

Written Responses

Email Response 1 - Platinum Property Partners Ltd.

Dear Sir or Madam,

I am writing to you on behalf of Platinum Property Partners Ltd (PPP). We are a nationwide professional franchise network, which specialises in providing high quality, affordable, all-inclusive high standard accommodation for professional and key workers in the form of Houses of Multiple Occupancy (HMOs).

PPP is the world's first property investment franchise and is also a Full Member of the British Franchise Association (BFA). PPP's nationwide network of Franchise Partners (franchisees) follow proven systems for operating and maintaining their own HMO portfolios, supported by some of the UK's leading property, legal and financial professions, ensuring that all PPP properties are providing the best quality accommodation available for tenants.

All PPP HMOs are set up and managed by professional landlords who are only allowed to join the franchise after an extensive selection process themselves. This ensures only suitable people become landlords and are not unscrupulous landlords just 'in it for the money'. In addition to this, the types of tenants PPP looks to provide accommodation for are all professional working people who are thoroughly vetted before tenancy to ensure that only like-minded people, who are respectful of others, occupy PPP properties and will therefore not be a cause of anti-social behaviour or become a nuisance to other tenants or neighbours.

Whilst we accept that some other types of HMOs do cause issue, it is damaging to say that all HMOs should be viewed as causing a nuisance and exacerbating anti-social behaviour, or are unsafe in terms of health and safety. As a nationwide franchise, PPP prides itself on delivering the best possible accommodation for tenants at the highest standards. In addition, the evidence that licensing would solve anti-social behaviour is minimal – behaviour is a trait of tenants rather than the accommodation they are in.

PPP are committed to raising the standards of shared accommodation across the UK and are always happy to see HMO standards raised. However, rogue landlords will be unburdened by the introduction of Additional and Selective Licensing schemes and it is they who cause the problems. If there was better policing of the existing licensing and planning regulations then the "problem" areas would improve. It is difficult to see how rogue landlords would be caught by the introduction of extra licensing schemes when they do not obey current regulations.

We realise that tenants would be attracted to a licensed HMO over an unlicensed HMO because they would know they would inhabit a property which complies with all relevant legislation, including health and safety, fire safety and amenity sizes, which is managed by a professional landlord. However, the Housing Act covers HMOs whether or not they are licensed and landlords should be providing properties in compliance with this; better inspections by the housing team would enable them to identify where this is not the case.

It is important that the private rented sector provides accommodation tenants can trust and in which they are safe. However, there are opportunities at present to raise the level of substandard properties which are not taken so Platinum would prefer better enforcement of current powers before the introduction of additional schemes.

Yours sincerely,

Platinum Property Partners Ltd.

Email Response 2 - ASB Team

Just a few words from Community Safety in terms of the consultation.

Community Safety welcomes the proposed Rent it Right Scheme. We are keen to have additional measures in place to extend licencing of HMOs in the borough, and rental properties within the defined areas. It will be a measure that will assist us in reducing levels of anti-social behaviour , especially in cases where a multi agency response is key to reducing the issues.

Initial results of data gathering shows an increase in recorded ASB in relation to PRS and HMOs in relation to other tenures and this issue is reflected in cases that are being referred to Community Safety. This is a clear demonstration of ASB and crime related concerns from such properties and we agree that there has been a clear increase in the number of HMOs over the last few years.

We also agree that well managed HMOs are an important part of the Housing strategy across our borough and the need for them to address a Housing requirement is clear but it is important that this is managed in such a way that any detrimental impact on the local communities is addressed. It is also important that individuals are risk assessed before being placed in a HMO as we have experience of conflicting individuals being placed in one premises and this will always result in increased risk and problems. In our experience, dealing with ASB and crime related matters coming from HMOs is not straightforward. We are not always easily able to identify landlords, tenants or the appropriate contacts we need to, and this can delay in our being able to respond to complaints and carry out relevant risk assessments. We do have tools and powers available to use under ASB legislation which would enable us to close properties, or rooms within premises but we would prefer to work with Manging Agents at an earlier stage to address issues. This could be improved with the introduction of this scheme.

The majority of our casework stems from the north of the borough, which would concur with the suggested selective licencing areas and it would be useful to review the success of this scheme and extend to further areas should the evidence be there. Community Safety would suggest that the Manor Road/Erith proposals are extended to include Frobisher Road and Compton Place which are ASB hotspots.

The proposal would be the best way of dealing with ASB concerns around PSR and HMOs as current practices are not considered sufficient. The continued use of Article 4 would further strengthen the proposals as would a licencing scheme for all rented properties in the identified four areas. We do not agree that there should be any exemptions to this, including where the Council uses properties for temporary accommodation.

In terms of fees, our only comments would be that we can see the benefits of an early bird scheme to encourage engagement from landlords.

In summary, we agree that the proposed schemes would assist in managing and reducing ASB across the borough which is priority locally for both Community Safety and Police as well as a London priority for the Mayor of London.

Best wishes

Email Response 3 - Police

I have been requested to inform you that Bexley Police fully supports the proposed Rent It Right Scheme. We have reviewed the consultation and agree that additional measures proposed would assist with the reduction of anti-social behaviour, overall call demand including crime related incidents and where a multi-agency approach is required. It is also believed that this will assist with safeguarding and protecting vulnerable persons within and surrounding HMO addresses.

I have reviewed crime and call data which shows an increase in ASB in regards to HMO's and causes a high strain to Police resources. This has been noted at a time of an increase in HMO's over the last few years. Of this data it shows that calls connected to HMO addresses are predominately in the North of the Borough which would support the suggested licencing areas. In addition to the suggested areas we would like to suggest that the area around Manor Road, Erith be extended to include Compton Place and Frobisher Road, where there have also been a number of incidents of note involving HMO addresses with have involved a partnership working approach.

We believe that the proposal of Article 4 would be a valuable asset in order to manage HMO addresses at an appropriate level on the borough, which we believe is required in the identified four areas. We believe that there should be no exceptions to this, including properties used for Council temporary accommodation. In regards to the cost, we can see benefits of the early bird scheme to encourage landlords to engage at the earliest opportunity.

It important that HMO's are managed well, utilising risk assessments prior to individuals being housed within a HMO. This would identify any risk of conflicts and manages risk at the earliest opportunity. We are aware that there can be a high turnover at these addresses but would also like to see that personnel staying within a HMO are easily identifiable, and we would like to see a process whereby it is known who is staying at the address be streamlined and managed closely by the landlord/managing agents. We would also like to see a streamlined way of identifying Landlord and managing agents as it can be very time consuming and has potential to increase risk.

We therefore agree that the proposed schemes would benefit the borough of Bexley, assisting in the managing and reduction in ASB and crime related incidents.

Kind regards,

Email Response 4 – NLA

Response to Bexley Borough Council's proposal for selective licensing

Introduction

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. The NLA represents more than 72,000 individual landlords from around the United Kingdom. We provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
3. We seek a fair legislative and regulatory environment for the private rented sector, while aiming to ensure that landlords are aware of their statutory rights and responsibilities.
4. We thank Bexley Borough Council for providing us with the opportunity to comment on the selective licensing proposal.

Executive summary

5. Having considered the evidence presented, and having undertaken our own evaluation of the circumstances faced by the residents of Bexley, our position can be summarised by the following brief points:

- Landlords have very limited authority when dealing with matters related to antisocial behaviour, especially if it happens outside the curtilage of the property.
- The council fails to provide evidence of a direct link between recorded housing crime and the private rented sector.
- The scheme will lead to a further displacement of problem tenants in Bexley.
- Selective licensing will have the effect of stigmatising the designated area.
- The documentation provided fails to indicate that sufficient funding will be available to support the introduction of licensing. Can the council guarantee that every house will be inspected as outlined in law?
- The council fails to say how it will prevent malicious claims of antisocial behaviour being made, which could result in tenants losing their tenancies. Can this be provided?
- The document says that Bexley Borough Council will use all its legal powers. However, if it were to use the powers it already has, it would solve the issues and would not require selective licensing. Last year, it failed to prosecute any landlords and served only 10 improvement notices.
- The council has not published its strategy for dealing with chaotic and antisocial tenants. This should run in conjunction with the current proposal.
- The council fails to say how the proposal will tackle rent-to-rent and subletting, or even Airbnb.

6. We contend that the flaws in the process and proposals, as outlined above, must be rectified before this application is progressed. Furthermore, once the necessary data has been identified and provided, this consultation exercise should be repeated (if permissible) to ensure engagement with all relevant stakeholders.

General feedback on proposals

7. Licensing is a powerful tool. If used correctly by Bexley Borough Council, it could resolve specific issues. We have supported many local authorities in the introduction of licensing schemes that benefit landlords, tenants and the community. In this case, the council's lack of evidence does not support its arguments for the introduction of licensing.

8. We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of private rented stock and driving out the criminals who act as landlords and blight the sector. These should be the shared objectives of all the parties involved, to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. This is not the case here.

9. In addition, the proposal does not take into account rent-to-rent, or those who exploit people (both tenants and landlords). Criminals will always play the system. For instance, there is no provision for landlords who have legally rented out a property that has later been illegally sublet. The council is not

allocating resources to tackle the problems that criminals cause. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened?

10. Newham reorganised the council services to deliver their licensing scheme. A joined-up coordinated approach within the council will be required. Additional costs in relation to adult social care along with children's services and housing will be incurred if the council's goal is to be achieved. Yet there is no evidence from the council that this will be done – can this be provided?

11. The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this. It also raises concerns for the NLA as this is not currently being undertaken by the council.

12. The proposal fails to address the link between homelessness and the effect that licensing will have on tenants in Bexley. This impact on tenancies due to a selective licensing scheme is absent from the document.

13. Landlords are usually not experienced in the management of antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. antisocial behaviour) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the selective licensing scheme, even if the tenant has any of the above issues. This moves the problems around Bexley, but does not actually help the tenant, who could become lost in the system. There is no obligation within selective licensing for the landlord to resolve an allegation of antisocial behaviour. Rather, a landlord has a tenancy agreement with a tenant and this is the only thing that the landlord can legally enforce.

14. Bexley Borough Council has many existing powers. Section 57(4) of the Housing Act 2004 implies that a local authority must not make a designation 'unless (a) they have considered whether there are any other courses of action available to them [...] that might provide an effective method [for Bexley Borough Council to deal] with the problem or problems in question'. The council already has powers that can be used to rectify the problems and, hence, the ability to tackle many of the issues that it wishes to overcome in all parts of Bexley. 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 (e.g. section 46 of the Environmental Protection Act 1990)
- notices to remove rubbish from land (sections 2–4 of the Prevention of Damage by Pests Act 1949).

15. In the last year, the council has failed to prosecute any landlords and served only 10 improvement notices. It either does not have the problems it claims to have – as it is not resolving issues! – or it is failing to use its existing powers. It would be better if the council were to use the powers that already exist to solve issues that it claims exist before undertaking licensing.

16. At the commencement of a tenancy, the landlord outlines the tenant's obligations in relation to noise (and other matters, such as waste disposal, compliance with relevant laws and having consideration for their neighbours). The landlord can manage a tenant only to the extent of their mutually agreed contract for living in the rented property – not for a tenant's activities in the street outside the property or neighbouring streets. In the case of a noise complaint, the council would have to inform the landlord that the tenant was being excessively noisy. The landlord then has the right either to warn the tenant or to end the tenancy. If the allegation is false or disingenuous, how is the landlord to know? If the same allegation is made on more

than one occasion, the landlord may end the tenancy based on an unproven allegation or because the council says that there is a problem. This does not solve the problem but rather moves it around the borough. The same applies to household refuse and antisocial behaviour issues. The tenant could be labelled as guilty without having faced a trial. Under the reference condition of selective licensing, a guilty judgement can be made without an accusation being tested by a court.

17. The ending of a tenancy will be a way for a landlord to resolve an allegation of antisocial behaviour even if it is malicious. This will not resolve the issue of high tenancy turnover; it will exacerbate it.

18. The introduction of licensing is likely to increase costs for tenants without solving the problems that the council is trying to target. It will likely move the issues around the borough and displace them to new landlords. The issues would be better resolved by a more erudite approach to deal with nuisance and a separate policy to tackle criminals acting as landlords.

19. Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. This includes putting waste out on the street for the council to collect. This is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy. An example is the Leeds Rental Standard, which works with landlords and landlord associations to resolve issues.

20. One of the arguments the council has put forward is that selective licensing is being introduced due to the size of the PRS. Can the council clarify: a) is it the council's policy to reduce the PRS in these areas; and b) where does the council wish to see PRS grow in the borough?

Negative impacts of discretionary licensing

21. One of the dangers of the proposed selective licensing scheme is that the costs will be passed on to tenants. This would increase costs both for those who rent in Bexley and for the council. The increased costs to Bexley residents would particularly hit those most vulnerable and least able to tolerate a marginal increase in their cost of living. Also, the council has failed to explain that, as well as the council's costs for the licence, landlords will likely cover their increased costs by raising rent prices. The failure to explain this shows a lack of understanding of how the private rented sector works. This could mean that landlords will look for tenants from other councils, as they are offering incentives (e.g. Haringey is offering £4,000 plus the Central London Local Housing Allowance rate).

22. Areas that have been subject to the introduction of selective licensing have seen lenders withdraw mortgage products, thereby reducing the options available to landlords who are reliant on finance. Downstream, this increases overheads for landlords and tenants. The lenders that withdraw mortgage availability from a landlord will appear on that landlord's credit history. Other mortgage lenders will put a higher cost on the landlord, which will ultimately reach the tenant.

23. Defining areas of Bexley Borough as problem zones in the consultation will not encourage lending or investment into those areas. The stigmatisation will be reflected in property values within them. Bexley Borough Council, by proposing to introduce licensing, is implying that there are social problems that could deter investment in those areas. The council does not acknowledge the impact that the stigmatisation of discretionary licensing will likely have. It will likely increase all car and house insurance premiums, but the council has not told Bexley residents about this. We assert that failure to provide such information indicates a substandard and, ultimately, superficial consultation exercise.

24. One of the council's reasons appears to be a contradiction: it wishes to increase the rents that landlords will receive in the area, while at the same time it expects them to sell their properties. One of the council's aims in the consultation document is to reduce the number of privately rented properties. Why would landlords sell their properties when the council is trying to make them more profitable for landlords?

25. The social housing sector has made many efforts to remove problem tenants (see table below). How does the council expect landlords to solve these tenants' issues when the social sector has failed? Many of the tenants who have been removed from the social sector are now living in the private rented sector without any support. This selective licensing policy will have a greater impact on those people who are

evicted from social housing, as they will not be able to access the PRS as they will fail the reference check (mandatory condition).

Year (calendar)	Landlord type		Claims issued
	Private*	Social	
2016	54,583 (39.7%)	82,789 (60.3%)	137,372 (100%)
*includes all accelerated claims			

Current law

26. A landlord currently has to comply with over 100 pieces of legislation, and the laws with which the private rented sector must comply can be easily misunderstood. A landlord is expected to give the tenant a 'quiet enjoyment' of the property. Failure to do so could result in a harassment case being brought against the landlord. The law within which landlords must operate is not always fully compatible with the aims of the council. For example, a landlord keeping a record of a tenant could be interpreted as harassment.

27. Licensing is introduced to tackle specific issues. Many of these are related to tenants, which the council has identified. The challenge for local authorities is to work with all the people involved and not simply to blame one group – e.g. landlords. We are willing to work in partnership with the council to develop tenant information packs, assured shorthold tenancies and the accreditation of landlords, along with targeting the worst properties in a given area.

28. We would also argue that a problem which is restricted to only a few poorly managed and/or poorly maintained properties would not be appropriately tackled by a licensing scheme – it is not proportionate. In many situations, the council should consider enforcement notices and management orders. The use of such orders would deliver immediate results. Why, instead, does the council wish to address it over a period of five years and through a licensing scheme? A targeted, street-by-street approach, working on specific issues in a coordinated manner with other relevant agencies, such as community groups, tenants and landlords, would have a much greater impact.

29. We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly. Many of the problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.

30. In relation to the reduction of antisocial behaviour and the authority that landlords have to tackle such activity within their properties, it should be pointed out that landlords and agents can only enforce a contract; they cannot manage behaviour (NB: House of Commons briefing note SN/SP 264, paragraph 1.1). In most circumstances, the only remedy available to landlords who are confronted with serious antisocial behaviour in one of their properties will be to seek vacant possession. In many instances, they will need to serve a section 21 notice, rather than a section 8 notice, identifying the grounds for possession. The former is simpler and cheaper and repossession (at present) is more certain. No reason need be given for serving a section 21 notice and, in this case, the perpetrator tenant can hypothetically approach the local authority for assistance to be rehoused (NB: Homelessness Guidelines cl 8.2). Crucially, no affected party needs to offer evidence against an antisocial householder, thereby reducing the risk of intimidation, harassment and, ultimately, unsuccessful possession claims. The issue of antisocial behaviour will, thus, not appear as a factor in the repossession. However, when providing evidence to support a licensing

application, the document should clarify the position of all the relevant issues under landlord and tenant law.

Requests for supplementary information

31. We are extremely concerned about the gaps in evidence and justification that occur throughout the licensing proposal.

32. We would like clarification on the council's policy in relation to helping a landlord when a section 21 notice is served, the property is overcrowded or the tenant is causing antisocial behaviour, as per what the council says in the consultation. What steps will the council take to support the landlord? It would be useful if the council were to put in place a guidance document before the introduction of the scheme, to outline its position regarding helping landlords to remove tenants who are manifesting antisocial behaviour.

33. We would like a breakdown of antisocial behaviour complaints over the last five years, subdivided into antisocial behaviour that has proven to be housing-related and for the different housing sectors (owner, social and private rented).

34. We would like to know what consideration the council has given to homelessness, where these tenants cannot access the private rented sector.

35. The council fails to say what additional services will be provided for mental health. This will have an impact on adult social care budgets for the county council – and this budget is already under pressure. How much money has been allocated from the county to meet this?

36. Finally, we would like a breakdown of the numbers of orders and powers listed in paragraph 14 which Bexley Borough Council has used over the past five years.

NLA Continued

Response to Bexley Council's proposal for additional licensing

The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.

More than 72,000 individual landlords from around the United Kingdom are members of our organization. We provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.

The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

Overview

1. The ability to introduce additional licensing is a powerful tool. If used correctly by Bexley Council, it could resolve specific issues. By introducing the scheme, you are indicating that it will eliminate all the problems that you identified.

2. This proposal should be put on hold until the government has unveiled its proposal, which will be within the same period as the council's, to avoid confusion.

3. One of the dangers of the proposed additional licensing scheme is that the costs may be passed on to tenants, thus increasing costs to Bexley residents, especially the most vulnerable, along with the Council's costs.

4. In many places, such as Newham, Oxford and Bath, where an article 4 direction was introduced in addition to the additional licensing, the result has been a reduction in the amount of shared housing that is available. This has resulted in councils looking to house many local people outside their boundaries, increasing costs for tenants and for the councils.

5. This policy could also have an impact on house prices in the area, with the market placing a premium on those with permitted development rights. This has been seen in other areas of the country.

6. The scheme does not take into account Airbnb or those who practice rent-to-rent. These matters have to be addressed, if the scheme is to work. Subletting is a problem for landlords. What policies will the council put in place to support landlords who are the victims of tenants who sublet or who permit overcrowding to take place?

Resources

7. Areas that have seen the introduction (perpetuation) of additional licensing have also seen mortgages being withdrawn (by the Nat West and RBS). This could have an impact on the housing market, as the housing type could become stigmatised. It could increase the cost to tenants and the council in those areas where it is maintained, and those on low income will be priced out along with those who are in receipt of welfare. The council will incur additional costs in housing people; this can already be seen in the council's homelessness budget. What analysis of this has been undertaken, and of the potential effect on the council's homelessness budget?

8. The council should consider schemes such as the Home Safe scheme in Doncaster and SEAL in Southend. Both offer alternatives which the council has not reviewed. This involves management of the landlords and tenants, and thus management of the whole situation, which would be a more appropriate outcome. This would also save the council money.

Societal impact

9. In addition to young professionals and students, migrants make up an important part of the shared housing market in Bexley. For obvious financial reasons and for flexibility, shared housing is an important housing segment for these groups. However, demand is not static. Thus, the impact of these policies will have an impact on the less well-off within Bexley. What measures are the council taking to mitigate these issues (including increases in housing costs)?

10. The issue of overcrowding is difficult for a landlord to manage. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or to allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor tenants' household activities every day, or their sleeping arrangements. Where overcrowding does take place, they know what they are doing and are criminals, not landlords.

11. The cost to rent via local housing allowance in Bexley is already very difficult. A policy such as this will further limit supply at the same time as it prices out local people.

12. Schemes such as additional licensing have put houses that are shared at a premium; that added value depends on them remaining shared. The council's policy will prevent new entries into the market, thus creating a monopoly. Properties that have shared usage will have a higher value than those that do not. Landlords will be disinclined to return them to family use, as they have higher value in shared usage and landlords will wish to preserve that status.

13. The use of additional licensing that is landlord/property-based will not resolve many of the issues that are caused by tenants – they are tenant-based issues. Landlords have limited powers to address them, as any direct action by the landlord to address issues such as ASB can be considered by the tenant to be harassment.

14. The NLA believes that any regulation of the private rented sector must be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords and the quality of private rented stock, and driving out the criminals who blight the sector. The shared objectives of all parties should be to facilitate the best possible outcomes for landlords and tenants. As such, good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In the current economic climate, the last thing that good landlords need is yet more regulations or licensing schemes, particularly where there appear to be limited direct or immediate benefits to landlords or to tenants.

Creating tension in relationships

15. In relation to ASB reduction and the authority landlords have to tackle such activity within their properties, it should be pointed out that landlords and agents can only enforce a contract. They cannot manage behaviour (ref: House of Commons briefing note SN/SP 264, paragraph 1.1). In most circumstances, the only remedy available to landlords who are confronted with cases of serious ASB in one of their properties will be to seek vacant possession and, in many instances, they will need to serve a Section 21 notice, rather than a Section 8 notice which identifies the grounds for possession. The former is simpler and cheaper and repossession (at present) is more certain. No reason need be given for serving a Section 21 notice and, in this case, the perpetrator tenant can hypothetically approach the local authority for assistance to be re-housed (ref: Homelessness Guidelines cl 8.2). Crucially, no affected party needs to offer evidence against an anti-social householder, thereby reducing the risk of intimidation, harassment and, ultimately, unsuccessful possession claims. The issue of ASB will thus not appear as a factor in the repossession. However, in providing evidence to support a licensing application, the document should clarify, for the respondents, the position of all the relevant issues under landlord and tenant law.

16. Landlords are usually not experienced in the management of anti-social behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. ASB), even if the tenant has any of the above issues, a landlord ending the tenancy will have complied with their obligations under the additional licensing scheme. This moves the problems around Bexley but does not actually help the tenant, who could become lost within the system. There cannot be an obligation within additional licensing for the landlord to solve an ASB allegation. Rather, a landlord has a tenancy agreement with the tenant, and this is the only thing that the landlord can legally enforce.

17. This was reaffirmed in February 2017 when the House of Commons library published a briefing paper entitled 'Anti-social neighbours living in private housing (England)'. This explains: 'As a general rule, private landlords are **not** responsible for the anti-social behaviour of their tenants.'

18. It would be useful if the council could clarify its policies and put in place a guidance document which would outline the council's position on helping landlords to remove tenants who are causing anti-social behaviour. This is worse in shared housing, when a tenant has to share parts of the house with other tenants.

19. The NLA would like further explanation of how the council will work with landlords to mitigate the losses when tenants leave a property early, but where they still have a tenancy. If a landlord has problems with a tenant, how will the council help the landlord?

20. The ability of a landlord to enforce the law against a tenant who is causing anti-social behaviour comes from the civil court, where the burden of evidence differs from that of a criminal court. Although the burden is lower, the length of this process will often exceed the period of the tenancy. Why would a landlord continue to pursue a case against a person who is no longer a tenant? A landlord also risks the tenant causing damage to the property by starting legal proceedings against the tenant. The fact that a landlord has started such a process will not appear on any council document, so how will the council expect to measure this?

Conclusion

21. The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their legal powers effectively in the management of their properties. A more appropriate response would be to identify issues and help landlords to develop the required knowledge and skills to improve the sector through schemes such as the NLA Accredited Landlord Scheme. This would enable Bexley Council to target criminals, where a joint approach is required.

22. The introduction of additional licensing could further reduce the amount of shared housing. This would probably increase the costs for those who rent, as it would prevent new entries into the market. A more erudite approach to dealing with nuisance, and a separate policy to tackle criminals, would be a better way to resolve the issues. Enforcement is required against those landlords who do not meet housing standards. The proposed policy will increase the council's costs along with that of tenants.

23. Again, the NLA thanks Bexley Council for the opportunity to respond to this consultation. We hope you find our comments useful.

Email Response 5

Dear Mr Cooper,

We are in receipt of your letter of the 23 November 2017 and accompanying 'flyer'. Unfortunately we were unaware of the proposals during the initial consultation and only discovered such when on the Councils website researching something else.

We have owned a property in Silver Spring Close, which we rent out, for the past 17 years. As responsible owners we have always maintained the property in good condition together with the necessary gas/electrical safety certificates. Any issues that have arisen have always been dealt with promptly and to the tenant's entire satisfaction. Being a modern property there have been few such problems.

In respect of the Councils proposals we understand the need for the local authority to have the power to improve standards in the private rented sector, although they have of course had the powers for many years through public health and housing legislation. Having read the Councils supporting information for the adoption of the Selective Licensing Scheme it would appear that in addition to support for tenants the main objective is the reduction of antisocial behaviour.

The issue of antisocial behaviour is where we are having difficulty in understanding the Councils proposal to specifically include Silver Spring Close in the area covered by the Scheme. The map shows that much of DA8 is not covered but the boundary has been drawn specifically to include Silver Spring Close and also, incidentally, half of the new Quarry development.

To the best of our knowledge Silver Spring Close is predominantly owner occupied and although we don't live there were totally unaware of any antisocial behaviour problems, certainly in respect of any of our tenants.

Since your proposals are evidence based would you be so kind as to advise us of the proportion of properties in Silver Spring Close which are privately rented and of the incidence of antisocial behaviour.

Many thanks.

Yours sincerely

RE - LANDLORD LICENSING SCHEME .

AS A LANDLORD OF A FLAT ON THE FROBISHER ROAD ESTATE AND HAVING ATTENDED THE "CONSULTATION FORUM" ON 14TH JANUARY, I DON'T AGREE WITH AND OBJECT TO BEXLEY COUNCIL FORCING SOME LANDLORDS IN BEXLEY TO GO ON A COURSE TO BE A LANDLORD, GET A LANDLORDS' ACCREDITATION CERTIFICATE AND PAY FOR A LICENCE FEE (FOR A TOTAL COST OF £1000-£1100), FOR THE FOLLOWING REASONS:

- 1] NOT ALL LANDLORDS IN BEXLEY WILL HAVE TO GO DOWN THIS ROUTE. ONLY LANDLORDS WHOSE PROPERTIES ARE IN CERTAIN UNDESIRABLE AREAS ARE BEING FORCED TO PAY, THEREBY SUBSIDISING ALL OTHER LANDLORDS IN THE BOROUGH AND ALSO ABSENT FOREIGN OWNERS. THIS IS DESPITE ASB ALSO BEING COMMITTED IN "POSHER" PARTS OF THE BOROUGH TOO.
- 2] THE AREAS BEING TARGETTED BY THE COUNCIL ARE WHERE THERE IS SOCIAL OR HOUSING ASSOCIATION PROPERTIES. IT IS THEIR TENANTS THAT CAUSE MOST OF THE ASB PROBLEMS. BUT AS THE COUNCIL AND HOUSING ASSOCIATIONS DO NOT HAVE TO HAVE A LICENCE THEY TAKE NO RESPONSIBILITY FOR DEALING WITH PROBLEM TENANTS. AT THAT MEETING, BEXLEY COUNCIL ADMITTED IT DIDN'T VET ANY OF THEIR TENANTS, UNLIKE PRIVATE LANDLORDS AND/OR THEIR AGENTS WHO VET PROSPECTIVE TENANTS THOROUGHLY!
THIS CRACKERS SCHEME AIMED AT REDUCING ASB WILL HAVE NO EFFECT WHATSOEVER ON THE PROBLEM AS THE COUNCIL HAS NO LEGAL CLOUT TO DEAL WITH IT AND THE POLICE ARE NOT INTERESTED!
- 3] WHEN ASKED HOW THE COUNCIL PROPOSED TO GET FOREIGN OWNERS OF PROPERTIES TO BELONGE ACCREDITED AND PAY FOR A LICENCE, IT ADMITTED IT DIDN'T KNOW NOR DID IT KNOW WHO THESE PEOPLE LET THEIR PROPERTIES TO. SO ONCE AGAIN THE RESPONSIBLE PRIVATE LANDLORDS WILL BE MADE TO SUBSIDISE AND PAY FOR ABSENT LANDLORDS. THIS IS TOTALLY UNFAIR!!
- 4] THE COUNCIL SAID IT COMMUNICATED WIDELY REGARDING THE CONSULTATION FORUMS. THIS IS NOT TRUE, AS NOT ONE OF THE LANDLORDS WHO ATTENDED THE MEETING HAD HAD PRIOR NOTICE. IT WAS BY PURE CHANCE THAT OUR OWN MANAGEMENT COMPANY CAME ACROSS IT AND NOTIFIED US, THE LANDLORDS, JUST IN TIME. IF NOT FOR THAT THIS SCHEME WOULD HAVE GONE AHEAD REGARDLESS WITHOUT ANY INPUT FROM THE LANDLORDS AND WOULD HAVE BEEN A ONE SIDED CONSULTATION. DESPITE THIS BEING A "CONSULTATION FORUM" FROM WHAT WAS SAID AT THE MEETING THE DECISION HAS ALREADY BEEN TAKEN TO BRING IN THIS SCHEME. HOWEVER THE SCHEME COULD BADLY BACKFIRE FOR THE COUNCIL, BECAUSE DESPITE THINKING IT WILL PUT MONEY IN THE COUNCIL'S COFFERS, IT COULD COST THEM MORE IN THE LONG RUN DUE TO RENTS BEING RAISED SUBSTANTIALLY FOR HOMELESS TENANTS, TO PAY FOR THE LICENCE FEES AND EXTRA STAMP DUTY LANDLORDS HAVE TO PAY. THIS WOULD ULTIMATELY LEAD TO A SHRINKING HOUSING POOL, AT A TIME WHEN THE

COUNCIL IS UNDER PRESSURE TO PROVIDE MORE HOMES, AS OWNERS PUSHED TO THE LIMIT BY THESE COSTS SEEK TO SELL UP. THE COUNCIL WOULD THEN HAVE TO PAY FOR SPRAWLING RENTS WITH LESS HOUSING STOCK BEING AVAILABLE

5) ASKED OF WHAT BENEFIT THIS LICENCE WOULD BE TO US THE LANDLORDS, THE ONLY THING THE COUNCIL COULD COME UP WITH WAS THAT THEY WOULD DEAL WITH RUBBISH AND FLYTIPPING! WE ALREADY PAY FOR THIS IN OUR COUNCIL TAX BUT BEXLEY IGNORE THIS AND REFUSE TO DEAL WITH IT AS IT IS ON "PRIVATE PROPERTY"! SO INSTEAD WE PAY A SECOND TIME FOR OUR MANAGEMENT COMPANY TO DEAL WITH IT IN OUR MANAGEMENT FEES. WE DON'T WANT TO PAY FOR THIS SERVICE A THIRD TIME!!

6) MOST OF THE FIGURES QUOTED ARE "GUESSTIMATES" BASED ON A VERY SMALL NUMBER OF RESPONDENTS (155 OUT OF THE WHOLE BOROUGH), SO IT MAKES NO SENSE TO EVEN CONSIDER THE SCHEME AT THIS TIME WITHOUT A FURTHER MUCH MORE DETAILED AND EARLIER CONSULTATION!!

7) THIS SCHEME IS SUPPOSEDLY AIMED AT STOPPING ASB IN CERTAIN AREAS AS OPPOSED TO ALL OF BEXLEY BOROUGH. IN NO WAY WILL CHARGING RESPONSIBLE LANDLORDS FOR A LICENCE FEE TO LET THEIR PROPERTIES STOP ASB. AND ASB WON'T STOP UNTIL SUITABLE PUNISHMENT IS METED OUT BY THE COUNCIL, HOUSING ASSOCIATION POLICE AND GOVERNMENT IN THE FORM OF TERMINATING TENANCIES FINES, COMMUNITY SERVICE OR EVEN PRISON IF THE ASB IS SERIOUS ENOUGH.

IT IS NOT UP TO RESPONSIBLE LANDLORDS TO TAKE ON THIS BURDEN BECAUSE OTHERS ARE NOT DOING THEIR JOB PROPERLY!!

8) I HAVE HAD THE SAME TENANT FOR 21 YEARS AND MANY OTHER PRIVATE LANDLORDS HAVE TENANTS OF THE SAME SORT OF TENURE, SO IN NO WAY DO I THINK I HAVE TO ATTEND A COURSE TO BE A LANDLORD!!

THIS WHOLE SCHEME IS A REALLY BAD IDEA AND SHOULD BE SCRAPPED!!

Email Response 7

Hello

I am in favour of the Council introducing this new Licensing Scheme.

I also think that any costs involved with this scheme should be made by the people making the applications for License. I appreciate this could stop some people registering but when you find they have not registered make the fee/fine even higher.

Licensing should help ensure that the properties are of a suitable condition for someone to call home and the Council know who is responsible for that property.

Email Response 8

Dear licensing scheme department,

I was present at the forum held in belvedere community centre recently but did not get a chance to ask more questions

Could you tell me whether your team has thoroughly considered the financial impact on existing tenants living within the selective licensing areas if this scheme was to proceed? Rents in these areas would highly likely be increased by existing landlords to cover extra costs in renting.

Rent levels in selective licensing areas are already very high and I can only foresee that existence of this scheme will further increase the rents. It is my humble opinion that the real victims of this scheme are the existing tenants living in the selective licensing areas who cannot move for many reasons in the event of a rent increment and are forced to pay the higher rent. The quality of life for these affected tenants would deteriorate as many would struggle with additional financial burden and an increase of eviction notices is a real possibility.

Private Tenant demand in these affected areas are very high and they are prepared to pay the higher rent just to have a roof over their heads. Landlords therefore would not hesitate to increase rents or choose to evict tenants who cannot afford the higher rents.

I am personally aware that many landlords have increased the rent in direct response to s24 tax relief changes and your proposed selective licensing scheme.

I look forward to your prompt reply. Thank you

Warmest regards

Email Response 9

I wish to oppose the granting of any more licences for HMO's in the areas outlined. Any resident of Bexley can quote many instances of the many breaches of regulations by landlords and the transient tenants, take a look around you, walk around the neighbourhood and see what is happening to our Borough, you will be able to pick out all the HMO's by the unkempt condition of them. There are more than enough Hmo's and places to rent in this borough. Enforcement of the rules and regulations that are in place already are completely ineffectual.

I cannot attend the meetings in person but want to record my objections and strong feelings that the council should put in place very robust and enforceable regulations whilst considering granting licences.

Email Response 10

Dear Rent it Right Team,

I do have a specific query that I hope you can help me with/point me in the right direction:

- We have a 3 bed flat in Crayford. My tenants are signed up on a single AST and consist of an unmarried couple and their friend. I assume this is out of scope for the additional HMO licence scheme?

Would appreciate some feedback on this please. To reiterate, we do not intend to run a HMO business model. The tenants are signed up on a single AST. I feel this should be an exception.

Thank you.

Regards,

Email Response 11

Dear Sirs,

Re: Proposed Rent it Right Licensing Scheme

We are landlords to a property in SE28 North Thamesmead area. We currently live in France. This is our only let and to private working tenants.

Prior to letting the property this was our private residence for 14 years. In the time we lived there we experienced neighbouring properties being rented out by both private tenants and council/housing association/benefit claiming tenants. As your figures show there has been an increase in the rental market within this area, but the rental market has always been quite substantial as it is one of the cheaper areas in the London boroughs (so it is good for people looking to invest in a London property), plus as many of the houses are starter homes there has always been a fast turnaround of house ownership/tenancy. This fact alone is not conducive to creating a good community neighbourhood.

Prior to moving to France 7 years ago my partner has always lived in Bexley Borough (he is now 48 years old). I was born in Bexley and returned at 17 years old (I am now 44 years old). So we have a good knowledge of this area. We bought the property in 1996 as it was all we could afford. We were aware of the bad reputation of Thamesmead back then. When we first lived there we experienced the crime ourselves with motorbikes being stolen, joy ridden and burnt out. We have experienced attempted break ins to our back garden. In the local parks we have seen a lot of drug and alcohol abuse taking place. We saw a lot of vandalism. There was a general disregard to property both private and public. A substantial amount of littering with a lot ending up in the canal network. There was a lack of police presence in the area. The council did not keep on top of the maintenance to the public areas.

Our property borders one of the canals and almost on a daily basis my partner would remove rubbish from the canal ranging from plastic bags, whole bin liners full of rubbish to shopping trollies and more. A couple of other private homeowners would do the same. We have witnessed both private homeowners and rental tenants dumping rubbish on the tow paths, communal areas and public spaces which we took upon ourselves to correct them.

There are a substantial amount of trees growing in North Thamesmead on land belonging to the council/Gallions Housing Association. A number of which border our property. These over the years have grown extremely large and despite numerous contacts with Gallions Housing Association have failed to prune them. It finally took a letter to the local MP, Teresa Pearce, to get this sorted. This letter is available to you upon request. Still the neighbours are waiting for their bordering trees to be cut to the point now that the trees are a danger to their homes. This battle has been fought for years.

In our experience of living there private owners and private working tenants have never caused any particular problems there has however been a general feeling of apathy and a lack of regard for the neighbourhood. We would often return from work and find neighbours on benefit and their guests sitting in their front garden often drinking alcohol, quite often running over or standing in neighbouring gardens ours included. This would occur even though they had use of their own back gardens. There was often a lot of litter ranging from general rubbish to large items of broken furniture left in their front gardens. On the basis of our experience of living there when we decided to let the property we chose to let it to working tenants. In the 7 years of letting our property we have let to Russian and Nigerian tenants.

When we started renting our house it was left freshly decorated, with a new bathroom and kitchen prior to the first tenants and has subsequently been decorated in between succeeding tenants. This property is an investment for us and there is no benefit to us to shirk our responsibilities of keeping the property in order as landlords.

- The tenants have always had a legal tenancy contract, gas checks and all other legal requirements fulfilled.
- Our current tenants unfortunately fell into rental arrears and we have worked with the tenant and solicitors to get them back on track.
- Any appliances in the property have been promptly repaired or replaced when needed.
- We make our 6 monthly checks on the property and promptly make maintenance repairs).
- There is open communication between us and the tenants.
- Recently they experienced a burglary which we are working closely with the tenants to make repairs and increase the security to a higher level.

I would consider ourselves to be good landlords adhering to good landlord practices.

When we return to the property for our 6 monthly visits we still see the same properties belonging to or being let by housing associations that are in inadequate conditions. By no means are we insinuating that all benefit tenants are like this.

Our tenants are working and paying a lot of their own hard earned money to be able to live in the London area and are certainly not out causing any antisocial behaviour (ASB) and rest assured if I did have tenants that repeatedly caused ASB I would not be wanting them in my property and ultimately I would take measures to evict them.

If I fail to carry out any of my landlord responsibilities promptly and to the tenants satisfaction they are in a strong position to withhold rent payments until the problem is sorted or have a reduced payment for the inconvenience caused.

In your proposal you keep referring to the ASB in these areas to be rectified by addressing all landlords and what the living conditions are provided by the landlords. I don't see what the correlation is between the ASB and the condition of the rental property. You could have a good tenant living in poor conditions and a lot of bad tenants abusing a well maintained property.

If there is a problem of ASB usually it is the neighbours who are affected and they can either approach the person directly or report them to the authorities. This applies to private homeowners and tenants. As detailed earlier I am more than approachable to be contacted by any of my neighbours if they experience problems with my tenants. Where are the housing associations clamping down on their tenants bad behaviour? How can any landlord control the gangs of "hoodies" roaming the streets and parks, vandalising, thieving, drug taking etc? This is primarily for the police to enforce.

This proposed scheme is aimed at the wrong people. The area would benefit from more council care of the community.

- More policing to combat criminal activities. Patrolling the area on foot or bicycles. Particularly at night-time when criminal activities are highest.
- More lighting and street clearing. An example of the lack of street cleaning is that there is a piece of roofing felt on the public footpath which has been there over 5 years, which neither the council nor residents have cleared up. Again this illustrates the lack of pride by all.
- Dredging the canal for example as this used to be carried out many years ago but never since.
- The sewage plant has always been an issue.
- Indicatives to try to make a more cohesive community.
- Council/Housing Association/Benefit tenants to be checked by the council every 6 months for their living conditions and would then help the tenants communicate with the landlords to make repairs.

In summary, we acknowledge that the area does need to improve and it needs to start somewhere. We feel that the council/police could directly make a lot more effort. If you have a high crime area then it requires more policing. On the basis of my experiences with the council, as explained, I do not think the council is capable to operate any expensive scheme such as you are proposing. There is a need for the council to provide and maintain basic amenities. The area has a lot of parks and with the canal network there is a lot of wildlife for an urban area and with some real care and pride by all (council, private homeowners and tenants) it could be stunning. Whilst this scheme might address rogue landlords I do not think it is going to solve the problems of the area as a whole.

Kind regards

Email Response 12

Dear Sirs

Speaking as a Bexley resident my view is that no approval should be given anywhere in the borough for property, designed as a family residence and situated where the majority of dwellings remain in that use, to be converted to multiple occupation.

Email Response 13

Part of a building inside and part of a building outside a selective licensed property area????

Dear Rentitright,

Brushwood Lodge is a block of flats in Lower Belvedere. We straddle two roads – Lower Park Road DA17 6EF and Picardy Road DA17 5QH. Those flats with a Lower Park Road address are apparently outside the proposed selective licensed property area, while those flats with a Picardy Road address are inside the selective licensed property area. Different levels of the building, but with the same footprint, are inside and outside a proposed selective licensed area. Is this a mistake?

Information: There are 14 flats in Brushwood Lodge. Flats 1 to 12 have a Lower Park Road address, while 4 and 4A Picardy Road, have a Picardy Road address. They are all flats in the same building but the addressing system is an anomaly created by Bexley Council in 1991(?) when the building was first erected. Several of the flats are rented out.

Is it intentional to have a building (block of flats) part inside and part outside of a proposed licensed area?