

Licensing the Private Rented Sector in Hastings - Consultation Report

Report for Hastings Borough Council

February 2015

RJFP Resourcing Limited



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1. Introduction

- 1.1 Hastings has a private rented sector (PRS) that is almost twice the national average and there are ten wards with a PRS higher than the national and regional average. Overall these wards contain around 10,300 privately rented dwellings.
- 1.2 Following an extensive review of the data available, Hastings Borough Council (HBC) reached the conclusion that there is sufficient evidence of persistent and significant problems of anti-social behaviour (ASB) in these ten wards and a clear link between ASB and the PRS. Consequently, HBC is proposing the designation of a Selective Licensing scheme in the ten wards to help achieve a reduction in ASB, when combined with other measures being taken by the Council and its partners.
- 1.3 A wide ranging consultation programme on the proposal was commenced in October 2014 for a period of 11 weeks in order to obtain the views of landlords, letting/managing agents, tenants, residents and stakeholder/representative organisations. Inevitably the different stakeholder groups will have different perspectives on the proposals and there is no methodology available for combining results to yield a single outcome that will reconcile the differences in order to recommend a best way forward. As such there can be no right answer and it will be for HBC to base its policy decisions in respect of the proposed licensing scheme on the consultation outcomes and an assessment of the relative merits of the various points of view from different stakeholders.
- 1.4 It is important to note that under the legislation governing Selective Licensing the local authority is required to consider any representations made in accordance with the consultation.
- 1.5 The outcome of the consultation programme and the feedback received is summarised in this report without making any recommendations to HBC about specific policies. The report summarises the views of key stakeholders in turn based on individual submissions and written responses to the online survey alongside the quantitative results from the survey questionnaire.

2. The Consultation

2.1 The consultation programme commenced on 20 October 2014 and continued for 11 weeks until 5 January 2015. HBC's proposals were summarised in a consultation document that was made available in the consultation pages of the Council's website. Responses to the proposals were invited via an online survey questionnaire (hard copy also available on request) and through individual written reply by letter or email.

2.2 The consultation was publicised in a number of different ways:

- 42,000 leaflets were delivered to all residents across Hastings and St Leonards to inform them about the proposals
- Email to 3,000 people registered for the HBC Newsletter
- Letters sent to landlords and letting/managing agents via housing benefit mailout
- Letters sent to landlord organisations such as RLA, NLA, SLA and long leaseholder associations
- Letters sent to private tenants via housing benefit mailout
- Information posted on Sussex Homemove web site
- Letter emailed to businesses via business support organisation mailing lists
- Promotion to voluntary organisations via the Hastings Voluntary Action newsletter
- Email to equalities organisations such as Youth Council, Seniors Forum, East Sussex Disability Association, Hastings Intercultural Organisation
- Email and briefings for statutory agencies such as Sussex Police, East Sussex Fire and Rescue, Adult Social Care and Children's Services
- Email to registered providers of social housing (housing associations) and University of Brighton accommodation team
- Internal briefing for HBC councillors and staff
- Press release and adverts in Hastings Observer
- Adverts in lettings pages of the Friday Ad
- Promotion via HBC Facebook pages and Twitter

2.3 There was a good response to the consultation. Just over 800 responses were received. 90 separate responses were received by email or in writing - 60% of these were from landlords, agents or landlord organisations. The number of responses by category of respondent was as follows:

266 - landlords - ranging from small to very large portfolios
25 - letting/managing agents
308 - owner-occupiers
168 - private tenants
23 - social housing tenants

- 11 - businesses
- 3 - landlord organisations
- 2 - tenant organisations
- 2 - advice agency/housing support service
- 1 - university
- 2 - county councillor/prospective parliamentary candidate

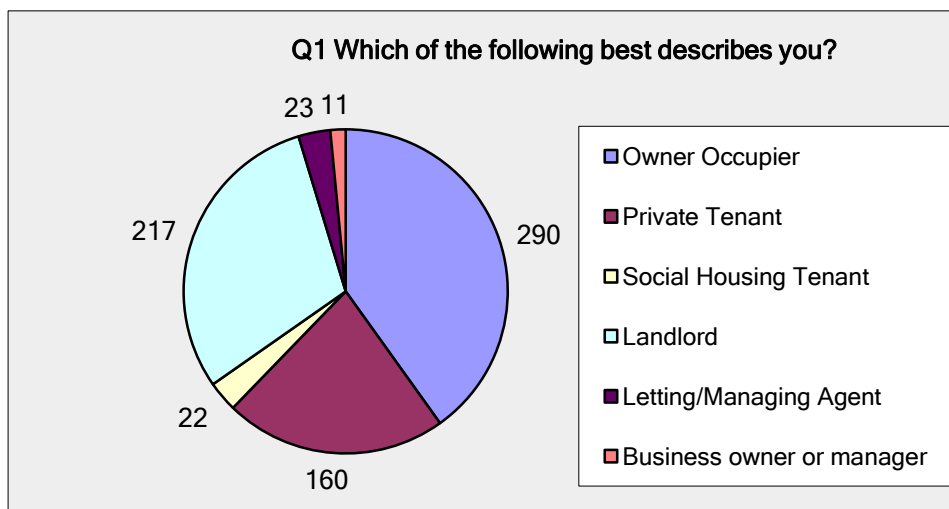
723 complete responses were received to the online survey questionnaire. Within the online survey, in addition to quantitative answers, general comments were received in open text fields as follows:

- 235 from residents
- 143 from landlords and agents
- 6 from business owners or managers

- 2.4 Respondents were also invited to share their experience of anti-social behaviour by providing written comments in open text fields. Overall a further 447 comments were received from residents, 46 from landlords/agents and 6 from businesses concerning anti-social behaviour.
- 2.5 Council officers also attended a public meeting called by landlord associations and a public meeting called by tenants' organisations to present information about the proposals and answer specific questions. Both meetings were very well attended with approximately 150 people present at each.

The Online Survey

- 2.6 Residents from across the town, landlords, managing/letting agents and businesses were all invited to respond to an online survey. The survey questionnaire was sub-divided into sections to reflect the different categories of respondent.
- 2.7 Although over 1,000 people commenced the on-line survey, 723 full responses were completed. The breakdown of respondent types is set out below. Whilst the largest number of responses came from residents (472) a disproportionate number of responses were received from landlords and agents (240). Significantly, more landlords responded to the survey than private tenants.



Full Survey Responses Received		
Category	No.	%
Owner Occupier	290	40.1%
Private Tenant	160	22.1%
Social Housing Tenant	22	3.1%
Landlord	217	30.0%
Letting/Managing Agent	23	3.2%
Business owner or manager	11	1.5%
Total Responses	723	100%

Survey Respondents by Area

- 2.8 People who responded to the survey were invited to provide their address including a postcode. Not everyone opted to do so. However, where the information was provided, respondent's postcodes were analysed and the outcome is presented below. The first table shows that responses were achieved from every electoral ward across the town, which suggests the consultation coverage was successful.

Respondents from Hastings & St Leonards		
Ward	No.	%
Ashdown	21	4%
Baird	12	3%
Braybrooke	33	7%
Castle	64	14%
Central St Leonards	69	15%
Conquest	19	4%
Gensing	45	10%
Hollington	18	4%
Maze Hill	25	5%
Old Hastings	44	9%
Ore	25	5%
St Helens	18	4%
Silverhill	25	5%
Tressell	23	5%
West St Leonards	19	4%
Wishing Tree	13	3%
Total	473	100%

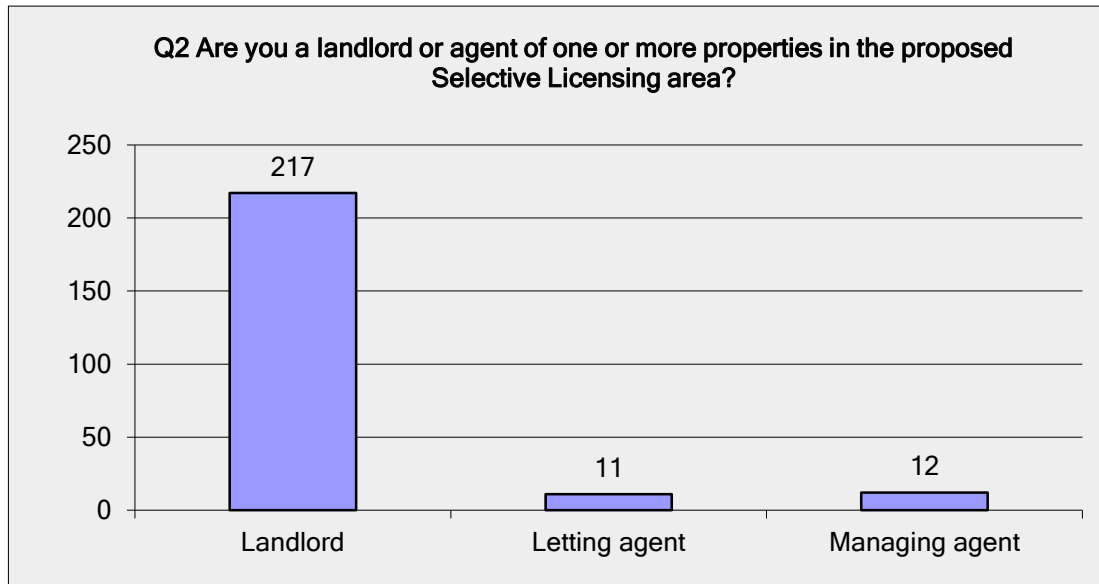
- 2.9 The second table (overleaf) shows respondents with a postcode outside of Hastings by town or area. In the main these are likely to be absentee landlords. Again it is reassuring to note that the consultation reached property owners across a reasonably wide area and especially in the adjoining district of Rother, which covers the towns of Bexhill, Battle and Rye.

Respondents from Outside Hastings		
Area	No.	%
Rother	34	55%
Brighton	9	15%
London	6	10%
Wealden	4	6%
Tunbridge Wells	2	3%
Luton	1	2%
Twickenham	2	3%
Redhill	1	2%
Bromley	2	3%
Medway	1	2%
Total	62	100%

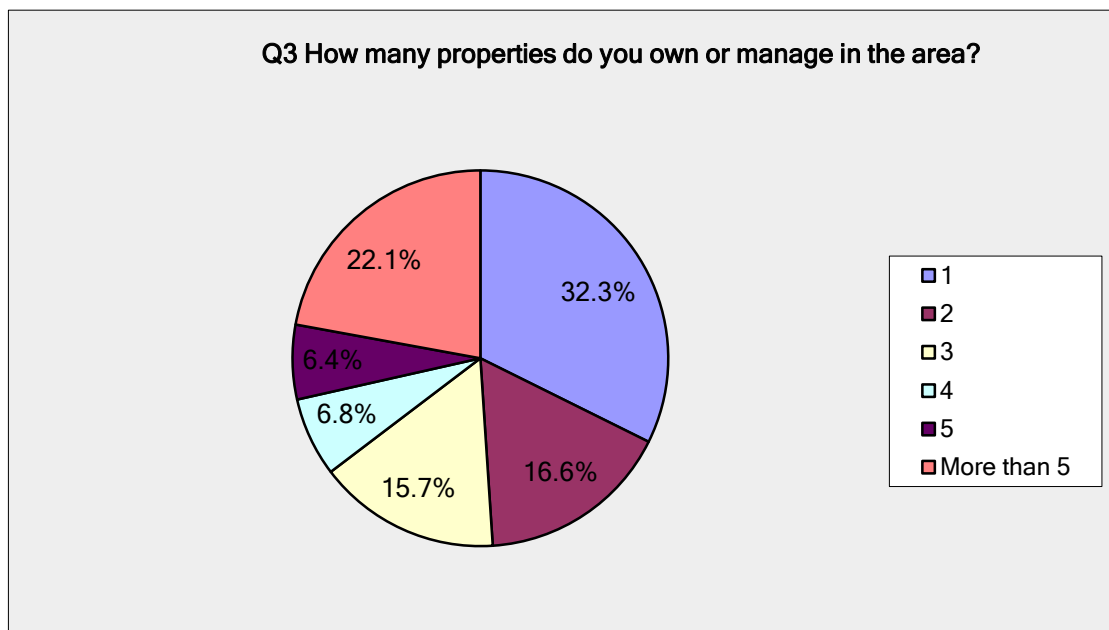
2.10 The quantitative results from the online survey questionnaire, together with the views expressed in the survey and separate individual submissions, are presented in turn by the various stakeholder groups in the following sections. Key stakeholder views, for example, from organisations representing landlords or tenants are presented separately in chapter 6.

3. Landlords' and Agents' Views

3.1 Full responses to the online survey were received from 217 landlords, 11 letting agents and 12 managing agents (see Q2 chart below).



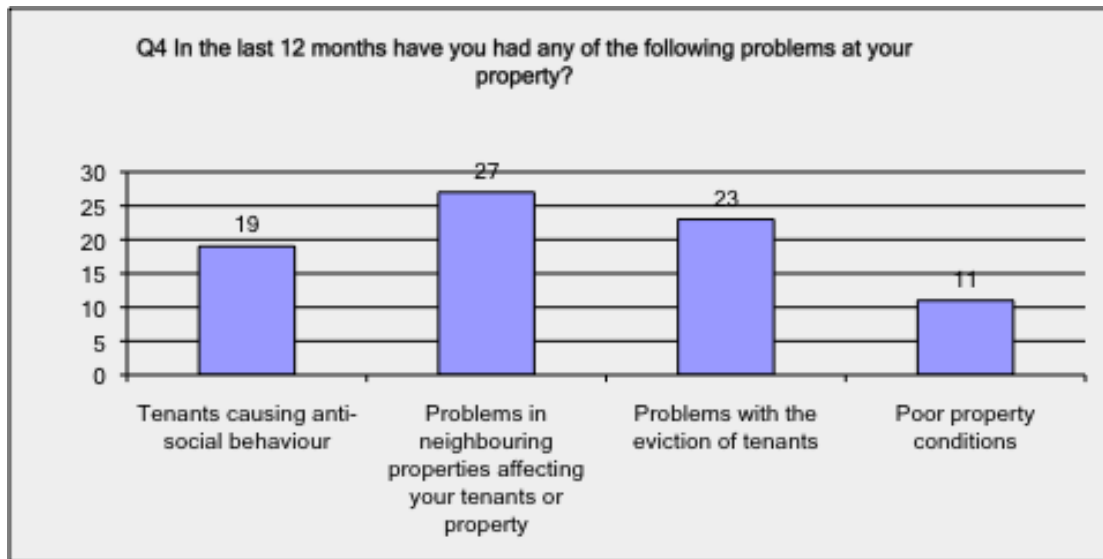
3.2 The majority (67%) of those that responded own or manage more than one property and 39% indicated that they own or manage 5 or more properties (see Q3 chart below).



Management Issues

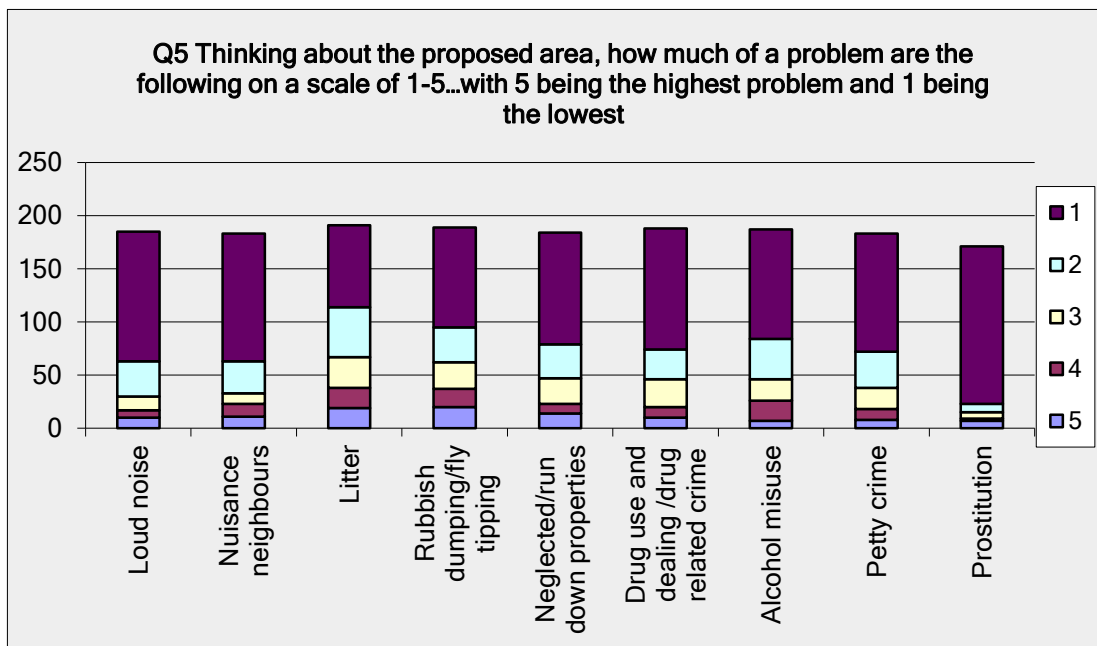
3.3 Landlords and agents reported a very low incidence of problems associated with their properties. The chart overleaf for question 4 indicates only 19 reports of their tenants causing anti-social behaviour

and a slightly higher number of reports of problems (27) with neighbouring properties affecting their tenants. Likewise issues associated with poor property conditions and the need to evict tenants, were reported at low levels.

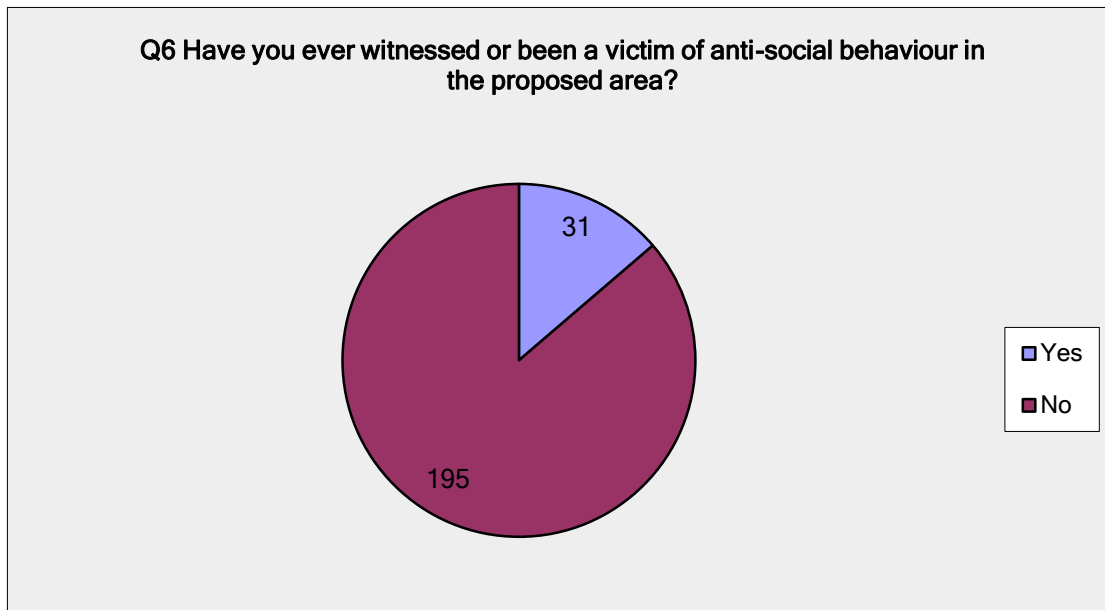


Anti-Social Behaviour

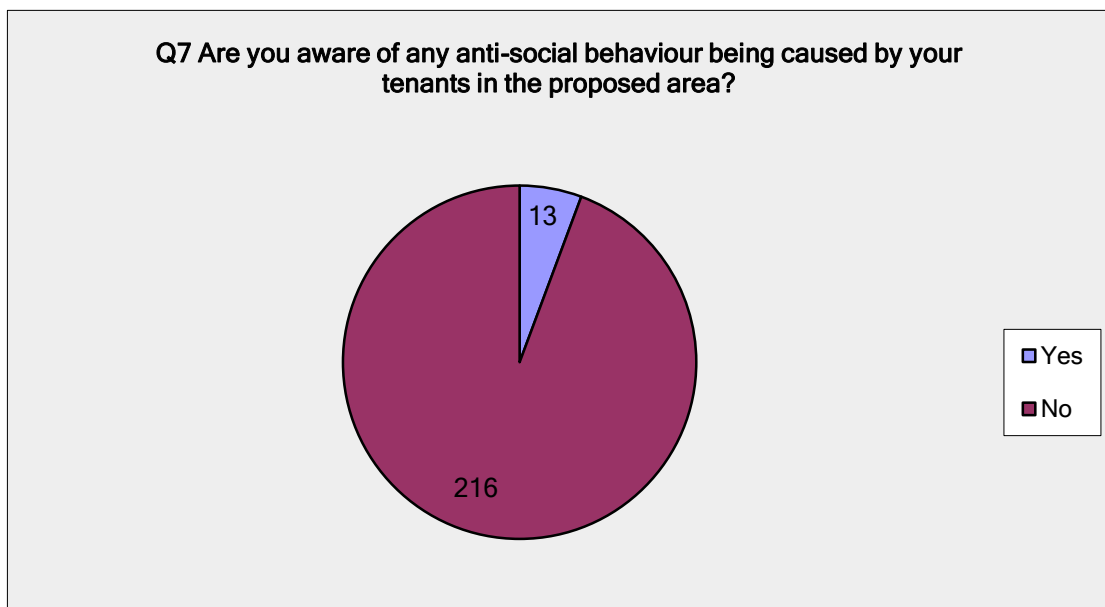
3.4 When asked about awareness of problems associated with anti-social behaviour in the proposed area the level of reports was low with litter, rubbish dumping/fly-tipping and neglected/run down properties scoring the highest, followed closely by nuisance neighbours and drug use/dealing (see Q5 chart below).



3.5 In response to question 6 (see Q6 chart below), 31 (14%) landlords/agents reported witnessing or being a victim of ASB in the proposed area. 30 landlords or agents provided a written comment about their experience. Some examples of the comments are presented thematically at Appendix 1. The biggest areas of concerns were drug dealing, drug and alcohol misuse, followed by fly-tipping, rubbish dumping and littering. Examples of other issues were given including, assault, unruly behaviour, verbal abuse, vandalism and dogs not properly controlled. Some expressed the view that a poor level of policing was the reason why there is ASB in the town and that this is already leading to disinvestment in the PRS.



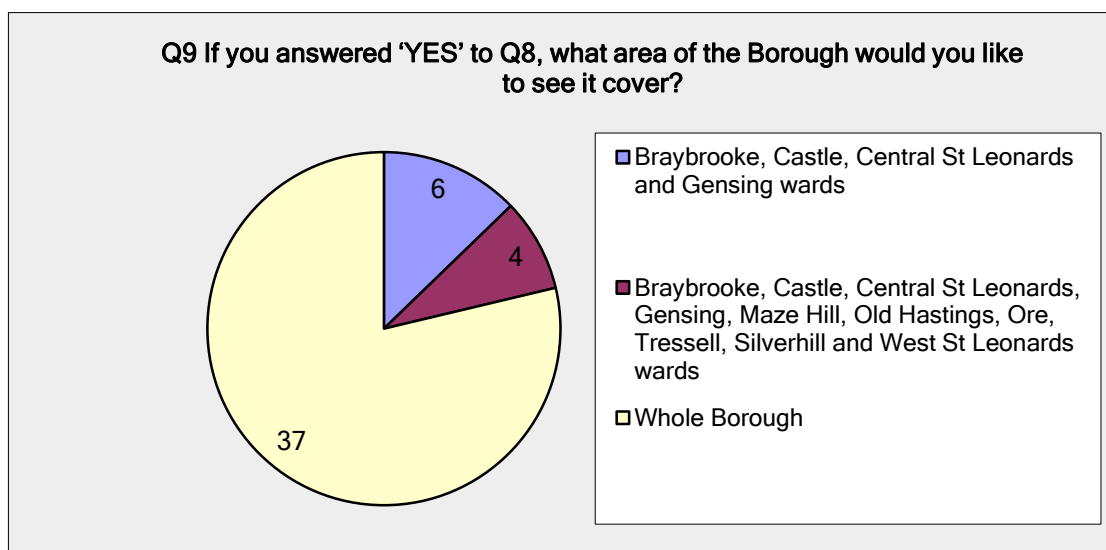
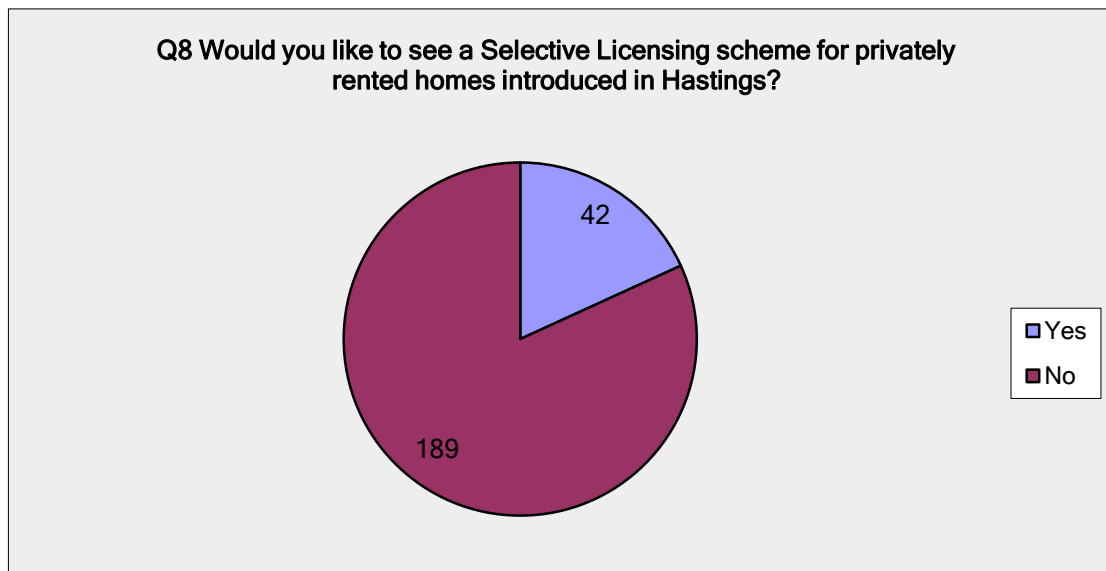
3.6 Reports of ASB caused by their tenants (see Q7 chart below) were also low at 13, representing just under 6% of those who answered the question. Written comments about ASB from private tenants experienced or witnessed by landlords or agents were received from 16 respondents. These are summarised thematically at Appendix 2.



3.7 A number of respondents were keen to point out that their tenants were respectable individuals and families without problems, largely because they had carefully vetted them before offering them a tenancy. Those problems that were reported covered a number of areas: the difficulty in evicting tenants with substance misuse issues and the fact that HBC advise tenants to stay put until bailiffs enforce court orders; noise nuisance; domestic violence; poor property management by other landlords and unprofessional managing agents.

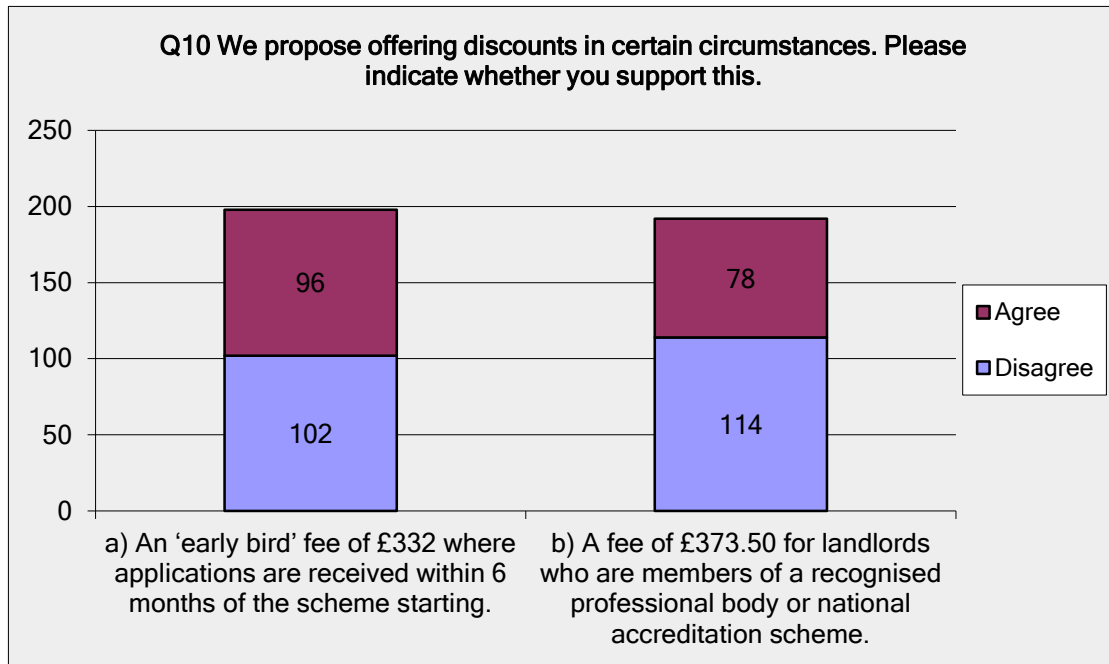
Views about the proposed scheme

3.8 Whilst 82% (189) of landlords/agents felt unable to support the introduction of a Selective Licensing scheme, 18% (42) actually expressed support (see Q8 chart below). Of those who expressed support for a scheme, nearly 79% (37) said it should cover the whole borough (see Q9 chart below).

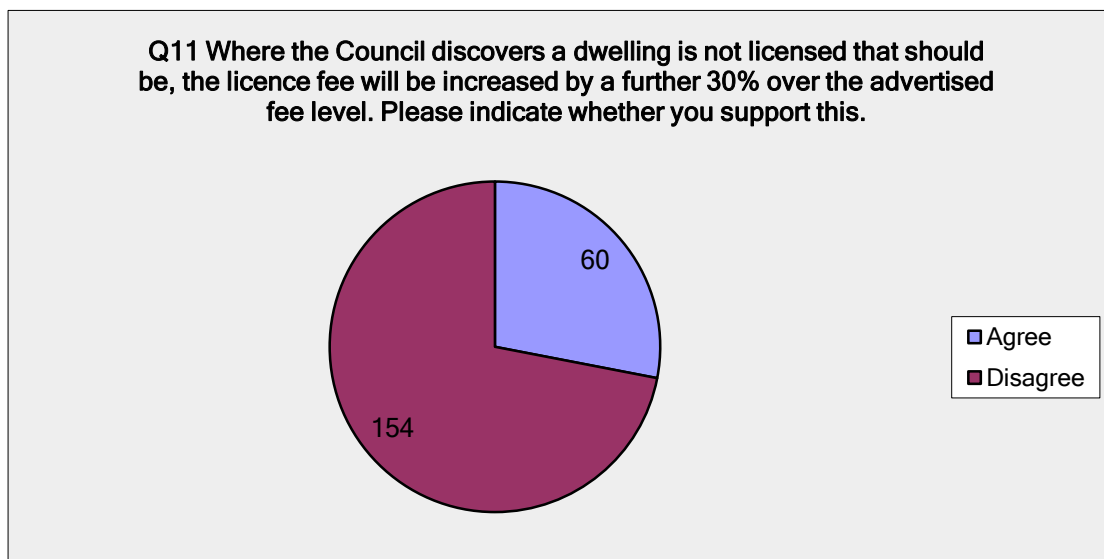


Fees and Discounts

- 3.9 Support for proposals to offer discounts for 'early bird' applications and for those landlords who are members of a recognised professional body or national accreditation scheme was at best lukewarm (see Q10 chart below). 48% (96) supported the proposed discount for 'early bird' applications. 41% supported the proposed discount for professionally recognised or accredited landlords. This may well reflect the general lack of support from landlords and agents for licensing as well as dissatisfaction with the proposed standard fee level.

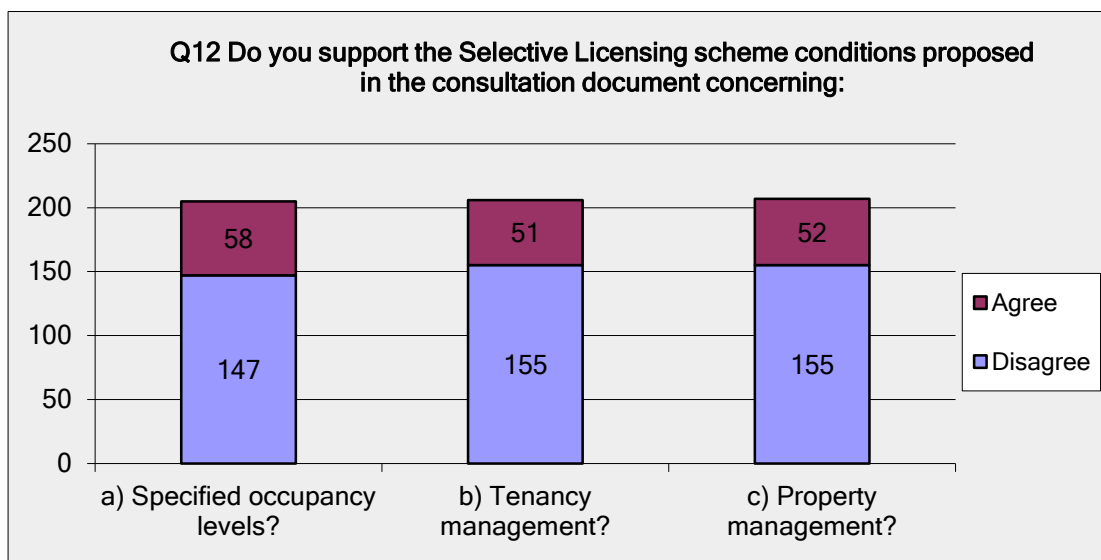


- 3.10 There was even less support for the proposal to levy an increased fee where a landlord fails to apply for a licence in respect of a licensable property, with only 28% (60) of respondents agreeing with the proposal (see Q11 chart below).



Licence Conditions

- 3.11 Similarly, the majority of landlords and agents were not in favour of the proposed licence conditions (see Q12 chart overleaf). Only 28% (58) supported the proposed conditions relating to occupancy levels; 25% (51) supported proposed conditions relating to tenancy management; and 25% (52) supported the proposed conditions relating to property management.



Landlords and agents - general comments about the proposed licensing scheme

- 3.12 144 written comments were received from landlords and agents within the online survey. A further 49 submissions were from landlords and 2 from agents were received by email or letter. The majority of responses expressed outright opposition to the proposed scheme or that was the underlying sentiment. Many of them covered similar issues about the proposals and a number of themes emerged as follows:

- The cost of licensing
- Licensing will penalise good landlords unfairly
- The scheme will not address the issue of bad landlords
- Licensing will have an adverse effect on investment
- Licensing will not address ASB
- More training and support is required for landlords
- Where is the evidence to show that HMO licensing is not working
- Proposed area covered by licensing and need to focus resources
- HBC already has powers to improve the PRS
- Some landlords questioned HBC's business case
- ASB in social housing

- 3.13 Some examples of comments are set out by theme at Appendix 6. There were a large number of responses about the cost of licensing and a range of views were expressed. Some felt the scheme is a form of taxation and a way of generating income when local authorities are having to cutback financially. A number of respondents expressed the view that landlords are not responsible for law and order and should not be expected to deal with ASB, if anything in their view ASB is a police matter and should be paid for out of Council Tax.
- 3.14 Many respondents stated that they will have no choice but to pass on the licence fee to tenants by increasing rents, which will cause financial hardship as many tenants are having trouble affording current rents.
- 3.15 Concern was expressed that the proposed fees are too high and this will have two important consequences. First, it is likely to deter landlords from licensing their property, whilst penalising those good landlords who do apply and generally look after their property. Second, the upkeep of properties will suffer as funds will be diverted from maintenance to pay the licence fee.
- 3.16 If the scheme goes ahead, a number of respondents requested that HBC make it easier for landlords to pay the fee, for example, by allowing stage payments or an annual fee. Some also suggested that the fee structure should support good landlords, perhaps by having a property grading system with tiered fees or a larger discount for landlords who are members of recognised bodies on a par with the 'early bird' discount. Greater clarity was requested on the level of the maximum discount that can accumulate.
- 3.17 Very strong views were expressed that licensing will penalise good landlords unfairly. In most cases the view expressed is that the majority of landlords are good and it is unfair to make all landlords pay for the minority of landlords who do not take care when selecting their tenants and who do not maintain their properties to prevent them from becoming run down. It was also suggested that properties managed by ARLA members should not need to be licensed. A better arrangement would be to make licensing free and then fine those that don't apply and who have sub-standard properties.
- 3.18 There was also a strong feeling expressed that licensing will not address the issue of bad landlords, for example, it will not help uncover properties that are not licensed that should be; and 'rogue' landlords will not apply for licences because they are already flouting existing legislation.
- 3.19 Some expressed the view that landlords will disinvest from the town, which will have an adverse effect on the availability of rented accommodation at a time when social housing is in very short supply. A number of long established landlords in the town said they would have no choice but to evict their tenants and sell up if licensing is introduced.
- 3.20 A number of respondents felt that Selective Licensing would not help reduce ASB and pointed to the scheme in Thanet that has been

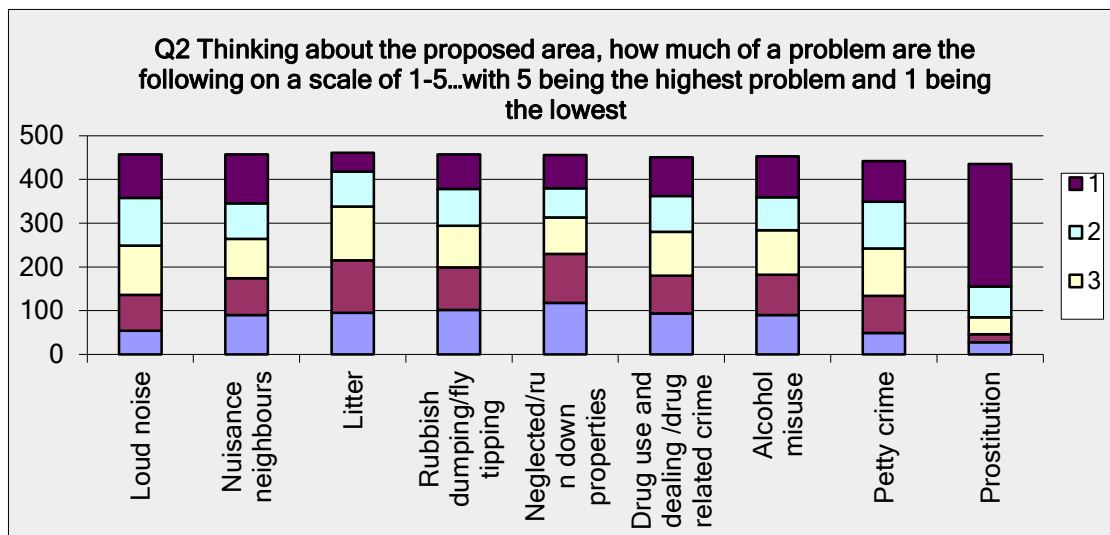
running for 3 years without any reduction in ASB. A recurring theme was that buildings do not cause ASB and the standard of accommodation does not provoke bad behaviour; it is the people who are responsible for their actions.

- 3.21 Several respondents talked about the need for more support, training or guidance for landlords, especially when dealing with tenants who have substance misuse problems or mental health issues. Strong views were expressed that the licence fee should help cover the cost of this. Some also stressed the point that more support is needed from the police in dealing with ASB caused by tenants.
- 3.22 A few respondents felt that HBC has not given enough time to see if HMO Additional Licensing is working. The point was made that most buildings have to register for an HMO licence and this should ensure properties are brought up to a good standard. In addition, HMO licensing is already costing landlords a lot of money in fees and to achieve the required standards. Given the experience with HMO licensing some respondents queried whether HBC will have enough resources to police so many areas of compliance in the new scheme.
- 3.23 Some respondents expressed the view that the whole ward approach was too heavy handed and that it would be better to target specific areas rather than whole wards, for example, Old Town but not Clive Vale in Old Hastings ward. Others felt that the proposed area was too large and should focus on the wards with the most serious problems such as Central St Leonards and Gensing.
- 3.24 Some respondents also questioned HBC's business case and felt that there was no empirical evidence linking ASB to the PRS. ASB is seen as a bigger issue in social housing. In the town centre areas it is seen as more a result of the night-time economy and visitors to the town. A number of respondents felt that if the scheme goes ahead it should also cover social housing/housing association properties.

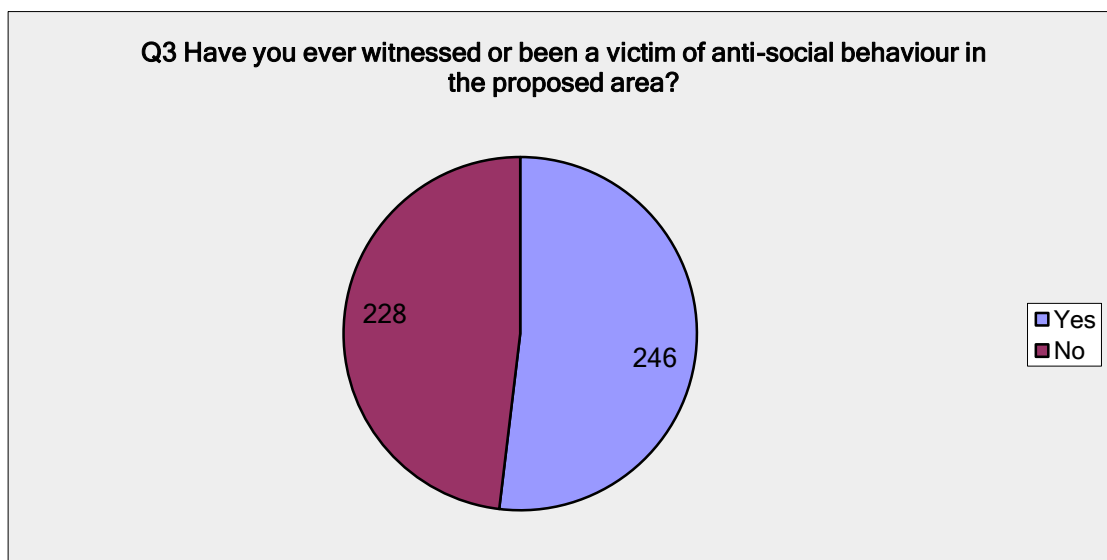
4. Residents' Views

Anti-Social Behaviour

- 4.1 The level of reports from residents about problems associated with ASB in the proposed area were much higher than those for landlords and agents (see Q2 chart below). Looking at those who ranked problems as a 4 or a 5, neglected/run down properties were the biggest concern. Litter, rubbish dumping/fly-tipping, drug use/dealing and alcohol misuse were a close second followed by nuisance neighbours and loud noise.



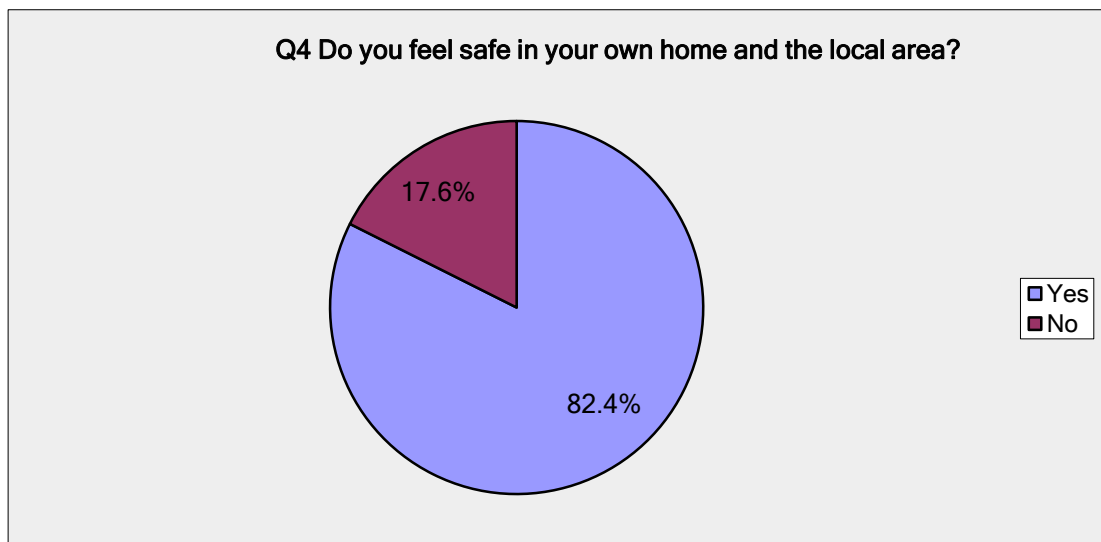
- 4.2 52% (246) of residents reported that they had either witnessed or been a victim of ASB in the proposed area (see Q3 chart below). 236 written comments were received from residents about their experiences of



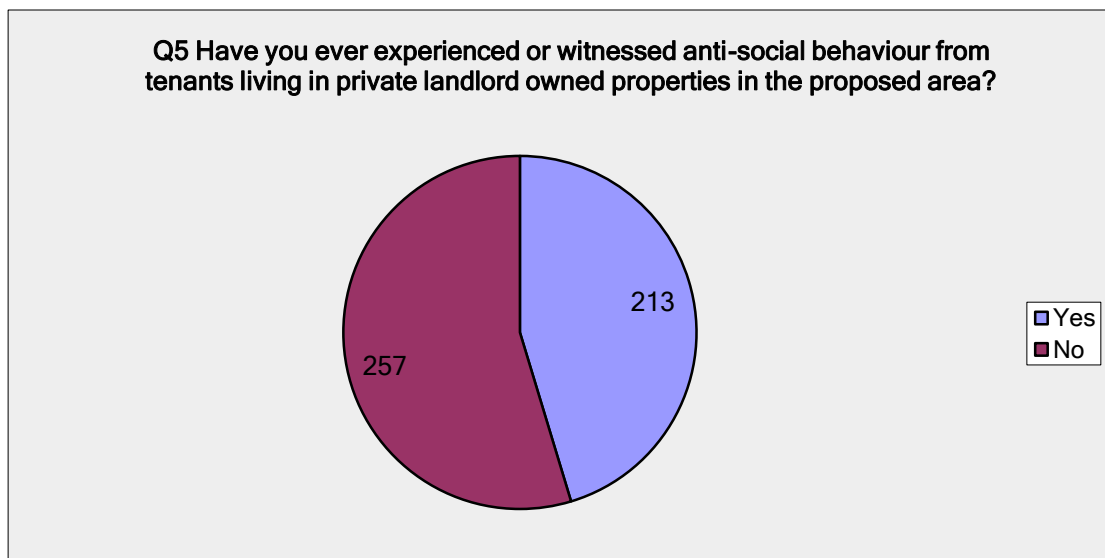
ASB. Some examples are presented thematically at Appendix 3. For many people ASB associated with difficult neighbours was an area of particular concern, especially for people living in flats. Noise caused by loud music, inconsiderate and unruly behaviour, domestic violence and

dogs not under proper control were the dominant issues contributing to this. In a number of cases people talked about being subjected to abusive, threatening and/or intimidating behaviour, especially when they complained about noise or other issues. Many people also commented on the impact of drug dealing and drug and alcohol misuse on their neighbourhood often leading to fighting/brawling, abusive behaviour, vandalism and other criminal activity. Fly-tipping, rubbish dumping and littering were also regularly mentioned as a cause for concern. Many people also flagged up the issue of poorly controlled dogs and particularly the fouling of pavements and public areas.

4.3 Reassuringly, 82% of residents said they feel safe in their home and the local area (see question 4 chart below).



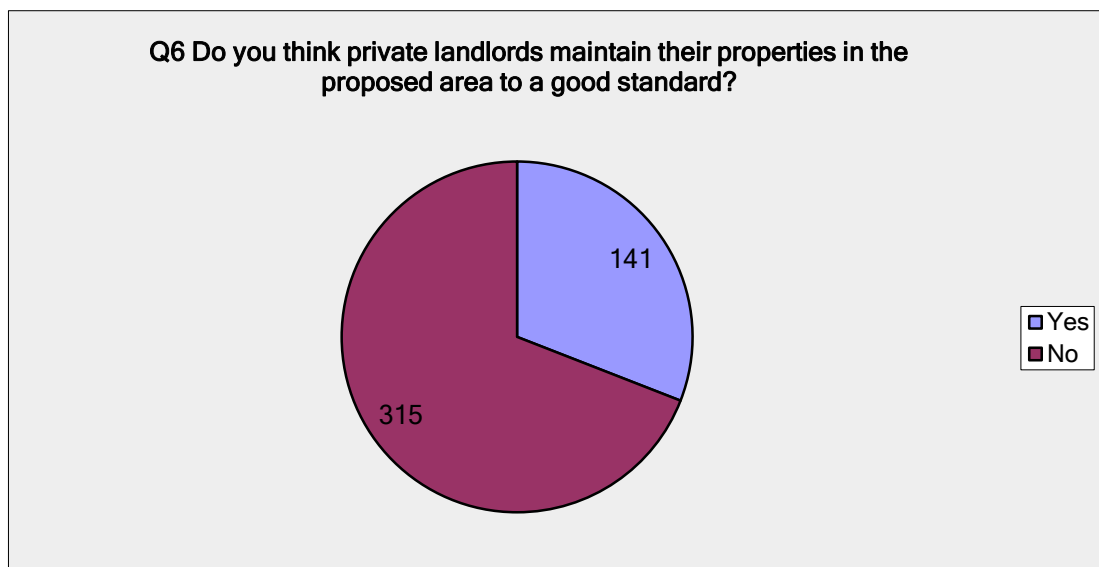
4.4 213 residents (45%) reported that they had experienced or witnessed ASB from private tenants (see Q5 chart below). There were 211 written comments from residents to this question. A handful of respondents stated they were uncertain about the tenure of the individuals concerned. Some examples of the written comments received are attached at Appendix 4.



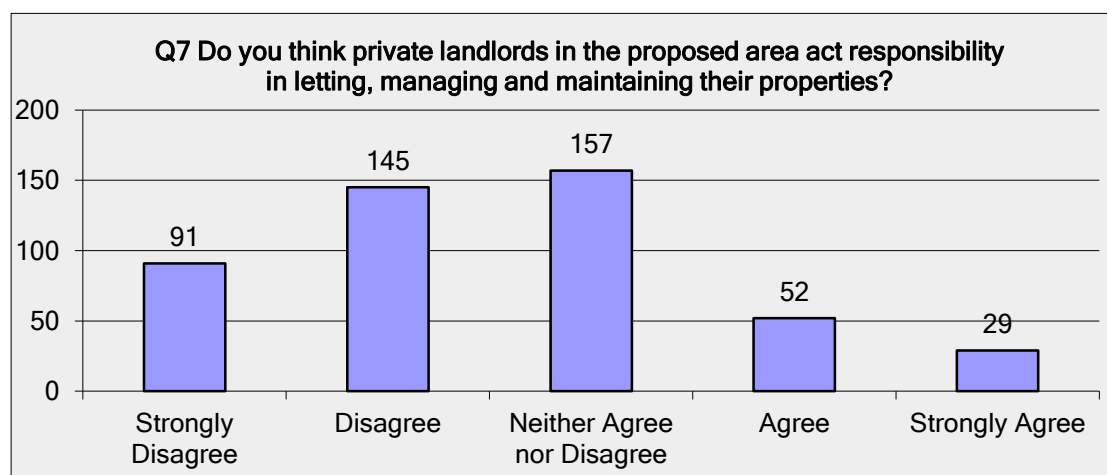
4.5 Many people reported problems with noisy and inconsiderate neighbours (over 50 reports) often playing music and shouting into the small hours, with problems particularly acute in buildings divided into flats. 46 respondents identified drugs, drug dealing and alcohol misuse as an issue. Over 40 respondents identified unruly or threatening behaviour as an issue often fuelled by alcohol or substance misuse. It is not possible to identify the issues reported by address but some people mentioned specific roads or areas where there were problems, e.g. Central St Leonards, Gensing, Ore, Central Hastings, Old Town, Hughenden/ Manor Road area.

Management of the private rented sector

4.6 Many residents expressed concern in their written comments about unsatisfactory management of privately rented properties in the town. This was borne out by the survey, which revealed that 69% (315) of residents felt that properties in the proposed area owned by private landlords were not maintained to a good standard. (See Q6 chart below)

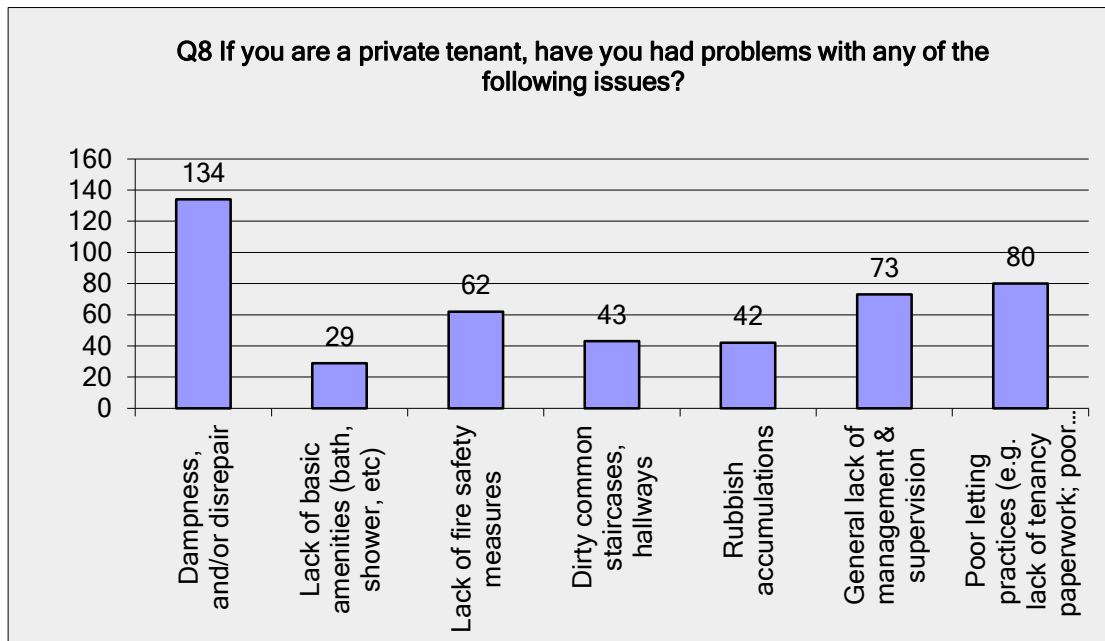


4.7 Similarly, many residents 50% (236) did not feel that landlords in the proposed area acted responsibly in letting, managing and maintaining their properties (See Q7 chart below).



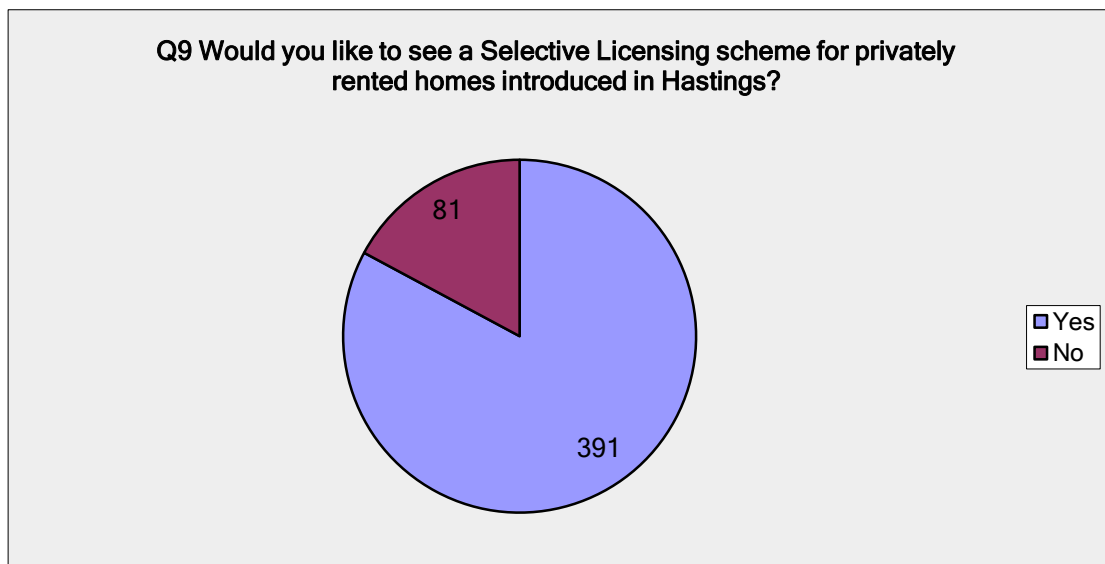
The experience of private tenants

4.8 Private tenants were invited to indicate whether they had experienced problems associated with their tenancy (see Q8 chart below). 155 private tenants out of the 160 who provided full responses to the survey, responded to the question with one or more answers. Significantly, 86% (134) highlighted problems of dampness and disrepair; 52% (80) highlighted poor letting practices; 47% (73) highlighted general lack of management and supervision; 40% highlighted lack of fire safety measures; and 27% reported concerns about rubbish accumulations/dirty common parts.

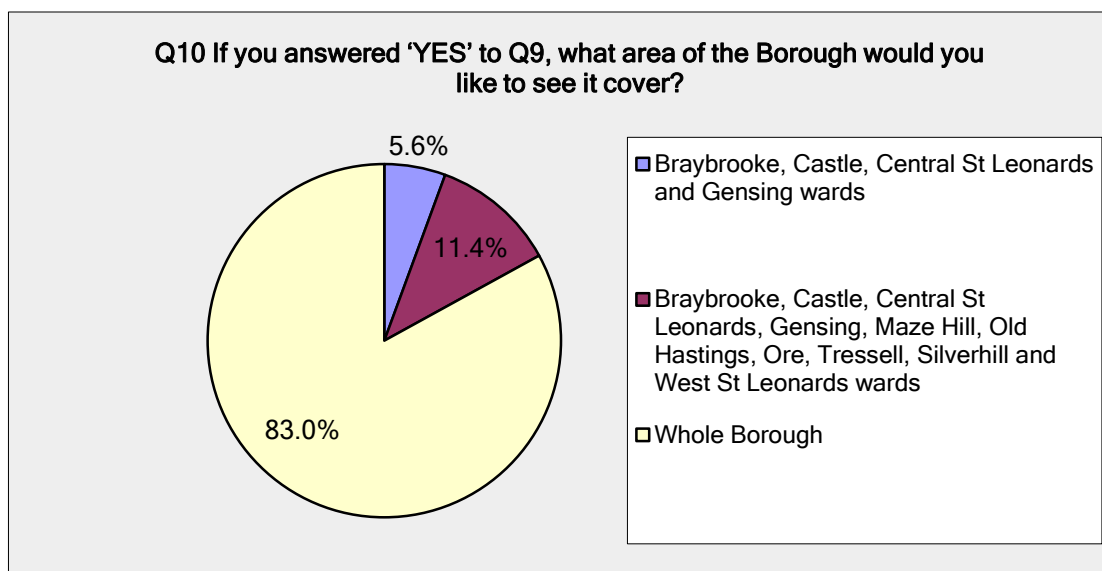


Views about the proposed scheme

4.9 There was very strong support from residents for the introduction of Selective Licensing in the town. Nearly 83% (391) said they support licensing the PRS (see Q9 chart below).



4.10 Of those who expressed support for a scheme 83% (327) said it should cover the whole borough (see Q10 chart below). Just over 11% were in favour of the proposed area covering 10 wards.



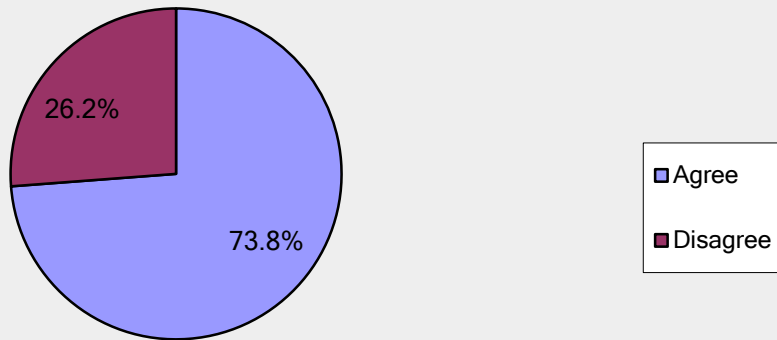
Fees and Discounts

4.11 Residents expressed overwhelming support for the proposal to offer discounts to encourage early licence applications - 79% (354) in favour and for professionally recognised or accredited landlords - 77% (338) in favour (see Q11 chart below).



4.12 Nearly 74% of residents supported the proposal to charge an increased fee where HBC discovers that a landlord has failed to apply for a licence when required to do so (see Q12 chart overleaf).

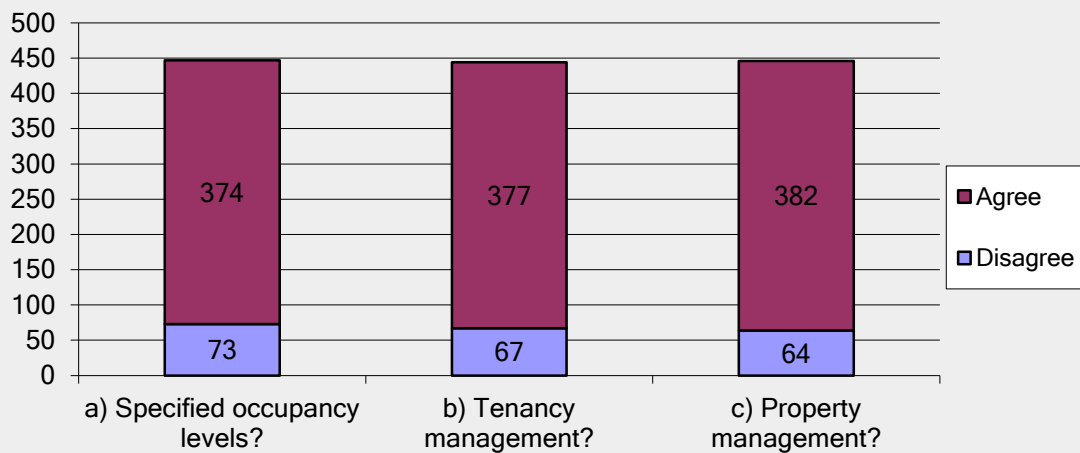
Q12 Where the Council discovers a dwelling is not licensed that should be, the licence fee will be increased by a further 30% over the advertised fee level. Please indicate whether you support this.



Licence Conditions

4.13 There was also overwhelming support (85%) expressed by residents for the proposed licence conditions related to property management, tenancy management and occupancy levels (see Q13 chart below).

Q13 Do you support the Selective Licensing scheme conditions proposed in the consultation document concerning:



Residents - general comments about the proposed licensing scheme

4.14 235 written comments were received from residents within the online survey. A further 27 submissions were received by email or letter from residents. Many of the responses covered similar issues and a number of themes emerged as follows:

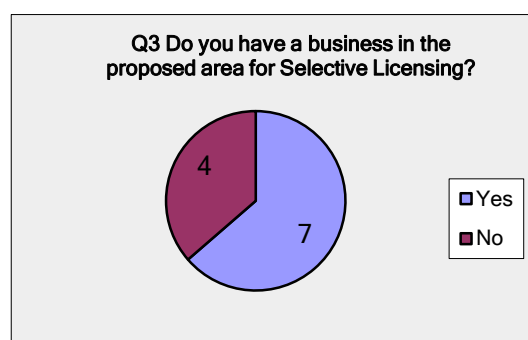
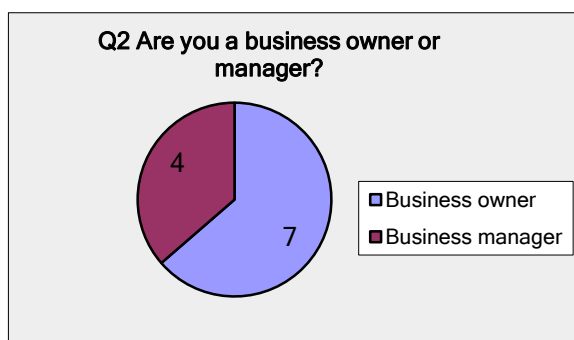
- Licensing the PRS is a good idea
- Poor property management
- Concerns about the cost of licensing for tenants

- Licensing will address ASB
- Licensing will not address ASB
- Licensing will not address the issue of bad landlords
- Proposed area covered by licensing and need to focus resources
- Some people questioned HBC's business case
- Suggestions around fees and licensing conditions
- Letting and managing agents also have a part to play

- 4.15 Some examples of comments are set out by theme at Appendix 7. Many residents expressed support for the scheme as proposed. In some cases respondents suggested that the proposed area was too large and resources should be better targeted at the areas with the highest levels of ASB. However, in other cases respondents indicated that licensing should apply across the whole town.
- 4.16 Some tenants expressed concerns about the cost of licensing being passed on to them in increased rent and as a result felt unable to support the scheme. A few also queried whether housing benefit would cover this. Concerns were also expressed about the potential impact on the housing benefit budget.
- 4.17 A great deal of concern was expressed about poor management of PRS properties - both for tenants living in the PRS and the impact on neighbouring properties and the wider community. Several respondents mentioned the fear of retaliatory eviction, where tenants complain about poor living conditions. Problems with letting agents and especially managing agents not taking responsibility for resolving issues was highlighted by a number of people. Some felt that accreditation or regulation of agents was necessary to address this.
- 4.18 Some residents indicated they were also landlords and many expressed similar views to those already captured earlier in section 3 of this report. A handful of respondents mentioned that ASB in social housing was just as much of a problem requiring police and HBC intervention and warranting inclusion in any licensing scheme.

5. Businesses' Views

5.1 Despite attempts to promote the survey through targeted publicity, email contact lists, etc., the response from businesses was disappointingly low with only 11 completing the online survey (see Q2 chart below). 7 described themselves as business owners and 4 as business managers; and 7 indicated their business was in the proposed area (see Q3 chart below). The low response means that the results cannot be considered statistically significant or necessarily representative of the business community.



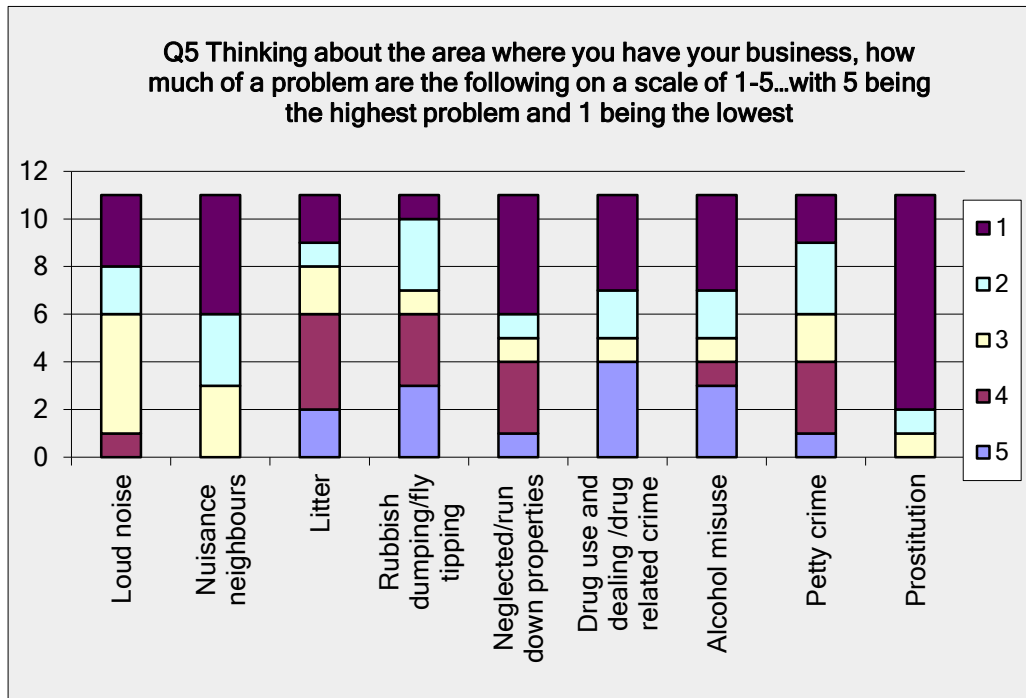
5.2 Respondents were asked to indicate their business type and this revealed quite a limited cross section of small businesses. It is important to note that of the 10 responses 4 are involved in property management and guest house/hotel accommodation (see Q4 table below).

Q4 What type of business are you?

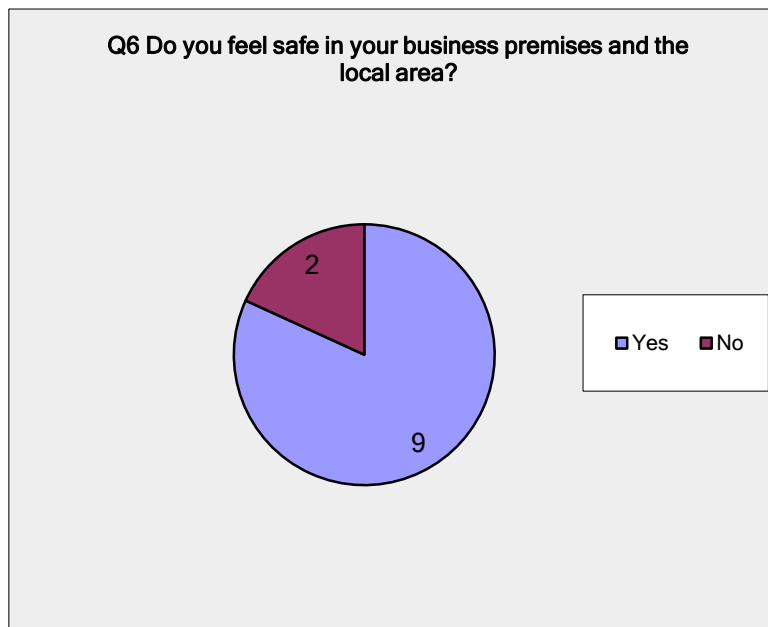
Answer Options	Response Count
Café	1
Property management	2
Vocational training	1
Wholesale fish merchant	1
Guest house/hotel	2
Management services	1
Gift shop	1
Advice agency	1
<i>answered question</i>	10

Anti-Social Behaviour

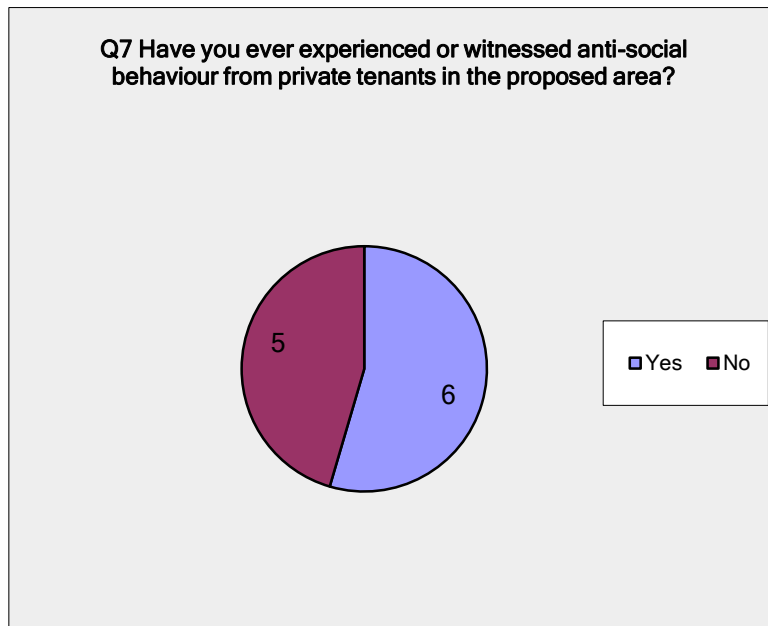
5.3 For businesses the major ASB concerns highlighted were drug dealing, drug use and alcohol misuse, followed closely by rubbish dumping, fly-tipping and littering (see Q5 chart overleaf). 6 business respondents provided written comments about their experience of ASB in the proposed area. These are summarised thematically at Appendix 5 and broadly mirror the issues highlighted in the chart overleaf.



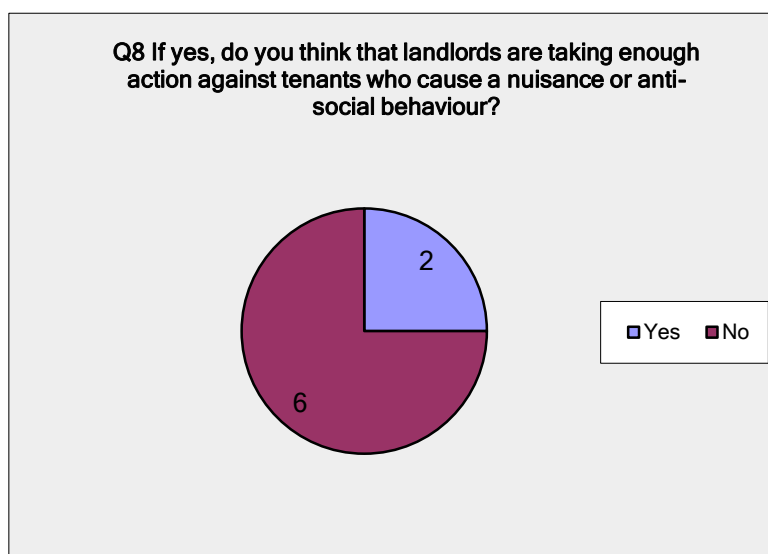
5.4 82% (9) of businesses reported that they felt safe in their premises and the local area (see Q6 chart below), which interestingly mirrors the proportion of residents who felt the same about this issue.



5.5 55% (6) of respondents indicated that they had experienced or witnessed ASB from private tenants in the proposed area (se Q7 chart overleaf).

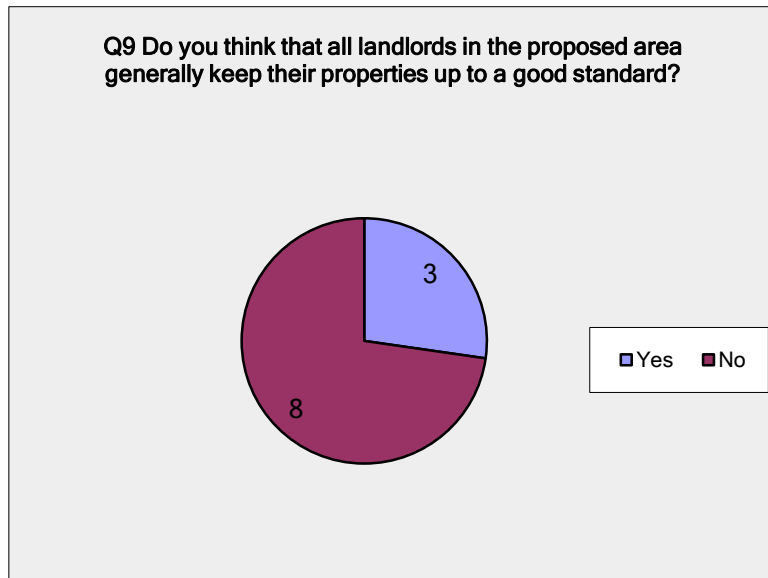


5.6 75% (6) felt that landlords were not taking enough action against tenants causing a nuisance or ASB (see Q8 chart below).



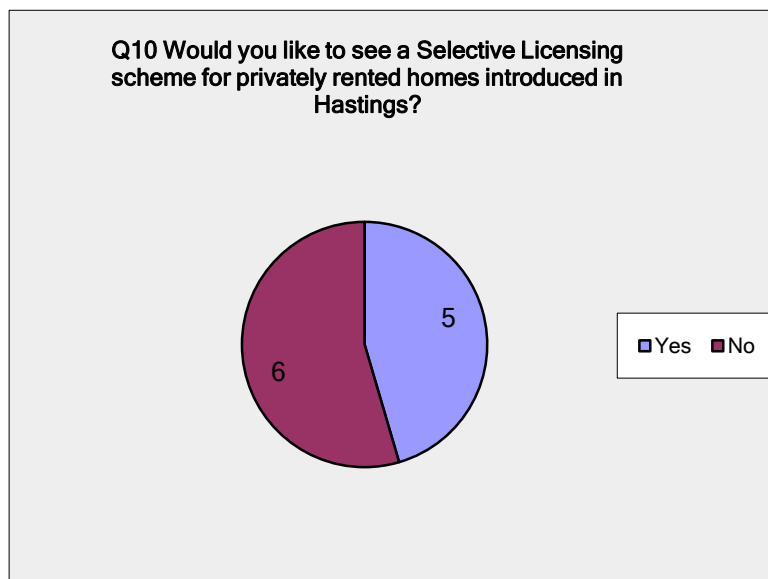
Property management

5.7 73% (8) of businesses indicated that they didn't feel all landlords in the proposed area keep their properties up to standard (see Q9 chart overleaf).

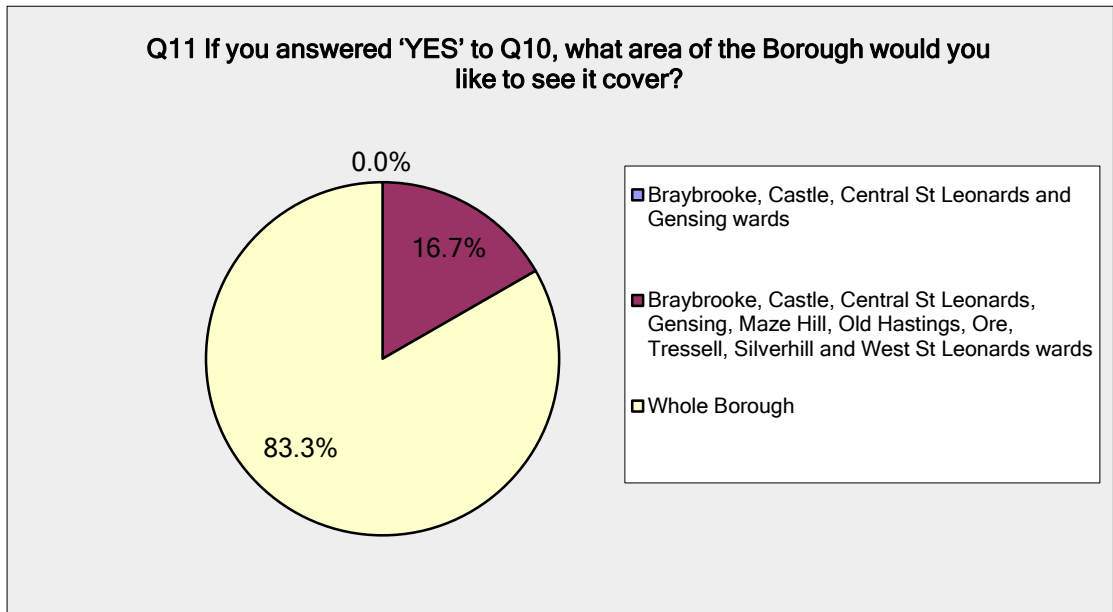


Views about the proposed scheme

5.8 Businesses were split on the introduction of licensing with 54% unable to support the scheme (see Q10 chart below). However, the sample size is extremely small and a number of businesses indicated they were involved in letting property, which might have a bearing on the outcome.

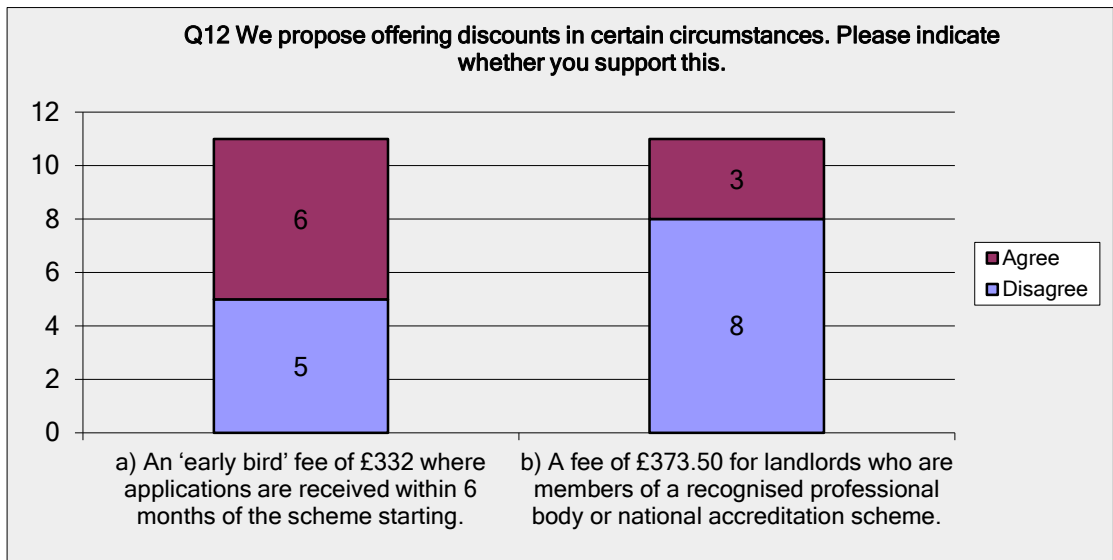


5.9 Interestingly, of those who expressed support 83% (5) favoured a scheme covering the whole borough (see Q11 chart overleaf).



Fees and discounts

5.10 There were mixed views expressed by businesses about the proposed discounts on licence fees. 54% (6) were in favour of a reduced fee for those landlords submitting an 'early bird' application and 73% (8) were against a reduced fee for accredited or professionally recognised landlords (see Q12 chart below).

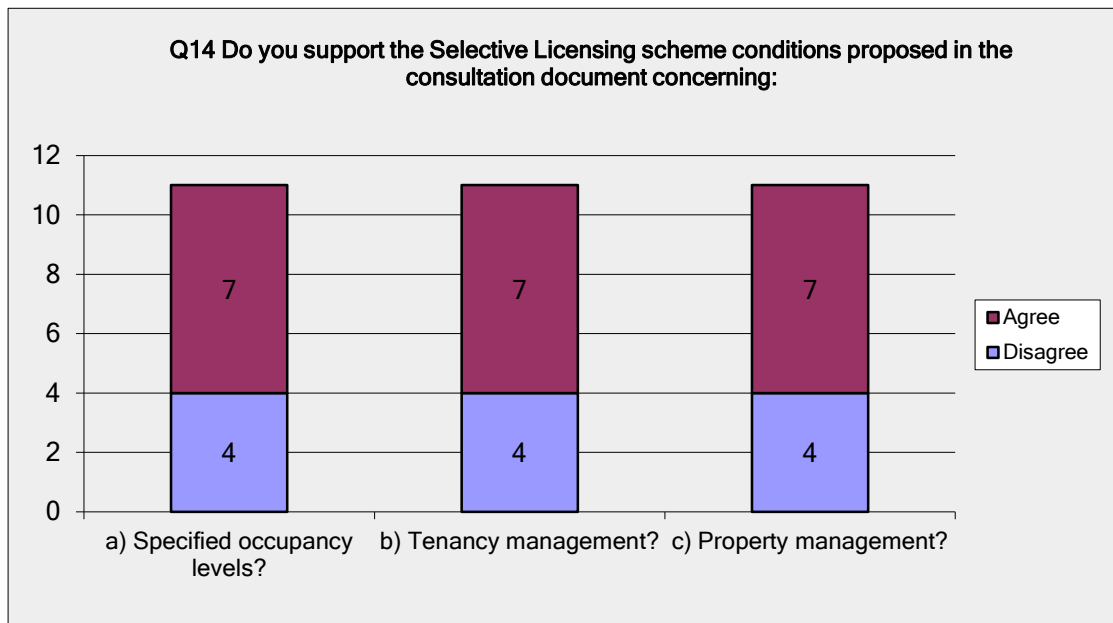


5.11 There was more support for penalising landlords for failing to apply for a licence with 64% (7) of businesses agreeing with the proposed 30% increase in the standard fee here HBC discovers a dwelling is not licensed that should be (see Q13 chart overleaf).



Licence conditions

5.12 There was a similar level of support (64%) expressed by businesses for the proposed licence conditions related to property management, tenancy management and occupancy levels (see Q14 chart below).



Businesses - general comments about the proposed licensing scheme

5.13 6 businesses provided written comments within the online survey. These followed some of the comments that emerged from residents and landlords and agents in the following themes:

- The cost of Licensing
- Licensing will not address ASB
- Poor property management
- Proposed area covered by licensing
- HBC already has powers to improve the PRS
- Tackling ASB

5.14 A summary of comments from businesses is set out by theme at Appendix 8. There was concern that licensing is simply a form of taxation and income generation, and would lead to rent increases without much benefit for tenants. It was also suggested that the fee structure should take account of the number of dwellings in one building; and rather than 5 years, the scheme should cover a 3 year period.

5.15 It was also felt the scheme wouldn't address ASB because of tenure imbalance and that more owner-occupation should be encouraged at the expense of the PRS and social housing. ASB is seen as a function of the night-time economy with the suggestion that there should be a closer look at curtailing very late opening times for takeaways.

6. Key Stakeholder Views

- 6.1 90 separate written submissions were received during the consultation as follows:
- 49 - landlords - ranging from small to very large portfolios
 - 2 - agents
 - 3 - landlord organisations
 - 2 - tenant organisations
 - 29 - residents
 - 2 - advice agency/housing support service
 - 1 - university
 - 2 - county councillor/prospective parliamentary candidate
- 6.2 Responses from individual landlords and residents on the whole mirrored comments from the online survey and these are covered by chapters 3 and 4 and in appendices 6 and 7. However, important submissions were received from several representative organisations such as the Residential Landlords Association, the National Landlords Association, the Southern Landlords Association, Hastings Tenants Union, and Generation Rent. Submissions were also received from Brighton University, BHT Advice Service, Roost Group and the Magdalen & Lasher Charity.
- 6.3 Copies of the more detailed submissions are attached at appendix 9. The key points raised by each organisation are summarised below:

Residential Landlords Association (RLA)

- Licensing is ineffective at reducing ASB - landlords not responsible for tenants' actions as long as they have not authorised ASB. Difficult getting possession for ASB as tenants get supported by local authority and Legal Aid, whilst landlord doesn't get costs repaid.
- Licensing draws a line around the area then becomes known as a 'problem area'. Allegedly mortgage companies will not make loans on properties in SL areas.
- What additional resources and investment by HBC? e.g. for environmental improvements or to tackle problems of low demand and ASB
- Outcomes and targets not specified. No suggestion of effective monitoring for the success or otherwise of the scheme
- Concern about displacement effect into other areas
- Not appropriate to use decent homes standard as a measure in the PRS
- Under the impression that HBC also looking at Additional Licensing, (which is not in fact the case)
- Mandatory licensing - no mention of statistics nor any assessment of resources involved in order to benchmark new scheme against.

- RLA promotes a co-regulation model - a combination of self regulation and partnership approach involving accreditation operating alongside enforcement.

National Landlords Association (NLA)

- While there is evidence to suggest ASB is not satisfactorily dealt with in the area, no such data has been provided linking the issues to the PRS
- Landlords have very limited authority to deal with ASB
- Discretionary licensing is not an appropriate reaction to the issues as it provides no additional powers to deal with ASB
- Consultation paper fails to provide sufficient evidence to support designating a licensing scheme
- Document fails to indicate that sufficient funding will be available to support the proposed scheme
- There are a large number of unanswered questions

The NLA asserts there are lots of flaws in the proposal and these must be rectified before proceeding further. Supplementary information was requested, before HBC progresses Selective Licensing:

- Provide NLA with copy of EIA
- Support for landlords when dealing with ASB - what help, when and how?
- Taking the tension out of landlord tenant relationship - provide evidence
- How will charging people more to live in rented housing improve the situation re ASB? Evidence?
- Cost of setting up SL
- How many extra staff?
- Reviews of other initiatives that haven't worked?
- Could HBC put in place a guidance document on HBC's position in helping landlords remove tenants causing ASB
- How will HBC work with landlords generally when landlord has challenges with a tenant?
- Provision for first time renters who can't get a reference
- What enforcement resources will HBC provide over the 5 year period?
- Fly-tipping and litter - what additional resources will HBC provide to help address this issue?
- Can HBC provide mapping showing ASB in social housing and owner-occupation to compare with PRS?
- Can HBC provide a breakdown of ASB and show where it is proven to be housing related

Southern Landlords Association (SLA)

- Reference to housing conditions /standards are not a part of selective licensing and inappropriate to include in the consultation

- PRS has increased by 4500 tenancies over 10 years but in many of the wards where ASB is stated as a problem the ASB figures have decreased
- Tenants should be held responsible for their actions not private landlords
- Report should contain explanation of animal/noise nuisance and dirty houses and how this relates to ASB in PRS
- Ignores impact of ASB due to night time venues
- Options appraisal objectives - wrong objectives considered - do not fairly represent the of selective licensing implementation
- ASB Crime & Policing Act 2014 changes should have been included in options appraisal and surprising that it was not mentioned in the report
- Additional Licensing scheme - surprising there is no report on whether scheme is meeting its targets as important to help councillors reach a decision on SL
- SLA believe HBC has not produced robust evidence to implement Selective Licensing in 10 wards.

University of Brighton

- Welcomes Selective Licensing
- Most of the properties on their website are covered by HMO licences - will owners of these properties be exempt from Selective Licensing?
- Consequence of licensing could be to lose well-managed housing stock and more owners approaching the university to manage property to avoid licensing...may well be the sort of landlords they would not want to engage with.

Hastings Tenants Union (HTU)

- HTU is strongly in favour of the proposed Selective Licensing
- Would like to see the proposal extended to all 16 wards in Hastings, particularly Hollington, Wishing Tree and Conquest
- Enforcement of the licensing scheme important...sufficient additional budget is needed to enable a robust enforcement scheme
- HTU estimate that in Hastings private landlords collect more than £7.5m in rent every month...with half of all private rented properties failing to meet the 'decent homes standard' this could mean nearly £4m a month is being paid for accommodation that is unsafe or not in decent condition
- As many landlords do not live in Hastings this means potentially up to £0.25m in rent money is leaving the town each day, which is having a major impact on the local economy

Generation Rent

- Supports the introduction of Selective Licensing because it makes it easier for local authorities to tackle criminal landlords as they can simply deny them a licence rather than spend vast resources on prosecuting negligent landlords

- The cost of licensing is tiny at just over £1.70 per week - bad housing is as damaging to health as a dodgy prawn sandwich and no one complains about the cost of enforcing food regulations
- Licensing will benefit amateur/accidental landlords who may not be doing things correctly by bringing themselves up to standard in response to having to get a licence.
- Landlords that intentionally evade registration will be at the top of the council's target list for prosecutions - they may well be breaking the law in other ways if they are not licensed.
- Licensing schemes in London Borough of Newham demonstrate that Selective Licensing can be effective in bringing about increased enforcement action and prosecutions, as well as successfully barring rogue landlords from letting properties.
- If HBC follow the Selective Licensing model and best practice adopted by Newham and other authorities similar benefits and improvements in the PRS in the town should result.

BHT Hastings Advice Service

- Strongly support the Selective Licensing of the PRS in the suggested wards
- Selective Licensing should reduce the number of instances where landlords are ignoring disrepair issues or end up serving S.21 possession notices when a tenant reports a repair or other issue to HBC
- Licensing should also lead to more sustainable tenancies with less people having to move because of disrepair issues and properties being relet without issues being addressed and then new tenants experiencing the same issues
- Selective Licensing should help drive up safety in the PRS as BHT often find that tenants report fire safety and Gas safety certificates are not being done
- Licensing should provide the opportunity for landlords to obtain advice and become better landlords, as applying for a licence will require them to look into the detail of what's required and encourage them to be more business like, thus helping them to avoid unlawful actions in relation to deposits and eviction proceedings
- The proposed fee is reasonable, it is less than the cost of a cup of coffee per week
- The proposed licensing scheme needs to be enforced in a proactive manner and needs to have 'teeth' in order to be effective
- Selective Licensing should act as a deterrent to rogue landlords looking to expand their portfolio in areas such as Hastings where property prices are still comparatively cheaper than other areas in the South-East.

Magdalen & Lasher Charity

- Provides about 50 residential properties for rent and the revenue generated is devoted entirely to promotion of education, relief of poverty and support for the elderly within the Borough

- Does not need to be regulated by HBC as the charity are model private landlords
- A scheme would be of no benefit to their tenants and licence costs would come out of the pockets of the poor, the young and the elderly
- If HBC proceeds with licensing registered charities should be exempt

Roost Group

- Would like clarification on what support, training or guidance a landlord will receive for their licence fee
- Why is it necessary to levy a fee for each dwelling in a block where the building and flats are all in the same ownership?
- Currently advice agencies advise tenants subject to possession proceedings to stay put until evicted, even if there is evidence of ASB, and this causes long delays in resolving the problems. How will licensing help this situation?
- HBC already has powers to enter relevant properties and take enforcement action where dwellings do not meet acceptable housing standards
- An alternative way forward is suggested instead of licensing, following best practice developed with housing associations, the police and HBC. The successful weekly joint agency hub meeting could be rolled out to private landlords to help resolve ASB in the town. This would require landlords to pay a fee to access the online system and enlist the help of the police either to try and resolve the problem through interventions from other agencies or to use the evidence to evict tenants

7. Summary of key issues raised by landlords and agents

7.1 The following table provides a summary of the key issues raised by landlords and agents if the proposed licensing scheme were to go ahead.

	Issue
1.	Reduce the standard fee
2.	Bigger discount for early applications
3.	Bigger discount for members of recognised bodies, RLA, SLA, NLA, etc., e.g. on a par with the 'early bird' application fee
4.	Landlords/agents governed by RICS code of practice or if they are ARLA members should be exempt from licensing
5.	Reduced fee for flats in HMOs already subject to Additional Licensing
6.	Provide discount for landlords with more than one property, especially if they are flats in the same building
7.	Be clear about the maximum discount obtainable if more than one category applies
8.	Enable payment by instalments, e.g. stage payments or an annual fee
9.	Sliding scale/tiered fee structure, e.g. based on size of accommodation (query as to why fee is the same for a studio/1 bed flat as for a 4 bed family house?) or quality of accommodation (to reward good landlords)
10.	Only one licence for a block of flats or a converted building where all flats are owned by the same landlord
11.	Landlords already possessing an HMO licence should be exempt from Selective Licensing if they can demonstrate they manage other properties to the same standard
12.	Provide exemption for charities, such as Magdalen & Lasher
13.	30% penalty for non-compliance is not sufficient to encourage 'rogue' landlords to apply
14.	Penalise landlords where their property is subject to adverse report and charge them for investigation and enforcement
15.	Provide training and support for landlords and agents to help tackle ASB; and develop a partnership approach with HBC and the police
16.	Will Selective Licensing apply to holiday lets and short-term lettings?

8. Conclusions

- 8.1 The consultation exercise has highlighted a broad range of views together with a lack of consensus about the likely effect of licensing on ASB. However, it is clear from the results of the online survey that a large majority of residents (83%) support HBC's proposal to introduce Selective Licensing.
- 8.2 Strong support from residents contrasts with vehement opposition from private landlords, managing agents, letting agents and landlords' associations (82% oppose licensing). Many are critical of licensing in principle as in their view it penalises good landlords unfairly; Some question the legality of HBC's proposed licensing fees and proposals. They also question whether HBC's data really shows a causal link between the PRS and ASB.
- 8.3 For residents, ASB is a very real issue as indicated by the level of response on this aspect in the online survey. Whilst it is not always possible to attribute it to a particular tenure, it is clear that ASB can significantly reduce the quality of life for local communities.
- 8.4 Many residents expressed their concerns about noisy and inconsiderate neighbours, the effects of drugs, drug dealing and alcohol misuse, and unruly or threatening behaviour often fuelled by alcohol or substance misuse, untidy gardens, and rubbish dumping, as well as more serious forms of ASB. Some residents linked these issues to changing tenure patterns - the shift away from owner-occupation to the growing PRS in some parts of the town.
- 8.5 Landlords and agents felt they should not be held responsible for the actions of tenants in causing these sorts of problems, because they were unable to control their behaviour. They also mentioned the length and cost of legal action to evict tenants and suggested that currently HBC and local advice agencies automatically take the tenants' side or pursue homelessness prevention policies to delay the point at which they may have a duty to assist with their rehousing.
- 8.6 Residents were concerned about landlords and agents who do not manage their properties properly. Many felt that HBC and other bodies should take more action to deal with ASB by applying existing laws more effectively. Overall, residents supported licensing as a way of addressing ASB, improving the PRS and protecting tenants. However, there were also concerns expressed about whether HBC was in a position to enforce any scheme effectively.
- 8.7 It is unsurprising that no overall consensus about ASB and licensing emerged in the consultation, but it has identified key issues for HBC to consider, including the lawfulness of the draft proposals and associated charges, the evidence base, and ways to support landlords and agents in tackling ASB more effectively. Landlords and agents criticise the costs and the unfairness of charging good landlords as well as bad; and

many are suspicious that licensing is a money raising exercise for the council.

- 8.8 The online survey, written comments and individual submissions demonstrate most residents' clear support for HBC's licensing proposals. Understandably some tenants felt unable to support the proposals due to the possibility that it could lead to their rent being increased. While landlords, agents and associations strongly oppose licensing schemes, others in the town broadly support it – even if some have doubts about the capacity of HBC to enforce the scheme effectively.
- 8.9 The separate written submissions and wide ranging comments from the online survey, all make important contributions to the debate about the merits of licensing. Some landlords have made suggestions to make the scheme more palatable for them should it go ahead. Submissions from the RLA, NLA and the SLA focus on the legality of the licensing proposals. They raise issues about what licence fees may legitimately be spent on; the basis on which fees may be discounted; the reality of HBC's ASB evidence and business case; resources available for enforcement; and the general approach to tackling problems in the PRS. All of these are clearly important issues for the council to consider.

9. Next Steps

- 9.1 It is not appropriate for this report to make recommendations to HBC based on the consultation exercise. The consultation has highlighted opposing opinions on licensing. Residents of the town largely support licensing and some tenants have reservations or oppose it, whilst landlords and agents on the whole are opposed to it. However, whilst the population of Hastings is larger than the number of landlords owning property in the town it would not be appropriate to simply base a decision on a majority view. The strength of the arguments and the evidence put forward by both sides needs to be appropriately considered and the merits of different positions given careful consideration. Consequently, the role of this report is to present an analysis of the information, views and opinions expressed during the consultation but not to recommend any particular option or way forward.
- 9.2 HBC will need to base its decision on whether or not to proceed with a policy of Selective Licensing in respect of PRS dwellings in the town, having regard to its understanding of the law, the strength of the evidence concerning ASB and the PRS and the outcome of the consultation process. Senior officers and elected members must review the issues that have emerged from the consultation while taking account of other relevant evidence. This will inform the final decision by HBC Cabinet members who will need to assess the relative merits of Selective Licensing before adopting or rejecting it as a new policy.

Appendices

Appendix 1 - Anti-social behaviour witnessed by landlords or agents

Theme	Issue/Comment
Drug dealing and drug use	<p>Drug dealing in next-door property - we liaised with police.</p> <p>I have informed police, as have other landlords, many times of antisocial behaviour in the form of street drinking and street drug dealing but no firm action has ever been taken. This poor level of policing is the cause of most of the antisocial behaviour, as the criminals know that no action will be taken against them.</p> <p>Drug users throwing needles into back yard from alley.</p> <p>Witnessed numerous people in the town centre behaving badly under the influence of drugs alcohol. Physical violence, extremely foul and offensive language. 'Virtual' sexual activity taking place on the street.</p>
Alcohol related	<p>Alcohol misuse and drug dealing on the street.</p> <p>Intoxicated persons shouting insults and trying to provoke a fight.</p> <p>I have seen troubled people drinking and arguing loudly out side the shops around St Leonard's and Cambridge Road.</p> <p>Window smashed by drunk passerby.</p> <p>Intimidation by drunk people.</p>
Noise	<p>Loud music from private properties.</p>
Fly-tipping, rubbish and litter	<p>A neighbour has persistently had a great deal of rubbish in her front garden. Despite me even doing a tip run for her, as it was affecting my ability to rent the house, the rubbish mounts up again.</p> <p>Homeless people throwing rubbish into back yard from alley.</p> <p>Previous tenants dumped rubbish in the garden of the property I own.</p> <p>Only litter - although I don't think this is really to do with letting property since most of Hastings is filthy.</p> <p>Property in St Margaret's Road fly tipping in adjacent rough ground.</p>
Assault and unruly behaviour	<p>Assault by an unknown individual visiting managed property on a tenant by discharging a fire fighting apparatus at the tenant.</p> <p>Witness to abusive behaviour / imminent fight. The odd fight between people.</p> <p>Tenant thought it would be a good idea to throw iron / ironing board out through unopened windows along with other things.</p> <p>Problem family in rented accommodation - children out of control - banned from shops, police called many times and well aware of problem. Family eventually relocated. Neighbourhood back to normal.</p>

Verbal abuse in the street	I've been told to f### off by people in the street for no apparent reason, had a bicycle lent against my car and on many occasions have been asked for money which I always decline.
Vandalism, criminal damage	<p>Neighbours car vandalised outside property this week. My own vehicle and partners vehicle both vandalised in past 12 months.</p> <p>Damage to property. Youths causing a nuisance and obstructing entrance to property.</p> <p>Property at St Margaret's Road has been subject to petty crime (front lamp being torn off).</p>
Dogs not properly controlled	<p>Dogs barking and dogs fouling public footpaths, where irresponsible dog owner allow their dogs to crap on public or private verges.</p> <p>Dog Fouling.</p>
Other comments	<p>Theft, vomit in street, fights, prostitution, drug taking, arson, vandalism... There is too much to mention here but our tenants are lovely and are not responsible for any of this it is mostly visitors to the area causing the problems.</p> <p>Have witnessed anti social behaviour by the Station Plaza.</p> <p>Neighbours keeping chickens and associated noise and pests (rats) that cause nuisance to area.</p> <p>I am a police officer and see it all over the place.</p> <p>Anti social behaviour, drunkenness, prostitution, verbal abuse, dangerous driving, noise. Until the standards of tenants improve in Hastings & St. Leonards, and something is done to improve the lives of decent working families, this problem will continue. Not all of the above is caused by people renting, however, it deters those that value security and safe environment. As a landlord, I do not suffer the damage caused to property and the turn around of tenants in Bexhill as I do in Hastings & St. Leonards, hence I'm selling up in these areas and investing in Bexhill. Lack of police control is deterring investors.</p>

Appendix 2 - Anti-social behaviour from private tenants witnessed by landlords or agents

Issue	Comment
Drug dealing and drug use	<p>Drug use. Trying to evict tenant currently.</p> <p>Alleged drug use and dealing by a tenant. I am currently trying to evict the tenant yet he tells me that he has been advised by the council's tenant helpline not to move out until Bailiffs force the issue. This prolongs the issue for me as a landlord and significantly increases costs.</p>
Alcohol related	LHA Tenant is an alcoholic.
Noise	<p>Noisy Tenants.</p> <p>Loud noise at night.</p> <p>Noise problem caused by teenage children of tenant, while tenant was in hospital.</p>
Property management	<p>A high standard, well managed block of flats in Cumberland Gardens, had a brand new kitchen & bathroom destroyed, during a one year rental. After spending £7,000 on decoration, carpets, Bosch washing machine, Worcester bosch boiler, NEFF cooking appliances, all have had to be scrapped along with all of the kitchen cabinets & boiler. The property cannot be sold at the same price I paid 6 years ago. The neighbours complained to the rental managers about, the number of people in the flat, prostitution, smells and noise. The agents did nothing and did not inform me (the landlord).</p> <p>We own 3 properties in the same area (Central St Leonards). One is rented to a tenant and one is used for holiday lets, the other we use for ourselves. One of the properties to the right of our property (over a wall), I think it is part of East Descent has boarded up windows. The other to the left (again over the wall) looks at though it has a very poorly built extension. I don't recall any planning permission for this to be there. All these houses have tenants. We are good landlords and believe in looking after our properties to a good standard for the sake of our tenants and because it's our investment. As a landlord in this area we would welcome some sort of minimum requirement of licensing. People paying rents deserve better than treatment than they are currently receiving from some landlords. Because some tenants are on low incomes or out of work this should not be an excuse for landlords to put them in sub-standard housing. When I walk round St Leonard's it feels as though 'Rachman' must still be alive.</p> <p>Neglected properties.</p>
Assault and unruly behaviour	<p>One tenant had the police called as a boyfriend had beat her up, two other tenants were in a fight together and the police were called.</p> <p>Tenants split up and had argument resulting in my door being battered down and neighbours complaining to me as landlord and letting agent.</p>

	Called to my property by police and other tenants.
Other comments	<p>No - my tenants are professional persons and i have had no problems - both my properties are in Ore.</p> <p>My tenants are lovely.</p> <p>My answer is no, but I would like to give details nonetheless: All my tenants are respectable and consist of families, couples in employment or retired individuals.</p> <p>I only let to carefully vetted professionals.</p>

Appendix 3 - Anti-social behaviour witnessed by residents

Issue	Comment
<p>Difficult neighbours</p>	<p>Noisy, inconsiderate neighbours</p> <p>Currently there a group of guys, different nationality had a fight in the flat above. This has now become an on going problem.</p> <p>Upstairs neighbours produce excessive noise and have a very intimidating manner.</p> <p>Neighbour from hell above me, arguing regularly with his girlfriend and corresponding noise has made life unbearable. A combination of domestic violence/noise/creating incredible stress. Dogs incessant barking too, in private & social housing locally.</p> <p>In my privately owned flat the above flat was let out to a drug user who was always playing loud music. Below me at one point the tenant was raided for being involved in sham marriages. Have long left that building.</p> <p>Noise, fighting and vandalism from people living in social housing opposite and also noise and rubbish accumulation from privately rented home next door.</p> <p>I had neighbours in two flats who were a nightmare. Loud music. Shouting at each other etc. I eventually was able to buy a semi detached. Checked out the neighbours who were a marvellous old couple and I had 10 good years. Then the inevitable happened and they died. The house was bought and then rented out to neighbours who were so bad - very loud music, slamming doors, swearing, music in the garden. I was lucky enough to be able to move. I now live in a wonderful area of St. Leonards which is quiet with good neighbours, but I know what it is like to not want to go home because of the neighbours.</p> <p>Loud noise from neighbours during night when I was a tenant. Rubbish dumped indiscriminately.</p> <p>Next door neighbours, they've played loud music day and night, when asked they've refused to turn music down. My children have heard them use inappropriate language directed towards myself. Also the arguments between them have been highly severe that myself and another have called the police on more than one occasion.</p> <p>Loud neighbours behaving badly with outside entertaining late into the night, with total disregard to neighbours.</p> <p>Exceptionally loud noise from back garden of house in Elphinstone rd.</p> <p>I have nuisance neighbours who play unnecessarily loud music at ungodly hours of the day.</p>

Previous property we had problems with a neighbour, who did not respect our property and was verbally abusive.

From neighbours in my road who were drinking, trespassing, urinating on private property. Had arguments with neighbours and have been verbally assaulted.

Had to sort tenants up stairs. Don't get any more problems they have moved.

For the last ten years plus, the next door landlord has persistently put in anti-social tenants. Despite conversations and too many police call outs, they just do not care. We just endure the nightly screaming from indoors and now outdoors, the door slamming and loud music coming out of open windows. Nice to know there is already legislation in place that is TOTALLY INEFFECTIVE.

Next door we have had, in the past, flats occupied by tenants who behaved towards us and other neighbours in a violent and abusive manner.

My next door neighbours, noisy, overcrowded house, too many people living there illegally. During summer or nice weather, a few of the guys who appear to live/stay there continuously sitting in back yard talking and swearing loudly, smoking cannabis - this goes on all day, so that I cannot use my back patio to sit and relax in. Sometimes the four little children also out there, constantly throwing balls, toys and half eaten food into my yard, if I throw their things back, they only throw them back again! I have asked them not to do this, but it falls on deaf ears.. Some of the guys have set up a mini gym out in the yard, thus it can be noisy at these times too. Same in front of house, gathering of extended family, friends ,who set up chairs on pavement and hold parties. Intimidating passers by, by their presence. Friends of the family frequently park in the middle of the road, blocking traffic, honking their horns to get the attention of the inhabitants, then often, things are passed over the railings.

Am now selling my home, driven out by behaviours of ill managed DSS (usually) tenants. Anti social behaviour has included violence between tenants upstairs me being threatened on two occasions a bed being thrown at me when I asked politely for it to be removed. Worked hard to buy my own home to have home life ruined by those who don't give a damn and freeholders who take the money and don't manage block.

I live next door to a house which is privately rented. Since the house has been managed by the current letting agent there has been a string of things I have witnessed fly tipping, litter on the street, use of foul language on the street, drinking alcohol, smoking cannabis on the street etc - this all by the occupants of one house. I have reported my concerns on a number of occasions - including to the letting agent. The letting agent says it his nothing to do with him and I should report it to police and environmental health, which I have.

A few years ago we had 17 months of hell. The family in question were totally dysfunctional, drunk most nights of the week, shouting, swearing, fighting, you name it and the authorities were unable to do anything, when I say authorities I am referring to the police and the Environmental Health department. The landlord's agent repeatedly

	<p>promised to deal with his tenants but did nothing. They only ended up being evicted after non-payment of rent otherwise they would still be on the doorstep. They also wrecked the house on their departure. My partner nearly suffered a nervous breakdown.</p> <p>I own a property next door to a rented property. When anti-social behaviour is addressed with said occupants of neighbouring property, we become victims of abuse.</p> <p>Unruly family live in my road - loud, run riot in the street. Multiple cars in a state of disrepair. House is in a state of neglect. Drags the lovely neighbourhood down.</p> <p>Neighbours in rented properties playing loud music, leaving rubbish in gardens and access way at rear of property, arguing late at night.</p> <p>Threatened by neighbour with tire iron over a fence dispute, neighbour thinking its acceptable to run a banger racer from drive way causing oil all over road. Verbal abuse from neighbour. Neighbour partying until 3-4am regularly. Other residents letting small children run naked up and down the road, residents begging for money because they "really need a fag" and waiting for people to get home to ask them for money. Reckless driving from residents. All of these issues come from the only privately rented properties in the road.</p> <p>Witnessed a number of violent arguments, street drinking, littering, loud music coming from residential properties. I have visited a number of poorly managed and maintained residential properties where tenants are frightened to report problems because tenancies are not secure.</p> <p>At times it seemed my ceiling might come down as a result of people playing loud music and running about in the flat above, activities which went on into the early hours of the morning.</p>
Drug dealing and drug use	<p>I have witnessed and am aware of numerous incidents on my street, we have at least 4 drug dealers, flats of multiple occupancy occupied by heroin addicts, there was a stabbing last week.</p> <p>Drug dealers outside home dropping off drugs in their cars and their customers hanging around in the street.</p> <p>Drug dealing down Springfield Valley.</p> <p>In Gensing where I live and nearby central St Leonards I have witnessed drug dealing many times, both openly on the street and from flats.</p> <p>Rented a flat in Quarry Hill next door to a couple that smoked 'skunk' all day and had violent/hysterical arguments on a regular basis - even involving the police didn't stop their inconsiderate behaviour.</p>
Alcohol related	<p>Drunk neighbours was fighting and smashing bottles on the door steps of my property</p> <p>Two separate loud-voiced arguments amongst group of seemingly drunk individuals. one more serious than the</p>

	<p>other; in that case, we called the police as repeated reference was made to a knife and the intent to use it; also in this case, several others were witnesses.</p> <p>Brawls, drunken/noisy behaviour, verbal domestic spats; it is not always obvious whether these are people living near us or passers-by. All these as a witness, i.e., seen and heard from our house.</p> <p>Street drinking.</p> <p>Seeing fights in town in the evening, having to avoid obviously intoxicated people during the day and evening.</p> <p>Abuse from drunks while walking my dog.</p> <p>Next door to me is rented. Previous landlords were not concerned about type of people who rented it. Alcohol, drugs, loud noises, and other happened there. I reported it and they were sent anti social behaviour order. The tenants ignored it and I only got peace when they moved. The new tenants are ok, but if they were to move out, I'm not sure who will rent it and if I would get the same problem again.</p> <p>Persons under the influence of alcohol/drugs fighting on a public highway.</p> <p>Drunks in local shops being sold alcohol then abusing the other customers whilst the shop keepers do nothing and serve them even it against the law to do so.</p>
Vandalism, criminal damage	<p>Drunks damaging parked vehicles overnight.</p> <p>My car was continually vandalised and finally set alight and burnt to ash in the Maze Hill area. I no longer live there.</p> <p>Wing-mirrors being knocked off cars either by drunken idiots fighting or vandals.</p> <p>In the 11 years we have lived here we have had our property damaged with gate being kicked in, stones thrown the gate into the back garden (we live in an end of terrace house). Damage to our front wall. These have been reported to the police in the past but no one has ever been found regarding the damage.</p>
Burglary, theft, begging,	<p>Yes, bag stolen while I was taking money out of Lloyds cashpoint on London Road, St Leonard's.</p> <p>Garden features stolen.</p> <p>I've had my car and garden vandalised and also had two burglaries, which I believe were drug related.</p> <p>People aggressively begging for money.</p>
Verbal abuse in the street	<p>I was verbally abused by teenager on an occasion for no apparent reason other than my age (60) on an other</p>

	<p>occasion I saw a male hit a female both were drunk and I intervened but was again verbally abused so left.</p> <p>Being shouted at and verbally abused even though I was just walking home minding my own business. This has happened on a number of occasions.</p> <p>Negative taunting from drunk men, regular arguments from people and neighbours in the street.</p>
Assault and unruly behaviour	<p>Physically attacked by a drunk. I suffered fear, damaged clothing and severe anger spasm but no personal harm.</p> <p>Have witnessed several assaults.</p> <p>Fighting in the middle of Milward Road at night.</p> <p>Attacked a number of times by Gangs in Warrior Square Gardens.</p>
Fly-tipping, rubbish dumping	<p>Litter and fly-tipping regularly seen.</p> <p>Fly tipping and general ignorance of rubbish storage.</p> <p>There are regular incidents at my neighbouring property (Lower Park Road) including fly tipping, overt drug dealing, noise, and fires in the garden amongst others.</p>
Dogs not properly controlled	<p>There is dog mess everywhere and people exercise their dogs off the lead on the public highway.</p> <p>Dogs not on leash on the footpath so consequently racing across garden.</p> <p>Dogs off their leads, defecating in the street, and no attempt to clear it up; dangerous dogs.</p> <p>People letting their dogs (Staffs) run loose, peeing, pooing, on the pavement and in front gardens, also in building hallway.</p>
Anti social behaviour in social housing	<p>Late night shouting between occupants of social housing opposite. Police have attended, only twice in 2 years.</p> <p>We had problems with a man who had been rehoused after losing his previous flat. He was caught carrying a gun in McDonalds, was asking elderly neighbours for money and fought noisy battles with his partner and others on the street. He is still living at the same address but OK now after the housing association took him to court.</p>

Appendix 4 - Anti-social behaviour from private tenants witnessed by residents

Issue	Comment
Drug dealing and drug use	<p>Drug and alcohol related problems including dealing.</p> <p>Neighbour constantly buying drugs and playing excessively loud music.</p> <p>Drug dealing/taking by the neighbours.</p> <p>Manor Road - there was a private landlord owned house which everyone described as a 'half way house'. The people living there were rude and loud and dealt drugs openly on the doorstep and went out to cars that pulled up nearby.</p>
Alcohol related	<p>My neighbours sometimes get drunk and start shouting and rowing and getting violent towards each other. Also throw their rubbish out the window on a bad day!</p> <p>Drunken tenants at the rear of our property asking for money...</p> <p>Arriving late back to their flat drunk at around 3-4 in the morning.</p> <p>Drunk neighbours fighting in the street and being arrested.</p>
Noise	<p>Disrespectful, noisy neighbours.</p> <p>Neighbours seemingly not employed playing loud music/TV/radio 24/7. Swearing, shouting.</p> <p>Our next door neighbours were incredibly antisocial, playing loud music sometimes until 3 AM.</p> <p>Sometimes loud music with no regard to other tenants and general bitching between other tenants.</p> <p>On so many occasions one blurs into another. It was nice here 25 years back when I came here. Not so much now. Rubbish is being constantly dumped by the recycling bins also. Some take great delight in dumping their glass, etc, at ungodly hours making a lot of noise.</p> <p>when my daughter lived in bedsit, other tenants would keep her awake till early morning as they didn't work so could sleep all day.</p> <p>Though I do not reside within the proposed area's, I do live in an adjacent ward, and have experienced noisy and disruptive behaviour in private rental property in a neighbouring house.</p> <p>Noise associated with staying up all night, T.V, music, slamming doors, etc. Loud conversations/disagreements on street in early hours. Police visits to neighbouring properties.</p>

<p>Property management</p>	<p>I have witnessed bad behaviour including swearing, playing of loud music, harassment of pedestrians and the damage that poorly maintained and managed dwellings have on an area. Because of the violent behaviour from some tenants it is not possible to challenge this behaviour. It is clear that many private landlords are unwilling or unable to properly manage tenancies and they fail to deal with anti-social tenants.</p> <p>There are several rented houses and flats in my road, the two rented properties near my home in question are... first flat...rented to two lads in half way supported accommodation. The lads are generally good but their foul language and lack of consideration to the surrounding houses is unacceptable. The property is well maintained and has a high turn over of tenants. Secondly, a five bedroom house is being rented by a family. They have stopped paying the rent some time ago so the land lord is unable to keep the house in a good state of repair. There are too many tenants abusing their situation. The vast majority of landlords are hard working people trying to protect their investments for their future.</p> <p>The house next door is partly let out by landlords who care nothing for the state of the property or the type of tenants they let to. We have been subjected to anti-social behaviour and threats of violence from some of the tenants and their visitors.</p>
<p>Fly-tipping, rubbish dumping</p>	<p>Litter on street including soiled nappies.</p> <p>Southwater Road - there is always furniture and other rubbish on the street.</p> <p>Throwing rubbish down from upper flats into basement area of another flat and large amounts of noise at times.</p> <p>Dumping of rubbish and furniture in the street</p>
<p>Assault and unruly behaviour</p>	<p>Various households in rented properties have caused considerable problems in my street... lots of shouting and loud music... unpleasant groups gathering in the street.</p> <p>The police constantly visit the large block of flats opposite to deal with domestic arguments and fights.</p> <p>A house two doors along from my house was rented out to a woman and her 3 children. They were verbally abusive to most of the neighbours, and would regularly be heard arguing using extreme profanities.</p> <p>Witnessed arguments that spilled out into the street. Had to call police on one occasion when argument next door appeared to turn violent, frequent sightings on police in road.</p>
<p>Vandalism, criminal damage</p>	<p>DHS tenants put into nice blocks of flats and soon run it down by breaking the front door locks. Letting in undesirable people. Stealing the post I could go on and on.</p> <p>Continual issues of noise, drug use and damage to communal areas of flat in same property on Marina that I was also renting a flat in.</p> <p>I own a property next door to a rented property. When anti-social behaviour is addressed with said occupants of neighbouring property, we become victims of abuse, and damage to my property.</p>
<p>Dogs not controlled properly</p>	<p>Keeping dogs in flats and allowing them to bark all day.</p> <p>Having large dogs that are also anti social. Not walking them but letting them do their business on the pavement generally</p>

	<p>outside our gates.</p> <p>One tenant's three dogs are always roaming the hallway and one pinned my daughter against the wall bearing it's teeth and would not allow her to walk up stairs to our flat which was the last straw. That tenant is a friend of the landlord, so I am moving to a one bed flat and my daughter will live with her boyfriend.</p> <p>Tenants having dogs, bull terriers, etc., trained to be vicious to other animals and not keeping them on lead, etc.</p>
<p>Other comments</p>	<p>The house next to us is privately rented and so far we have had 3 different tenants - all three of whom have given us problems, cat fouling (lady had 6 tom cats) making our garden unusable; second was very loud music late into night and also several visits from the police on one occasion clambering through our garden to get to their back door. The latest tenants used their back garden as a waste tip (including food waste) resulting in a vermin problem and the involvement of EH. The back garden also has a huge Japanese knotweed infestation potentially making our house unsellable. The landlord seems unconcerned and only visits after each tenant has left to refurbish.</p> <p>In the block of flats where I live, we have had a number of horrendous experiences and I would be most happy to give details to HBC, but too much detail to give here.</p> <p>All the problems on the street come from tenants who live in rented properties. We have been told, as have other neighbours, by the letting agent that they are not concerned as long as they are receiving rent from these tenants.</p> <p>More in some parts of the proposed area than others. Poorly maintained and managed properties in, for e.g. Ore, Gensing and Central St Leonard's, seem conducive to higher levels of low-level ASB, e.g. noise, litter, alcohol/drug abuse.</p> <p>Apart from our own past experience there are several landlord owned properties in Stonefield Road which seem to specialise in housing anti-social families who behave in the manner already described.</p>

Appendix 5 - Anti-social behaviour witnessed by businesses

Theme	Issue/Comment
Fly-tipping, rubbish dumping	Fly-tipping and rubbish dumping on an almost daily basis, including from a number of properties operated by 'Roost'.
Drug dealing, drug use and alcohol abuse	Drunken behaviour both day and night, smashed bottles and beer cans. Needles in the streets every day.
Assault and unruly behaviour	Fighting in the street
Dogs not properly controlled	Dog fouling,
Licensing will have an adverse affect on investment	Abuse of blue badge and the garage in Market Street, the following- daily illegal parking on double yellows/pavement and refilling vehicles on the road from gas pump not on forecourt.
Anti-social behaviour in social housing	A few years ago the next door property was run by a housing association and Hastings Council landed them with problem tenants. A girl was beaten up on our property, our tenants were terrified and the case went to the law court. I went down to give evidence for our tenants but was not needed as the trouble makers pleaded guilty and were moved on.
Other issues	Too many incidents to be specific

Appendix 6 - General comments about the licensing proposal from Landlords and Agents

Theme	Issue/Comment
<p>The Cost of Licensing</p>	<p>The scheme is a form of taxation and income generation</p> <p>This is just another tax piled on the landlord!!! Landlords are not responsible for law and order; this is a Police matter which should be paid for out of council tax.</p> <p>I strongly oppose the scheme. This is yet another tax on landlords. Already we are being expected to pay council tax one month after tenants vacate a property. Anti-social behaviour is a Police matter and should be covered by council tax.</p> <p>Just another council money making scheme! Leave the decent landlords alone and select the landlords that actually are bad! Don't tar every landlord with the same brush when it is only a MINIMAL amount of landlords that are bad - obviously beyond your capabilities as a council to target these people so instead you make a sweeping reaction.</p> <p>I feel that this is another tax that will penalize honest landlords, whereas dishonest landlords will not reply.</p> <p>Fees will be passed on to tenants</p> <p>This scheme will lead to rent increases to cover cost.</p> <p>This scheme would only increase rents to tenants that have trouble affording it already.</p> <p>The net result of loading yet more costs onto landlords will be higher rents.</p> <p>I feel this is purely a further tax on bona-fide landlords, which will eventually result in this fee being passed onto tenants.</p> <p>Rent increases due to introducing a licence fee will result in a larger housing benefit bill for HBC.</p> <p>The fee of £415 will be not only passed on to my tenants but I believe you are accusing all private tenants to be low class citizens, which I find disgusting. The majority of my tenants are of good character and the majority are hard working decent citizens.</p> <p>The majority of my tenants are currently having financial problems which result in rent arrears. Should the scheme be introduced, I would have no option but to increase rents to each of my tenants and give notice to those in substantial arrears that cannot pay.</p> <p>Fees are too high</p> <p>I agree to the proposed scheme but feel that the costs are far too expensive. The proposed scale of charge will deter many people from registering their properties and penalise those of us who look after our properties and provide decent places for people to live.</p> <p>Licenses should be for landlords with 3 or more properties. Someone with only one property has little spare profit to pay for an additional license fee, whereas people with multiple properties have this divided between the incomes.</p>

	<p>My concern would be increasing the fee to such a level, it becomes unaffordable for private landlords.</p> <p>Selective Licensing will not improve matters. You need the support of landlords and should not make it more expensive to run the business.</p> <p>Upkeep of property will suffer as funds as funds will have to go towards the licence fee</p> <p>As a responsible landlord this tax will simply mean I cannot afford to spend the money I would have spent on maintenance. I am seriously considering getting out of the rental market, as this is a squeeze too far and hope that Hastings Borough Council will be able to offer sufficient housing for the area's needs!!!!</p> <p>Make it easier for landlords to pay the fee and have a fee structure that supports good landlords</p> <p>Private landlords are not rolling in cash. It may be fairer to have a staged payment process or an annual fee rather than a large up front payment.</p> <p>I would support a grading system with tiered fees:</p> <p>Excellent fee 50% Average fee 100% Needs improvement 150%</p> <p>It would be relatively easy to have objective criteria by which properties could be graded. Anything that raises the quality of housing and environment in Hastings should be encouraged.</p> <p>The discount for landlords who are members of recognised bodies needs to be greater; at least on a par with your "early bird" discount. What will be the discount situation be if the landlord qualifies for both of your discounts? Maybe you should state the discounts as a percentage reduction which can accumulate.</p>
<p>Licensing will penalise good landlords unfairly</p>	<p>The majority of landlords are good</p> <p>I think it is unfair to make all Landlords pay for this Licensing scheme when there are only a minority of Landlords that do not take care when selecting tenants and who also do not maintain their properties to prevent them from becoming run down.</p> <p>Selective licensing will simply put more load onto good/compliant landlords and the rogue/bad landlords will continue to ignore/avoid these further measures until the council/police take them to task.</p> <p>I totally disagree with this as they are saying it is to pay for the anti social behaviour of some tenants. I feel the landlords of those particular anti social tenants should be made to pay a fine, if necessary, not respectable landlords who choose their tenants carefully and look after their properties.</p> <p>I am afraid the Landlords who comply with joining this scheme will be the landlords who already act responsibly. Carrying out all the required safety and standards. Perhaps the Council should tackle the poorly managed properties in the town run by large rental companies.</p> <p>You are penalising landlords who do not have problem tenants because these landlords are vetted properly at inception. You should be penalising landlords whose tenants have a history for unsocial behaviour, plus most tenants come via agents who should also bear responsibility.</p> <p>I think it is unfair to make all Landlords pay for this Licensing scheme when there are only a minority of Landlords that do not</p>

	<p>take care when selecting tenants and who also do not maintain their properties to prevent them from becoming run down</p> <p>We already have to pay a fee that is due for HMOs, in which all these matters (tenancy agreements, anti-social behaviour, property management etc) are covered. If landlords are a member of this, it is hard to see why it is necessary for them to be licensed through the council as well. I already make hardly any income from my two properties, due to all the expenses, including employing a property manager. To add another fee, equivalent to a month's rent for a flat, is punitive and will move me nearer to selling as it is increasingly uneconomical to continue. I put my money into property rather than the stock market because I care about providing decent places to live to people. It is one long hassle and expense if you want to do it properly. Please don't make it more difficult than it already is. And please don't punish good landlords in order to deal with bad ones. That way the good ones will go and you will be left with the ones who don't care.</p>
<p>The scheme will not address the issue of bad landlords</p>	<p>Bad landlords will not license their properties</p> <p>I do not understand why the landlords need to pay more money. The only landlords that would pay it would be the decent landlords who already look after there properties. The landlords who do not maintain there properties will not pay it and there properties will still not be maintained.</p> <p>Selective licensing will not rout out bad landlords. The council already has the powers to improve poor housing and badly run properties.</p> <p>It seems clear to me that good landlords would be paying for this scheme, while the 'rogue' landlords this proposal should be targeting won't apply for licences because, by definition, they are already flouting existing legislation that the authorities are failing to enforce.</p>
<p>Licensing will have an adverse affect on investment</p>	<p>Landlords will disinvest from the PRS in Hastings</p> <p>I own over 20 properties in Hastings and have been a landlord for over 30 years in Hastings. If this scheme goes ahead I for one will be serving notice on all of my tenants and selling my properties.</p> <p>Proposal will drive away potential investors in Hastings property.</p> <p>I am entirely against the council or any other body licensing tenanted properties. Should this come about I for one will sell my portfolio of tenanted properties.</p>
<p>Licensing will not address anti-social behaviour</p>	<p>Selective licensing doesn't reduce anti-social behaviour</p> <p>It does not work. It fails to get to the basic cause of the problems. Ask the Police in Thanet where there has been selective licensing for about 3 years No reduction in anti social behaviour.</p> <p>I do not agree that introducing a Selective Licensing Scheme will have any effect on tenants causing anti social behaviour as it is not the Landlords that are the cause of this. We choose tenants very carefully and put them through very stringent referencing to make sure that the risk of a tenant behaving anti-socially is greatly reduced.</p> <p>Anti social behaviour is not caused by buildings</p> <p>This is a ridiculous proposal to counter anti-social behaviour etc. Properties do not determine behaviour; people are responsible for their actions.</p>

	<p>We do not think that a selective licensing scheme is the answer. The standard of accommodation does not provoke bad behaviour- bad upbringing does!</p>
<p>More training and support required for landlords</p>	<p>What support, training or guidance will a landlord receive for their licence fee? How will the Council help a landlord having ASB issues with a drug dealer, alcoholic/drug addict or person with mental health issues once they have paid for a licence?</p> <p>Landlords need support in evicting antisocial tenants and there needs to be somewhere for those people to go.</p> <p>What support do I get for my fee? What support do I get evicting problem tenants?</p> <p>If a landlord has bad tenants causing ASB, the landlord should get assistance from the police in dealing with this. The courts are too slow.</p> <p>I think it would be best for all landlords to have to become accredited so they know how to manage their properties.</p>
<p>Where is the evidence to show licensing scheme for HMOs is not working</p>	<p>You have not given the HMO scheme sufficient time for the effects to filter through. Further, you will simply not have the resources to police so many areas of compliance if fully integrated into the new scheme.</p> <p>Most buildings have to register for an HMO licence and in addition there is the Coastal regeneration project in progress. All these things already ensure that properties are brought up to good standards. This already costs landlords a lot of money. In fact, the cost of sorting out problems in the building where I have a flat will mean that there will be no income from my property for more than three years and could be longer if other schemes take effect. I care about my tenants and think I am a considerate landlord but if you are asking me to pay for yet another licence in addition to the HMO licence and all the other costs from different schemes, I would definitely consider selling my sold call investment. The HMO licence is quite sufficient and all the health and safety regulations are quite sufficient!</p>
<p>Area covered by Selective Licensing</p>	<p>Target specific areas, not whole areas - e.g. the Old Town and not Clive Vale in Old Hastings ward. If you do have to have a scheme then focus on the worst areas - like the 4 central wards - don't spread your resources too thinly, but hit the major problems properly. Identify bad landlords, then find out what other properties they own. And celebrate good landlords who provide good housing for good tenants!</p> <p>The proposed area is much too large - the areas where we have properties where we have some minor problems are Central St. Leonards and Gensing. We do NOT experience any serious issues in any of the other areas.</p> <p>The majority of my properties are in West St Leonards ward where I do not come across any serious level of ASB described in the report.</p>
<p>The Council already has powers to improve the PRS</p>	<p>There are better ways to target rogue landlords than a blanket "fine". All our Landlords properties are above standard and we and they have an obligation to ensure our tenants do not cause problems. Why should we all suffer because of the few? If HBC used powers it already has this scheme would not be required.</p> <p>You say that the problem is antisocial behaviour caused by low quality rental property. You already have the power to deal with bad landlords under current legislation. All this will do is add at least another £500 to rents because it will be passed on to tenants.</p> <p>Also concerned that existing environmental agency has not acted in past to use statutory powers effectively. e.g. Fire alarm</p>

	<p>and associated safety measures.</p> <p>For the sake of clarity I own and manage 5 properties in the wards specified but this covers 22 tenancies. The council already possesses the powers to root out rogue/bad landlords and should direct its efforts in pursuing such cases. I understand that the Council already has been awarded specific funding from government to do precisely this.</p>
<p>Some landlords questioned the Council's business case</p>	<p>No evidence linking anti-social behaviour to the PRS</p> <p>There is no empirical evidence linking anti-social behaviour with the private rented sector. Your data has no direct link proving that licensing will improve tenant behaviour (assuming it is the private renting tenants that are involved in this behaviour) or in any way improve anti-social behaviour in the area. The evidence given is at best circumstantial and at worst has no bearing at all on the justification for licensing.</p> <p>I consider this proposal is based on incorrect data. The problems it will attempt to address are not linked to private tenanted properties at all, there is no evidence to support this and therefore the scheme should not be considered. The problems are associated with the night-time economy, social housing, and visitors to the town.</p>
<p>Anti social behaviour in social housing</p>	<p>Scheme should also cover social housing landlords</p> <p>It should also apply to "social housing" landlords so that they have to adhere to the same high standards as those in HMOs.</p> <p>I provide student accommodation that already is to a high standard and complies with current regulations. If I was expected to pay out for a licence then I would expect every landlord to comply; this would include all Housing Associations.</p> <p>This scheme penalises landlords who have properties that have no history of anti social behaviour - it also does not deal with the issues of anti social behaviour by tenants in social housing blocks or estates.</p>
<p>Other comments</p>	<p>I believe that if you have a property managed by a company that is a member of ARLA that registration should not be required as this means that the property is being managed correctly .The price to have this done takes quite a proportion of the rent already. The licensing fee will only be passed on to tenants. Why not make registration free and then fine those who don't register and who have sub-standard properties to fund the scheme. It'll be tenants who pay otherwise.</p>

Appendix 7 - General comments about the licensing proposal from residents

Issue	Comment
<p>Licensing of the PRS is a good idea</p>	<p>What a fantastic idea. I have always been nervous of privately renting as too many things have gone wrong for people i know that have privately rented.</p> <p>I think it is a good idea. Too many landlords offer poor accommodation. My first flat in St Leonards had no heating, was damp, and old 2 pin plugs. Another flat in Central Hastings was well decorated but you could hear the neighbours breathing! Also it may help with anti social behaviour and that has to be a good thing. I am lucky as I now live in a quiet house, but I think everyone has the right to feel safe in their own home, and be able to live without interference from anyone else.</p> <p>A very good idea, if implemented correctly and fairly - and consistently. And kept for a minimum of 5 years to allow it to work. A 6-12 month "trial Period" won't work, as some landlords will just keep making excuses until the time runs out. Also, 5 years allows for all the early glitches and complaints (there will be both, plus more!) to get resolved and for people to accept that this is the new system!</p> <p>I believe that this is long overdue as a way of monitoring and controlling a sector with a very poor reputation in Hastings. The main reason must be to protect private tenants who had most of their rights taken away by the Thatcher Government but badly managed private rented property affect the whole neighbourhood. A few years ago we had a particularly problematic private tenant living across the road but the same house now has very friendly and responsible tenants.</p> <p>It is clear that without a responsible body exercising control over poor landlords this will continue to blight the Town and hamper the efforts to regenerate the Town. The Borough Council should also be equipped to ensure that all private tenants enjoy good management and maintenance of their homes. Licensing will also enable the Borough Council to improve the day to day lives of those who have to live with bad neighbours.</p> <p>I think it is a very good idea in fact excellent idea, the sooner it is brought in the better, to halt further urban decay.</p> <p>I think that is another great initiative by Hastings Council to improve the town. Grotbusters was hugely effective and the Selective Licensing scheme would be another step in the right direction.</p> <p>I think it will be an excellent scheme. Having privately rented for many years, it has been a constant source of frustration how poorly maintained, badly managed and expensive accommodation is and also how unscrupulous a lot of landlords are.</p>
<p>Poor property management</p>	<p>I think that this would be a very good idea. As an owner occupier I am affected by an unkempt rented neighbouring house. Water from blocked guttering and damaged render contribute heavily to my front hall being constantly damp and damaged in the winter. All my efforts to contact the landlord either directly or through the letting agent have gone unanswered as have the efforts of a surveyor I employed last year. I believe a licensing programme may help to prevent this problem, would improve the quality of living for tenants and their neighbours - hopefully - and insist absentee landlords meet standards that any of us would expect to live in, irrespective of who funds it.</p> <p>We are residents in Marine Court, and, even with its unusual construction and sound travelling characteristics, we would be absolutely delighted to see a licensing scheme implemented. There are flats in the building, privately let, where the landlord/s</p>

	<p>could not care less how their tenants behave as long as they receive the rent cheque every month, particularly where the tenant is in receipt of benefit. Those who actually live in the building, unlike the absentee landlord, thus have to put up with their tenants' bad behaviour.</p> <p>I have no doubt that licensing privately rented homes would be of enormous benefit in controlling the quality of housing in the Borough. The inevitable reduction in sub-standard accommodation would also reduce the number of tenants who add to social problems, which would be of great benefit to the quality of the town as a whole.</p> <p>I am currently living in a flat that has been suffering from a leaking roof for over one year now. Neither the letting agent nor the landlord are interested. The Landlord and letting agency are linked. The Landlord belongs to the Landlords Association. However he does not care about his properties or tenants and has at least twice had to have default works carried out.</p> <p>In the 8 years I have been here, I replace the light bulbs in the hallway, and up until now Hoover the hallway trying to keep it clean. All 5 landlords ignore you when you report a fault. I have to fight for my rights and to get things fixed, so I strongly support this scheme. Maybe landlords will respect their tenants. The tenants pay the rent on time. Why cant the landlords repair and keep the building clean?</p> <p>I have been involved in finding rented accommodation for family members and have been appalled at the lack of fire safety precautions, poor condition of electrical equipment, shabby standards of decor and general maintenance apparent in many of the places I have seen.</p> <p>I would like landlords to take their responsibility towards tenants seriously, e.g. carrying out repairs promptly etc and not take punitive measures when tenants complain, such as the so-called revenge evictions.</p> <p>This issue is having a detrimental impact on our street, families don't feel safe and are moving out of the area because of the impact it is having on their daily lives, which makes the owner occupiers feel like the anti-social residents are winning and the quality of life is deteriorating. This is a long term issue and the properties are continually occupied by the residents of this nature - different people, same problems. The properties are poorly maintained and poorly managed.</p>
<p>Concerns about the Cost of Licensing</p>	<p>This will be another tax for Landlords which will have to be passed on to the tenants. This will put all rents up.</p> <p>It is a good idea but by doing this landlords will put their rents up and it is already a struggle to follow no rent. How will you stop this happening?</p> <p>My Landlord keeps the property in a good state of repair. If you bring this scheme in he will probably have to raise my rent. Why should all landlords be penalised just because some won't spend money on their houses.</p> <p>The cost of the licence is going to be passed on to the tenants/used as an excuse to raise rent. It should be lower and inspections should occur before it is issued/renewed.</p> <p>Hastings Council may be doing this scheme to improve Property Management, but I believe the cost will most likely be passed on to the tenants, in higher rents. Are the Council going to increase Housing Benefit to compensate tenants out of pocket? It would be better to police the bad landlords and fine them for bad practice, than charging good landlords who have done nothing wrong.</p> <p>I have the same amount of problems from people that own their own home as I have from rented houses. This won't serve any purpose other than to let landlords raise rents to cover the cost of it.</p>

<p>Licensing will address anti-social behaviour</p>	<p>Thank you for your information on your proposed licensing scheme. I am in full agreement with this. Not only will it improve the quality of life for many tenants it will also help to reduce the menace of anti-social behavior which we suffer from. Maybe we will then feel safer in our homes and even be able to venture out in the evening! Hastings needs a boost to its current status, and hopefully will bring a higher standard to the area.</p> <p>I am convinced that rogue landlords contribute negatively to tenants lives and the whole neighbourhood. I became convinced of this as secretary for many years of Castle Ward Forum in the days of Neighbourhood Renewal. Registration of private landlords was proposed by our Housing and Environment special interest group. At this time the council declined to engage with this so I am delighted it is now on the agenda. I would however like to see much more emphasis on the exterior maintenance of the properties which are on the whole rundown and often slum like. A small but important observation is the connection between fly-tipping and rented accommodation; new tenants often move into premises that are not cleaned and still full of the previous tenants unwanted beds, mattresses etc etc. these are then duly fly-tipped by the new tenants.</p> <p>A measure like this can only raise the morale of the area. St Leonards and Hastings have some of the most beautiful and interesting architecture in the UK. As recent buyers living here full-time ('down from Londoners!'), we know the area is full of promise and potential. And we love living here. BUT there are issues to be addressed, including the subject of this survey. Three other pressing problems: the execrable litter problem; dumping and/or tipping; and dog fouling.</p> <p>This is a really good step towards getting to grips with some of the wider problems of Hastings. It needs to be combined with increased 'policing' of the scheme and the use of Street wardens to confront anti social behaviour.</p>
<p>The scheme will not address the issue of bad landlords</p>	<p>Unfortunately, it is now widely recognised that selective landlord licensing schemes do not bring with them any additional powers to deal with ASB issues than those which already exist. What Hastings really needs as a Borough is street-to-street inspection and enforcement of existing housing and ASB legislation to drive up the standards of the local private rented sector and drive out the tenants and landlords who are giving rise to many of the issues highlighted above. At present it appears that those in the landlord and letting agent community who continue to let and manage sub-standard properties in the town feel the Council is ineffective and reluctant to tackle them and until this culture changes, the PRS in the Borough is likely to remain a blight to our regeneration. Resources need to be diverted into rigorous enforcement (something this scheme does not allow revenue raised to be used for).</p>
<p>Licensing will not address anti-social behaviour</p>	<p>Anti social behaviour is a failure of responsible citizenship and is first and foremost an individual responsibility. Where such responsibility fails it is then a matter for the police and statutory authorities including the Courts and council authorities. It is simply wrong and wholly unconvincing to apportion blame or false responsibility to landlords based wholly on the fact that they provide buildings for people to live in,. It is a real distortion of culpability to imply or worse attribute anti-social behaviour as responsibility best addressed by landlords.</p>
<p>Focus on the worst areas</p>	<p>This is a ridiculously large area incorporating many areas where none of the issues occur. Certain parts of the borough will have all of the issues raised, other parts much less or even none at all. Central St Leonards probably has all of the issues raised unlike West St Leonards and Maze Hill areas. Bring in a scheme but target it at the areas badly affected not everywhere except the Ridge in the belief that area does not have any issues at all.</p> <p>I believe conditions across West St Leonards to East Hastings VARY VERY CONSIDERABLY and West St Leonards does not seem to have a significant problem having lived as a private tenant in it for over 2 years. OTHER areas may be VERY</p>

	DIFFERENT.
Area covered by Selective Licensing	<p>I would like to mention that the roads in the Bohemia Area should be covered if not by the Gensing Ward.</p> <p>I strongly feel that ALL of Hastings and St Leonards wards should be included, there are good and bad landlords and tenants everywhere and I do think it's unfair to charge some and not others purely based on location.</p> <p>it should cover the whole borough, as this will make tenants aware of basic standards across the whole of Hastings. All tenants should be able to expect their properties to have been approved and we should aim to raise standards for all private rented accommodation, not just area's with the highest density. Slum landlords can operate anywhere and should be driven out of town completely.</p> <p>Please introduce this scheme - it is vital for the well-being of residents in Hastings & St Leonards-on-Sea. Currently, opinions in respect of this Borough are very poor from a drink/drugs/anti-social behaviour viewpoint, and a selective licensing scheme, which covers all privately rented homes can only increase a positive perception of the Borough. My current neighbours tell terrible tales of the flat they previously rented and are so pleased they have now landed in a respectable building.</p>
Some residents questioned the Council's business case	<p>There is no correlation between standards of accommodation and anti-social behaviour. There is only anti-social behaviour in a person and they will behave poorly wherever they live. The proposed areas highlighted in the map cover the majority of the town, so there are no hotspots just an eye to making more money. I live in West St. Leonards and have done so for over 30 years and can honestly say that the level of poor behaviour must be minute - I've never witnessed it myself, so your proposal makes no sense at all.</p>
Suggestions about fees and licensing conditions	<p>In my own personal experience I have lived in TWO privately rented properties in the West St Leonards borough and currently in the Gensing borough. I have suffered from severe damp, disrepair, poor maintenance, and uncooperative landlords at both properties. I feel very strongly that something has to be done to help tenants voice their concerns about unscrupulous landlords without fear of losing their tenancy through no fault of their own. I would also like to propose that if a dwelling is not licensed as it should be, that the tenant should have their rent reduced by 30% rather than the licence be increased by 30% the reduced rent would then be paid to the licence issuer i.e. Hastings Borough Council and they would forward it to the landlord until the problem is rectified.</p> <p>I live in a block that was once entirely owner-occupied but over the years four of the seven flats have been rented out. We are now expected to pay the HMO license fee - at least one of those renting out is insisting that all should contribute - it seems to me that a fair system should only require those who are true landlords to pay the license. I have no other home and am reliant on a state pension and all are expected to contribute towards costs to meet fire regs - that I accept - but the license fee is clearly a different matter. An explicit distinction should be made. I strongly suspect that many landlords are not so much evil as poor themselves.</p>
Letting and managing agents also have a part to play	<p>Some letting agents are very poor. Can HBC consider an accreditation scheme for letting agents as well?</p> <p>My point is that by no means are the landlords the guilty parties in all this. Letting agents, management companies, and where applicable, freeholders, all have their part to play, and should thus all be encompassed by Selective Licensing. Decent looking properties that are smartly presented and well kept will attract more respect from tenants - and indeed, attract higher income. My landlord is excellent.</p> <p>From own experience, letting agents do not always follow the landlord's brief, e.g. my own tenancy agreement does not</p>

	<p>specify the address of my landlord.</p> <p>There is an apathy from management agents to requests for work to be carried out, even though a site inspection is regularly carried out. I am advised they are hamstrung by the Freeholder in terms of spending money, as 2 landlords here have not paid their management charges, and indeed, the management company admitted to me, they have no current address, and seemingly, can't obtain one, for one absentee landlord. Where's the tenant paying their rent!</p> <p>There is also a problem with finding good property management companies. There are some appalling ones in Hastings. HBC should seek to publish a list of vetted property management companies. I would like to show my absolute support for the proposed scheme.</p> <p>I live on Caves Road St Leonards and our community has been ruined by such landlord. Managing agents run a couple of properties and the anti social behaviour of their tenants is pretty much a daily occurrence. When the residents complain to the agents they get the same answer every time. "We don't care as long as they are paying the rent" which is disgusting when you consider how this is affecting the community. I think that they should be responsible.</p> <p>I hope this licensing scheme will make the managing Agents accountable for the behaviour of their tenants, the condition of their letting properties and have an agreeable attitude towards neighbours, who suffer at their hands!</p>
<p>There are higher priorities for the Council to deal with</p>	<p>I totally disagree with the council embarking on another ill founded money making scheme. Get traffic flow and adequate parking addressed first.</p>
<p>Other comments</p>	<p>I own a property which i let out on an occasional basis for short term & holiday lets when i am not using it myself. The document does not make it clear if the scheme would apply to properties like mine.</p> <p>I have lived in Hastings and St Leonard's for many years and have rented in many an establishment, some good and some bad. This will only work if the land lords and scheme management work together and where wrong doing is happening the landlord is correctly and timely dealt with.</p>

Appendix 8 - General comments about the licensing proposal from businesses

Theme	Issue/Comment
<p>The Cost of Licensing</p>	<p>The scheme is a form of taxation and income generation</p> <p>I believe this is just another way for HBC to raise money and to over regulate the private rented sector</p> <p>Fees will be passed on to tenants</p> <p>It will just drive up the cost of renting for negligible benefit for the tenant.</p> <p>Fee Structure</p> <p>Licence cost for dwelling with 8 flats the same as a dwelling with one or two flats seems a little unbalanced. 5 years? Suggest 3 years.</p>
<p>Licensing won't address anti-social behaviour</p>	<p>I do not feel this scheme will tackle the problems it sets out to. The balance of housing stock itself needs to be addressed, with more owner occupation, larger unit sizes (2 bed and above) and a lower concentration of 'social' housing or housing let to tenants that would have formerly qualified for council owned accommodation.</p>
<p>Property Management</p>	<p>Take strong action against large portfolio landlords / managing agents who know they are required to have licenses for heir properties and just apply for a license as and when they are found to not have a license. They should disclose their whole portfolio list of HMOs.</p> <p>Student host families need to have some temporary licence requirements. Think of 6 non-English speaking students in a house with no fire extinguisher and no smoke detector.</p>
<p>Area covered by licensing</p>	<p>All wards should be covered as it is illogical to have controls in one road and not in the immediately adjacent road. This will pre-empt complaints of unfairness, mortgage/insurance differentials will not develop, rented accommodation creeps constantly.</p>
<p>The Council already has powers to improve the PRS</p>	<p>The council already has the ability to ensure landlords meet minimum standards but choose not to implement these powers accordingly. This proposed scheme would penalise responsible landlords as well as the irresponsible ones. Yet another half thought out idea by HBC.</p>
<p>Tackling Anti-Social Behaviour</p>	<p>Suggest a closer look at night time economy factor, perhaps curtailing very late opening times for takeaways, etc.</p>

Appendix 9 - Key submissions

Residential Landlords Association

By email: selectivelicensingconsultation@hastings.gov.uk



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23rd December 2014

Dear Sir/Madam,

HASTINGS COUNCIL – A proposed Selective Licensing Scheme for Hastings and St Leonards

I am writing on behalf of the Residential Landlords' Association (RLA), to make representations in response to the Council's proposal for landlords' licensing schemes for private rented housing in Hastings and St Leonards.

The RLA is keen to continue to work with Hastings Council on looking at ways to improve standards and increase demand in the Private Rented Sector (PRS). We do however; feel that Selective Licensing is not the answer. We would like to submit in greater detail our Co regulation model, which we feel will be more effective at engaging with landlords and other partner organisations to combat these issues in Hastings and St Leonards. (See Appendix 1) Even if the Selective Licencing scheme does go ahead we would still like to discuss how Co Regulation could operate alongside licencing in the proposed areas.

General Concerns

The RLA has a number of general concerns about licensing

The RLA has several areas of concern in regards to licensing, namely;

- i. Worrying trends are emerging in the case of discretionary licensing. Licensing entails a huge bureaucracy and much time, effort and expense is taken up in setting up and administering these schemes; rather than spending it on the ground and flushing out criminal landlords.

- ii. Increasingly, discretionary licensing is being misused to fund cash strapped housing enforcement services. The recent Westminster sex shop Court of Appeal (*Hemming (t/a Simply Pleasure) Limited v Westminster City Council*) has brought such funding into question (see paragraph 1).
- iii. Discretionary licensing is not being used for its intended purpose of a short period of intensive activity; rather it is being used by the back door to regulate the PRS for the sake of exercising control.
- iv. The level of fees which are ultimately passed on to tenants to pay is a major worry so far as it affects landlords.
- v. Despite high fee levels local authorities still lack the will and resources to properly implement licensing.
- vi. Little has been done to improve property management. Opportunities to require training have been ignored. As always it has become an obsession with regard to physical standards with very detailed conditions being laid down. No action is taken against criminal landlords.
- vii. We believe that a significant number of landlords are still operating under the radar without being licensed.
- viii. As always it is the compliant landlord who is affected by the schemes. They pay the high fees involved but do not need regulation of this kind.
- ix. Licensing is not being used alongside regeneration or improvement of the relevant areas. Insufficient resources are being employed to improve the areas.
- x. Where areas are designated for additional or selective licensing this highlights that they can be “sink” areas. This could well mean it would be harder to obtain a mortgage to buy a property in these areas.
- xi. Schemes are not laying down clear objectives to enable decisions to be made whether or not these have been achieved. Proper monitoring is not being put into place to see if schemes are successful or not.
- xii. There is little use of “fit and proper person” powers to exclude bad landlords.

The RLA objects to the proposed designation, on the following basis:

1. The Extent of the Scheme

We do not feel that a licensing scheme is justified by the evidence. Although we have objections in principle to the concept we would consider that if the scheme is likely to succeed then it needs to be confined to a small area rather than ten designated areas as in your proposal.

We are always concerned with the danger that areas are too large simply to secure a larger fee income for landlords. It would seem far more sensible to concentrate on just one area if the scheme is to be introduced in the first instance rather than dissipate resources which the Council admits are scarce across a wider area. This is particularly important because of the Council's apparent inability to provide additional resources and deal with matters such as environmental improvements.

2. The fee structure and the projected budget is contrary to the European Services Directives and the ruling of the *Hemming (t/a Simply Pleasure) Limited v Westminster City Council* Court of Appeal case

The decision of the Court of Appeal in the Westminster Sex Shop Fees case (*Hemming (t/a Simply Pleasure) Limited v Westminster City Council*¹) has radically altered the landscape so far as fixing fees for regulatory authorisations such as for HMO and selective licensing is concerned.

The court case looked at the way in which the European Services Directive (ESD) operates to curtail the ways in which domestic UK legislation provides for fees to be charged by local authorities to landlords for such licences.

When setting licensing fees the following principles should now apply:

- The Council cannot include the costs of enforcing the licensing scheme against unlicensed landlords in the licence fee. This is prohibited by the ESD.
- A Council can only charge for HMO licensing or selective licensing for :
 - The actual and direct administrative costs of investigating the background and suitability of the landlord applicant; and,
 - The cost of monitoring the compliance by licensed landlords with the terms of their licences.
- Fees must be reasonable and proportionate.

¹ Hemming (t/a Simply Pleasure) Limited v Westminster City Council [SOURCE: <http://cases.iclr.co.uk/Subscr/search.aspx?path=WLR%20Dailies/WLRD%202011/wlrd2013-203>]

- Under the ESD the fee must not exceed the cost of the authorisation procedures and formalities together with the monitoring costs (for licensed landlords).
- The Council can require an application to be accompanied by a fee fixed by the local authority. This is provided for under the Housing Act 2004 which stipulates that the Council, in fixing the fee, may take into account all costs incurred by the authority in carrying out their licensing functions. Importantly, however, the ESD curtails these powers.
- Surpluses and deficits for previous years in relation to permitted elements for which a fee can legitimately be charged can be carried forward, although this is questionable in the case of a standalone scheme, i.e. for discretionary licensing. Surpluses and deficits cannot be carried forward in respect of elements which are not properly chargeable.
- Fees can only cover the actual cost of the application process (plus monitoring); i.e. only the cost of processing the application and monitoring can be charged.
- Set up charges for the scheme cannot be recovered.
- Overheads and general administrative costs cannot be recovered. This means that the running and capital costs of the relevant council department cannot be charged as part of the fee.
- Fees can only be charged for the procedures themselves; i.e. steps which are followed in processing the application for a licence or for its renewal (plus monitoring of the licence holder) which means that the administrative costs involved for vetting applications and for monitoring compliance with licence terms.
- The Council is not allowed to make a profit.
- A formula can be used to set charges so long as it is based on the cost of the actual authorisation process (plus monitoring costs).

Furthermore, it was always clear that costs associated with enforcing the Housing Health and Safety Rating System which operates alongside licensing could not be recovered via licensing fees.

A number of local authorities charge extra fees if an application is submitted late. This has always been highly questionable as a disguised penalty but this would now be largely outlawed by the ESD.

It should also be noted that any element of the fee that cannot be recovered must fall on the Council Tax payer, i.e. the Council's general fund;; not the general body of licensed landlords.

The ESD also deals with the time to be taken in processing applications. It requires local authorities to publically state the time to be taken to process the application. There is provision for extending the time limit in a case involved complexity. Subject to this if the authority failed to process the application within the stated time then the applicant can automatically assume that the application is granted.

Finally, should Hastings Council choose to ignore the ESD and implement a selective licensing scheme in the ten wards specified based on a proposed budget that does not adhere to the ESD, any impermissible overcharge can be recovered by way of a claim for restitution. The time limit for such a claim is six years and the normal three month time limit which applies to judicial review does not apply in this instance. As part of the process the Council may have to re-determine what is a reasonable charge, in line with any guidance given by the Court. The amount overpaid will then have to be calculated. Giving credit by way of carry forward does not apply to an impermissible overcharge so it has to be refunded. Interest is payable in addition.

3. Licensing is ineffective at reducing incidents of anti-social behaviour

Landlords are not directly responsible for the behaviour of their tenants, and attempting to impose a licensing scheme on them to resolve anti-social behaviour will not work.

As a House of Commons briefing note recently stated, "As a general rule, landlords are not responsible for the actions of their tenants as long as they have not 'authorised the anti-social behaviour. Despite having the power to seek a court order for eviction when tenants exhibit anti-social behaviour, private landlords are free to decide whether or not to take action against their tenants. The question of whether a landlord can be held liable for the nuisance of its tenants has been considered in a number of cases."²

The paper continues, "It is established that no claim can be sustained in nuisance where the nuisance is caused by an extraordinary use of the premises concerned, for example by the tenants being noisy or using drugs on the premises. The rationale behind this approach is that it is up to the victim of the nuisance to take action against the perpetrator. To found an action in negligence against a landlord the victim must show that there has been a breach of a duty of care owed by the alleged perpetrator."

The briefing paper also notes the court decision of *O'leary v London Borough of Islington*³ case, in which, "...it was held that a term to enforce nuisance clauses could not be implied into a tenancy agreement. This indicates that landlords cannot be sued for breach of contract unless there is an express term in the tenancy agreement that obliges him or her to "take all reasonable steps to prevent any nuisance". Even where such a clause exists, the courts have been reluctant to find the landlord in breach."

² "Anti social neighbours in private housing" (2013) House of Commons Library, p.3, para.1.1. [SOURCE: <http://www.parliament.uk/briefing-papers/SN01012>]

³ *Ibid*, p.3, para.1.1.

Anti-social behaviour (ASB) poses considerable problems for PRS landlords. They can rely on Section 21 to evict but only after six months. Otherwise, we have to rely on a discretionary ground and it is notoriously difficult to make a Judge make an order on these discretionary grounds. PRS landlords are also faced by problems of gathering evidence and getting people to come to Court.

What you fail to appreciate is that you, as one half of the State, are castigating PRS landlords for failure to take action but another arm of the State, the Legal Services Commission, then gives individual tenants practically unlimited funds to defend these claims based simply on denials from tenants saying that things never happened as alleged. To compound the situation win, lose or draw the landlord has to stand his own costs in this situation because not only does the State pay to defend the tenant but also says that the landlord cannot recover his costs of doing so from the tenant (or the Legal Services Commission which has backed the case) even if the landlord is wholly successful. Tenants who are guilty of ASB are, of course, wise to these things.

This bureaucratic style of regulation will simply deter investment from smaller landlords who the Council are relying on to buy the properties in areas of low demand. Putting this type of pressure and responsibility onto Landlords in the guise of licensing is counterproductive and short sighted.

We feel that Selective licencing across ten wards is a naive approach as you are assuming that it will curb ASB. If landlords are to eventually evict recurrent ASB offenders – where will they then go? The Council needs to look at the causes of ASB and the offenders *not* the landlords who take the risk to let their accommodation to them.

In section **4.3: 'Anti-Social Behaviour reported to the Police'**, pages 5-6 in the Council's consultation document, there is a comparison of how Hastings compares to 13 'comparable' districts. Hastings ranks as third worst for ASB compared to "similar coastal towns and neighbouring areas". This is, apparently, supposed to serve as an argument for the implementation of licensing in Hastings. However, out of the 14 (including Hastings) only three Councils actually have a licensing scheme in place, one selective licensing (Thanet), and two additional HMO licence schemes (Scarborough and Brighton & Hove).

- Thanet District Council has had a Selective Licensing scheme in place for privately rented properties for certain areas. However, despite being in place since 2011 incidents of ASB reported to the police has actually increased. According to official statistics taken from the Thanet Council website⁴ 6807 incidents of ASB were reported to police in 2013 despite Selective Licensing being implemented in the area. This represents an increase of 305 extra incidents reported to police. This relates to the ineffective nature of licensing when challenging instances of ASB.

4. Degenerating the area and tackling 'low demand'

One of our main concerns (and a reason for our opposition in principle to selective licensing) is that it involves drawing a red line around an area and telling the residents of that area but more importantly the wider world that this is a "problem" area. As a result mortgage companies will not to make loans on properties located in selective licensing areas. Licensing will simply drive landlords into other parts of East Sussex as Landlords look to buy in areas where they can get a mortgage and not have the pressure of having to manage the behaviour of their tenants. Again, as mentioned previously, this is exactly what you don't want to happen if you are trying to combat a 'low demand' problem.

⁴ https://thanet.gov.uk/media/596190/Thanet_Community_safety_Plan_2013_-_14.pdf

As there is such a demand for housing in general from those tenants who would normally live in social housing there will still be demand from these tenants. Demand is high for low rental accommodation in the private rented sector all over the country due to the wider problem of housing shortages and chronic housing waiting lists. We therefore question why this wouldn't be the case in Hastings or St Leonards?

It will be the PRS in these Boroughs that is expected to house these tenants until the council or a social housing provider is able to. With recent benefit changes such as Universal Credit being rolled out nationally from spring 2015, the overall benefit cap, and the extension of the SAR to 25 – 35 year olds, we are hearing reports that many Landlords are already becoming more reluctant to let to housing benefit claimants. With the added pressure of a Selective Licensing scheme operating across the whole of the city we fear that Landlords will simply leave the market or invest elsewhere.

With the extension of the SAR to the 25 – 35 age group there will be even greater demand for shared accommodation. The Council will need Landlords to invest in creating shared spaces for this group to live at an affordable rate to reduce the risk of homelessness and cost of temporary accommodation. HMO licensing has increased the cost and 'hassle' associated with shared housing and bedsit accommodation so Article 4 Directions make it even more problematical when it comes to managing this kind of housing, which is a disincentive to increasing supply. Adding Selective Licensing to the list of obligations a Landlord must already adhere too is simply going to put off investment.

As owner occupation becomes increasingly more difficult to achieve it is not an option or indeed the choice for everyone? As we see a significant rise in the number of households choosing to rent privately from 9.26% in 2001 to 17.7% in 2011 (Census 2001 & 2011) it is crucial that this sector can offer a decent alternative to owner occupation or social rented housing.

We would also just like to emphasise that it is not a private landlord's obligation to house tenants on housing benefits. It should be the objective of the council to ensure that there is enough quality housing for vulnerable groups and young tenants who may not be able to afford suitable accommodation on their own otherwise.

We believe that it would be detrimental to alienate Landlords in Hasting and St Leonards that are willing to house these tenants with over cumbersome bureaucracy and expense that comes with Selective Licensing. If the Council is going to press ahead with this at least trial licensing in one area to justify that there is a positive impact before imposing the scheme in other areas.

5. Outcomes

The business case fails to specify what the desired outcomes of selective licensing are in these areas with clarity. No targets or objectives are set other than vague and generic ones. There are no figures or forecasts of how much the scheme will cost to operate.

6. Resources and other measures

There seems to be no detail in the business plan on bringing any extra resources into the worst affected areas; e.g. into providing environmental improvements. It is well recognised that selective licensing will only work where there is some intense application of resources from external agencies including the Council itself.

We would like to know if Hastings Council intends to spend money and time putting intensive resource across the Borough to tackle problems such as low demand and ASB? This would cost the Council huge amounts of money and time and we doubt that this type of intensive intervention is needed across the whole of the Borough.

7. Monitoring

Not only are no outcomes specified but there is no suggestion of any kind of effective monitoring for the success or otherwise of the scheme. In relation to selective licensing scheme in Leeds we worked closely with officers of Leeds City Council to put in place monitoring agreeing with them on various measures for example, improvements in property values and increases in rental levels.

They put in place a control area which was the most appropriate area to monitor the same measures to give some idea of the achievements as a result of selective licensing. We would recommend that Hastings Council choose just one pilot area over a period of time so that you can see if the scheme does have the desired impact before ploughing lots of resources and expense into rolling out a scheme that hasn't even been piloted in ten areas. Unless there are proper defined outcomes and monitoring it would seem hard to justify a licensing scheme if you failed to measure the effectiveness of the current proposals should they be implemented.

8. Displacement effect

We believe that there is a very real likelihood that those who are excluded from the area as a result of these measures will simply be displaced into other areas and that the problems which the Council say are apparent in parts of Hasting sand St Leonards will be transferred elsewhere to the detriment of the residents of those areas.

9. Using the Decent Homes Standard as a measure in the PRS

Your Business Case states that *'More than 49% of privately rented homes fail to meet the national decent homes standard'*. The Decent Homes Standard is a wider political issue. What the Council is failing to recognise here is that the average landlord only has a portfolio of between 1-6 properties. (A recent RLA survey found that out of 1,000 landlords 59% only owned between 1-6 properties.)

The Decent Homes funding was only accessible to social landlords. It is unfair to expect that private landlords will have the funding or resources to match the same standard as social housing without any additional funding to assist. Small scale local landlords do not have the same investment from public money as social housing providers, therefore it is unfair to compare them using the same standard.

Yet, despite such inequalities, in funding, the English Housing Survey (EHS) shows that more private sector tenants are 'satisfied' (84%) with their properties than social tenants. In addition, the EHS states that more private rented tenants are satisfied with the repairs undertaken on their properties than social tenants⁵.

⁵ "English Housing Survey" 10th July 2013 [SOURCE: <https://www.gov.uk/government/collections/english-housing-survey>].

10. Our specific concerns about Additional Licensing

Your consultation also suggests looking at additional licensing. We object to additional licensing on the following grounds,

The motivation for this proposal

Like it or not, an additional HMO licensing scheme is time limited and is only justified as a measure to deal with specific problems if they are serious enough to merit it. What is going to happen after the 5 year period in any case? Has the Council considered an exit strategy from licensing? This is why we need a more constructive approach through voluntary co-operation between all involved. We support area action targeting the worst accommodation which is aimed at protecting the health and safety of all occupants but particularly the vulnerable.

The Evidence and Alleged Problems

Maintaining 'sustainable neighbourhoods'

Your key argument for restricting the number of HMOs in the chosen ward is the very general argument assumption that HMOs cause a loss of community due to the transient nature of some residents or are causing 'ghost towns' which is a dated and inaccurate opinion. The fact is that populations have shifted and demographics have changed - a fact poorly reflected by the current Use Classes. In many areas where there is a concentration of HMOs, landlords are making intensive use of the existing stock in places where it might be otherwise underutilised and poorly maintained. This has contributed to positive regeneration of many inner city areas, for example in Leeds, Nottingham and Manchester.

HMOs also provide a vital service to the economies of many of our towns and cities. This kind of accommodation is key to the mobility of the workforce, especially young workers and young professionals that Norwich is looking to attract and retain from the University. Areas with concentrations of HMOs are renowned for their vibrant nature with local, independent retailers and a café culture, which help promote a diverse and strong local economy. HMOs are not just occupied by students, but with rising rents and difficulties with getting a mortgage, are increasingly required by working people.

Condition of HMOs and visual appearance and effective enforcement

It is said that HMOs are in poor condition including inadequate security, excess cold and are an unsightly appearance. We must remind the Council that matters concerning the poor condition of HMOs, including fire precautions, have to be addressed via the Housing Health and Safety Rating System (HHSRS) and that the Housing Act 2004 ("the 2004 Act") stipulates that generally licence conditions should not be relied on where the use of HHSRS powers is appropriate. General management deficiencies can be very effectively dealt with by the Management

Regulations an. If there are issues regarding unsightly appearance they can be addressed by notices served under Section 215 of the Town and Country Planning Act. Use of licensing powers is therefore not appropriate in our view.

As is so often the case with these things, when one analyses the evidence base in support of the case for additional HMO licensing you realise how thin much of the evidence is on a close analysis. The evidence base contains rather dramatic headlines to try to justify the proposal but again a careful look shows that the detail does not bear out these claims.

We would hope that when taking enforcement action that the LB of Southwark follows repeated Governments' wishes and deals with the worst housing conditions first. This should form the basis for considering any licensing scheme.

With local authorities under severe financial restrictions they need to prioritise their action and to balance their actions based on risk and taking into account the vulnerability of the tenant. Factors put forward which influence a tenant's vulnerability include fuel poverty and low income.

The impact of licensing on landlords and tenants

HMO licensing schemes are bureaucratic and expensive to implement and operate. A huge amount of staff, time and effort is simply tied up in the overall bureaucracy of the scheme itself. Such schemes actually divert attention away from dealing with the real problems which are tackling the small number of criminal landlords as well as mentoring those who are less well versed than they should be in property management. At the end of the day it is the compliant responsible landlord who has to pay for these schemes as well as the less compliant. This is why responsible landlords resent these kind of schemes so much. They play by the rules but they have to pay for the minority who fail to do so.

Importantly it is not actually the landlords who pay for licensing. Naively, proponents of these schemes think that it is the landlord who does pay but in reality, as with everything of this kind, the cost actually falls on the tenant. As with any "consumer" protection law the cost ends up being wrapped up in the price. In this case it is, therefore, reflected in the rents payable. This makes these areas less attractive to tenants because they have to pay more rent; not more attractive. They, therefore, also do a disservice to tenants. This is a high cost scheme which makes the issue even more important.

Whilst the fees will cover a 5 year period in many cases it will be necessary for the landlord to recoup the charges by increasing rents of the tenants in the first year when the fees are payable.

Licensing schemes are not effective

Naively, in our experience, there is a belief that simply imposing regulation is a magic wand. This is most certainly not the case. We have detected a real lack of will, effort and resource in enforcing existing legislation. What then happens is that there are calls for more such as the proposed introduction of HMO licensing. Just because

there is more it does not actually mean it will work. Time and time again when we enquire we find local authorities can be found wanting. Our recent survey identified 100 pieces of legislation which contain over 400 measures already affecting the private rented sector. Piling on one more will not provide a solution.

There is a belief that the criminal operators who house tenants in the worst housing conditions and ignore building regulations, planning and health and safety laws will somehow comply with the need to license. This is mistaken and an active and tax payer funded enforcement process will need to be implemented to find these landlords. If the scheme is implemented City wide it will prevent local areas being targeted and reduce the opportunity to use local intelligence to discover these operators. This is clearly demonstrated by the case studies where they have been put forward to support licensing, yet in every case the criminal operator has blatantly ignore other legislation so it is naïve to believe that these operators would comply with licensing. We believe it is unacceptable to expect the tenants for good landlords to pay for licensing merely because some Council departments have been negligent in enforcing their area of law.

Even if this approach failed (which, in our view, is unlikely if it is properly implemented), the Council would still have the fall back of additional HMO licensing and we strongly urge the Council to try out this approach first.

The Mandatory HMO Licensing Scheme

There are no mentions or statistics provided in relation to the mandatory licensing scheme in Hastings or St Leonards. Nor has there has been any assessment of the resources involved under this scheme which could then be used to benchmark the setting up of any new scheme. It is worrying and regrettable that the Council has not attempted to assess the effectiveness or otherwise of the existing mandatory HMO licensing and no information on the efforts the Council has made to track down unlicensed operators.

11. Freedom of Information requests

I have two Freedom of Information requests:

- a. In view of the lack of information on proposed budget for the proposed licensing schemes, and the concerns outlined in paragraph 1, I would be very grateful if you could provide me with a full breakdown of the proposed budget for the scheme under the auspices of *Freedom of Information* protocol.

- b. I would be very grateful for the number of landlords prosecuted by Hastings Council, and the reasons for their prosecutions, for the last five municipal years; namely:
 - i. 2012/13
 - ii. 2011/12
 - iii. 2010/11
 - iv. 2009/10

v. 2008/09

Conclusion

To enable the PRS to achieve its optimum potential, the RLA believes that a new regulatory regime is needed that focuses on developing professionalism.

The RLA believes that (a) there is a need for a change in the way that the PRS is regulated and (b) that industry self-regulation in partnership with, and complementary to, public sector enforcement is the way forward. This is part of our two path approach with the other path being statutory enforcement via local authorities.

The RLA is opposed to the proposed Selective Licensing scheme for the reasons outlined in this response. However, the Association is keen to work with Hastings Council to promote accreditation to local landlords, and would welcome further dialogue with the Council on this issue.

I look forward to the Council's consideration of the RLA's response.

Yours faithfully,

Natalie Williamson
Senior Policy Officer
Residential Landlords' Association
Email: natalie.williamson@rla.org.uk

Appendix 1

RLA Proposal for a Co Regulation model in Liverpool as opposed to Selective Licensing

To improve management and stock quality in the private rented sector a new regulatory regime is needed.

A new regime would comprise self-regulation and statutory enforcement operating together in a complementary way.

The new regime would be a partnership between the private and public sectors with an emphasis on the private sector operating industry self-regulation, and the public sector enforcing against the persistently non-compliant.

Enforcement in the PRS

The RLA acknowledges the need for increased professionalism in the PRS and much of the RLA's work, including training, advice and educational services is focused on this.

The RLA believe that improved standards of professionalism would be best achieved through a new regulatory regime that is weighted in favour of industry self-regulation complemented by targeted statutory enforcement by local authorities.

There needs to be a cultural shift to ensure that local authority enforcement is based on "worst case first". At present the reality is that local authorities concentrate their efforts on the better compliant landlords while the non-compliant largely evade their attention.

The Self -regulation model

Enough legislation exists to effectively control the PRS. What is required is an effective system of 'smart enforcement' that allows local authorities and other agencies to concentrate their efforts on targeting the criminals and poor quality landlords that operate within the system, with robust self-regulation for the complaint.

Our proposed self-regulation model would need to have two key elements to it:

1. All landlords should have the opportunity to join a self-regulation so long as they meet the minimum joining criteria, this could include the Liverpool Landlords Accreditation Scheme.
2. There should be a partnership protocol between the local authority and each scheme operator whereby if a local authority found a problem with an approved self-regulating landlord, then in the first instance the problem would be referred for remedy, to the scheme operator, this could be the RLA. In the unlikely event that the landlord did not remedy the problem then they would lose their self-regulatory status and the case would be referred back to the local authority for enforcement action.

It is practical to build on existing accreditation schemes. Liverpool City Council has a long established (free) accreditation scheme. We would envisage that this scheme could be incorporated into a Co regulated model and that the RLA could support Liverpool City Council in recruiting more Landlords with a robust marketing strategy and take away the administrative cost and burden by managing the online accreditation package, similar to the model that we run in Leeds.

RLAAS (Residential Landlords Association Accreditation Scheme) is a ready-made vehicle that Liverpool City Council could use to introduce Co regulation. RLASS will focus on the running and administration as well as recruiting new landlords and facilitating forums and events leaving LCC with more capacity and resource to target non-compliant landlords.

Partnership approach; Co – regulation as a basis for self-regulation

Leeds City Council has seen a positive impact on the PRS by focussing intense resource in carefully targeted areas. This, with commitment from professional bodies such as the RLA, Leeds Accreditation Scheme, Fire and Police services, Leeds City Council and other non-member Landlords, has seen ASB decrease and standards rise.

Liverpool City Council has a good reputation for partnership working, Liverpool Healthy Homes being a great example of how professional, private, public and third sector organisations can work together for positive outcomes. We believe that a similar approach through co regulation could be as successful in a housing context if the Council are committed to pledges 1 - 8 as it appears in the ten point plan. A co regulation model shouldn't be hard to set up within a council that has so many effective existing links with external bodies.

What we envisage is a partnership approach with accreditation schemes operating alongside local authority enforcement and where necessary local authorities would be able to obtain information about accredited landlords. Further, in order to enhance accreditation, each accreditation scheme would be required to have at least one independent environmental health officer attached to the scheme to advise on standards to ensure that a professional approach was adopted by the scheme. This would be an important safeguard.

What will be the cost of Co-regulation?

The cost of accreditation within the co regulation model for the landlord will depend on the level of membership chosen by the Landlord. There could be a 'Standard Membership' and an 'Enhanced Membership'. It is difficult at this stage to estimate what an accurate cost would be to Liverpool City Council given that we aren't aware of what types of measures and resources from RLASS that Liverpool City Council would require. However, a membership fee (circa £75.00 a year) compared to a £500 licensing fee per property is likely to be more attractive to Landlords and as a result LCC would not have to as heavily subsidise a less effective accreditation scheme as they do currently. We do know from reports from Leeds City Council that accreditation when done properly is more effective and definitely cheaper than Selective Licensing, particularly a scheme that is going to be rolled out citywide.

Maintaining Current Standards

Our proposals should not be seen as watering down the current standards. As is pointed out elsewhere, members of accreditation schemes would be expected to observe the same legal and regulatory requirements as apply to all landlords. Rather than any softening of control accredited landlords would be expected to be the more professional and responsible landlords who operated well managed properties.

There would, of course, be pre-entry vetting before landlords were allowed to join accreditation schemes and members of accreditation schemes would be expected to undergo training, as well as the requirement to keep up to date with developments affecting the Private Rented Sector. Probationary membership would be possible.

In this way accreditation would act as a positive spur to improve professionalism in the Sector. Accreditation status provides good landlords with a market advantage.

Accreditation also helps tenants to choose a good landlord and assists local authorities with their strategic housing function of facilitating the provision a good quality local PRS.

What would happen if the accredited landlord defaults?

Accreditation schemes would be required to adopt a complaints and disciplinary system. If an accredited landlord's conduct was such that he/she should not be accredited then accreditation would be revoked and that landlord would be subject to local authority enforcement. Further, in the event of a very serious situation, it would be appropriate for the local authority to take direct enforcement action even where a landlord is accredited.

The regulatory function of accreditation is made effective by (1) the vetting of landlords prior to their becoming accredited (2) a complaints investigation and disciplinary procedure that will result in landlords losing their accreditation if they do not comply with the scheme. Defaulting accredited landlords would be required under scheme rules to pay the resulting costs incurred by the scheme.

Adoption

Under our proposed scheme the local authority would agree not to use their enforcement powers in the first instance if an accredited landlord is found to be non-compliant. Instead, refer the non-compliant landlord would be referred to the accreditation scheme operated who would affect remedial action. The local authority does not lose any enforcement powers. Rather they simply agree not to use them. The local authority could retain the right to take enforcement action against the adopted out accredited landlords in certain exceptional circumstances. The exceptions to the rule could be:-

- (1) Imminent risk to health and safety.
- (2) Really serious management neglect.
- (3) Persistent serious breaches.
- (4) Clear evidence that landlords commitment to self-regulation is a sham

Any non-compliance with housing legislation by an accredited landlord would in the first instance be dealt with by the accreditation scheme's procedures;; not a local authority enforcement action. Exceptions to this rule would apply as outlined above in which case local housing authority enforcement action would take priority over the accreditation scheme's own procedures.

How the new Scheme would work

We suggest that the proposed City wide scheme for Liverpool could be an exemplar of this approach in the following way:-

1. Development of Accreditation Schemes as self-regulatory bodies. This would include any existing schemes and further schemes, including potentially national schemes, e.g. operated by landlord associations.
2. All landlords could join an accreditation scheme so long as they met the minimum criteria. This would include pre-entry vetting. This essentially will ensure that the better landlords joined and provide a barrier to entry for those for whom the self-regulatory model was not appropriate.
3. The same laws and requirements would apply to all landlords, whether or not they were members of an accreditation scheme.
4. Accredited landlords would be subject to statutory licensing if this proceeds but accreditation scheme members would be opted out of further local authority regulatory control; although on an individual basis landlords could opt back in if they wished. On cessation of membership of an accreditation scheme, the landlord would automatically be opted back in to the local authority control.
5. Each accreditation scheme would operate a complaints and disciplinary system. The ultimate sanction for non-compliance would be expulsion from the scheme which would lead to automatic re-entry into the local authority enforcement regime.
6. There would be protocols between the local authority and the accreditation schemes to deal with their relationship (e.g. to deal with complaints received by a local authority in respect of an opted out landlord).
7. Accreditation schemes could provide higher standards but would not impose lower requirements than the legal minimum under the housing legislation.

8. Each accreditation scheme would have to have a consultative independent environmental health officer to advise them.
9. Provision could be made for tenants, the local authorities and other stakeholders to be involved in the oversight of accreditation bodies.
10. This then frees up more resources within the Local Authority for the high level enforcement task of pinning down the worst non-compliant landlords.

Co regulation on a National and Regional Level

The RLA are developing the policy of Co Regulation in the hope that other Local Authorities will see the benefits of raising standards through this method and co regulation will prove to be a viable alternative to Selective Licencing nationwide. We believe that in order to see real benefits and raise professionalism in the PRS a uniform co regulation approach is needed. One of the unique benefits of a system of co regulation and working with a Landlord association like the RLA who could manage the online admin through RLAS is that the ability to operate across Council boundaries saves costs for Landlords who may have properties across council boundaries and costly duplication of licensing schemes for Councils. Liverpool City Council could be pioneering in working with the Co regulation model, alongside other cities in the North such as Leeds. Please note that the other two main cities in the North with big student populations, Manchester and Leeds have both run Selective Licensing schemes and have reverted back to accreditation as they found that this more effective and less costly.

If rolled out on a national or even regional scale (initially piloted in the North West for example), the RLA would support a brand such as a 'Trust Mark' or 'Kitemark' as an initiative for accredited Landlords. Your 'ten point pledge' alludes to a similar concept giving the public access to Landlords with 'Beacon Status'.

More Information

The Residential Landlords Association Accreditation Scheme (RLAAS) is a national scheme operating throughout England and Wales. All private sector landlords who own residential properties for rent in England and Wales are eligible to apply for an RLAAS membership. You can find out more about RLASS here - <http://www.rlaas.co.uk/>

Leeds Landlord Accreditation Scheme (LLAS) is a voluntary scheme that private residential landlords are encouraged to join by Leeds City Council

You can find out more about the Leeds Accreditation Scheme here - <http://www.leedslas.co.uk/>



National Landlords Association:

Response to Hastings Borough Council proposal for Selective Licensing

December 2014

Introduction:

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. The NLA represents more than 50,000 individual landlords from around the United Kingdom and over 100 Local authority associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
3. The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.
4. The National Landlords Association (NLA) would like to thank Hastings Borough Council for providing the opportunity to comment on the Selective Licensing consultation.

Executive Summary:

5. Having considered the evidence presented and undertaken its own evaluation of the circumstances faced by the residents of Hastings the NLA's position can be summarised by the following brief points:
 - While there is evidence to suggest that ASB is not satisfactorily dealt with in the area, no such data has been provided linking the issues to the PRS.
 - Landlords have very limited authority to deal with matters of ASB.
 - Discretionary licensing is not an appropriate reaction to the cited issues as it provides no further facility or powers to deal with ASB.
 - The consultation paper fails to provide sufficient evidence to support claims made to justify the associated application.
 - The documentation provided also fails to indicate that sufficient funding will be available to support the functions necessary to support licensing.
 - There are a large number of unanswered questions posed by the Council's proposals.
6. The NLA contends that the flaws outlined below in the process and proposals must be rectified prior to making any attempt to progress this application. Furthermore, once the necessary data has been identified and provided this consultation exercise should be repeated, ensuring engagement with all relevant stakeholders.

General Feedback on Proposals:

7. The ability to introduce Licensing is a powerful tool. If used correctly by Hastings Council it could resolve specific issues. The NLA has supported many local authorities when the introduction of a licensing scheme has been introduced, as it will benefit landlords, tenants and the community.
8. The legislation in relation to Selective Licensing clearly states that the introduction of licensing has to be evidence based. This evidence must support an argument for either anti-social behaviour or low housing demand. On the basis of the evidence that is presented by the council the NLA would argue that there is no case for the introduction of licensing as proposed.
9. The NLA believes that any regulation of the private rented sector needs to be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the criminal landlords – who blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate. The last thing good landlords need is regulations or licensing schemes; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.
10. The housing market suffered a collapse in 2007. This has meant that many who bought houses prior to the collapse could be subject to negative equity, thus preventing them from selling. Consequently renting the property out is the only option, if they have to move due to their job¹. Low interest rates have supported many people, during the banking crisis that hit UK housing market. An increasing in running costs courtesy of the Council's licensing fees is not only inappropriate, but could be a hammer blow to the housing market in Hastings.
11. Hastings Council has many existing powers. Section 57 (4) of the Housing Act 2004 states that a local authority "must not make a particular designation ... unless (a) they have considered whether there are any other courses of action available to them ... that might provide an effective method of dealing with the problem or problems in question". The use of these powers as listed below give a Hastings Council the ability to tackle many of the issues that they wish to overcome in all the parts of the city:
 - a) Use of Criminal Behaviour Orders;
 - b) Crime Prevention Injunctions;
 - c) Interim Management Orders;
 - d) Empty Dwelling Management Orders;
 - e) Issuing improvement notices to homes that don't meet the decent homes standard
 - f) Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);

¹ <http://www.independent.co.uk/money/mortgages/millions-face-becoming-mortgage-prisoners-as-rise-in-interest-rates-could-trap-to-23m-homeowners-9399137.html>

- g) Litter abatement notices under section 92 of the Environmental Protection Act 1990;
- h) Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
- i) The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949.

12. The paperwork of a license can be reduced; the rationalisation of processing of licensing forms needs a review. The requirement to complete a form for each property needs to be reviewed. The process can be simplified along with costs that are incurred by Hastings Council and to the landlord. We would be willing to work with the Council on how this can be done.
13. One of the many reasons raised by Hastings Council has cited for the introduction of Selective Licensing is the impact of litter and fly-tipping. Landlords will outline to tenants at the start of the tenancy their obligations in relation to waste and what they have to do to comply with in relation to waste disposal. This in many cases this is the waste services provided by Hastings Council, if the tenant does not comply with the waste collection then the tenant is responsible and the Council can take action against them directly – licensing is not the appropriate response to address this issue
14. The aims of the Council has i.e. removing nuisance, ASB, waste etc. can be achieved through existing legislation that Licensing will not and cannot achieve. The risk of introducing Licensing is likely to increase the costs for those, along with not resolving the problems that the Council wishes to resolve. Thus a more erudite approach to dealing with nuisance and a separate policy to tackle the criminal landlords would be more applicable in resolving the issues.

Negative Impacts of Discretionary Licensing:

15. One of the dangers of the proposed Selective Licensing scheme could be the costs are passed through to tenants, thus increasing cost for those who rent in Hastings, along with the cost of the Council. Thus increasing costs to Hastings residents, especially the most vulnerable and least able to tolerate a marginal increase in their cost of living.
16. Areas that have been subject to the introduction of Selective Licensing have seen lenders withdraw mortgage products, reducing the options to landlords reliant on finance. Downstream this increases landlords' overheads and subsequently costs for tenants rise. The consultation documentation does not appear to reference this possibility or invite contributions from financial institutions. As affected stakeholders this would appear unwise and potentially damaging to the application process and scheme implementation?
17. A concern is the fact that the Council has failed to provide a road map on how licensing will interact with other Council polices of renewal in the city. Such a lack of synergy is disconcerting and will

further affect investor confidence, potentially destabilising demand to an even greater extent – thus negating any potential positive impact of the policy.

18. Hastings Council, by proposing the introduction of licensing is implying that there are social problems, which could deter investment in the area. However, there is no acknowledgement of the impact that the stigmatisation of discretionary licensing is likely to have on the effected locality. This should be explored and detailed in the evidence case supporting this application. Once again the NLA would assert that failure to provide such information is an indication of a substandard and ultimately superficial consultation exercise.

Resources

19. The introduction of Selective Licensing is not a solution in itself; resources need to be allocated by Hastings Council as well. Experience indicates that other councils, which have introduced licensing schemes that have not allocated the adequate resources to resolve the problems, still suffer those very same problems. We have reservations with the proposals as no new resources have been identified and would recommend the Council consult a range of third party authorities which have considered, implemented and rejected licensing proposals in order to obtain a better overview of the requirements.
20. Often cited as an example to other authorities, Newham Council has spent over £4 million on additional staff, which has resulted in a prosecution rate of 1% of landlords. However, while the London Borough has registered 20,500 landlords, it has so far only banned 18, and prosecuted 243. A targeted approach such as those adopted by Leeds and Manchester would be better value for the taxpayer.
21. Often when tenants near the end of the contract/tenancy and they are moving out they will dispose of excess waste in a variety of methods, this does include putting it out on the street for the council to collect. A waste strategy for the collection of excess waste at the end of tenancies needs to be considered by local authorities with a large number of PRS properties. This is made worse when councils will not allow landlords to access the municipal waste collection points. The Council does not have a strategy in place to tackle the problem of waste from housing that is rented out and appropriate waste collection bins provided for the accommodation. The NLA would be willing to work with the Council in developing this strategy.
22. The costs of enforcement may not legally be recouped by means of licensing fees raising the question of what resources the council intends to allocate to support the objectives of this licensing proposal should be addressed. By way of reference, Thanet District Council was forced to seek £500,000 of additional funding from Kent County Council in order to resource its regeneration services in parallel to the implementation of licensing. The documentation provided offers little explanation of the funds available to Hastings.

Current Law

23. There are currently over 100 pieces of legislation that a landlord has to comply with. The laws that the private rented sector has to comply with can be misunderstood. A landlord is expected to give the tenant a “quiet enjoyment”, failure to do so could result in harassment case brought against the landlord. Thus the law that landlords have to operate within is not fully compatible with the aims that the Council wish. A landlord keeping a record of a tenant can be interpreted as harassment.
24. The introduction of licensing is to tackle specific issues, many of these are tenant related and not to do with the property/landlord. Thus the challenge is for local authorities to work with all the people involved not to just blame one group – landlords. The NLA is willing to work in partnership with the Council and can help with tenant information packs, assured short hold tenancies, green deal and accreditation of landlords, along with targeting the worst properties in an area.
25. The NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by a licensing scheme, which is not proportional. In many situations the Council should consider Enforcement Notices and Management Orders. The use of such orders will deliver results immediately – why does the Council wish to do this over five years. A targeted approach on a street-by-street approach, targeting the specific issues and joined up between agencies, the Council, community groups, tenants and landlords will have a greater impact.
26. The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their powers to manage their properties effectively. A more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the sector through schemes such as the NLA Accredited Landlord Scheme. This can allow Hastings Council to target the criminal Landlords – a joint approach is required.
27. The NLA would also like to see Hastings Council to develop a strategy that can also include action against any tenants that are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket-licensing scheme that would adversely affect the professional landlords and tenant whilst still leaving the criminal able to operate under the radar.

Consultation Critique:

28. Although central government approval is no longer a pre-requisite for implementation of a discretionary licensing scheme, comprehensive consultation of affected stakeholders is a necessity. The NLA has grave concerns about this consultation process, the evidence upon which it is based and therefore the ability of third parties to properly contribute. The following paragraphs outline these concerns and potential flaws.
29. In relation to ASB reduction, and the authority a landlord has to tackle such activity within their properties, it should be pointed out that landlords and agents can only enforce a contract. They cannot manage behaviour (ref: House of Commons briefing note SN/SP 264 paragraph 1.1). In most circumstances, the only remedy available to landlords confronted with cases of serious ASB in one of their properties will be to seek vacant possession and in many instances will serve a section 21 notice rather than a section 8 notice identifying the grounds for possession. The former is simpler and cheaper and repossession (at present) more certain. No reason needs be given for serving a section 21 notice and the perpetrator tenant can then hypothetically approach the local authority for assistance to be re-housed (ref: Homelessness Guidelines cl 8.2). Crucially, no affected party need offer evidence against an antisocial householder, reducing the risk of intimidation, harassment and ultimately unsuccessful possession claims. The issue of ASB will thus not appear as a factor in the repossession. In providing evidence to support a licensing application the document should clarify for respondents the position of all relevant under landlord and tenant law.
30. At no point in the document does the Council illustrate their argument for Selective Licensing with examples of cases where a landlord has refused to engage with authorities after being approached and made aware that there is an issue to be investigated in relation to their tenants. In this respect the Council has relied purely on a quantitative statistical approach inferring significant correlation. It is submitted that this approach is wholly inappropriate for the consultation process as it does not empower participants to give truly informed responses. We would therefore contend that the required consultation process is irrevocably faulty.
31. It is also worrying how little reference to the economic impact of increasing the cost of housing provision will have on the local community. We wish to understand how the Council believes increasing said costs would increase demand. The logic of this assertion is not clearly explained and will arguably lead to incorrect conclusions on the part of those stakeholders relying on the Council to inform their input into this consultation.
32. In the Government procedural document - 'Approval steps for Additional and Selective Licensing Designation in England', it states that in order to apply for Selective Licensing a local housing authority *"will have to show how such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies on Homelessness, Empty homes, Regeneration and Anti-social behaviour."* The NLA **does not believe that a consultation exercise of this magnitude**

may be considered valid without reference to these overarching strategies. These should be made public as a matter of urgency, with reference to the funding available for each policy strand.

33. This condition is also highlighted in the 'Explanatory note to Housing Act 2004, paras 26-28', which states: *"In order for a scheme to be approved, such a Selective Licensing scheme must be shown to be co-ordinated with an authority's wider strategies to deal with anti-social behaviour and regeneration."*
34. The consultation mentions bringing homes up to the decent homes standard – this does not apply to the private rented sector – as such there appears little justification for its inclusion. It is irrelevant to the consultation and Selective Licensing. This is creating a straw man argument. Either it is deliberate to create an impression or misleading to justify licensing.

Requests for Supplementary Information:

35. The NLA is extremely concerned about the gaps in evidence and justification which occur throughout the licensing proposal. The following requests for further information should be addressed prior to making any attempt to progress an application for discretionary licensing.
36. Can the Council provide the NLA with a copy of the equalities diversity impact assessment for Selective Licensing that has been done for the boroughs affected?
37. The Council claims that one of the benefits to landlords is – “Support for landlords when dealing with anti-social tenants”. It would be useful if this could be expanded, what help, when and how?
38. You also make the claim that the introduction of Selective Licensing will take the tension out of the landlord tenant relationship. Can you provide the evidence?
39. Thus the NLA would like to understand the Council’s reasoning on how charging people more to live in rented accommodation will improve housing? Given that successive governments have attempted to address the issue of anti-social behaviour, using significant resources to underpin structural causes, it seems unreasonable to contend that licensing of private property will succeed. Could the Council provide evidence to support this assumption?
40. At a time when Hastings Council is reducing department budgets, we believe that the remaining resources should be allocated to targeted enforcement against the worst, criminal landlords. An example, in 2009 Swansea City and Borough Council spent approximately £272,000 on its mandatory and discretionary licensing schemes (of which approximately £243,000 came from landlords paying the application fee)². This caused a shortfall of £29,000 for the Local authority and we would argue this money could have been better spent employing additional Environmental Health Officers to target sub-standard and poorly-managed properties. How many additional staff will Hastings be employing and how much additional resources has the council budgeted for per year over the next five years?
41. Leeds City Council through the process of introducing Selective Licensing incurred a cost of around £100k to the tax payers of Leeds³. We have already mentioned Thanet Council incurred a cost of £500,000.00. Newham has allocated money from the general fund for enforcement and received money from central government, how much money has the Council envisaged will be required for these new services?
42. In Newham and other Councils which have cited similar cases, additional staff have been required, how many additional staff is the Council proposing to employ?

² Response from Swansea City and Borough Council on 31 March 2010 to an NLA request under the Freedom of Information Act

³ <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmcomloc/50/5006.htm#a13>

43. The consultation document suggests to potential respondents that “countless” previous initiatives have been tried and have failed though no list is provided. This could, therefore, place in the mind of a respondent a pre formed bias towards the Council’s proposal which bias is unsupported by any evidence. Has the Council carried out internal reviews of any of the initiatives referred to? Could an evaluation of their impact be provided, cumulatively and in isolation?
44. Clarification on the Council’s policy, in relation to helping landlords when a Section 21 notice is served is required, with the proposed Selective Licensing scheme? It would be useful if the council could put in place a guidance document before the introduction of the scheme which would outline the council’s position in helping landlords remove tenants who are causing anti-social behaviour.
45. The NLA would like further explanation on how the Council will work with landlords to mitigate the tenants that leave a property early but where they still have a tenancy. If a landlord has challenges with a tenant, how will the Council help the landlord?
46. Licensing can perform a role, but licensing in itself will not resolve issues; the use of enforcement where the law is being broken is required. This requires an allocation of resources; can the Council provide a breakdown of resources they will be allocating for the five year period of the license?
47. With the requirement for formal referencing ahead of new delays are likely for prospective tenants, along with the inevitable difficulty some people will have getting a tenancy. Could you provide the equalities and diversity assessment that the Council has undertaken into referencing? What communication has the Council had with RSL’s concerning the provision of referencing, including social housing providers that neighbour Hastings? Also how have neighbouring Councils reacted in response to the proposed requirement to provide references?
48. What provision is there for people who are first time renters who will not be able to get a reference to access decent housing? Will the Council undertake to fill the supply gap created by private landlords complying with licensing requirements.
49. Waste is a common issues associated with licensing proposals and ASB. In many situations fly-tipping or excessive litter is a result of the tenant not understanding the waste service. The non-collection of waste/recycling by the Council can increase fly-tipping and litter in an area. The non-collection of recycling due to contamination within the recycling bin will result in the tenant having to dispose of the recycling/waste; this can lead to fly-tipping or overflowing bins/litter. Neither of these can be resolved through licensing. What additional resources will the Council allocate to resolve this issue as there is no indication provided that the current resources will prove adequate?
50. The Council admits that it is impossible to directly link all anti-social behaviour to the private rented sector, could the Council provide mapping similar to that in the consultation document for social housing and owner occupied property to compare and contrast?
51. Could the Council provide a breakdown of the ASB? Could this also be sub divided into ASB that is proven to be housing related?



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**PROPOSED SELECTIVE LICENSING SCHEME FOR
HASTINGS AND ST LEONARDS**

**SLA reply to the proposals to implement selective licensing in
Hastings and St Leonards**

The Southern Landlords Association (SLA) has been representing landlords in Hastings and St Leonards for over 40 years and has a significant number of members who have properties within the town.

The SLA is pleased to be able to reply to the consultation but should point out that at no time was it notified of the licensing scheme or has it been invited to any briefings/meetings by Hastings Borough Council.

As a responsible landlords' association, the SLA is keen to promote both decent housing and management. It recognises, however, that there is a very small minority of rogue/criminal landlords, and it supports any actions to deal with such behaviour.

The licensing scheme, as proposed, is to implement selective licensing in 10 of the 16 wards within the town. The only given reason for the proposal is that the Local Authority considers that there is a robust evidence base for introducing such a scheme as a result of significant anti-social behaviour in the 10 wards caused by tenants of private landlords that needs to be addressed. Although not mentioned in the consultation document, selective licensing can only be concerned with the management of privately rented property and not property condition.

Dealing firstly with the appendices.

1. The Private Rented Sector in Hastings: Private Rented Homes – Characteristics

Table 1 of Appendix 1 shows that there has been an increase in private sector rented accommodation of 4,671 units between the period 2001 and 2011, whereas during the same period social housing has increased by only 55 units. It is stated that the private rented sector represents 28.8% of all housing in the Hastings and St Leonards town area.

The only legitimate reason for implementing selective licensing, covering approximately 10,000 units of accommodation in the 10 wards, is that there are significant anti-social behaviour problems which are not being addressed by private landlords. The references to housing conditions/standards are not a part of selective licensing and therefore are inappropriate to be included in the consultation. All references to it should therefore be ignored and not taken into consideration when deciding whether there is justification to implement selective licensing. Housing standards / fire precautions are part of HHSRS and inspections of properties should be carried out by Hastings Borough Council staff as part

of their normal duties. There is no requirement under selective licensing to visit and inspect properties.

2. Anti-Social Behaviour Reported to the Council

Dealing with the reports of anti-social behaviour set out on pages 19 to 22 of the appendices, SLA has the following comments to make. It has been acknowledged that there is an increase over 10 years of over 4,500 new tenancies owned by private landlords. It is noted that in many of the wards in which anti-social behaviour is stated to be a significant problem, the figures between 2010/2011 and 2012/2013 have decreased.

It is also noted that there are schedules of animal noise/nuisance but it is not stated whether it is being occasioned within a property or in the public roadways, and, if so, it is not a matter for private landlords but for the Local Authority and police. Private landlords are responsible only for the conduct of tenants within their properties and not on the public thoroughfares. For that matter, the anti-social behaviour referred to is caused by tenants who should be held responsible for their actions – not private landlords.

It is also noted that there is a schedule in respect of dirty houses. It is not explained what this means, but clearly it appears not to be an anti-social behaviour issue. Equally, accumulation of rubbish and litter enforcement. If this is within the property, then it is accepted that private landlords may well have a duty, but if accumulation of rubbish and litter is as a result of the failure of Hastings Borough Council to carry out its collection duties and offer an efficient and effective collection of larger items, then the private landlord cannot be held accountable for failings by Hastings Borough Council. Again, there is no information relating specifically to what those two particular items refer.

In summary, Hastings Borough Council has set out in its commentaries to determine that anti-social behaviour is being caused by tenants of private sector landlords, even if that anti-social behaviour is occurring around the night-time venues frequented by all types of people, many, no doubt, not from Hastings at all, and certainly not by tenants of private landlords.

3. Options Appraisal

In this section much is mentioned about “decent accommodation”.

Option 1. Do nothing: States that it would leave the housing market as the driver for landlords to carry out improvements to their properties. It is a matter of regulation that selective licensing does not include property standards/improvements, therefore this option should not have been put forward.

Option 2. Do the minimum: The SLA will comment further on this option but the reasons for putting it forward do not include the options available to the Local Authority.

Option 3. Informal area action: Again, it is made clear that action is in respect of housing improvement, which is nothing to do with selective licensing but all to do with HHSRS, which the Local Authority has a duty to carry out without implementation of licensing. This option should never have been put forward and should not be included.

Option 4. Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs): This is a part of dealing with anti-social behaviour but is not a reason for introducing selective licensing. It is a part of the tools of local government and, again, should not have been put forward as an option.

Option 5. Area-based voluntary accreditation: This is an alternative to selective licensing. The Local Authority has stated that it came to an end in 2011 through its limited impact and financial constraints. No detailed report has been seen or is included in the consultation regarding why it failed and what were the possibilities of carrying it forward. The SLA considers that discounting it in this manner is

simply to choose the way in which the Council prefers to go, rather than accreditation being considered in a positive manner in the consultation.

Option 6. Borough wide Selective Licensing Scheme: From the reports, it appears that three wards, all of which have anti-social behaviour but significant numbers of social housing, would not justify selective licensing in those wards, and therefore implementing it throughout the Hastings and St Leonards area would not be conducive to the requirements.

Option 7. Area-based Selective Licensing Scheme: Selective licensing should be targeted at defined areas where anti-social behaviour can be clearly established. Although more focused, it is only slightly more acceptable than Option 6, but still not focused enough.

Option 8. Borough wide Additional Licensing Scheme: Additional licensing, when introduced with the 2004 Housing Act, was never intended at all to be introduced throughout an entire borough. It was intended to be implemented where there were significant management problems in shared properties that were not required to be licensed under mandatory licensing. Such a scheme throughout Hastings and St Leonards would be inappropriate.

Objectives of the scheme

Dealing with them one by one.

Numbers 1 and 4 are reasonable objectives.

Number 2 is not anything to do with selective licensing and should not have been part of the objective. The same applies to items 3, 5, 6, 7 and 8.

It appears therefore that the objectives, when set, have not taken into account the requirements for selective licensing schemes. In the case of Hastings, it has been clearly stated that it refers to anti-social behaviour only. SLA cannot stress enough that it is no part of selective licensing to deal with property standards. The sole objective should be to establish whether there is anti-social behaviour in sufficient quantity by tenants within private sector houses that will justify implementation of a selective licensing scheme. It appears from the objectives put forward that the wrong objectives were considered when deciding to have a consultation.

Options

From the above, the SLA does not believe that the options put forward represent fairly the objective of selective licensing implementation. Hastings Borough Council would have received from the Department for Communities and Local Government a paper entitled 'Dealing with rogue landlords – a guide for local authorities' published in August 2012. The guide proposes ways forward, in particular to deal, so far as Hastings is concerned, with anti-social behaviour. Selective licensing is mentioned in particular at paragraph 7 of Chapter 2, and we quote: "*Selective licensing is a discretionary power allowing local authorities to license all privately rented properties in a specific area that suffers either from low housing demand or from significant and persistent anti-social behaviour*". Paragraph 16 of the same chapter refers to local authority and police duties in respect of antisocial behaviour.

No mention is made in the consultation of this document or the responsibilities of police and local authorities, and clearly it was not mentioned as an option and has not been included. The SLA believes that it is an important part of local authority / police activity in respect of anti-social behaviour.

Anti-social Behaviour, Crime and Policing Act 2014

Reform of antisocial behaviour powers – statutory guidance for frontline professionals

Hastings Borough Council will no doubt have seen the paper dated July 2014 of this new Act and will also be aware of its implementation in October 2014. This Act, in particular, highlights victims and gives both police and local authorities, together with some housing associations, considerable powers

and requirements to deal with antisocial behaviour. Private landlords are not included as being able to carry out the functions available to those bodies.

As this report was available in July 2014, it should have been a part of the options that were put forward when considering whether selective licensing should be implemented. It is noted that no mention of this report is within the consultation or the Options Appraisal.

In summary, it appears that Hastings Borough Council officials who prepared the consultation have done so including many items that are not part of selective licensing but excluded important new powers that have been given to the police and local authorities prior to the consultation being issued, particularly to deal with anti-social behaviour.

Additional licensing

Hastings Borough Council implemented additional licensing in a number of wards in 2011. It is a requirement that when implementing such schemes progress reports are prepared and that there are targets to be achieved. It is most surprising therefore that Hastings Borough Council, although referring to additional licensing, has not prepared/published any reports on the effect of the additional licensing scheme, and it is irresponsible that the Local Authority has, it appears, chosen to not have a report prepared showing whether the scheme is meeting the targets set, as it would be a sensible way for the Local Authority elected representatives to consider on the effects of that scheme what basis, if any, a further scheme should take.

It is noted also that upgrading of facilities, particularly fire precautions, etc, has been part of the additional licensing scheme which, again, is no part of discretionary licensing and should not have been included.

In conclusion, the SLA is of the opinion that Hastings Borough Council has set out a report for consultation deliberately to achieve a conclusion that the only way forward is for selective licensing to be implemented in the 10 wards.

It is also most unusual to find that the Council officers are advising their councillors not to attend any meetings discussing this consultation. Not only is this unusual, the SLA believes that the actions of the Local Authority are undemocratic and have no substance in law.

Finally, the SLA does not believe that Hastings Borough Council has produced robust evidence to implement any further licensing in the 10 wards as proposed in the consultation, and recommend that the elected councillors vote against implementation.

Mike Stimpson
for Southern Landlords Association

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23rd December 2014

Hastings Tenants Union

Selective Licensing Consultation

Hastings Tenants Union is strongly in favour of the proposal for Landlord Licensing. The private rental sector in Hastings is clearly not providing an adequate standard of housing, with nearly half of all homes apparently failing to meet the national “decent homes” level. Previous experience of the low standards revealed by the council’s HMO licensing scheme suggests that this figure may be far worse when properly investigated.

Something must be done about this – and the Selective Licensing proposal is a good start to this process. There is probably not one single tenant in this town that doesn’t have personal experience of damp, leaking roofs, lost deposits, unresponsive or negligent landlords. It is very clear that as required by Section 80(6)(b) “some or all of the private sector landlords who have let premises in the area are failing to take action to combat such problems that it would be appropriate for them to take”.

Hastings Tenants Union would like to see the proposal extended to all the 16 Wards in Hastings – particularly that Hollington, Wishing Tree and Conquest Wards should be included. We do not see a justification for excluding nearly 1,000 households from these Wards from the protections provided by Selective Licensing.

One issue that has been consistently raised in our discussions of this proposal has been the importance of enforcement of the licensing scheme. With enforcement not included in the funding arrangements, Hastings Tenants Union feels very strongly that unless Hastings Borough Council provides a sufficient additional budget to enable a robust enforcement regime, that the scheme will prove to be ineffective and some landlords will attempt to ignore the housing standards requirement or even to avoid the licensing process altogether.

From research that we have carried out, we estimate that private landlords are collecting more than 7.5 million pounds in rent every month in Hastings. With half of all private rented properties in Hastings failing to meet the national “decent homes” standard, this could mean that nearly 4 million pounds a month is being paid for accommodation that is unsafe or not in a decent condition. With the private rental sector such a major feature of the town, the transfer of money from tenants to landlords is one of the biggest local economic dynamics. As many of these private landlords do not live in Hastings, that means that potentially up to a quarter of a million pounds in rent money is leaving the town each day, which is having a major impact on the local economy.

Some concern has been expressed that landlords have already been suggesting that they will be passing on the cost of the licensing scheme to their tenants. Hastings Tenants Union sees this as additional evidence that a system of rent control needs to be introduced to protect tenants from the rapidly rising cost of basic housing needs.

Hastings Tenants Union is an independent group that was set up by tenants for tenants. We are tenants who live in private rented, council and housing association property. We support each other and work together to campaign for decent, secure, affordable housing.

Neil O’Warne

Hastings.Tenants.Union@Gmail.com

Generation Rent

Generation Rent Hastings: response to Hastings Borough Council Selective Landlord Licensing report and consultation

Why do we support Selective Landlord Licensing in Hastings?

Generation Rent Hastings supports the introduction of Selective Landlord Licensing in Hastings because it makes it easier for local authorities to tackle criminal landlords. Instead of spending vast resources on prosecuting negligent landlords, they can simply deny them a licence. This puts the onus on the landlord to sue the council in order to operate in the borough.

Bad housing is as damaging to health as a dodgy prawn sandwich and no one complains about the cost of food regulations. The cost of the licence is tiny in comparison to the rents being charged. Based on your own current estimates in the consultation, it will cost a landlord just over £1.70 per week for a license over the five-year period of the proposed scheme.

The benefits of the licensing process is twofold – there will be some amateur/accidental landlords who are not doing things correctly and will only bring themselves up to standard in response to having to get a licence. Those landlords that intentionally evade registration will be at the top of the councils' target list for prosecutions – if they are not licensed, they are probably breaking the law in other ways.

There may well be spin-off benefits for other Council services and local agencies as a result of a licensing scheme. For instance, Environmental Health departments can spend fewer resources prosecuting an unlicensed landlord than pursuing them for safety breaches. In addition, we support councils receiving more of the money that landlords have to pay as a result of court proceedings. There is a case to share these resources between council areas to create economies of scale.

Some critics of Landlord Licensing schemes have suggested that banks are withdrawing “Buy To Let” mortgage lending from boroughs that introduce licensing. If true, in wards where there is already a significantly high percentage of Private Rented Sector Housing (such as those wards that encompass Hastings and St Leonards town centre areas) this may help rebalance property ownership as it means that there will be more houses available for people who want to buy somewhere to live.

Evidence from existing Landlord Licensing Schemes – London Borough of Newham

The London Borough of Newham are one of the pioneer local authorities regarding the introduction of Selective Landlord Licensing. The latest evidence provided by them regarding the results of their scheme over the last two years include:

- 547 landlords prosecuted or issued with a simple caution
- 22 landlords banned (found not fit and proper) who once managed 150 properties
- 900 landlords who have been 1 year licences because they have “cause for concern” about their ability to manage private rented properties.
- 52 Rent Repayment Orders have also been started

Prosecutions and other enforcement action has significantly increased. Most London boroughs average less than 10 private housing prosecutions a year. Newham is currently averaging more than 200. While they have additional legal resources, the number of Environmental Health Officers has not considerably grown in order to achieve these results.

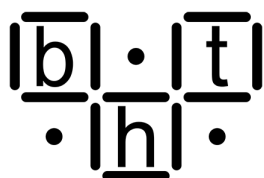
???????? properties have been affected by the barring landlords in this scheme and at least 2 properties owned by banned landlords have been sold. This is likely to continue as the licensing scheme maintains

pressure on the criminal landlord community. In addition there is no evidence that banned landlords are simply leaving properties empty - nearly all either leave the borough or hand over the management of the properties to people who are fit and proper.

Newham have no records of evictions that directly link to licensing or landlords being banned - they have all continued to be rented but overseen by somebody the housing authority is satisfied is a fit and proper person. In fact, because landlords of unlicensed properties cannot legally evict tenants via Section 21 notices until the property is licensed, the scheme has stopped a number of evictions at the court stage since 1st January 2013.

We therefore believe that if Hastings Borough Council follow the licensing model and best practice established by Newham and other local authorities with Selective Landlord Licensing schemes, similar benefits and improvements in the Private Rented Sector in the borough should result.

Clive Gross
Community Coordinator
Generation Rent East Sussex



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Your ref:
Our ref: JW/Licence consultation

4 January 2015

Dear Sir / madam

RE: Selective licensing consultation

BHT Hastings Advice response to consultation on proposed selective licensing

We strongly support Hastings Borough Councils proposal to bring in selective licensing for all private rented properties in the suggested wards.

We are particularly concerned with two main areas in regards to the management of private rented sector properties.

The first being issues with landlords who do not undertake repairs to properties. Since the Ministry of Justice changed what types of cases can be assisted through the Legal Help/ Aid scheme we have no longer been able to take on cases of disrepair unless there is a significant risk to health or of danger, and if the landlord serves s21 notice requiring possession it can be deemed that there is no merit to award Legal Help/Aid to tenants in these cases as the notice period and possession is likely to have been gained before any remedy is sought. Under the changes to Legal Help/Aid we are also no longer allowed to pursue claims for damages in disrepair cases, for example monies to replaced damaged items due to significant mould growth etc. We would hope that a licensing scheme where properties were checked and licensed would reduce the number of instances where landlords were ignoring disrepair issues and/or serving s21 notices requiring possession when an issue was reported to HBC. This in turn we hope would lead to more sustainable tenancies, less people having to move because of disrepair issues and the properties being relet without the issues being properly addressed and then the new tenants experiencing the same issues. We are also made aware by clients regarding issues such as fire safety and Gas safety certificates not being done. We are aware that there are separate penalties regarding Gas Safety but once again there is the issue where tenants report the issue to the landlord and then are served with s21 notice requiring possession. If landlords face fines/ enforcement action and /or lose or cannot gain a license due to the condition of the property the landlord will either be forced to sell or improve standards.

Selective licensing we believe will also drive up safety in the private rented sector, especially if the licencing considers issues such fire and building safety.

The second area of concern is that we have seen an increase in the number of unlawful evictions, landlords not protecting deposits or giving prescribed information, incorrect s21 notices requiring possession. We believe that this is down to a lack of understanding and knowledge. We would hope that those landlords who wilfully ignore legal processes will be seen as not being fit and proper landlords and will not be issued a license or have a license revoked. Those landlords who are not knowledgeable rather than wilfully ignoring legal processes we hope will have the opportunity to gain advice and become better landlords. We believe that if a person who wants to rent out their property has to apply for a license they will look at this in more detail and be more business-like rather than letting their property without any prior knowledge of understanding of what it means to be a landlord and then making mistakes and in some cases unlawful actions in the future.

We do believe that the fee is reasonable, it is less than a cup of coffee a week.

We believe that the proposed licensing scheme needs to be enforced in a proactive manner and action taken against those who either do not apply for or breach the license. Our fear would be that little action is taken and landlords do not see that there consequences for their actions / or lack of action in applying for a license. The scheme needs to have 'teeth'. We believe that if the scheme itself is well managed and run well that this will significantly improve the standards of accommodation in the private rented sector, give greater security to tenants that they know they are renting from a good landlord, and make sure that the rogue landlords cannot continue to operate in Hastings and St Leonards and any new landlord thinking of purchasing properties to rent out will know that they will not be able to act in an unlawful way and that the local authority has expectations in which it expects landlords to act. Selective licensing we believe would act as a deterrent to rogue landlords looking to expand their portfolio in areas such as Hastings where property prices are still comparatively cheaper than other areas in the South East.

To add selective licensing will, we believe, assist HBC in knowing exactly what types of private rented properties are in Hastings and St Leonards and may assist it with areas such as planning permission when receiving applications to convert buildings.

Selective licensing will also mean that there will be no confusion for landlords or tenants over which properties require licenses. This may also assist in the prevention of homelessness as tenants will know that they have a defence against possession proceedings brought under s21 housing act.

We also believe that this will reduce homelessness, as s21 notices requiring possession will not be able to be relied upon in the County Court if a licensable property does not have a license.

In recent months we have successfully defended over 15 cases in the County Court due to unlicensed properties.

We fully support Hastings Borough Council in the introduction of selective licensing.

Yours sincerely

Joanna Wilson
Manager

Brighton University

From: Sabina Wagner [mailto:S.Wagner@[brighton.ac.uk](mailto:S.Wagner@brighton.ac.uk)] **Sent:** 24 December 2014 11:08 **To:** Mark Preston **Subject:** FW: Proposals for a Selective Licensing Scheme in Hastings

Dear Mark

Thank you for the information about the selective licensing scheme in Hastings.

This initiative to improve the quality, management of accommodation and housing standards in Hastings is welcome.

As our student population has grown, we have worked with local landlords to provide a high standard of accommodation for our students that reflects our requirements as well as national/local standards. The selective licensing scheme will, as you mention in your email, have an impact on students looking to rent in the town. Most of our students tend to find their accommodation via our accommodation office or our studentpad website where owners register their property. We have produced a Code of Standards covering quality and management that owners must meet before they can register with us. A smaller proportion of students will find accommodation independently or already live in the town.

For the current and future student population, selective licensing should bring higher standards of accommodation that meet legislative requirements, good practice in the sector, fit with local authority standards/approach, and are in areas where students feel safe to live.

I understand from the information that student accommodation directly managed by educational institutions, e.g. halls of residence will be exempt from the selective licensing, but will apply where students have tenancies with private landlords. In the main, most of the properties we register on our website are already covered by HMO licenses which should mean that most of these owners will be exempt from the selective license – can you confirm please?

The consultation reports also states;

Many of the HMOs contain a number of self-contained flats, often in different ownership and with different management arrangements. Selective Licensing will require that each individual flat is licensed providing greater protection for tenants and ultimately the achievement of better housing standards. It will also apply to any rented flats in section 257 HMOs not required to be licensed under Additional Licensing where less than a third of dwellings are let on short term tenancies.

I understand that we have some smaller flats registered with us that will require the new licence. I'm also aware that some of the landlords that we work with have

property in blocks of accommodation as mentioned above so will need to pay additional fees for each of the flats they own. Where landlords may find themselves with increasing licence costs, is there potential for the town to lose some housing stock that is managed well but owners will move from the area because they face high costs for their portfolio?

As a consequence of the above selective licence requirement, it is possible that the university may be approached by more owners to have their property managed by us to avoid having to obtain a licence. As selective licensing is likely to affect the smaller properties, this may not be attractive for our students. They may also be the sort of landlords we would not want to engage with.

Please keep us updated about progress with the licensing.

We'd be happy to meet with officers to discuss any of the above.

Kind regards
Sabina

University of Brighton
Accommodation Services
The Manor House
Lewes Road
Brighton BN2 4GA

Tel: 01273 643111

Appendix 10 - Equalities Information

What is your Gender?		
Answer Options	Response Percent	Response Count
Male	48.3%	321
Female	51.7%	344
<i>answered question</i>		665

Which age group do you fall into?		
Answer Options	Response Percent	Response Count
0-15	0.0%	0
16-25	3.8%	25
26-35	11.7%	76
36-45	16.4%	107
46-55	24.2%	158
56-65	23.5%	153
66-75	17.6%	115
76+	2.8%	18
<i>answered question</i>		652

Do you consider yourself to have a disability?		
Answer Options	Response Percent	Response Count
No	80.8%	504
Yes - Mobility Impairment	5.4%	34
Yes - Visual Impairment	1.6%	10
Yes - Hearing Impairment	2.4%	15
Yes - Learning Impairment	1.1%	7
Yes - Mental Health Condition	4.5%	28
Yes - Long Standing illness/ Condition	8.2%	51
Yes - Prefer not to say	3.7%	23
<i>answered question</i>		624

Describe your sexuality:		
Answer Options	Response Percent	Response Count
Heterosexual/ Straight	78.4%	495
Gay/ Lesbian	4.3%	27
Bisexual	1.6%	10
Prefer not to say	15.7%	99
<i>answered question</i>		631

What do you consider your ethnic origin to be		
Answer Options	Response Percent	Response Count
White British	87.3%	552
White Irish	1.4%	9
White Other	4.9%	31
Black African	0.3%	2
Black Caribbean	0.3%	2
Black Other	0.2%	1
Mixed White and Black Caribbean	0.0%	0
Mixed White and Black African	0.2%	1
Bangladeshi	0.2%	1
Chinese	0.0%	0
Indian	0.5%	3
Pakistani	0.2%	1
Other Asian	0.3%	2
Mixed White and Asian	0.6%	4
Middle Eastern	0.3%	2
Mixed Other	1.3%	8
Other	2.1%	13
Other (please specify)		20
<i>answered question</i>		632

One reason for this questionnaire is to better understand who lives in the Borough. With this in mind, are you a citizen of any of the following countries:		
Answer Options	Response Percent	Response Count
Czech Republic	0.0%	0
Estonia	0.0%	0
Hungary	0.3%	1
Latvia	0.0%	0
Poland	0.3%	1
Lithuania	0.0%	0
Slovakia	0.0%	0
Slovenia	0.3%	1
Bulgaria	0.0%	0
Romania	0.5%	2
None of the above	98.7%	382
<i>answered question</i>		387

Do you consider yourself to be a:		
Answer Options	Response Percent	Response Count
Gypsy	0.3%	2
Traveller	0.5%	3
Travelling Showperson	0.3%	2
None of the above	99.3%	585
<i>answered question</i>		589

What is your religion / belief:		
Answer Options	Response Percent	Response Count
Christian	43.4%	275
Buddhist	1.7%	11
Muslim	0.3%	2
Hindu	0.6%	4
Jewish	0.2%	1
Sikh	0.0%	0
No religion	36.8%	233
Other	4.6%	29
Prefer not to say	12.5%	79
<i>answered question</i>		634

Which of these best describes what you do?		
Answer Options	Response Percent	Response Count
Full time work	41.0%	266
Part time work	19.0%	123
Volunteer work	4.8%	31
Full time student	1.5%	10
Unemployed and looking for work	2.3%	15
Unemployed and not looking for work	1.1%	7
Retired	23.8%	154
Long term sick/ disabled	4.2%	27
Apprenticeship or training scheme	0.2%	1
Full time (unpaid) carer for an adult	2.3%	15
Full time (unpaid) carer for a child	2.5%	16
None of the above	5.1%	33
<i>answered question</i>		648

Appendix 11 - Survey Result Tables

Q1 Which of the following best describes you?		
Answer Options	Response Percent	Response Count
Owner Occupier	40.0%	297
Private Tenant	22.0%	164
Social Housing Tenant	3.0%	24
Landlord	30.0%	224
Letting/Managing Agent	2.0%	18
Business owner or manager	1.0%	11
<i>answered question</i>		738

1. Responses from Residents (Owner-occupiers, private tenants and social housing tenants)

Q2 Thinking about the proposed area, how much of a problem are the following on a scale of 1-5...with 5 being the highest problem and 1 being the lowest						
Answer Options	1	2	3	4	5	Response Count
Loud noise	99	109	113	82	54	457
Nuisance neighbours	112	81	90	84	90	457
Litter	43	80	123	120	95	461
Rubbish dumping/fly tipping	79	84	95	97	102	457
Neglected/run down properties	76	67	83	112	118	456
Drug use and dealing /drug related crime	89	82	100	86	94	451
Alcohol misuse	94	75	102	92	90	453
Petty crime	93	107	108	85	49	442
Prostitution	280	70	39	18	28	435
<i>answered question</i>						477

Q3 Have you ever witnessed or been a victim of anti-social behaviour in the proposed area?		
Answer Options	Response Percent	Response Count
Yes	51.9%	246
No	48.1%	228
If yes, please give details		236
<i>answered question</i>		474

Q4 Do you feel safe in your own home and the local area?		
Answer Options	Response Percent	Response Count
Yes	82.4%	388
No	17.6%	83
<i>answered question</i>		471

Q5 Have you ever experienced or witnessed anti-social behaviour from tenants living in private landlord owned properties in the proposed area?		
Answer Options	Response Percent	Response Count
Yes	45.3%	213
No	54.7%	257
If yes, please give details		211
<i>answered question</i>		470

Q6 Do you think private landlords maintain their properties in the proposed area to a good standard?		
Answer Options	Response Percent	Response Count
Yes	30.9%	141
No	69.1%	315
<i>answered question</i>		456

Q7 Do you think private landlords in the proposed area act responsibility in letting, managing and maintaining their properties?					
Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Response Count
91	145	157	52	29	474
<i>answered question</i>					474

Q8 If you are a private tenant, have you had problems with any of the following issues?		
Answer Options	Response Percent	Response Count
Dampness, and/or disrepair	86.5%	134
Lack of basic amenities (bath, shower, etc)	18.7%	29
Lack of fire safety measures	40.0%	62
Dirty common staircases, hallways	27.7%	43
Rubbish accumulations	27.1%	42
General lack of management & supervision	47.1%	73
Poor letting practices (e.g. lack of tenancy paperwork; poor response to repair requests), harassment and/or illegal eviction	51.6%	80
<i>answered question</i>		155

Q9 Would you like to see a Selective Licensing scheme for privately rented homes introduced in Hastings?		
Answer Options	Response Percent	Response Count
Yes	82.8%	391
No	17.2%	81
<i>answered question</i>		472

Q10 If you answered 'YES' to Q9, what area of the Borough would you like to see it cover?		
Answer Options	Response Percent	Response Count
Braybrooke, Castle, Central St Leonards and Gensing wards	5.6%	22
Braybrooke, Castle, Central St Leonards, Gensing, Maze Hill, Old Hastings, Ore, Tressell, Silverhill and West St Leonards wards	11.4%	45
Whole Borough	83.0%	327
<i>answered question</i>		394

Q11 We will need to charge a fee for licences in order to cover the cost of running the scheme. This is likely to be £415 per dwelling for the five year period (£1.60 a week). We propose offering discounts in certain circumstances. Please indicate whether you support this.

Answer Options	Agree	Disagree	Response Count
a) An 'early bird' fee of £332 where applications are received within 6 months of the scheme starting.	354	94	448
b) A fee of £373.50 for landlords who are members of a recognised professional body or national accreditation scheme.	338	98	436
<i>answered question</i>			461

Q12 Where the Council discovers a dwelling is not licensed that should be, the licence fee will be increased by a further 30% over the advertised fee level. Please indicate whether you support this.

Answer Options	Response Percent	Response Count
Agree	73.8%	340
Disagree	26.2%	121
<i>answered question</i>		461

Q13 Do you support the Selective Licensing scheme conditions proposed in the consultation document concerning:

Answer Options	Agree	Disagree	Response Count
a) Specified occupancy levels?	374	73	447
b) Tenancy management?	377	67	444
c) Property management?	382	64	446
<i>answered question</i>			453

Q14 Please give any other comments you wish about the proposed Selective Licensing scheme in Hastings:

Answer Options	Response Count
	235
<i>answered question</i>	235

2. Responses from Landlords and Agents

Q2 Are you a landlord or agent of one or more properties in the proposed Selective Licensing area?

Answer Options	Response Percent	Response Count
Landlord	93.1%	217
Letting agent	4.7%	11
Managing agent	5.2%	12
<i>answered question</i>		233

Q3 How many properties do you own or manage in the area?

Answer Options	Response Percent	Response Count
1	32.3%	76
2	16.6%	39
3	15.7%	37
4	6.8%	16
5	6.4%	15
More than 5	22.1%	52
<i>answered question</i>		235

Q4 In the last 12 months have you had any of the following problems at your property?

Answer Options	Response Percent	Response Count
Tenants causing anti-social behaviour	30.2%	19
Problems in neighbouring properties affecting your tenants or property	42.9%	27
Problems with the eviction of tenants	36.5%	23
Poor property conditions	17.5%	11
<i>answered question</i>		63

Q5 Thinking about the proposed area, how much of a problem are the following on a scale of 1-5...with 5 being the highest problem and 1 being the lowest

Answer Options	1	2	3	4	5	Response Count
Loud noise	122	33	13	7	10	185
Nuisance neighbours	120	30	10	12	11	183
Litter	77	47	29	19	19	191
Rubbish dumping/fly tipping	94	33	25	17	20	189
Neglected/run down properties	105	32	24	9	14	184
Drug use and dealing /drug related crime	114	28	26	10	10	188
Alcohol misuse	103	38	20	19	7	187
Petty crime	111	34	20	10	8	183
Prostitution	148	8	6	2	7	171
<i>answered question</i>						203

Q6 Have you ever witnessed or been a victim of anti-social behaviour in the proposed area?

Answer Options	Response Percent	Response Count
Yes	13.7%	31
No	86.3%	195
If yes, please give details		30
<i>answered question</i>		226

Q7 Are you aware of any anti-social behaviour being caused by your tenants in the proposed area?

Answer Options	Response Percent	Response Count
Yes	5.7%	13
No	94.3%	216
If yes, please give details		16
<i>answered question</i>		229

Q8 Would you like to see a Selective Licensing scheme for privately rented homes introduced in Hastings?

Answer Options	Response Percent	Response Count
Yes	18.2%	42
No	81.8%	189
<i>answered question</i>		231

Q9 If you answered 'YES' to Q8, what area of the Borough would you like to see it cover?

Answer Options	Response Percent	Response Count
Braybrooke, Castle, Central St Leonards and Gensing wards	12.8%	6
Braybrooke, Castle, Central St Leonards, Gensing, Maze Hill, Old Hastings, Ore, Tressell, Silverhill and West St Leonards wards	8.5%	4
Whole Borough	78.7%	37
<i>answered question</i>		47

Q10 We will need to charge a fee for licences in order to cover the cost of running the scheme. This is likely to be £415 per dwelling for the five year period (£1.60 a week). We propose offering discounts in certain circumstances. Please indicate whether you support this.

Answer Options	Agree	Disagree	Response Count
a) An 'early bird' fee of £332 where applications are received within 6 months of the scheme starting.	96	102	198
b) A fee of £373.50 for landlords who are members of a recognised professional body or national accreditation scheme.	78	114	192
<i>answered question</i>			202

Q11 Where the Council discovers a dwelling is not licensed that should be, the licence fee will be increased by a further 30% over the advertised fee level. Please indicate whether you support this.

Answer Options	Response Percent	Response Count
Agree	28.0%	60
Disagree	72.0%	154
<i>answered question</i>		214

Q12 Do you support the Selective Licensing scheme conditions proposed in the consultation document concerning:

Answer Options	Agree	Disagree	Response Count
a) Specified occupancy levels?	58	147	205
b) Tenancy management?	51	155	206
c) Property management?	52	155	207
<i>answered question</i>			209

Q13 Please give any other comments you wish about the proposed Selective Licensing scheme in Hastings:

Answer Options	Response Count
	144
<i>answered question</i>	
	144

3. Responses from Businesses

Q2 Are you a business owner or manager?		
Answer Options	Response Percent	Response Count
Business owner	63.6%	7
Business manager	36.4%	4
<i>answered question</i>		11

Q3 Do you have a business in the proposed area for Selective Licensing?		
Answer Options	Response Percent	Response Count
Yes	63.6%	7
No	36.4%	4
<i>answered question</i>		11

Q4 What type of business are you?	
Answer Options	Response Count
Café	1
Property management	2
Vocational training	1
Wholesale fish merchant	1
Guest house/hotel	2
Management services	1
Gift shop	1
Advice agency	1
<i>answered question</i>	10

Q5 Thinking about the area where you have your business, how much of a problem are the following on a scale of 1-5...with 5 being the highest problem and 1 being the lowest						
Answer Options	1	2	3	4	5	Response Count
Loud noise	3	2	5	1	0	11
Nuisance neighbours	5	3	3	0	0	11
Litter	2	1	2	4	2	11
Rubbish dumping/fly tipping	1	3	1	3	3	11
Neglected/run down properties	5	1	1	3	1	11
Drug use and dealing /drug related crime	4	2	1	0	4	11
Alcohol misuse	4	2	1	1	3	11
Petty crime	2	3	2	3	1	11
Prostitution	9	1	1	0	0	11
<i>answered question</i>						11

Q6 Do you feel safe in your business premises and the local area?		
Answer Options	Response Percent	Response Count
Yes	81.8%	9
No	18.2%	2
<i>answered question</i>		11

Q7 Have you ever experienced or witnessed anti-social behaviour from private tenants in the proposed area?

Answer Options	Response Percent	Response Count
Yes	54.5%	6
No	45.5%	5
If yes, please give details		5
<i>answered question</i>		11

Q8 If yes, do you think that landlords are taking enough action against tenants who cause a nuisance or anti-social behaviour?

Answer Options	Response Percent	Response Count
Yes	25.0%	2
No	75.0%	6
<i>answered question</i>		8

Q9 Do you think that all landlords in the proposed area generally keep their properties up to a good standard?

Answer Options	Response Percent	Response Count
Yes	27.3%	3
No	72.7%	8
<i>answered question</i>		11

Q10 Would you like to see a Selective Licensing scheme for privately rented homes introduced in Hastings?

Answer Options	Response Percent	Response Count
Yes	45.5%	5
No	54.5%	6
<i>answered question</i>		11

Q11 If you answered 'YES' to Q10, what area of the Borough would you like to see it cover?

Answer Options	Response Percent	Response Count
Braybrooke, Castle, Central St Leonards and Gensing wards	0.0%	0
Braybrooke, Castle, Central St Leonards, Gensing, Maze Hill, Old Hastings, Ore, Tressell, Silverhill and West St Leonards wards	16.7%	1
Whole Borough	83.3%	5
<i>answered question</i>		6

Q12 We will need to charge a fee for licences in order to cover the cost of running the scheme. This is likely to be £415 per dwelling for the five year period (£1.60 a week). We propose offering discounts in certain circumstances. Please indicate whether you support this.

Answer Options	Agree	Disagree	Response Count
a) An 'early bird' fee of £332 where applications are received within 6 months of the scheme starting.	6	5	11
b) A fee of £373.50 for landlords who are members of a recognised professional body or national accreditation scheme.	3	8	11
<i>answered question</i>			11

Q13 Where the Council discovers a dwelling is not licensed that should be, the licence fee will be increased by a further 30% over the advertised fee level. Please indicate whether you support this.

Answer Options	Response Percent	Response Count
Agree	63.6%	7
Disagree	36.4%	4
<i>answered question</i>		11

Q14 Do you support the Selective Licensing scheme conditions proposed in the consultation document concerning:

Answer Options	Agree	Disagree	Response Count
a) Specified occupancy levels?	7	4	11
b) Tenancy management?	7	4	11
c) Property management?	7	4	11
<i>answered question</i>			11

Q15 Please give any other comments you wish about the proposed Selective Licensing scheme in Hastings:

Answer Options	Response Count
	6
<i>answered question</i>	6