

Written response feedback

Response from two landlords

“Dear Ms Harding, I am a Labour Party member and a landlord that has a license. my son who is a facilities manager and deals with the letting agency and tenant. has had to jump through hoops to get the license and pay for it on my behalf. I have only one property that is rented out, the tenant is an elderly lady who is always apologetic when she contacts my son when she needs a job doing at the property as she is afraid that she will be evicted. This will not happen as my son, and I understand her insecurities. So much so that the rent hasn't been increased for years as we believe the tenant would be badly affected if we were to increase it. The license is five hundred and thirty pounds, add this cost to the letting agent fees, gas and electric safety checks, insurance etc and I am absolutely convinced that these costs lead to higher rents. I am holding onto the property in trust for my autistic grandson, I am not wealthy, my income in total is under thirteen thousand pounds annually. I am disgusted with the council only targeting certain areas for licensing as this is discrimination. If you believe in landlord licensing, then all landlords should have to obtain a license, and the license fee should be a lot less than five hundred and thirty pounds. My son is of the opinion that landlords should pay for a license if they don't let through a letting agent, perhaps the council will take this suggestion in consideration, as he thinks my having to pay out this year over two thousand six hundred pounds is excessive.

Best Wishes Mrs J Kemp”

Council response:

Dear Mrs Kemp

Thank you for taking the time to comment on our housing licensing consultation.

With regards to your comment that the Council is being discriminatory by targeting landlords in only certain parts of the Borough to licence their property. The Housing Act 2004, which is the legislation that the Council implements and enforces its licensing schemes under, defines that for a local authority to implement a housing licensing scheme the Council has to undertake a thorough study to identify areas of concern in relation to factors such as deprivation, property conditions, low demand, migration, crime or ASB. There are also a number of factors around the level of privately rented properties across these areas. The full business case explaining the legal requirements for the introduction of a scheme and our reasoning for the proposed designated areas against these factors is available at [Selective and Additional \(HMO\) Licensing Schemes 2023-2028](#). The licence fee is set as low as possible to enable to scheme to operate effectively. The Council do not make any profit from the schemes.

“Hi, my view is, I am a good landlord. I only have one rental property. I am a nurse with little extra money. Anything my tenant texts me about is resolved in a few days. I pay this fee to Sefton, but I have no idea how it benefits my tenant or makes me a better landlord. I understand why landlords who have many rentals, or a bad record should be challenged but this achieves nothing for my tenant or my care of her and the property. I think it’s an unfair fee.

Regards Sara “

Council response:

Dear Sara

Thank you for your comment on our housing licensing consultation.

The Council is aware that not all landlords are operating poor management practices or providing houses in poor condition. However, the Councils’ experience of privately rented properties (confirmed through the licensing schemes over the past five years) is that there are a significant number of landlords who are unaware of their legal duties to their tenants and/or do not undertake the necessary safety checks on their properties. Licensing has enabled Housing Standards Officers to educate and support landlords through both informal and formal enforcement action to ensure the safety and wellbeing of their tenants and the local community. A large number of health and safety hazards have been removed from privately rented properties during the term of the current schemes which further have improved the living conditions the safety of occupiers.

Overall, improvements to the management of the private rented sector is both a reputational and commercial benefit for landlords. The Council, in recognition of those landlords who can demonstrate good property management practices and also show that their property is free from Category 1 Hazards (under the Housing Health and Safety Rating System), encourages those landlords to apply to the Council’s property accreditation scheme which, if achieved, offers those landlords a reduced licence fee.

Response from the NRLA

Dear Sir or Madam,

Selective and Additional Licensing Proposals

The NRLA is an association following the National Landlords Association and the Residential Landlords Association merger. Our membership represents over 95,000 landlords and agents, the largest organisation in the sector. Members own and manage around 10% of the PRS, equating to half a million properties.

Thank you for the opportunity to respond to the above consultation to renew selective and additional licensing schemes in the borough. The NRLA objects to the relevance of property licensing schemes by local authorities. Although we understand the aims of Sefton Council, we believe that licensing does not align with the successful completion of these aims.

The NRLA seeks a fair legislative and regulatory environment for the private rented sector while ensuring landlords know their statutory rights and responsibilities.

Main Objections

Waste management

When tenants are nearing the end of their contract/tenancy and are moving out, they will dispose of excess household waste through various methods. These include but are not limited to putting waste out on the street for the council to collect. This is in the hope of getting their deposit back and is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with many private rented properties need to consider a strategy for collecting excess waste at the end of a tenancy in place of selective licensing.

Suppose such a scheme is not already in place. Would the council consider a free/low-cost service for private landlords to remove numerous bunk items for when tenants vacate the property and not dispose of such waste beforehand?

Antisocial Behaviour

Landlords are usually not experienced in managing antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or substance dependency. Suppose there are allegations about a tenant causing problems, and a landlord ends the tenancy. In that case, the landlord will have dispatched their obligations under the selective licensing scheme, even if the tenant suffers from any of the above issues.

At the commencement of a tenancy, the landlord outlines the tenant's obligations concerning noise (and other matters such as waste disposal, compliance with relevant legislation, and consideration for surrounding neighbours). The landlord can manage a tenant only to the extent of their mutually signed and agreed contract for living in the property- not for a tenant's activities beyond this.

Sefton Council has many existing enforcing powers that can rectify the identified problems as part of the council's housing strategy. These include:

- Criminal Behaviour Orders
- Crime Prevention Injunctions
- Interim Management Orders
- Empty Dwelling Management Orders
- Improvement Notices (for homes that do not meet the Decent Homes Standard)
- Litter Abatement Notices (Section 92 of the Environmental Protection Act 1990)
- Fixed Penalty Notices or Confiscation of equipment (Sections 8 and 10 of the Noise Act 1996)
- Directions regarding the disposal of waste (for example, Section 46 of the Environmental Protection Act 1990)
- Notices to remove rubbish from land (Section 2-3 of the Prevention of Damage by Pests Act 1949)

Conclusions

The NRLA believes local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.

If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate improvements to tenants' and landlords' behaviour and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall. The NRLA has a shared interest with Sefton Council in ensuring a high-quality private rented sector but strongly disagrees that introducing selective and additional licensing is the most effective approach to achieve this aim both in the short term and long term.

Yours Faithfully,

Samantha Watkin, Policy Officer, National Residential Landlords Association

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Council response:

Dear Samantha

Thank you for your response to our housing licensing consultation on behalf of the National Residential Landlords Association (NRLA) and its members.

We agree, as you mention in your letter, that it is important that landlords are aware of and undertake their statutory responsibilities when renting property to tenants. The NRLA, although the largest organisation of its kind, has managed to engage with only 10% of UK landlords. Since the implementation of our Additional and Selective Licensing Schemes it is apparent that there is still a significant higher percentage of landlords (and agents) who are unaware of their legal duty and without local authority interventions such as Selective and Additional licensing, would likely remain so.

With regards to your comments over waste collection and the service requested, note that Sefton Council already operates a low-cost bulky item collection service.

In response to your comments around anti-social behaviour (ASB). The Council is aware that many landlords can find tackling ASB difficult. However, leaving ASB to escalate can cause excessive strains emotionally and financially, on communities and landlords in particular. The Council's licensing officers meet regularly with the police and the Council's ASB Team who will offer advice, provide sample documentation and be able to mediate between landlords and their tenants. When a landlord does not engage and/or act on any ASB from their tenant then a breach of licence conditions will then be pursued. Landlords who address ASB and follow the procedure/advice of the ASB Team will be able to provide ample evidence, presentable to a court if a case progressed to eviction.

Sefton Council, furthermore, through the licensing schemes informs tenants that landlords are bound by licence conditions and, therefore, required by us to deal appropriately with any ASB. Over a period of time, it is expected that tenants causing persistent ASB will soon realise that their options for housing in local communities may become limited.

You list a number of current powers that a local authority has to tackle issues across the private rented and other sectors of our communities. These powers are generally focused on individual properties, whereby licensing has a more strategic purpose to improve a designated area.

The council will also consider providing an annual summary of outcomes with its new scheme to demonstrate improvements and the impact of licensing on the designated area over the scheme's lifetime.