

APPENDIX 4

Summary of Representations made to the Consultation and the Council's Consideration of Responses

**STOCKTON-ON-TEES BOROUGH
COUNCIL**

**SELECTIVE
LICENSING
SCHEME
PROPOSAL**

**Summary of representations made to
the consultation & the Council's
considerations and responses**

2024

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CHAPTER 1: Introduction and changes made in response to consultation feedback

Section 80 (9)(b) Housing Act 2004 requires the Council to consider any representations made in accordance with the consultation which are not withdrawn. The representations received are captured in this document and accompanying Appendices 1 to 4. The tables in this Chapter summarise the Council's considerations and responses in relation to the Licence Conditions and the proposed Selective Licence fee discount.

Licence Conditions:

| Licence Condition | Previous wording | Summary of Feedback | Response |
|-------------------|--|--|--|
| Condition 9.3 | The occupants of adjoining properties are provided with direct contact details of the licence holder in case of an emergency or to enable them to inform the licence holder of problems affecting their properties. | General Management - Requirement that neighbouring properties should be provided with a licensee's details in person is not reasonable when a managing agent is appointed and should be capable of being discharged by the agents' details being provided. In many cases it might also prompt a better response. If an owner's details are ultimately required they can always be reached via the Land Registry. | See Table of Deletions and amendments to proposed licence conditions. Page 7 |
| Condition 10.2 | On occupation or in the event of a change in circumstances, all tenants of the licensed property are provided with the following up to date, written information in respect of the licence holder and if applicable, the person appointed to manage the property: (a) Name and contact address, | Tenancy Management - it is not reasonable that this condition cannot be discharged by provision of a managing agents' contact details, where appointed. | See Table of Deletions and amendments to proposed licence conditions. Page 7 |

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| <p>GENERAL</p> | <p>(b) Daytime telephone number, (c) E-mail address, (if applicable), (d) Emergency telephone number, (e) Alternative contact details.</p> | | |
| <p>Condition 3</p> | <p>Condition requiring the licence holder, to keep electrical appliances made available by them in the house in a safe condition and to supply the Authority, on demand, with a declaration by them as to the safety of such appliances.</p> | <p>Safety of Electrical Appliances - it is unclear how it is proposed compliance be evidenced - if it is suggested 'PAT' testing is required, this is beyond the current statutory requirement and as such disproportionate</p> | <p>This is a Mandatory Licence condition as set out in legislation. Landlords will be required upon demand to declare the safety of such appliances. The Council will make a template self-declaration form available for landlords.</p> |
| <p>Condition 12</p> | <p>Conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house and the use of the premises for illegal purposes.</p> | <p>It would be helpful if landlords were obliged to keep a record of complaints received (including the details of the complainant), not just actions they have taken. It may be that they take no action but have received reports. This will enable a full picture of issues to be built up, which could assist in any enforcement action either by the landlord themselves, or by the Police/SBC.</p> | <p>This has been considered and the Council feel the proposed Licence Conditions will address ASB issues.</p> |
| <p>Condition 12.2</p> | <p>Have a clear and written action plan which outlines the procedures for preventing and dealing with anti-social behaviour. This action plan should be reviewed on an annual basis and be provided to Stockton on Tees Borough Council upon request and within 7 days of that request.</p> | <p>Tackling ASB - it is not reasonable to expect landlords to develop individual action plans. This is a specialist area. What might be reasonable would be to expect landlords to adopt appropriate drafted plans produced by SBC/the scheme management.</p> | <p>The Council will make draft/template ASB action plans available for landlords.</p> |

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| <p>Condition 12.7</p> | <p>Attend, or be represented at home visits, interviews, multi-agency meetings or case conferences arranged by the Council or its partners when necessary.</p> | <p>What will be the dispensation for landlords not living nearby who self-manage, they will not be able to attend home visits, interviews, multi-agency meetings or case conferences arranged by the Council or its partners when necessary.</p> | <p>If a landlord was not able to attend then the Council would expect the landlord to make arrangements to be represented or take part in an online meeting.</p> |
| <p>Condition 13</p> | <p>Conditions requiring the licence holder to manage the external areas of the property and to ensure the property is free from accumulations of waste and that there are suitable arrangements for the collection, storage and disposal of refuse and waste.</p> | <p>Timescales for landlords to take action - i.e. if graffiti has been left on a property, or say the gate has been pulled from the frame - how quickly are landlords expected to take action?</p> | <p>The timescales to take action will be dependent upon the extent of the work required and will be assessed on a case by case basis.</p> |
| <p>Condition 13</p> | <p>Conditions requiring the licence holder to manage the external areas of the property and to ensure the property is free from accumulations of waste and that there are suitable arrangements for the collection, storage and disposal of refuse and waste.</p> | <p>With regard to waste/refuse - the tenants should be provided with clear information about how, when and where to dispose of their waste.</p> | <p>The requirement to provide tenants with details of their responsibilities regarding waste storage and disposal is included in Condition 10.4</p> |
| <p>Condition 13</p> | <p>Conditions requiring the licence holder to manage the external areas of the property and to ensure the property is free from accumulations of waste and that there are suitable arrangements for the collection, storage and disposal of refuse and waste.</p> | <p>External Areas, Refuse etc - it should be the SBC's responsibility in liaison with the tenant to ensure the provision of the 'full range of recycling and refuse containers' as this is a function of Council Tax which, where in occupation, is the responsibility of a tenant Overall - the scheme and licence conditions need to specify that appropriate terms in a tenancy agreement will have the effect of discharging various of the imposed administrative / notification requirements.</p> | <p>The Council are of the opinion that these conditions are required to address issues relating to waste collection, storage and disposal.</p> |

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| | | <p>I feel that "all reasonable and practicable steps ... taken to prevent and respond" referenced multiple times within the conditions need to be more strictly defined. As a tenant it could be argued that by the definition landlords could just barge in whenever they feel like under the guise of making sure antisocial/criminal/other behaviours are not taking place, but it leaves open the possibility to curtail tenants right to privacy if taken too far.</p> <p>A condition to an enhanced minimum energy efficiency standard of at least a SAP band D should be imposed with a view of increasing that to a band C within a suitable period.</p> | <p>This will be considered further and we will reflect any changes in the final conditions.</p> <p>Landlords are required to comply with the Minimum Energy Efficiency Standards 2018, which means a property is required to have an EPC rating of band E. The EPC rating of all licenced properties will be checked and if the property is below an E rating landlords will be required to take steps to improve the rating.</p> |
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Table of amendments to proposed licence conditions

| Proposed Condition topic | Deletion from existing conditions | Amendment | Reason / change |
|--------------------------|-----------------------------------|-----------|--|
| General Management | | 9.3 | Condition 9.3 - After licence holder insert 'or if applicable the person appointed to manage the property' |
| Tenancy Management | | 10.2 | Condition 10.2 - After licence holder, replace 'and' with 'or' |

Proposed amendment: Fee Proposal /scheme discount

| Summary of Feedback | Response |
|--|--|
| The proposed discount for PLuSS members is too low and does not reflect PLuSS members co-operation with the Council. | This has been considered and we will reflect any changes in the final fee discount proposal. |
| There should be a discount for owners of more than one property. | This has been considered and we will reflect any changes in the final fee discount proposal. |
| There should be a discount for studio flats / flats in one block. | Where a landlord is the owner of two or more flats, a discount of £25 will be applied following the first application. |
| The fee discount is not enough. | This has been considered and we will reflect any changes in the final fee discount proposal. |

CHAPTER 2: Summary of positive responses received

The Council would like to acknowledge some of the comments received during the consultation in support of the proposed scheme:

- As a resident in Wren Street I am very happy to see it is included in the area.
- I'm generally against bureaucracy for the sake of it and unnecessary government/Council interference but I think the idea has merits and hope that it would help to get rid of some bad landlords and raise standards with the remainder, as well as encouraging more pride in the area generally.
- Licensing needs to be introduced to regulate private landlords to ensure the upkeep of living conditions and standards are as high as possible. This would benefit all local residents and the community as a whole. The terrace where I live was once a very nice residential area. Please do all you can to put this wrong right.
- This model has worked to some degree in similar neighbourhoods in Middlesbrough. It won't solve all the problems, but will help.
- It might make landlords more accountable stopping them putting anybody in their house just for the rent.
- I strongly agree as a home owner in Newtown my house price has plummeted due to all the anti-social behaviour, drug dealing. Private landlords not vetting their tenants and letting their properties go into states of disrepair.
- I would like the above to be introduced because of the amount of houses, flats and HMO's that are in my area and landlords are really not bothered about the decent home owners who have to live amongst this.
- Something like this is long overdue it will be a success as long as there are consequences for people who own these properties and don't take responsibility for the tenant's tenure. If this is not the case it will be another toothless exercise.
- Essential for the rental sector to operate fairly and efficiently and to prevent crime and poorly managed properties.
- In the absence of long promised legislation in this area I welcome the Council's proposals which has the potential to address many of the issues raised earlier in the survey. Good landlords should have no problem though I suspect those who fail their tenants will have issues. All the more reason to have the scheme.
- In my opinion, this would ensure the affected areas are kept to a social standard.
- Would be a helpful measure to help reduce disproportionate crime and ASB levels in the area.
- Selective licensing will hopefully disincentivise 'slum landlords' from operating property within the area leading to an improvement in the condition of the housing in the area. Better quality housing is easier to care for by occupants reducing financial and health burdens.
- Go ahead and bring the quality of housing up to standard.

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- I think it would improve the quality of life for people living in the area greatly.
- I think it's worth a try to help and bring the standard of living up. Providing people with housing is so much more than just giving someone a building to live in, a landlord should not be classed as good just by mending broken things, but also supporting tenants. Hopefully selective licensing will give both tenants and landlord the help to communicate effectively.
- We welcome the targeted nature of the selective licensing proposals.
- We would welcome any proposal that agents who are license holders should undergo training.

CHAPTER 3: NRLA / P LuSS / Safe Agent: Comments Received in written submissions and the Councils response

| Submission | Consultation Responses | Council's Response |
|------------|---|--|
| NRLA | <p>Landlords are usually not experienced in managing antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependency. Suppose there are any allegations about a tenant causing problems, and a landlord ends the tenancy. In that case, the landlord will have fulfilled their obligations, even if the tenant has any of the above issues. This moves the problems around Stockton on Tees Council but does not help the tenant, who could become lost in the system, or worst, move towards the criminal landlords. They will also blight another resident's life.</p> | <p>The Council understands that is the responsibility of all residents in the borough not to cause anti-social behaviour. The Council do not expect landlords to be responsible for the behaviour of their tenants. We require landlords to include clauses in their tenancy agreements about ASB, to manage their tenancies and ensure that ASB caused by their tenants is effectively addressed and if necessary appropriate action taken.</p> <p>The Council will work with landlords who are experiencing issues with tenants who are causing ASB and if the designations are approved a dedicated resource will be available within the Selective Licensing Team.</p> |
| NRLA | <p>Furthermore, the overcrowding issue is complicated for a landlord to manage if the tenant has overfilled the property. A landlord will tell a tenant how many people are permitted to live on the property and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord managing this matter without interfering with the tenant's welfare? Equally, how will the Council assist landlords when this problem arises?</p> <p>It is impractical for landlords to monitor tenants' everyday activities or sleeping arrangements.</p> | <p>The Council believes there are steps that landlords can take to determine if a property has been sublet or overfilled. The Council does not believe that these inspections would impact the tenants' welfare.</p> <p><i>In the licence conditions, it states that the licence holder should undertake inspections a minimum of every twelve months and to keep a written record of the issues found and the action taken.</i></p> |

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| | | <p><i>The NRLA's own guidance recommends that "inspections should be no less than every three months" (Source: The landlord's essential guide to periodic property inspections NRLA).</i></p> <p><i>As stated above, the Council will work with landlords who are experiencing issues with tenants, and are proposing that, if the schemes are approved, dedicated resources will be appointed to work with the existing teams (including Private Sector Housing, Civic Enforcement & Planning) to support this work.</i></p> |
| NRLA | Regarding reducing antisocial behaviour and those landlords must tackle such activity within their properties, it should be highlighted that landlords and agents can only enforce a contract; they cannot manage behaviour. | The proposed Selective Licence conditions provides landlords with actions that they can take to demonstrate that they are dealing with ASB associated with their properties. |
| NRLA | Stockton on Tees Council has many existing enforcing powers that can rectify the identified problems as part of the Council's housing strategy. | The Council acknowledges that landlords are subject to existing regulations and laws. However, the existing regulations and powers do not require landlords to declare themselves to the Council. This means there is no obligation for landlords to make their properties known to the Council. |
| NRLA | The Council also has a wealth of housing enforcement legislation that can be used to enforce against poor standards in the PRS, such as the Housing, Health and Safety Rating System (HHSRS), Improvement Notices, Hazard Awareness Notices, Prohibition Orders and Emergency Remedial Action, civil penalties and criminal prosecutions. These powers are available to the local authority now and do not need consultation to use. | The Council acknowledges that landlords are subject to existing regulations and laws. However, the existing regulations and powers do not require landlords to declare themselves to the Council. This means there is no obligation for landlords to make their properties known to the Council or to be proactive in improving conditions. |
| NRLA | The NRLA advocates using Council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar. With this approach, the Council would not need to consult and implement changes immediately. | <p>If the schemes are approved the Council will include but not be limited to) the following in their approach to identify non-compliant landlords:</p> <ul style="list-style-type: none"> - Monitoring applications followed by door-to-door visits in potential unlicensed hot spots to |

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| | | <p>ensure tenants and landlords know their licensing obligations.</p> <ul style="list-style-type: none"> - Concentrated enforcement activity in areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions. - The use of application and case management systems to help identify properties that are a high priority for inspection, including properties without gas and electric safety certificates and |
| NRLA | <p>If the scheme is approved, the Council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall.</p> | <p>The Council intends to produce an annual review of the licensing schemes, which will show how the Council is tracking against the scheme objectives, and provide transparency to landlords, tenants and residents of the borough on the scheme.</p> |
| PLuSS | <p>We do not believe that the scheme will bring about significant improvements, while the costs will discourage investment by landlords.</p> | <p>The Council are mindful of the impact of the cost-of living crisis on our Private Rented Sector. Furthermore the Council appreciates that the private rented sector plays a very important role in providing decent homes throughout the borough. However, as outlined in the evidence base, there is evidence of persistent issues relating to low housing demands and ASB in the proposed designated areas. In light of the evidence, the Council believes that it has to take steps to address these issues.</p> |
| PLuSS | <p>The ability of landlords to reclassify properties as 'holiday homes' (e.g. for Air BnB lettings) may lead to many properties being ineligible for Selective Licensing or indeed for any enforcement action by the Council.</p> | <p>In February 2024 the Department of Levelling Up Housing and Communities (DLUHC) introduced changes to short-term let rules. The proposed planning changes would see a new planning 'use class' created for short term lets not used as a sole or main home. The Selective Licensing Team would work closely with colleagues in the Council's</p> |

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| | | Planning team to ensure short-term lets have secured appropriate planning permission. |
| PLuSS | In documentation presented so far the Council has failed to set any measurable target outcomes against which the success of its proposed scheme can be measured, if it goes ahead. | The Council intends to produce an annual review of the licensing schemes, which will show how the Council is tracking against the scheme objectives, and provide transparency to landlords, tenants and residents of the borough on the scheme. |
| PLuSS | Running the scheme will be a distraction for the Private Sector Housing Team and will waste valuable internal resources, even after allowing for the funding that registration fees will generate. | If the schemes are approved, dedicated resources will be appointed to work alongside the existing teams (Private Sector Housing, Civic Enforcement & Planning) to support this work. |
| PLuSS | We respect the good intentions of the Council in wanting to engage with tenants and ensure that they understand their role in the physical maintenance of their properties and as good neighbours in their locality, but we doubt whether visits by Housing Officers will achieve anything in this regard. | The aim is to visit all properties. This will provide the opportunity for members of staff to engage with residents and offer advice and support where necessary. |
| PLuSS | We suspect that a significant minority of PRS properties in the proposed areas will not be submitted for registration under the proposed scheme, and these will include many of the properties in the worst repair and most in need of enforcement action. The scheme will instead focus on registered properties, because they will tend to have more cooperative landlords and can be inspected easily | As detailed above if the schemes are approved the Council will include (but not be limited to) the following in their approach to identify non-compliant landlords: <ul style="list-style-type: none"> - Monitoring applications followed by door-to-door visits in potential unlicensed hot spots to ensure tenants and landlords know their licensing obligations. - Concentrated enforcement activity in areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions. - The use of application and case management systems to help identify properties that are a high priority for inspection, including properties without gas and electric safety certificates and |

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| | | properties with a record of ASB incidents or complaints |
| PLuSS | The proposed discount for PLuSS members is derisory and does not reflect PLuSS members co-operation with the Council. | This has been considered and we will reflect any changes in the final fee discount proposal. |
| PLuSS | There should be a discount for owners of more than one property. | This has been considered and we will reflect any changes in the final fee discount proposal. |
| PLuSS | There should be a discount for studio flats / flats in one block. | Where a landlord is the owner of two or more flats, a discount of £25 will be applied following the first application. |
| PLuSS | The fee discount is not enough. | This has been considered and we will reflect any changes in the final fee discount proposal. |
| Safeagent | <p>We would urge Stockton on Tees Council to work closely with accredited lettings & management agents to ensure that the regulatory effort associated with the licensing schemes is focussed on the greatest risks. The highest priority should be tackling rogue landlords and agents, not policing the compliant.</p> <p>Many rogue landlords and unaccredited agents operate “under the radar”. Resources should, therefore, be directed towards these serious cases. There is danger that too much time will be spent on those properties and landlords where an existing, reputable agent is best placed to ensure compliance with license conditions.</p> <p>We would urge the Council to fully recognise the compliance work reputable agents carry out as part of their day to day work. We would also suggest that the Council work closely with accredited agents to proactively seek out and identify unlicensed properties.</p> | <p>As detailed above if the schemes are approved the Council will include (but not be limited to) the following in their approach to identify non-compliant landlords:</p> <ul style="list-style-type: none"> - Monitoring applications followed by door-to-door visits in potential unlicensed hot spots to ensure tenants and landlords know their licensing obligations. - Concentrated enforcement activity in areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions. - The use of application and case management systems to help identify properties that are a high priority for inspection, including properties without gas and electric safety certificates and properties with a record of ASB incidents or complaints. <p>The Council will consider further improving our engagement with accredited agents.</p> |

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| Safeagent | The proposed five year fee of £653, paid on application and then in annual instalments, seems reasonable. However, we would suggest a higher discounts for accredited landlords and agents – say £100 rather than £50. | This has been considered and we will reflect any changes in the final fee discount proposal. |
| Safeagent | <p>We note that the Council’s proposal documents says that “the introduction of Selective Licensing will help to ensure that private rented homes used to accommodate homeless households, and/or prevent homelessness are of a satisfactory standard and are well managed”</p> <p>In this context, we would suggest that, in cases where a private landlord is assisting the Council by offering permanent accommodation to meet homelessness duties, license applications should be accepted without any fee being payable.</p> | This has been considered and we will reflect any changes in the final fee discount proposal. |
| Safeagent | We are supportive of any requirement to obtain references for prospective tenants. safeagent is actively involved in promoting good practice in tenant referencing. We would be happy to discuss our work in this area with the Council. | Noted |
| Safeagent | We would further suggest that discounted fees for safeagent agents would provide an incentive to positive engagement with training that is fully compatible with the requirements of the licensing scheme. | This has been considered and we will reflect any changes in the final fee discount proposal. |
| Safeagent | For our members, dealing with actual and perceived anti-social behaviour in the PRS is a day to day activity. However, in general, we have concerns about the assumed link between the amount of PRS accommodation in the neighbourhood and the incidence of ASB. There may be some correlation between incidences of ASB and the prevalence of PRS accommodation on the area. However, correlation does not imply causation. The causes of ASB are many and varied. It is not, in our view, reasonable to expect agents and landlords to play a disproportionately large part in tackling them. | <p>The Council understands that is the responsibility of all residents in the borough not to cause anti-social behaviour. The Council do not expect landlords to be responsible for the behaviour of their tenants. We require landlords to include clauses in their tenancy agreements about ASB, to manage their tenancies and ensure that ASB caused by their tenants is effectively addressed and if necessary appropriate action taken.</p> <p>The Council will work with landlords who are experiencing issues with tenants who are causing ASB and if the designations are approved a dedicated resource will be available within the Selective Licensing Team.</p> |

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| Safeagent | <p>We believe that regular information on implementation of the scheme should be made available in a clear and consistent format. Reports to local landlord and agent forums, representative bodies and other stakeholders should include at minimum:</p> <ul style="list-style-type: none">• The estimated number of private rented properties that require licensing under the Selective licensing scheme.• The number of applications received in respect of these properties.• Progress in processing (granting, querying or refusing) the licence applications received.• Analysis of the reasons for any queries or refusals and the extent to which remedial action is identified and taken as a result.• Analysis of the outcomes of ongoing inspections and the extent to which remedial action is identified and taken as a result.• Progress reports across the whole 5 year period covered by the scheme. <p>This should help to enable the Council to work in partnership with landlords, agents, representative bodies and other stakeholders to ensure the success of the scheme.</p> | <p>The Council intends to produce an annual review of the licensing schemes, which will show how the Council is tracking against the scheme objectives, and provide transparency to landlords, tenants and residents of the borough on the scheme.</p> |
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CHAPTER 4: Landlords/managing agents, residents & stakeholders – main themes of the consultation narrative response and the Council response

The consultation focused on the extent to which respondents agreed or disagreed with the Council’s proposal to introduce Selective Licensing and the three proposed designations. The consultation also sought views on the proposed licence conditions and fees. The consultation questionnaire also provided respondents with the opportunity to comment on the proposals in their own words and provide any comments they would like to make about the Selective Licensing proposal. These narrative comments have been collated into a background paper (full details are available on request).

All comments have been reviewed and the table below provides details of the main themes and the Council’s response:

| Theme | Example comment | Council response |
|--|---|---|
| PRS licensing is unnecessary / no benefit to those involved / is already covered by existing legislation | “everything the Council is proposing is covered by legislation” | Whilst the Council acknowledges that many landlords operating in the borough keep their properties to a high standard, the evidence presented shows that there are large scale issues with low housing demand, crime and ASB in the proposed designated areas that Selective Licensing can help to address. |
| | “not necessary and will not solve the problems” | |
| | “I have managed properties in 8 areas where Selective Licensing has been introduced. In all cases they have run for 5 years and at no point can any change good or bad be attributed the selective license” | The Council acknowledges that landlords are subject to existing regulations and believes that many landlords will meet the licence conditions and do keep their properties in good condition. However, the existing regulations and powers do not require landlords to declare themselves to the Council. This means there is no obligation for landlords to make their properties known to the Council or to be proactive in improving conditions. |
| | “Selective licensing will be counter-productive” | |
| | “Selective licensing is not necessary” | |
| | “Additional burden on responsible landlords” | |
| | “Waste of time and money. Already imposed on Teesside and didn’t work. Just a con for landlords”. | |
| | Selective Licensing provides the Council with additional powers to take action against those landlords who fail to manage their properties or place their tenants in unsafe properties. | |

| Theme | Example comment | Council response |
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| Licensing will lead to higher rents (landlords will pass on the costs) | “Additional costs of Selective Licensing would make it even more difficult for me to keep the rents as reasonable” | The Council has spoken to several Local Authority’s who have advised that they have not experienced increased rent in areas covered by Selective Licensing. However in acknowledgment of concerns raised by landlords and tenants, changes in the proposed Selective Licensing scheme discount are proposed. |
| | “Bad landlords will simply pass on the costs” | |
| | “Costs will be passed onto tenants” | |
| | “Selective Licensing will only result in landlords passing the license fee onto tenants” | |
| | “If the scheme happens my landlord will increase my rent” | |
| | “the license fee will only be added to tenants rents. Rents are only just affordable” | |
| Theme | Example comment | Council response |
| It is a money-making scheme / another income for Stockton Council | “money making venture” | The Council is not permitted, nor does it seek to make a financial profit from Selective Licensing. The proposed fee has been calculated based on anticipated costs for operating the scheme, which have been informed by the number of properties the Council has estimated will require a licence. |
| | “unclear how funds raised will benefit the areas” | |
| | “obvious this is a way of Councils obtaining funding” | |
| | | |

| Theme | Example comment | Council response |
|--|---|--|
| <p>The introduction of Selective Licensing / a Selective License fee will result in landlords selling up</p> | <p>“I’m already struggling I’ll be selling my property if the license fee comes in and buy elsewhere”</p> | <p>The Council has spoken to several Local Authority’s who have advised that they have not experienced landlords selling their properties. The private rented sector is a growing sector both in the borough and in the 3 proposed Selective Licensing designation areas.</p> |
| | <p>“if approved I will no longer be investing in the proposed areas and intend selling up”</p> | |
| | <p>“this could tempt the landlord to sell up increasing the housing shortage”</p> | |
| | <p>“I worry about landlords deciding to sell up”</p> | |
| | <p>If this is introduced I will either sell my properties or pass the whole cost onto my tenants”</p> | |
| Theme | Example comment | Council response |
| <p>Licensing treats good and bad landlords in the same way / rouge landlords will not join</p> | <p>“efforts should be made to tackle bad landlords and not penalise good ones”</p> | <p>The Council’s intention is to use the regulatory framework provided by Selective Licensing to focus on those that do not comply and impact negatively on the reputation of those responsible landlords.</p> |
| | <p>“you are discriminating against good landlords”</p> | |
| | <p>“selective licensing penalises good landlord’s”</p> | <p>The Council will operate Selective Licensing in accordance with relevant legislation and Government Guidance.</p> |
| | <p>“only good landlords will sign up, bad landlords will not sign up and will pay hide and seek”</p> | |
| <p>As a compulsory scheme the Selective License fee is too high</p> | <p>“fee level is disproportionately high”</p> | <p>As noted previously, the Council is not permitted, nor does it seek to make a financial profit from Selective Licensing. The proposed fee has been calculated based on anticipated costs for operating the scheme, which have been informed by the number of properties the Council has estimated will require a licence.</p> |
| | <p>“its too expensive”</p> | |
| | <p>“I will find it difficult to afford to pay for licensing”</p> | |

| Theme | Comment | Council response |
|---|---|--|
| <p>The proposed discount is too low</p> | <p>“proposed discount for PLuSS members is too low”</p> | <p>The Council has considered scheme discounts, and a revised discount is proposed for members of PLuSS and/or the Councils Landlord Accreditation Scheme and for landlords with 2 or more properties.</p> |
| | <p>“there should be a better discount for more than 1 property”</p> | |
| | <p>“the discount fee for good landlords is not good enough”</p> | |
| | <p>“there should be a discount for landlords with multiply properties plus a discount for studio flats”</p> | |
| | <p>“while any discount is better than no discount – the proposed discount for PLuSS is derisory” and does not reflect all the cooperation with the Council over 5 years</p> | |
| Theme | Example comment | Council response |
| <p>Properties will be reclassified as holiday homes</p> | <p>“landlords can reclassify properties as ‘holiday homes’ (e.g. for Air BnB lettings) which will not be eligible for Selective Licensing</p> | <p>In February 2024 the Department of Levelling Up Housing and Communities (DLUHC) introduced changes to short-term let rules. The proposed planning changes would see a new planning ‘use class’ created for short term lets not used as a sole or main home. The Selective Licensing team would work closely with colleagues in the Council’s Planning team to ensure short-term lets are only operated by those who have secured appropriate planning permission.</p> |
| | <p>“landlords will reclassify properties”</p> | |
| | | |

| Theme | Example comment | Council response |
|--|--|--|
| <p>Anti-social behaviour is not the landlords' responsibility</p> | <p>"We are not babysitters and cannot control how tenants conduct their lives"</p> | <p>The Council understands that is the responsibility of all residents in the borough not to cause anti-social behaviour. The Council do not expect landlords to be responsible for the behaviour of their tenants. We require landlords to include clauses in their tenancy agreements about ASB, to manage their tenancies and ensure that ASB caused by their tenants is effectively addressed and if necessary appropriate action taken.</p> <p>The Council will work with landlords who are experiencing issues with tenants who are causing ASB and if the designations are approved a dedicated resource will be available within the Selective Licensing Team.</p> |
| | <p>"More needs to be done by Stockton Council to tackle crime and ASB and penalising landlords this is the wrong way to do it"</p> | |
| | <p>"The Council tends to blame the landlord for tenants or neighbours behaviours"</p> | |
| Theme | Example comment | Council response |
| <p>The proposed Selective Licensing designation areas should cover all properties (Registered Housing providers)</p> | <p>"I do agree, however this should also apply to Thirteen"</p> | <p>As detailed in the Selective Scheme proposal, private rented housing is a significant tenure in the 3 proposed designation areas.</p> <p>In drafting the Selective Licensing scheme proposal the Council has ensure relevant legislation and Government Guidance has been adhered too.</p> |
| | <p>"This is a pointless exercise. Most housing is owned by social housing landlords who are exempt"</p> | |
| | <p>"Selective Licensing will only work if all rented properties are covered and not just private rented properties"</p> | |
| | <p>Please expand and improve this clause to make it more useful."</p> | |

APPENDIX 4 (1)

NRLA / P LuSS / Safeagent Responses



Suite 323, Tootal Buildings, Broadhurst House
56 Oxford Street, Manchester M1 6EU

0300 131
6400
info@nrla.org.uk
www.nrla.org.uk

Stockton on Tees Council

19th January 2024

Dear Sir or Madam,

Selective Licensing Proposals

The NRLA is an association following the merger of the National Landlords Association and the Residential Landlords Association. Our membership represents over 100,000 landlords and agents, the largest organisation in the sector.

Thank you for the opportunity to respond to the above consultation regarding the introduction of selective licensing in Stockton on Tees. The NRLA objects to the relevance of the introduction of Selective licensing by Local Authorities. Although we sympathise with the aims of Stockton on Tees Council, we believe that Licensing does not align with the successful completion of these objectives.

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

Antisocial behaviour and low housing

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

This moves the problems around Stockton on Tees Council but does not help the tenant, who could become lost in the system, or worst, move towards the criminal landlords. They will also blight another resident's life.

Furthermore, the overcrowding issue is complicated for a landlord to manage if the tenant has overfilled the property. A landlord will tell a tenant how many people are permitted to live on the property and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord managing 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' everyday activities or sleeping arrangements.

Regarding reducing antisocial behaviour and those landlords must tackle such activity within their properties, it should be highlighted that landlords and agents can only enforce a contract; they cannot manage behaviour.

Existing Enforcement Powers

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

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

The council also has a wealth of housing enforcement legislation that can be used to enforce against poor standards in the PRS, such as the Housing, Health and Safety Rating System (HHSRS), Improvement Notices, Hazard Awareness Notices, Prohibition Orders and Emergency Remedial Action, civil penalties and criminal prosecutions. These powers are available to the local authority now and do not need consultation to use.

Conclusions and alternatives

The NRLA advocates using council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar. With this approach, the council would not need to consult and implement changes immediately.



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If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements 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 Stockon on Tees Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of selective licensing is the most effective approach to achieve this aim both in the short term and long term.

Yours Faithfully,

Samantha Watkin
Senior Policy Officer
National Residential Landlords Association
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Friday, 19 January 2024

Response to Selective Licensing Consulta(on

This is the response of PLuSS to the proposal that has been put forward by Stockton-on-Tees Borough Council (“the Council”) for a Selective Licensing Scheme covering Central Stockton, North Thornaby and Newtown. At the (me of wri(ng informa(on about the scheme can be found at [h>ps://www.stockton.gov.uk/Selective-licensing-scheme-2023](https://www.stockton.gov.uk/Selective-licensing-scheme-2023).

As we have already expressed views in previous documents and in mee(ngs with the officers, we focus overleaf on the key points:

We believe the scheme should not go ahead because:

1. We do not believe that the scheme will bring about significant improvements, while the costs will discourage investment by landlords.
2. The ability of landlords to reclassify properties as 'holiday homes' (e.g. for AirBnB listings) may lead to many properties being ineligible for Selective Licensing or indeed for any enforcement action by the Council.
3. In documents presented so far the Council has failed to set any measurable target outcomes against which the success of its proposed scheme can be measured, if it goes ahead. The evidence of improvement from other LHA Selective Licensing Schemes is anecdotal and almost no schemes provide measurable targets for outcomes against which real achievement can be measured, instead choosing to focus on number of registrations and inspections carried out. The audit report by
Northampton City Council
(<https://commitee.northamptoncity.gov.uk/documents/s143098/Selective%20licensing%20JG%20180922%2019%20Aug%202022.pdf>) on their own scheme is a case in point.
4. Running the scheme will be a distraction for the Private Sector Housing Team and will waste valuable internal resources, even after allowing for the funding that registration fees will generate.
5. We respect the good intentions of the Council in wanting to engage with tenants and ensure that they understand their role in the physical maintenance of their properties and as good neighbours in their locality, but we doubt whether visits by Housing Officers will achieve anything in this regard.
6. We suspect that a significant minority of PRS properties in the proposed areas will not be submitted for registration under the proposed scheme, and these will include many of the properties in the worst repair and most in need of enforcement action. The scheme will instead focus on registered properties, because they will tend to have more cooperative landlords and can be inspected easily.

If the scheme is to go ahead, then we submit that:

1. The proposed discount for PLuSS members (£50 per property over 5 years) is derisory and does not fully reflect:
 - a. all the cooperation with the Council from PLuSS as an organisation (short for 'Private Landlords Supporting Stockton') and from PLuSS members individually over the last 5 years; and
 - b. because PLuSS members are good landlords they will be easy (and therefore cheap) for the Council to deal with under Selective Licensing.
2. Discounts should also be given for the following, because in each case it will be cheaper for the council to administer, so it is fair and reasonable:
 - a. Applying online instead of on paper
 - b. Multiple properties per landlord or agent
 - c. Flats in a house (including studio flats)
 - d. Early bird applications
3. All discounts should be cumulative since each discount reflects a saving expected to be made by the Council in its administration costs.
4. We respect the intentions of the Council for the proposed tenant referencing scheme (and the Council has operated something similar in the past with success); however, the scheme must be based on very good and complete data and must also offer fast turnaround for landlords and agents to rely on it for letting decisions.

Yours faithfully



Dominic Ferard, Chair, PLuSS Committee

dominic@pluss.me.uk for PLuSS <https://www.pluss.me.uk>



STOCKTON ON TEES COUNCIL'S SELECTIVE LICENSING PROPOSALS

A RESPONSE TO THE CONSULTATION FROM SAFEAGENT – JANUARY 2024

INTRODUCTION

safeagent www.safeagents.co.uk is a UK wide, not for profit accreditation scheme for lettings and management agents operating in the Private Rented Sector (PRS)

safeagent firms are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Firms must provide evidence that they continue to meet **safeagent** criteria on an annual basis, in order to retain their accreditation. The scheme includes 1700 firms, with over 2500 offices.

safeagent is an accredited training provider under the Rent Smart Wales scheme and meets the requirements for training of agents under the Scottish Government Register. **safeagent** also operates a Government approved Client Money Protection Scheme.

SAFEAGENT AND LICENSING

safeagent is supportive of initiatives such as Selective Licensing, providing they are implemented in a way that takes account of the Private Rented Sector (PRS)'s own efforts to promote high standards.

safeagent believes that positive engagement with voluntary schemes and the representative bodies of landlords and agents (such as **safeagent**) is essential to the success of initiatives such as Selective Licensing. We are mindful that the operational problems associated with lack of such engagement have been highlighted in House of Commons Standard Note SN/SP 4634.

The same note sets out how important it is for licensing schemes to avoid being burdensome. We believe that promoting voluntary schemes - and offering discounted licence fees to accredited landlords and agents, can help to achieve this. Voluntary schemes often require members to observe standards that are at least compatible with (and are often over and above) those of licensing schemes. We believe, therefore, that if Stockton on Tees Council were to allow discounts based on membership of **safeagent** (as well as other similar bodies) implementing and policing the licensing scheme would

ultimately be less costly and more effective, allowing resources to be concentrated in the areas where they are most needed.

This is a commonly accepted approach by many English Local Authorities. We would further point out that, in Wales, the Welsh Government has recently recognised the importance of membership of specified bodies such as **safeagent** and is offering discounted fees to members as a consequence <https://www.rentsmart.gov.wales/en/>

PROMOTING PROFESSIONALISM IN THE PRS - THE ROLE OF AGENTS

safeagent's engagement around the country, with various local authorities, suggests that lettings and management agents have a key role to play in making licensing, accreditation and other, voluntary regulatory schemes work effectively. Agents tend to handle relatively large portfolios of properties, certainly when compared to small landlords. They tend, therefore, to be in a position to gain an understanding of licensing based on wider experience. They become expert in trouble shooting and ensuring that the balance of responsibilities between the agent and the landlord is clearly understood. This, amongst other things, can help to prevent non-compliance due to misunderstandings about local licensing arrangements.

Since October 2014, it has been a requirement for all letting agents and property managers to belong to a government-approved redress scheme. In May 2015, new legislation required agents to display all relevant fees, the redress scheme they belong to and whether they belong to a client money protection scheme. On 1 April 2019, new legislation required letting agents and property managers that hold client money to be members of a government approved client money protection scheme.

At **safeagent** we operate one of the six government approved Client Money Protection Schemes. **safeagent** ensures its members maintain defined service standards, have Client Money Protection arrangements in place, keep separate client accounts and comply with their legal obligation to be a member of a redress scheme. We also have an extensive online training offering to support their professional development. All this can be of assistance to councils who are trying to drive up standards in the PRS.

To assist councils in regulating the private rented sector and effectively utilising these enforcement powers, we developed an Effective Enforcement Toolkit. Originally published in June 2016, the second edition was published in 2018. The third and most recent edition of the **safeagent** Effective Enforcement Toolkit, developed in conjunction with London Trading Standards, was published in 2021. It can be downloaded free of charge from our website: <https://safeagents.co.uk/wp-content/uploads/2021/11/safeagent-Effective-EnforcementToolkit-2021.pdf>

STOCKTON ON TEES COUNCIL'S PROPOSALS - SPECIFIC ISSUES

Partnership Working with Lettings and Management Agents

We would urge Stockton on Tees Council to work closely with accredited lettings & management agents to ensure that the regulatory effort associated with the licensing schemes is focussed on the greatest risks. The highest priority should be tackling rogue landlords and agents, not policing the compliant.

Many rogue landlords and unaccredited agents operate “under the radar”. Resources should, therefore, be directed towards these serious cases. There is danger that too much time will be spent on those properties and landlords where an existing, reputable agent is best placed to ensure compliance with license conditions.

We would urge the council to fully recognise the compliance work reputable agents carry out as part of their day to day work. We would also suggest that the Council work closely with accredited agents to proactively seek out and identify unlicensed properties.

Proposed Licensing Area

We welcome the targeted nature of the selective licensing proposals.

Selective Licensing Fee

The proposed five year fee of £653, paid on application and then in annual instalments, seems reasonable. However, we would suggest a higher discounts for accredited landlords and agents – say £100 rather than £50.

The discount should be made available to landlords who engage agents who are members of national schemes such as **safeagent**. We would suggest that this is justified because **safeagent** members and the landlords who engage them are less likely to be non-compliant and that, as a result, there could be reduced costs to the council. We would also suggest that **safeagent** membership mitigates the need for full compliance visits to be carried out by the council. For example, the timing and content of visits could be risk based, recognising that the risk of non-compliance is much lower in the case of properties managed by **safeagent** agents.

In our detailed comments below, we point out some of the areas where compliance with key standards is an inherent part of the **safeagent** scheme.

Fee Waiver – Tackling Homelessness

We note that the council’s proposal documents says that *“the introduction of Selective Licensing will help to ensure that private rented homes used to accommodate homeless households, and/or prevent homelessness are of a satisfactory standard and are well managed”*

In this context, we would suggest that, in cases where a private landlord is assisting the Council by offering permanent accommodation to meet homelessness duties, license applications should be accepted without any fee being payable.

Furthermore, this approach could become more structured if the council were to enter into partnership arrangements whereby lettings agents source properties for council referrals of homeless people or those at risk of homelessness. **safeagent** is currently working on a model whereby a “Social Lettings Agency” is created through links to one or more established local agents. This is an alternative to the traditional approach whereby entirely new voluntary sector entities need to be set up. We would be happy to discuss this model with the council at any time.

LICENCE CONDITIONS

Tenant Referencing

We are supportive of any requirement to obtain references for prospective tenants. **safeagent** is actively involved in promoting good practice in tenant referencing. We would be happy to discuss our work in this area with the Council.

Tenancy Management

safeagent agents are expected provide and fill in a tenancy agreement on behalf of the landlord. they will always make sure the terms of the tenancy are fair and help the tenant to understand the agreement.

They will always provide clear information to the tenant about any pre-tenancy payments and what these cover. They will explain any requirement for a guarantor and what the guarantor role entails.

At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.

Under **safeagent's** service standards, agents are required to take a deposit to protect against possible damage. They are required to explain the basis on which the deposit is being held and the purpose for which it is required, as well as to confirm the deposit protection arrangements. When joining **safeagent**, agents are asked to provide details of the number and value of the deposits they have registered with the scheme.

Agents are asked to authorise **safeagent** to contact the scheme to verify this information.

During the course of a tenancy, **safeagent** agents will check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's deposit. They will return the deposit in line with timescales and processes required by the statutory tenancy deposit schemes. **safeagent** agents are also required to:

- Have a designated client account with the bank
- Operate to strictly defined Accounting Standards
- Be part of a mandatory Client Money Protection Scheme.

These requirements provide additional security for client monies held, over and above the requirements of the Stockton on Tees council licensing scheme. Again, this is an area where increased **safeagent** membership would be of benefit to the Council and local tenants.

Licence Conditions Relating to the Property

We welcome Stockton on Tees Council's drive to improve property standards. We believe that **safeagent's** standards go a long way to ensuring compliance with license conditions.

Under **safeagent's** service standards, **safeagent** agents are expected to visit any property to be let with the landlord and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can, therefore, be confident that **safeagent** agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary.

safeagent agents are expected to explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property.

safeagent agents are required to ensure that tenants are provided with copies of safety certificates on gas and electrical appliances before they commit to the tenancy. They will provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.

Thereafter, **safeagent's** standards require agents to carry out property inspections periodically, as agreed with the landlord, in line with normal good practice. **safeagent** and our firms would anticipate inspections to be carried out every 6 months as a minimum, to identify any problems relating to the condition and management of the property. In line with common practice, records of such inspections would contain a log of who carried out the inspection, the date and time of inspection and issues found and action(s) taken. Under a licensing scheme, this information could be shared with the council in an appropriate format.

This requirement exceeds the licence conditions which require "*annual inspections*" only.

Tenants will be fully aware of access arrangements. **safeagent** agents are expected to arrange in advance a time for access, in order to inspect the condition of the property in accordance with the tenancy agreement. **safeagent** agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.

Training

We would welcome any proposal that agents who are license holders should undergo training.

Membership of **safeagent** means that agents already have access to an extensive training package, engagement with which should reduce the need for the local authority to intervene. Although not a *condition* of **safeagent** membership, **safeagent** offers short courses and qualifications in Lettings & Management at Levels 2 and 3, which are Ofqual recognised.

safeagent offers training to those who have been involved in lettings and management for some time as well as those who are just starting out. Training is available for principals of firms as well as employees. Thus, **safeagent's** Virtual Learning Environment (VLE) is designed to cater for a wide range of professional development needs. Training is easily accessible and can be undertaken when it suits the trainee. Any candidate completing the **safeagent** Foundation Lettings Course successfully also has the opportunity to use the

designation '**safeagent qualified**'. **safeagent** Foundation Lettings Course (Wales) is also approved training recognised by Rent Smart Wales, the Welsh Government's regulatory body as meeting the requirements for agents to have complying with their licensing requirement.

One advantage of this approach is that it makes it easy to ascertain (through on-line monitoring) that participants have in fact undertaken the required training, prior to or immediately after accreditation. Modules available cover:

- Pre-tenancy issues
- Responsibilities and liabilities
- Setting up a tenancy
- During a tenancy
- Ending a tenancy
- General law concepts, statute vs contract
- Relationships
- Obligations
- Process
- Considerations for corporate tenants
- Continuing Professional Development (CPD)

In addition, **safeagent** provides mini online courses designed to cover a number of elements in more detail, as appropriate to the learner's role, include topics such as:

| |
|--|
| Assured Shorthold Tenancies (ASTs) |
| Client Money |
| Consumer Protection Regulations (CPRs) |
| Deposits |
| Disrepair |
| Electrical Appliances & Safety |
| Gas Appliances & Safety |
| Houses in Multiple Occupation (HMOs) |
| Housing, Health & Safety Rating System (HHSRS) |
| Inventories and schedules of condition |
| Joint Tenancies |
| Notice Requiring Possession |

We would further suggest that discounted fees for **safeagent** agents would provide an incentive to positive engagement with training that is fully compatible with the requirements of the licensing scheme.

Anti-Social Behaviour

For our members, dealing with actual and perceived anti-social behaviour in the PRS is a day to day activity. However, in general, we have concerns about the assumed link between the amount of PRS accommodation in the neighbourhood and the incidence of ASB.

There may be some *correlation* between incidences of ASB and the prevalence of PRS accommodation on the area. However, correlation does not imply *causation*. The *causes* of ASB are many and varied. It is not, in our view, reasonable to expect agents and landlords to play a disproportionately large part in tackling them.

Furthermore, we would strongly advise against any proposals which imply a parity of approach between the PRS and the social rented sector. Social landlords are publicly funded (and regulated) to develop and manage housing on a large scale. Their social purpose brings with it wider responsibilities for the communities in which they work. As private businesses, PRS landlords and their agents, whilst having clear responsibilities to manage their properties professionally cannot reasonably be expected to tackle wider social problems.

Suitability of Licence Holder

We support any requirement that the proposed licence holder should be a 'fit and proper' person and that there are suitable management arrangements in place. We believe that this requirement highlights the importance of lettings and management agents belonging to recognised accrediting bodies like **safeagent**, who themselves apply a fit and proper person test.

All principals, partners and directors of a **safeagent** firm are asked to make the following declaration on application:

– “I confirm that: for a period of 10 years prior to this application I have had no conviction for any criminal offence (excluding any motor offence not resulting in a custodial sentence) nor have I been guilty of conduct which would bring the Scheme or myself into disrepute; I am not an undischarged bankrupt nor is there any current arrangement or composition with my creditors; I am not nor have I been a director of a company which has within the period of 10 years prior to this application entered into liquidation whether compulsory or voluntary (save for the purpose of amalgamation or reconstruction of a solvent company) nor had a receiver appointed of its undertaking nor had an administration order made against it nor entered into an arrangement or composition with its creditors; nor have I at any time been disqualified from acting as a Director of a company nor subject to a warning or banning order from the Consumer Markets Authority or the Department for Business, Enterprise and Regulatory Reform.

If I am subject to any current claim or am aware of any impending claim for professional negligence or loss of money or if I have been the subject of any investigation by the Consumer Markets Authority and/or local Trading Standards Office, full details of the circumstances are set out in a report enclosed with the application; all information provided by me in connection with this application is, to the best of my knowledge, correct”

We believe this certification is broadly in line with Stockton on Tees council's licensing conditions and is another example of where promotion of **safeagent** membership through discounts could help to ensure compliance.

Complaints

All **safeagent** firms are required to have a written customer complaints procedure, available on request. Our guidance sets out how the first step for complainants is to ask the firm they are dealing with for a copy, which will outline the method by which they can seek to resolve any issues.

In line with statutory requirements, all **safeagent** members must also be members of a recognised redress scheme. Firms are required, at the request of the complainant, to refer the complaint to a redress scheme once their in-house procedure has been exhausted. They are also required to comply with any award determined by the redress scheme, within the timescale prescribed.

Under co-regulation schemes elsewhere in the UK, **safeagent** has undertaken to review any complaints that have been adjudicated upon by any of the redress schemes. Under such an arrangement, **safeagent** can report to the Council on the number of complaints reaching this stage and on the adjudications made. Non-compliance with a redress scheme's adjudication would eventually lead to disqualification of the agent from **safeagent**. We would be happy to come to a similar arrangement with Stockton on Tees council.

MEASURING THE SUCCESS OF THE SCHEME

We believe that regular information on implementation of the scheme should be made available in a clear and consistent format. Reports to local landlord and agent forums, representative bodies and other stakeholders should include at minimum:

- The estimated number of private rented properties that require licensing under the Selective licensing scheme
- The number of applications received in respect of these properties
- Progress in processing (granting, querying or refusing) the licence applications received
- Analysis of the reasons for any queries or refusals and the extent to which remedial action is identified and taken as a result
- Analysis of the outcomes of ongoing inspections and the extent to which remedial action is identified and taken as a result
- Progress reports across the whole 5 year period covered by the scheme.

This should help to enable the Council to work in partnership with landlords, agents, representative bodies and other stakeholders to ensure the success of the scheme.

CONCLUSION

It seems to us that many of the licencing requirements in the Stockton on Tees council scheme highlight how important it is for landlords to work with reputable agents such as **safeagent** members. Offering a discount to licence holders who work with a **safeagent** accredited agent would help to promote this.

safeagent would welcome a collaborative approach with Stockton on Tees Council, based on shared objectives. We believe that agents who are members of a recognised body are more likely to embrace Selective Licensing and less likely to generate complaints or breaches of their licence. Discounted fees for **safeagent** members would be a significant incentive to positive engagement by agents. In return, the Council would experience reduced administration and compliance costs.

CONTACT DETAILS

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APPENDIX 1 – COMPATIBILITY OF SAFEAGENT SERVICE STANDARDS WITH TYPICAL SCHEME CONDITIONS

| Example Scheme Conditions | SAFEAGENT Service Standard Requirements |
|----------------------------------|--|
| Fees | SAFEAGENT promotes complete transparency in agency fees. Members provide landlords with a statement of account as often as agreed. |
| Rent Liabilities and Payments | SAFEAGENT agents collect the rent and pass it on every month or as otherwise agreed. The agent will keep a separate clients' account to hold all monies. |
| Contact Details | SAFEAGENT agents are expected to respond to tenant and other legitimate enquiries in a timely manner. Up to date contact details will enable them to respond to tenants' requests for maintenance or repairs which might in some cases have to be referred to the landlord for approval. |
| State of Repair | SAFEAGENT agents visit the property with landlords and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can be confident that SAFEAGENT agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary. |

| | |
|---|---|
| <p>Access and Possession arrangements</p> | <p>SAFEAGENT agents will visit the property periodically during the course of the tenancy as often as agreed with the landlord. Tenants will be fully aware of access arrangements. At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.</p> |
|---|---|

| <p>Example Scheme Conditions</p> | <p>SAFEAGENT Service Standard Requirements</p> |
|---|---|
| <p>Repairs and Maintenance</p> | <p>SAFEAGENT agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.</p> |
| <p>Access, Cleaning and Maintenance of Common Parts</p> | <p>SAFEAGENT agents will arrange in advance a time for access to the property in order to inspect the condition of the property in accordance with the tenancy agreement.</p> |
| <p>Level of Facilities</p> | <p>SAFEAGENT agents ensure that tenants are provided with copies of safety certificates on gas and electrical appliances before you commit to the tenancy. They provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.</p> |

| | |
|----------------------------------|---|
| Deposits | SAFEAGENT agents provide and fill in a tenancy agreement and take a deposit to protect against possible damage. They will explain the basis on which it is being held and the purpose for which it is required. |
| References | SAFEAGENT agents choose a tenant in a way agreed with the landlord, taking up references or checking the tenant's rent payment record. |
| Example Scheme Conditions | SAFEAGENT Service Standard Requirements |
| Complaints & Dispute Handling | <p>SAFEAGENT agents explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property.</p> <p>During the tenancy, they will arrange to check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's initial deposit. They will return the deposit as soon as possible, less any appropriate deductions.</p> |

APPENDIX 4 (2)

12 E-mail Responses

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Opposition to the selective licensing proposal

Categories: Completed

Hi,

I am writing as a landlord to register my opposition to this licensing proposal.

My points are made in brief below and I am sure they resonate with many private landlords.

- I am a landlord who operates around the areas outlined in this proposal, so I am very disappointed to have not been contacted directly. I have only found out about this consultation via the Stockton on Tees News publication which came through my door.
- This has all the hallmarks of a stealth operation as, given my above point, the article itself is at the very bottom of page 23 - basically hidden away as far as you could push it.
- You have all the names and addresses of all registered landlords so why not use that? I suspect you didn't because you know the vast majority of landlords will not agree with this consultation.
- In what way does the Council believe this will deter poor quality landlords? The Council has known for many, many years who these landlords are, where the properties are and where the complaints come from and so what has actually happened is the Council has failed to actively support its community. This proposed action is a tax on all landlords, whilst you already know which landlords cause the most issues and/or offer poor services and so do not need to introduce this additional cost to all.
- The Council should be using the information it already has, the complaints it receives and comments from its community and take ownership of the resolution of the problem, not seek additional monies. If these landlords are so bad, they are the least likely to pay anyway. So rather than create more problems for the Council to deal with, deal with the issues you already know.
- As a private landlord I am tired of hearing about poor landlords or slum landlords. The reason they exist is not that landlords do not pay an annual licence, it is because you have failed to act for many years in addressing the problem.
- Most, many if not all landlords will have no choice but to pass any additional cost on to the tenants. As a landlord, I seek fair rents and in fact mine are around 10% to 15% below average as I value my tenants. This creates further issues in retaining good tenants and offering good rates in the market.
- If they cannot or are reticent to pass on the costs, landlords will not have funds to maintain properties, the infrastructure will suffer and blight will increase, not decrease.
- The way this additional burden is planned does not make sense. Where you have failing schools, low quality hospitals, poor performing Councils - do you charge them more for this underperformance? Of course not, it doesn't make sense. You deal with the issues and not make matters worse in already difficult circumstances.

I want to see good quality provision, but this is not the way to do it. The Council, regrettably, has avoided its responsibilities to its community and is now seeing an opportunity to resolve this by a stealth tax. My position is the Council should already be delivering on improving services, it is paid to do this by Council Tax, business rates and HM Government funding. The Council has already had enough funding and enough time. The Council just needs to start to deliver.

- I note that the documentation states that an outcome will be a better reputation for Private Landlords. The simple truth is the Council already has the means to deal with these very well known individuals and their businesses, but chooses to spend its time and resources elsewhere. In ignoring the problem this Council, like others, has quietly passed the adverse reputation onto landlords, whilst it is the Councils lack of ownership on behalf of its community that is at fault here
- All the other benefits listed would improve if the Council deals with the issues it already knows about regarding private landlords and already has the means to deal with
- I fail to see how the additional cash you seek from largely good providers will generate the benefits you are proposing. Quite frankly, that is a leaflet to homeowners and more effectively, a page on your website. Again, this is something you should already be offering effectively if this is such a problem.

I completely reject this idea as nothing more than a stealth tax, wrapped up in soundbites.

As I have outlined above, the process the Council has followed is questionable to ensure a low turnout. The suggestions are old and tired and are exactly the areas the Council already has funding to deliver on. It simply has chosen not to. The additional costs will be passed on to tenants & no doubt largely ignored by the problem landlords - again, you already know who they are and so will not address any of the areas you are suggesting.

Time for a rethink please.

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Fw: Undeliverable: My Views

Categories: Completed

Delivery has failed to these recipients or groups:

selectivelicensingconsultations@stockton.gov.uk (selectivelicensingconsultations@stockton.gov.uk)

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your email admin.

Any opinions or statements expressed in this email are those of the individual and not necessarily those of Stockton-on-Tees Borough Council.

This email and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone and notify the sender at the above address.

Stockton-on-Tees Borough Council's computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes.

Although we have endeavoured to ensure that this email and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

I have experience of having had 'Selective Licensing' forced upon me in two other towns.

It serves only as an added expense and for me as a responsible landlord its an extra stress factor among many others negative financial factors effected over the past 5 years.

Tenants can make complaints to you as normal when repairs are needed and not carried out, **and you have the mechanism to deal with the Landlords under the defects protocol and there is no need for change other than create 'jobs for the boys!'**

TO PUT IT BLUNTLY ..YOU AND THE GOVERNMENT ARE FOOLS!!

YOU HAVE NO PROPERTIES TO OFFER TENANTS AND RELY ON US PRIVATE LANDLORDS TO USE OUR FINANCES TO SUPPLEMENT THE TOWNS RENTAL PROPERTIES!

PLEASE GO AHEAD WITH YOUR STUPID PLAN!! I'LL JUST SELL MY PROPERTIES AND LEAVE IT TO YOU TO FIND MY TENANTS ACCOMMODATION!!

I trust I have given you my views unambiguously!

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Selective licensing

Categories: Completed

Dear Sir/madam

Thank you for your undated letter received Monday 4th December 2023. I write with regard to the property of 25 Manor Street, Stockton-on-Tees. I have read through the leaflet and have the following comments.

I do understand the reasoning behind this selective licensing initiative if it is aimed at rogue landlords. However, I do feel it is targeting and discriminating against the landlords who go to out of their way to ensure that the properties are well managed (through a recognised estate/letting agents) and that tenants are happy with the property.

I have let my property through Reeds rains for the past six years and have complied with all the legislation and safety issues appropriate to the property. I have kept the rental of the property down as much as I can to enable tenant affordability (£300 per calendar month). There have been no increases over the period of the six years.

A blanket approach to these areas will make it very difficult for those of us landlords who are trying to provide a safe house and environment for families to live in.

Speaking personally, I feel I am being targeted unfairly with the selective licensing fee, when the real problem of rogue landlords is not being tackled.

If this goes ahead, then I will be seriously considering selling the property thus creating a shortage of rental property in the Stockton area. This would be done with a heavy heart.

It says in your letter that my opinion counts, so I do hope that you take the time to read this message and make an overall informed opinion on the way forward.

Stockton, I believe is a wonderful area and has so much going for it. It seems such a shame to Target localised areas instead of looking at the wider overarching picture fair to everyone.

From:
Sent on:
To:
CC:
Subject:

Follow up: Follow up
Follow up status: Completed
Completed on: Tuesday, December 19, 2023 4:39:00 PM
Categories: Completed

To Whom It May Concern,

I have recently received the consultation material regarding Selective Licencing in Central Stockton, North Thornaby and Newtown.

I represent a large property management business which manages approximately 50 properties in and around these areas. We let our properties in a safe, legal and compliant fashion and our landlords are aware of both their legal and moral obligations. I believe our private landlords contribute enormously to the community in these areas.

I have significant objections as to the viability of the scheme and whether it will in any way contribute to an increase in housing standards across the applicable areas as suggested.

We are already in a significant housing crisis. Landlords are already under assault from a number of tax grabs, high interest rates and higher costs. Many are leaving the sector daily. Selective Licensing represents a further cost that will inevitably either be passed on to tenants or contribute to more landlords leaving the sector leading to higher relative demand, higher costs for tenants and more empty houses. This will all leading to further anti-social behaviour. Ironic!

More importantly, I see no evidence whatsoever further taxes, apologies "Licences" will provide any significant improvement to housing standards. I would suggest years of cutbacks from central government is the biggest contribution to the depravity, not private landlords. Stockton Borough Council is already asleep at the wheel. If I were, for example, to call the 01642 528010 number quoted on the literature provided to discuss these proposals, nobody ever answers- it always goes to voicemail. Where would this money even go? How exactly would it make things better? And even if it was spent on improvements, why is the onus on private landlords to foot the bill? The vast majority of which are honest and hard-working and already doing their fair share of the heavy lifting. Objectively, landlords are already on a level playing field legally; how will this change things other than requiring more administration and cost?

As it stands there is zero evidence of any tangible improvements Selective Licencing would make and as such time as that changes I consider any such proposal an offensively blatant tax grab.

I am more than happy to discuss this over the phone and if you do call me on 07403 597113 there's a decent chance I'll actually answer it- unlike Stockton Borough Council.

I stand vehemently against it.

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Consultation Response

Categories: Completed

Dear Sirs,

You have sent me a brochure regarding the proposed introduction of licensing for 3 areas of the borough. I have two properties which will be affected. I am writing to suggest that the proposal is flawed and should not be adopted. The reasons are as follows:

1. Additional costs associated with letting property in your area will almost certainly result in rents being increased across the board to the detriment of all tenants.
2. Rogue landlords who deliberately flout acceptable standards will work outside your scheme anyway.
3. If the aim is to increase standards of housing, penalties could be imposed on those landlords whose property is not maintained acceptably rather than all landlords including those who behave responsibly. The principal of 'the polluter pays' is fairer. The council already has ample powers to crack down on offending landlords and to make them pay the costs of enforcement.

Tenants already get full information regarding standards for rented property and their rights via the 'How to Rent' Leaflet.

Anti-social behaviour will not be affected. Problem tenants who behave badly will doubtless damage even the best accommodation.

Toughening up referencing for privately rented properties will simply make it more difficult for the poor to find a home. Both my current tenants failed the referencing process, but I housed them anyway.

It is not clear what assistance the council are suggesting they will provide landlords with. Will they speed up the eviction process for anti-social behaviour issues? Re-house the offenders? I do not believe that any meaningful assistance will be forthcoming.

It has always been the case that a few rogue landlords have besmirched the reputation of everyone. The licensing system will not change this.

Finally, if standards of accommodation are to be increased across the board, an independent inspectorate for council housing (with appropriate sanctions) must be set up too. Some social housing is in a very poor state.

The bottom line is that this is all about raising money for the council. The people who will pay for it are the tenants.

From:

Sent on:

To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>

Subject: STOCKTON ON TEES COUNCIL'S SELECTIVE LICENSING PROPOSALS

Attachments: SAstockton.docx (51.7 KB)

Categories: Completed

Please find attached a response to the above consultation from **SafeAgent**.
We would be grateful if you could please acknowledge receipt of this response.

SafeAgent Associate



[Safeagent - The Sure Sign of professionalism \(safeagents.co.uk\)](http://safeagents.co.uk)

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Urgent: Selective Licensing Consultation
Urgent: High

Attachments: SBC Selective Licensing Consultation 1st Jan 2024.pdf (182.48 KB)

Categories: Completed

Dear Sirs,

I am in receipt of your recently received second class posted letter dated 1st January 2024 in regard to the above, copy attached.

Noting from the enclosed leaflet that the consultation is stated to have commenced 6th November 2023 and to be closing Friday 19th January, the importance of the issues at stake, their impact on individual stakeholders and the need to properly consider and respond to the implications, together with the lateness of it being notified to me, can you please confirm that the consultation deadline will be extended in order to ensure fairness and due process?

This is all the more important given that SBC is in apparent breach of its own published Consultation Plan (Appx 3 on it's website) in so far as the relevant consultation materials should have been issued to me '(via maildrop/letter and/or email' by 3rd Nov 2023 to enable the statutorily required 10 consultation period; and according to my own Managing Agents (Manners & Harrison, High St, Stockton) at least, the indicated contact with 'Known' or 'Local letting/managing agents' has not occurred. I note that SBC knows my identity and address as a landlord for property within the areas proposed to be affected by the scheme, as if evidenced by its ability to rapidly raise and issue to me Council Tax bills for periods of voids.

I look forward to your urgent response please.

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Landlord licensing Scheme

Follow up:

Good Morning

I just wanted to contact you in relation to the potential landlord licensing scheme that may be brought into force in the Newtown and other areas of Stockton.

I have already filled out the online form regarding my views on this, however I feel I also need to contact yourselves regarding my views on the scheme.

I am a current landlord of a property in the Newton area, and have been for many years now. I take great pride in been a landlord and abide by all the regulations required. All my safety checks are done yearly, any repairs required are done promptly and my tenants are all vetted and credit checked and referenced by previous landlords.

I understand your frustrations with private properties in that area that are not maintained, and the tennants are not dealt with when in breach of their tenancy, but this is down to a handful of slum landlords who are responsible for this. I feel that if the scheme was to go ahead it should only be targeted at the slum landlords, and not at the decent hard working landlords like myself. Slum landlords should be dealt with on an individual basis as I feel it's unfair to tarnish every landlord with the same brush.

I also think it's disproportionate to target landlords directly for the behaviour of their tennants. I resided in the Newton area for many years and witnessed a lot of the people who were committing the ongoing antisocial behaviour and criminality, and they were regularly under the influence of drink or drugs, and clearly had underlying additicion issues of their own. These issues and addictions are not down to a landlord to deal with. I agree that landlords should work along side the council and police if their tennants are causing issues within the community, and I as a landlord I would always co-operative and support any action that needed to be taken. Also a lot of these tennants that are causing the ongoing issues in the area are also in social housing, however they never get dealt with regarding their behaviour when they breach their tenancies, but it is expected of private landlords to deal with theses issues immediatly, and also have the privilege of paying to have to do so, whilst all social housing is exempt from this scheme !

This scheme has also been proven not work, as this scheme has already been put in place in various different areas in Middlesbrough, and the crime and antisocial behaviour in those areas has not reduced at all. All this scheme has achieved in those areas is that it has pushed the decent landlords out, as they have not been able to meet the costs for the scheme and they have been forced to sell their houses to the slum landlords, thus resulting in increased crime and antisocial behaviour, and more run down properties. If anything this scheme makes the problem worse as it does not work.

Given the current economic climate, and the cost of living crisis and the massive Morgage increases, do you really think it's fair and justified to target honest landlords with well maintained properties when it's only a handful of slum landlords that are causing the ongoing issues ?

I will look forward to your response, and I hope you take on board all my points when making the decision to either go ahead with the scheme or not.

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Stockton Selective Licensing

Follow up:

Dear Sirs

I am a Teesside Landlord.

I am aware of your proposals for 3 designations.

I object to the Stockton Designation.

The starting point is to say that I have no confidence, at all, in the Authority taking any notice of objections to the proposal.

Whilst I object to the proposed Stockton designation I accept, in reality, that you have already decided it will be going ahead, and this 10 week consultation is nothing more than a disingenuous PR exercise required in order to "tick the necessary boxes" in an attempt to seek to avoid legal challenge (in respect of this designation, at least) and avoid requiring the approval of the Secretary of State for your revenue generating plans.

I consider the Authority to be rapacious and opportunist.

I do not consider there is sufficient evidence to justify the designation for Stockton on the grounds stated (low housing demand/deprivation). The legal basis for designation is not met on the information provided and I consider the basis of the proposal for the Stockton designation to be egregiously flawed.

I expect this to be subject to challenge by judicial review proceedings.

There is little point setting out the detailed reasons for your errors as these will be stated in a formal Part 54, CPR Letter Before Claim, following your inevitable decision to designate.

In that regard, where (as we intend) an application for judicial review is made of the scheme, and where permission to seek judicial review is granted by the Administrative Court (the first stage of a challenge under CPR Part 54), please would you confirm that you will delay commencement of the scheme until the legal challenge (and any rights of appeal by any parties or interveners) have been exhausted.

I would remind you that, where a designation does not require confirmation, it cannot come into force until 3 months after it is made, but can be delayed by the Authority (Section 82 (3) and (7) of the Housing Act 2004). If you decline to provide this confirmation, then in the event that permission is granted and you intend to press ahead with the Stockton scheme before the outcome of the proceedings, it would be necessary for injunctive relief to be sought against the Authority.

I would invite you to withdraw your proposed designation for the Stockton area to avoid the otherwise inevitable legal challenge.

I consider the conduct of the Authority in relation to the intended Stockton designation to be disgraceful. I have seldom encountered such a disingenuous proposal, manifest in error and obfuscation. The Authority must be held to account for its unlawful behaviour.

From:
Sent on:
To: Selective Licensing Consultation <SelectiveLicensingConsultation@stockton.gov.uk>
Subject: Selective licensing

Dear Selective Licensing,

I am a Teesside Landlord and own/ Manage multiple properties around the area.

I am aware of your proposals for 3 designations.

I object to the Stockton Designation and I think it's disgusting to bring selective licensing to Stockton Centre

The starting point is to say that I have no confidence, at all, in the Authority taking any notice of objections to the proposal and I determine this will already be going ahead!

Whilst I object to the proposed Stockton designation I accept, in reality, that you have already decided it will be going ahead, and this 10 week consultation is nothing more than a disingenuous PR exercise required in order to "tick the necessary boxes" in an attempt to seek to avoid legal challenge (in respect of this designation, at least) and avoid requiring the approval of the Secretary of State for your revenue generating plans.

I consider the Authority to be rapacious and opportunist.

I do not consider there is sufficient evidence to justify the designation for Stockton on the grounds stated (low housing demand/deprivation). The legal basis for designation is not met on the information provided and I consider the basis of the proposal for the Stockton designation to be egregiously flawed.

There is little point setting out the detailed reasons for your errors as these will be stated in a formal Part 54, CPR Letter Before Claim, following your inevitable decision to designate. I expect this to be subject to challenge by judicial review proceedings.

In that regard, where (as we intend) an application for judicial review is made of the scheme, and where permission to seek judicial review is granted by the Administrative Court (the first stage of a challenge under CPR Part 54), please would you confirm that you will delay commencement of the scheme until the legal challenge (and any rights of appeal by any parties or interveners) have been exhausted.

I would remind you that, where a designation does not require confirmation, it cannot come into force until 3 months after it is made, but can be delayed by the Authority (Section 82 (3) and (7) of the Housing Act 2004). If you decline to provide this confirmation, then in the event that permission is granted and you intend to press ahead with the Stockton scheme before the outcome of the proceedings, it would be necessary for injunctive relief to be sought against the Authority.

I would invite you to withdraw your proposed designation for the Stockton area to avoid the otherwise inevitable legal challenge.

From:

Sent on:

To:

Subject: PLuSS Response to Selective Licensing Consultation

Attachments: PLuSS Response to Stockton Selective Licensing Consultation Jan 2024.pdf (205.78 KB)

Follow up:

Categories: Completed

I attach the formal response from PLuSS to your Selective Licensing Consultation.

From:
Sent on:
To:
Subject: Selective Licensing Consultation Submission
Attachments: Stockton on Tees Selective Licensing Consultation Response 19th January 2024.docx (472.95 KB)

Follow up:
Categories: Completed

Dear Sir or Madam,
Please find enclosed the NRLA's submission to the council's selective licensing consultation.
If you require any further information, please do not hesitate to get in touch.

Senior Policy Officer
National Residential Landlords Association



W www.nrla.org.uk

National Residential Landlords Association, is a trading name of National Residential Landlords Association Ltd, Company No.12187275 . Registered office: Suite 323, Tootal Building, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU



Please be mindful that if this email has arrived outside of normal business hours, there is no expectation for you to reply until normal business hours resume.

APPENDIX 4 (3)

**Landlord/Managing Agent face to face
consultation sessions x 2
(Q &A)**

Appendix 4**SELECTIVE LICENSING CONSULTATION****QUESTIONS AND ANSWERS**

| Raised by | Question | Response | Raised through |
|------------------|---|--|-----------------------------------|
| Private Landlord | What will the fees be used for? | The fees will be used to implement and run the Selective Licensing scheme should it go ahead. This includes the recruitment of staff, the establishment of the licensing process; including the issuing of the licenses, inspections of properties and operation of the scheme throughout the five year period. | Private Landlord Meeting 29.11.23 |
| Private Landlord | What is the discretionary discount and how will this work? | The discretionary discount is £50 per property for individuals who are part of an appropriate accreditation scheme, SBC accreditation scheme, PLuSS or the national landlord association. | Private Landlord Meeting 29.11.23 |
| Private Landlord | Will the Council consider any other discounts, e.g. early bird discount, discounts for online applications? | The council will consider any proposals put forward. | Private Landlord Meeting 29.11.23 |
| Private Landlord | Query regarding the legality of charging per flat in a larger accommodation – checking legislation. | We will review the legislation in respect of this. | Private Landlord Meeting 29.11.23 |
| Private Landlord | What about a private company running the scheme instead of the council? | Referring back to the last time the council consulted on the proposal to introduce a Selective Licensing scheme in 2 areas of the borough, Private Landlords put forward an alternate proposal. At this point SBC's Cabinet agreed to support the proposal submitted. This scheme was called Private Landlords Supporting Stockton (PLuSS) and was introduced in 2018, however the scheme has not attracted the number of private landlords that it had expected to. | Private Landlord Meeting 29.11.23 |

| | | | |
|------------------|--|---|---|
| Private Landlord | Will there be an extension to the Selective Licensing scheme beyond 5 years? | At this point in time, we are consulting on the proposal to introduce Selective Licensing in 3 areas of the borough for a period of five years. If a Selective Licensing is approved it will be for a period of five years. If Selective Licensing is implemented, we will monitor performance against relevant indicators over the five years. If we determine that we want to extend beyond the five years, then we will need to go through the consultation process again to do so. At present we cannot say if we will want to extend beyond that point, neither are there any plans to propose introducing Selective Licensing to any other area within the Borough. | Private Landlord Meeting 29.11.23 |
| Private Landlord | How will the Council measure outcomes? | As mentioned previously, if Selective Licensing is implemented, we will monitor performance against relevant indicators over the five years to measure our progress towards the agreed outcomes. | Private Landlord Meeting 29.11.23 |
| Private Landlord | Who will be responsible for Anti Social Behaviour (ASB) enforcement? | ASB enforcement within the Selective Licensing area will be through the new team working closely alongside our existing ASB enforcement service. | Private Landlord Meeting 29.11.23 |
| Private Landlord | Tenant referencing – how would it work? | We will be replicating the previous tenant reference scheme used by the Council. Where prospective tenants are subject to background checks, including contact with former landlords. | Private Landlord Meetings 29.11.23 & 06.12.23 |
| Private Landlord | Are the fees a one-off payment? | No, the proposed fees are not a one-off payment, the breakdown is as follows: License cost will be an upfront fee of £178. There will then be an annual fee of £95 for each of the five years. | Private Landlord Meeting 06.12.23 |

| | | | |
|------------------|---|---|-----------------------------------|
| Private Landlord | Will you be employing people or will this be the responsibility of an existing team. | If the schemes are approved, we will be creating a new team to work with the existing teams (Private Sector Housing & Civic Enforcement) to support this work. | Private Landlord Meeting 06.12.23 |
| Private Landlord | Can the existing accreditation scheme not be extended to accommodate selective licensing? | The accreditation scheme is voluntary and there are no requirements for Private Landlords to join other than on a voluntary basis. In addition, as it is a voluntary process it comes with no statutory obligations and no legal recourse to action should we need to address any issues. | Private Landlord Meeting 06.12.23 |
| Private Landlord | What are the number of properties that are to be covered? | The report that was presented to Cabinet that had been published on the internet provides the following details. The percentage of properties in each area: Central Stockton – 50% North Thornaby – 41 % Newtown – 44% | Private Landlord Meeting 06.12.23 |
| Private Landlord | What would be the timeline for bringing in Selective Licensing should it go ahead? | The consultation responses will be collated on a weekly basis to identify themes and at the end of the consultation process the analysed information will be reported back to Cabinet. These Cabinet report papers will be published on the internet the week before the meeting and as they are public meetings anyone is welcome to attend. | Private Landlord Meeting 06.12.23 |
| Private Landlord | Do Thirteen and other housing associations reference their tenants? | Yes. In order to register for housing on MyThirteen (Thirteen housing register) or Tees Valley HomeFinder (housing register for the SBC area) all new applicants will be asked about their housing history. | Private Landlord Meeting 06.12.23 |
| Private Landlord | What are your data sources? | The Selective Licensing proposal paper, maps and appendices that have been published on the internet provide details of the relevant data sources which included information from the 2021 Census | Private Landlord Meeting 06.12.23 |

| | | | |
|---------------------|---|---|--|
| | | (which is updated regularly), Index of Multiple Deprivation 2019, Local intelligence related to Crime and Anti-social behaviour, NHS Health data. | Meeting 06.12.23 |
| Private Landlord | What other methods of licensing have been explored? | Following a previous consultation process on the proposal to introduce Selective Licensing in 2018, several landlords approached the council with a proposal to consider an alternative approach and the PLuSS scheme was established. However, this scheme did not reach and achieve the expected membership over the following years. | Private Landlord Meeting 06.12.23 |
| Private Landlord | What happens if I decide to sell my property given the reforms around Section 21? | A Temporary Exemption Notice can be issued where the Council are notified of a valid reason for issuing such a Notice. This can be extended by another 3 months beyond the original date if the Council consider that there are exceptional circumstances that justify the service of a second Temporary Exemption Notice. | Private Landlord Meeting 06.12.23 |