

Key issues raised during the consultation and the council's response

<ol style="list-style-type: none"> 1. Areas chosen for selective licensing 2. Exemptions 3. Fees/Costs 4. Enforcement 5. Benefits/support 6. Antisocial Behaviour 		<ol style="list-style-type: none"> 7. Strategies and priorities of the council 8. Rent it right accreditation 9. Conditions and standards 10. Evidence base 11. Consultation 	
	Respondent	Issue	Council Response
1	Areas chosen for selective licensing		
	Written responses 2 and 3 from the Councils ASB Team and the police	<p>Majority of casework stems from the north of the Borough.</p> <p>Both the police and the ASB Teams suggest the Manor Road/Erith Selective licensing areas be amended to include Frobisher Road and Compton Place.</p>	<p>This finding broadly supports the Council's evidence base and therefore the areas proposed for a selective licensing scheme</p> <p>Frobisher Road is already included in the Manor Road selective licensing area.</p> <p>The Local Super Output Area (LSOA) that Compton Place is part of, has low levels of ASB and PRS and therefore has not been included for selective licensing.</p>
	Comments on online questionnaire survey and written responses	The council should look to introduce Borough wide licensing.	<p>The analysis carried out by the council shows that selective licensing is appropriate for 13 LSOA only. The remaining areas have either insufficient levels of private renting or ASB.</p>
	Comments on online questionnaire survey	The council should add additional areas to the scheme.	

	Written response 5	Remove Silver Spring Close from Erith Selective licensing area.	Silver Spring Close is in a LSOA with high ASB and a high level of privately rented properties, which is why it has been included in the selective licensed areas.
	Comments on online questionnaire survey and property licensing forum	Will the areas for selective licensing be regularly reviewed and adjusted accordingly?	<p>Once the selective licensing areas have been designated it is the Council's intention that the designation will remain in force until it ceases at the end of the prescribed 5 year period.</p> <p>The Council will review the scheme throughout its operation and at the end of the 5 year period consideration will be given as to whether any new discretionary property licensing schemes are required and what areas they would need to cover.</p>
	Written response 4 NLA	Selective licensing will have the effect of stigmatising the affected area	<p>Bexley is currently an attractive area for landlord investment as evidenced by the large expansion in the private rented sector (PRS) in Bexley in recent years. The council believes raising the standard of the PRS will increase the appeal to potential investors.</p> <p>The Council believes selective licensing will lead to improvements in property condition and street scene throughout the areas selected and make them more attractive places to live and work.</p>
2	Exemptions		
	Online questionnaire survey and written responses 2 and 3 from the Councils ASB Team and Police	<p>Strong objections to temporary accommodation being exempt from selective licensing.</p> <p>74% of respondents to the on-line survey questionnaire did not agree that temporary accommodation used by the Council should be exempt from licensing.</p>	Temporary accommodation will not be exempt from selective licensing unless it is covered by a specific exemption under part 3 of the Housing Act 2004
3	Fees/Costs		
	Written response 7	Charge a higher fee for those who fail to apply for a licence	<p>There will be a six month early bird period, running for 6 months from the designation. During this period landlords will pay a discounted fee of £371 for the licence saving £319.</p> <p>Landlords who don't apply during this period will pay a higher fee</p>

			<p>of £690.</p> <p>The council will use its enforcement powers to target landlords who fail to apply for a licence, including issuing civil penalty notices which attract punitive fines.</p>
	NLA Response	Cost of licensing will be passed onto the tenant and lead to an increase in rents.	<p>The council does not believe that the selective licensing scheme will result in higher rents being charged. There is little evidence to support the cost of the licence fee being passed onto tenants based on similar schemes run by other Boroughs.</p> <p>The licence fee, which is for the full 5 years of the scheme, works out at £2.65 per week if landlords apply for a licence outside of the early bird period.</p>
	Written response 8	Has the council considered the financial impact on existing tenants living within the selective licensing areas?	
	Comments made on online questionnaire survey	The scheme will increase the costs to be a landlord.	
	Online questionnaire survey	Bexley council is introducing the scheme as a money making exercise.	
	Written Response 4 NLA	The council has failed to show there will be sufficient funding to support the introduction of the licensing scheme.	
			<p>The council has calculated the cost to manage and enforce the scheme, having regard to similar schemes and the likelihood of landlords coming forward to be licensed. The scheme is designed to be self-financing and not to make a profit. A breakdown of the costs is provided at Appendix X.</p> <p>The fee structure will be reviewed regularly to ensure accuracy in terms of costs and revenue generation.</p>

Written responses 2 and 3 from the Councils ASB Team and the Police	Welcome an early bird scheme and see the benefit to encourage engagement from landlords	The council believes that an early bird discount will lead to greater uptake and engagement with landlords. The proposal therefore includes an early bird discount.
Comments made on online questionnaire survey	Landlords should not receive a discount for applying for a licence.	
Comments made on online questionnaire survey	The fees have been set too low and should take into account the rental income for the property.	The council believes that a fixed fee is the fairest method of fee setting for a selective licensing scheme and is what other councils have done to minimise bureaucracy and simplify the process of licensing a property The Council has determined the fee based on the cost calculated to manage and enforce the scheme, having regard to similar schemes and the likelihood of landlords coming forward to be licensed. The scheme is designed to be self-financing and not to make a profit. A breakdown of the costs is provided at Appendix X.
On line questionnaire	The majority of landlord and letting agent respondents indicated the he fees are too high The majority of owner occupiers and tenants indicated they were either too low or not enough	
Comments made on online questionnaire survey	Licences should be set according to the size of the property.	
Comments made on online questionnaire survey	Fees are too complicated and should be simplified	The fees have been set this way to comply with the European Services Directive and the outcome of the Hemming v Westminster Council which has ruled that whilst councils are allowed to charge the enforcement cost of the scheme, but it must be separate from the cost to administer a licence application
Comments made on online questionnaire survey	Rogue landlords should pay a higher licence fee.	Rogue landlords who do not apply for a licence would miss out on the early bird discount. In addition, landlords could be prosecuted or the council could issue them with a civil penalty notice of up to £30,000 which the council believes is a sufficient penalty to deter landlords.

	Comment made at the Property Licensing Forum	Are the fees contained within the report going to be the final cost?	Yes subject to approval, the fees contained within the consultation report will be the licence fees when the scheme is introduced.
	Comments made on online questionnaire survey	The selective licensing scheme will lead to less investment by landlords in the Borough.	Bexley is currently an attractive area for landlord investment as evidenced by the large expansion in the private rented sector (PRS) in Bexley in recent years. The council believes raising the standard of the PRS will increase the appeal to potential investors. In addition there is no independent evidence of a significant negative impact on inward investment in the PRS or that there will be an exodus of landlords based on the experience of other boroughs who have introduced selective licensing schemes.
	Comments made on online questionnaire survey	The licence fee has been set very high and there should be a higher discount for being rent it right accredited.	The council has calculated the cost to run the scheme and set the fees and discounts accordingly. If landlords apply during the early bird period then they will benefit from a substantial discount on the cost of a licence fee.
4	Enforcement		
	Written response 6 & property licensing forum	Enforcement of scheme for landlords that live abroad	The council is currently revising its enforcement policy in relation to enforcement of the private rented sector. The council intends to use its full range of powers to enforce the scheme.
	Written response 5 and comments made on online questionnaire survey	Council should be taking robust action with landlords who do not licence their properties.	Landlords who do not apply for a licence will be actively pursued by the Council and can be prosecuted or issued with a civil penalty notice of up to £30,000 which the council believes is a sufficient penalty to deter landlords from failing to licence.
	Written response 1 Platinum Property Partners LTD	Important that private rented sector provides accommodation tenants can trust and in which they are safe. But would prefer better enforcement of current powers before the introduction of additional schemes.	The council believes the proposed selective licensing scheme provides the necessary focus and resources to proactively target those areas known to be in the poorest condition and where evidence shows the highest prevalence of ASB. The introduction of the proposed discretionary selective licensing

Written response 9	Council should put in place robust and enforceable regulations whilst considering granting licences.	scheme provides significant further targeted regulatory control of the private rented sector and is the only practical and beneficial solution to the problems identified in the area proposed for selective licensing
Written response 4 NLA	Will the council guarantee that every house will be inspected as outlined in law. If the council were to use the (legal) powers it already has it would solve the issues and would not require selective licensing	The council aims to inspect all selectively licensed properties during the operation of the scheme. The introduction of the proposed discretionary selective licensing schemes provides significant further targeted regulatory control of the private rented sector and is the only practical and beneficial solution to the problems identified in the area proposed for selective licensing.
Written responses from the Police	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.	The council is required to have a public register of licensed properties which will be on our website.
Comments made on online questionnaire survey	Use the existing powers that you have to deal with ASB.	The introduction of the proposed discretionary selective licensing schemes provides significant further targeted regulatory control of the private rented sector and is the only practical and beneficial solution to the problems identified in the area proposed for selective licensing.
Comments made on online questionnaire survey and property licensing forum	How will the council enforce the scheme and identify poor and unlicensed properties.	The council is currently revising its enforcement policy in relation to enforcement of the private rented sector. The council intends to use its full range of powers to enforce the scheme. The council is proposing to target the selective licensed areas literally on a street by street basis to identify private rented properties and ensure they are licensed.
Property licensing forum	Will the council employ sufficient people to enforce the scheme and inspect properties?	Landlords who do not apply for a licence will be actively pursued by the Council and can be prosecuted or issued with a civil penalty notice of up to £30,000 which the council believes is a sufficient penalty to deter landlords from failing to licence.
Comments made on online questionnaire survey	Rogue landlords will not apply for a licence.	The council has calculated the cost to manage and enforce the scheme, having regard to other similar schemes. The council will actively be looking for unlicensed properties and intends to inspect all licensed properties during the period of the scheme.

	Comments made on online questionnaire survey and property licensing forum	<p>What will the council do to ensure that all properties are suitable to be rented out?</p> <p>How will licensing raise the standard of private rented properties.</p>	<p>Landlords who fail to licence their properties could be prosecuted or the council could issue them with a civil penalty notice of up to £30,000.</p> <p>The introduction of the proposed discretionary selective licensing schemes provides significant further targeted regulatory control of the private rented sector</p>
5	Benefits/support		
	Property licensing forum, panel and written responses	The proposed scheme offers no benefits to landlords.	<p>The council has received few suggestions from landlords about possible benefits in the consultation.</p> <p>The council is reviewing what benefits it can provide to Rent it Right landlords and is actively considering the possibility of offering discounted Energy Performance Certificates, Fire Risk Assessments, Gas Safety Certificates and Inventory services.</p>
	Comments made on online questionnaire survey	Free gas safety certificates and carbon monoxide alarm.	<p>The council will explore the possibility of providing landlords of licensed properties with smoke alarms and carbon monoxide alarms and welcomes further suggestions.</p>
	Written response 4 NLA	The council has failed to show how it will prevent malicious claims of antisocial behaviour being made which could result in tenants losing their tenancies.	The council will provide support to tenants and landlords to try and prevent this happening and has provided a dedicated email and contact which will continue to be available for both landlords and tenants throughout the scheme.
	Written response 4 NLA	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 deliver such a strategy.	The council is proposing to assist it right accredited landlords with disposal of waste at the end of tenancies and welcomes the offer from the NLA to work with the council to achieve this
	Written response 4 NLA	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.	The council agrees that a guidance document on what support it is able to offer is of value and will provide this before the proposed scheme comes into force

	Comments made on online questionnaire survey	What will the council do about tenants who fail to pay rents and cause ASB and then move onto other properties tenants. Will the council have a blacklist of tenants?	There are conditions attached to the licence requiring that landlords take action to resolve and to report ASB to the appropriate authorities which includes the council. The council will provide support and help as required and within powers to assist landlords with problematic tenants. The idea of a tenant passport scheme or similar for good tenants was proposed at the forum events and the council has agreed to look into the legality and feasibility of such a scheme.
	Comments made on online questionnaire survey and the property licensing panel	What help will the council give to landlord to help them evict tenants who are causing antisocial behaviour?	
6	Antisocial Behaviour		
	Written response 4 NLA Response	The council has failed 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	The comprehensive data gathering exercise and subsequent analysis carried out by the council does provide evidence to support its decision to licence the 4 areas identified as having the highest levels of ASB and private renting in its borough. The Council has no evidence to show the scheme will cause displacement of problem tenants and is proposing to the scheme will support both landlords and tenants to retain tenancies.
	Written response 2 from the Councils ASB Team	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 supports the council's proposal to introduce a selective licensing scheme.
	Written response 2 and 3 from the Council ASB team and the Police	The proposed scheme would benefit the borough of Bexley, assisting in the managing and reduction in ASB and crime related incidents	
	Written responses 6 and 11 and comments made on online questionnaire survey	What is the council going to do about antisocial behaviour in Housing Association Properties?	The licensing scheme is designed to work alongside other measures and to enhance other work to tackle ASB. The council will work with all stake holders to reduce antisocial behaviour in the selectively licensed areas and housing associations and the police will form part of that.
	Written response 11 and comments made on online questionnaire survey	The council and the police should be doing more to combat antisocial in the proposed selective licensed areas.	

	Comments made on online questionnaire survey and Property Licensing Forum	Council's own PSL tenants are contributing to the ASB issues.	There is no evidence to suggest this and any issues with tenants are quickly acted upon.
	Property Licensing Panel	What level of ASB is the council looking to reduce ASB to and how often will it be reviewed.	The purpose of the proposed selective licensing scheme is to improve standards in the private rented sector and reduce ASB in these areas. The council is proposing to measure the success of the scheme by a mixture of methods such as before and after questionnaires, number of properties improved, volume of complaints, etc.
	Comments on online questionnaire survey and Property Licensing Panel	Will the scheme not result in the problems be shifted into other parts of the Borough?	There is no evidence to suggest that the problems will shift into other areas of the Borough. However, the council will monitor complaint levels and maintain its links with the police and ASB teams to ensure this isn't happening
	Comments made on online questionnaire survey	Landlords have very limited powers to deal with ASB.	The council wants to work with landlords to reduce ASB. There are conditions attached to the licence requiring that landlords take action to resolve and to report ASB to the appropriate authorities which includes the council. The council will provide support and help as required and within powers to assist landlords with problematic tenants
7	Strategies and priorities of the council		
	Written response 2 from the Councils ASB Team	Agree that the proposed schemes would assist in managing and reducing ASB across the borough which is a priority locally for both the Community Safety team and Police as well as a London priority for the Mayor of London.	This supports the introduction of a selective licensing scheme in the Borough.
	Comments made on online questionnaire survey	The scheme will lead to an increase the amount of homelessness in the Borough.	The council does not believe that the selective licensing scheme will result in an increase in the amount of homelessness in the Borough. There is no evidence that rents will increase due to the fee being passed onto tenants. The council will offer advice support to landlords and tenants to try and avoid tenants being made homeless.

	Written response 4 NLA	<p>The council has not published its strategy for dealing with chaotic and antisocial tenants</p> <p>The council fails to say how its proposal will tackle rent-to-rent and subletting or even Airbnb</p> <p>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?</p>	<p>In the consultation document at Appendix I the council has set out how the proposed scheme links with its strategic aims including its Community Safety Partnership strategies</p> <p>The proposed selective licensing is not proposed to deal with these specific matters. The scheme aims to tackle substandard and poorly managed private rented properties.</p> <p>The council is proposing to s selective licensing scheme in 4 areas identified as having the highest levels of ASB and private renting in its borough. The Council has no policy to reduce the PRS or to see it grow in any one particular area compared to another.</p>
8	Rent it Right Accreditation		
	Written response 6	Objection to landlords having to become rent it right accredited.	<p>All licence holders and managers (landlords) will be required to become accredited with Bexley Council's Rent it Right scheme to ensure that they understand and can carry out their legal and moral obligations in managing their property.</p> <p>To support landlords becoming accredited, the council will host accreditation courses. If landlords are accredited before applying for a licence then they will be eligible for a £50 discount off the licence fee.</p>
	On line questionnaire	52% of survey respondents agreed with the proposal for landlords to be rent it right accredited	
	Comments made on online questionnaire survey	For properties to be licensed they should have a condition report to ensure that the property is in a good condition to be rented out.	<p>There is a whole section of licence conditions relating to property standards to ensure licensed properties are in good condition and safe for tenants.</p> <p>The council intends to inspect all licensed properties during the period of the scheme to ensure compliance with licence conditions.</p>
9	Conditions and Standards		
	Online questionnaire survey	No comments were made about the proposed conditions and standards.	Council intends to introduce the conditions and standards contained within the report.

10	Evidence base		
	Comments made on online questionnaire survey	What evidence is there to demonstrate that ASB is caused by private rentals	The comprehensive data gathering exercise and subsequent analysis carried out by the council does provide evidence to support its decision to licence the 4 areas identified as having the highest levels of ASB and private renting in its borough.
11	Consultation		
	Written response 6	The council said it communicated widely regarding the consultation forums this is not true It makes no sense to consider the scheme at this time without a much more detailed and wider consultation	The council carried out a full public consultation as detailed in Appendix II.

SOURCES

Survey Responses and Analysis Appendix III
 Email/Written response Appendix IV
 NLA response Appendix IV
 Police response Appendix IV
 ASB team response Appendix IV
 Platinum Property response Appendix IV