34 (authorisations to use powers given by s35) and only a person of a description specified in an order made by the Secretary of State may be designated, i.e. each individual landlord will have to have an order made by the SS! If not then any landlord acting on the behalf of Croydon Council re tenants anti-social behaviour is taking the law into their own hands and could be prosecuted by the tenant under various legislation e.g. Human Rights Act 1998: if the tenant was “in fear of any physical harm” even if just having a finger laid upon them then S39 Criminal Justice Act 1988; S2 Protection from Harassment Act 1997 if a landlord has to contact the tenant(s) more than three times</p>	<p>Full justification for scheme explained in consultation document and cabinet report.</p> <p>Licensing scheme will not provide any new powers, just incentive to use existing powers under the tenancy agreement.</p>	<p>Rejected</p>
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	<p>over the same matter and the tenant(s) feel victimised i.e. repeated attempts to impose unwanted communications and contact upon a victim by a landlord in a manner that could be expected to cause distress or fear in any reasonable person. unwanted conduct on the grounds of race, gender, sexual orientation etc. which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Therefore causing distress could be enough. 2. Also would Croydon Council require Landlords to "police" the pavement outside their property/properties to stop drinking, swearing, racial abusive comments etc. etc. and other anti-social behaviour? Chap 2 Anti-Social Behaviour, Crime and Police Act 2014. 3. Part 5 s97 Anti-Social Behaviour, Crime and Police Act 2014 already gives Croydon Council more than enough powers to address ASB as does Part 1 of Schedule 2 Housing Act 1988 (Ground7A) and s 98 Part 1 of Schedule 2 Housing Act 1988. 4. It is not the fault nor responsibility for private landlords to do Croydon Council's job for them to combat anti-social behaviour. LANDLORD FINANCE REPERCUSSIONS NatWest Bank has already stated that: "We do not lend on properties which need a selective licence. This means that we are unable to lend on Buy to Let [which will also include properties that have had monies raised on them in the normal way and subsequently let their NatWest Bank's approval]" SELECTIVE LICENSING Many properties which are let to Housing Benefit tenants are by their very nature in the more socially deprived and less affluent parts of Croydon. If Croydon Council follow one of their options to only impose Selective Licencing in these areas this is a direct discrimination to those landlords who are renting to anyone, not necessarily on housing benefit in these areas, i.e. positive discrimination, and may possibly be challenged under the Human Rights Act 1998. UNFAIR SIDE ISSUES CONNECTED WITH LICENCE REQUIREMENTS Courtesy of Judith Wordsworth: 1. Currently there is no legal requirement to have electrical safety certificates, unlike gas safety certificates. Therefore to impose this under Croydon Council's "How will landlords get a licence" is unfair and unjust UNTIL it is a legal requirement, as is their proposed requirement for the need to obtain</p>		
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	<p>references for prospective tenants. 2. Many landlords do get references, though the vast majority of these references are a waste of paper. Tenants obtained via Croydon Council on one of their Bonded schemes are not able to get references from Croydon Council, so how can Croydon Council impose this requirement if they do not adhere to it themselves? 3. Under Croydon Council's "How will landlords get a licence" the imposition for landlords to demonstrate satisfactory procedures for dealing with ASB is again unrealistic apart from a document stating the legislation under which a landlord can stop ASB. If the council cannot stop this behaviour with all the additional powers they have, then how do they expect an individual to be able to ESPECIALLY as that individual now cannot hide their address behind that of a managing agents. Tenants who exhibit ASB will have no compunction in retaliating, possibly violently or with criminal damage, against any landlord who tries to deal with the tenants' ASB. This could lead to not only a landlord but his/her family being put into danger and fear: Offences Against the Person. 4. Whether or not there are areas of Croydon which are delegated selective licensed areas this will not mean that these areas become "attractive places to live". Croydon Council is stating that where there are tenants who are poorer/ethnic/on housing benefit these areas are less attractive places to live. What about New Addington? The landlord is generally Croydon Council itself. BUT Croydon Council have stated in their documentation (Option 2) that they can impose selective licencing in areas where there is low demand so areas which are attracting + £1,300 per month will not escape!!!!</p> <p><b>KEY POINTS</b></p> <p>1. The main point we can all agree on and that may be most likely to get the council to stop and think could be the fundamental legality of the scheme given evidence that ASB in Croydon has gone down by 10% over several years. Whether pursuing a policy which was rejected by pretty much 100% of people consulted is legal in itself is an interesting sidebar vs whether the council can use ASB legislation to introduce this scheme given lack of ASB evidence (or evidence that ASB has been improving!).</p> <p>2. When less than 5 per cent of landlords are bad, targeting should be far more effective than a non-selective 100 per cent comprehensive licensing scheme.</p> <p>3. Would the implementation of this scheme</p>		
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	<p>genuinely significantly reduce the provision of rental housing stock, risk of increased rent levels and homelessness, etc.? IF THE SCHEME GOES AHEAD – FACTORS TO CONSIDER</p> <p>1. Points around fees: high fees would possibly lead to more cost pass-through to tenants, resulting in increased homelessness etc..</p> <p>2. Each landlord should simply be charged once, not per property – as it stands this is property licensing, not landlord licensing.</p> <p>3. this scheme has not been fully costed (there is no cost provision whatsoever to deal with higher homelessness rates that may result, for example).</p> <p>4. They tell us there are 30-32,000 private rented properties in the borough. That must mean there are at least 20,000 landlords. How can consulting with only 400 meet their obligations?</p> <p>OPINIONS BASED ON FACTS + CONCLUSIONS</p> <p>1. There will be increased demand for properties, only because many landlords will be off-loading their properties and therefore reducing the housing stock available to Housing Benefit tenants and those unable to afford to live in the not-so-affluent areas of Croydon.</p> <p>2. A licencing scheme will not improve a private landlord's reputation. The Rackman image of the 1950s and 60s is out of date and actually an insult to all private landlords. Legislation has come into force to regulate tenancies.</p> <p>3. If Croydon Council are raising money by a licence scheme their own figures suggest that monies raised will not cover the administration costs. Therefore within the first year the could increase these fees to anything they deem appropriate.</p> <p>4. What are these monies supposed to be used for in addition to admin costs?</p> <p>5. S106 notices on ALL new developments are imposed to improve areas of Croydon. Monies raised by any licensing scheme cannot be used to enhance the Borough NOR police for ASB.</p> <p>6. If, as appears likely, it is already decided by Cabinet to implement this scheme surely this whole consultation exercise has been a huge waste of local council taxpayers money and should be queried at the highest levels.</p> <p>7. We need to find out, in the light of Council transparency, some idea of the Market Research Company's fees i.e. MELS for this Consultation process as Councillor Michael Neal stated the Cabinet want this scheme, and no matter what results the consultations bring up these results will be ignored, i.e. Landlord Selective Licencing is a fait accompli.</p> <p>8. Surely that is an abuse of the Council Cabinet's power and can be,</p>		
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	and should be if the scheme goes ahead, challenged under Judicial Review under the grounds of : “the procedure followed by the public body is unfair or biased” i.e. a public body must act impartially. Specifically, the scheme cannot be impartial if they are just “going through the motions” of consultation		
An agent of Croydon	I would suggest the best option is Option 4 (Do Nothing). According to my experience as a estate agent in Croydon, Implementing the scheme is not going to address any of the issues raised. First of all, all the property in the private residential rental is in fairly good condition and there is no so called anti social behaviour associated with it. These problems are largely related to houses owned by housing association and council properties. To effectively tackle these problem, the council should self regulate itself first before imposing such a big burden on the rental industry by rolling out the licensing scheme. As a result, it will be quite a waste implementing licencing in Croydon.	The scale of the scheme is required due to the nature and distribution of ASB and nuisance identified.	Rejected
Other Respondent (Not Specified)	I feel that Option 4 is the best option. I do not feel that the other options will improve the situation, and where improvements are necessary there are other means already available. The time and efforts of the Councils would be better spent enforcing the current requirements rather than introducing more work in setting up and operating new schemes. Registering landlords who currently do not comply with the most basic of requirements will not improve their future conduct, and if they are not complying with the existing standards and requirements and this is not being enforced then why would they even be bothered about registering? The landlords who are already letting to an acceptable standard will be put to additional costs time, and effort and nothing will be gained as the council will be spending their time licensing good people who already comply rather than going after the poor landlords who they could use existing legislation against. Any chance this could be extended to freeholders? I was about to buy a flat on birdhurst rise, but pulled out prior to exchange of contracts. I found out that the freeholder has been taken to tribunal 7 times, with the same issues recurring and felt that I too didn't want to have to be in the situation of taking the freeholder to tribunal. The property looked incredibly unloved from the outside ie very untidy front garden, drain	No consideration required:  Freeholders beyond the scope of selective licensing	Rejected

	<p>pipes missing from external walls, holes in external walls (from where drain pipes should have been), terrible loft conversion (I have no idea why Croydon Council Planning Department approved it), poor back garden where cars had been dumped etc. A lot of flats within the property were rented out, but I think landlords struggled to do anything because the freeholder and managing agents are difficult to get hold of and don't seem to care about the property.</p>		
<p><b>Bromley HMO Landlord</b></p>	<p>Borough wide selective licensing is using a sledgehammer to crack a nut, and should NOT be implemented. From the figures provided in the appendices (1) the 3300 noise complaints in 2013 relating to private tenants amount to just 11% of Croydon's 30,000 PRS properties (2) the 140 ASB complaints amount to less than 0.5% of Croydon's PRS and (3) even if all the 10k flytipping cases were attributable to the PRS then only 30% of it could be responsible. One would expect the survey respondents to be more responsible than the public generally, in view of their co-operation, yet a significant proportion did not regard any of the issues to be a problem. Borough wide licensing therefore lacks justification, yet would impose costs on the Croydon PRS. Economic research has consistently shown the demand for housing to be inelastic, meaning these costs would be passed on to tenants in the form of higher rents, making tenants poorer. There is a danger of exacerbating the housing shortage as the PRS might shrink in Croydon, leading to greater homelessness in Croydon, which could spill over into neighbouring boroughs. The most efficient way of dealing with these problems is to tackle them directly by prosecuting the culprits, not indirectly by targeting their landlords. Croydon promotes these problems when it advises these culprits to stay in their accommodation. It is also a bit rich to expect landlords to tackle these problems, when the council not only refuses to advise landlords, but helps such tenants against them. Nevertheless, some landlords are an embarrassment to the PRS. A more effective solution might be to exempt all landlords from the proposed scheme where they already meet specified BASIC criteria, thereby only imposing licensing on those who deserve to have it imposed on them. Such criteria might include (1) a gas certificate was in force before the council asked for it (2) proper landlords insurance (ie not domestic) was</p>	<p>Further evidence provided as part of stage 2 consultation and cabinet report.</p>	<p>Considered</p>

	in force before it was requested by the council (3) there have not been any complaints etc		
Private Tenant in Croydon	As a private rental tenant myself, is the sudden explosion of properties for sale especially in Croydon, a result of landlords not being prepared to be bothered in this new scheme or is it a mere coincidence, judging by the landlords summary? If it is the former case, then maybe these measures have uncovered a hornets nest. What will be the consequence and how will it be resolved? Surely this will create a crisis in the rental of private property as there is a dire depletion of rental housing stock caused by previous governments selling allocated rental property which should have not been allowed in the first place.	Comments unfounded:  No evidence to support increase of sale properties which had previously been tenanted.	Rejected
Neighbour Local Authority (LB Lambeth)	Lambeth is considering our own approach and is watching the introduction of licencing in neighbouring boroughs with interest to see the impact that it has. We are having meetings with Greenwich, Lewisham and Southwark to discuss licencing and a possible joint operational approach. There is little or no evidence of landlord migration from other schemes introduced and we do not envisage the introduction of a scheme in Croydon having any significant effect on the private rental market in Lambeth.	No consideration necessary: support for licencing scheme	Agree