

Objection / Comment	Response
<i>Reasons for Proposing the Scheme</i>	
How is this database going to improve condition of rented properties?	The proposed licence conditions place a responsibility on landlords to ensure that their properties meet a required standard. For example, they require landlords to ensure that safety certificates for gas and electricity are in place and to be pro-active in improving their properties so that hazards that affect the health and safety of tenants are reduced to a safer level. Our evidence in relation to poor property conditions is up to date and shows that a significant number of properties are not meeting that standard. The Council believes that licensing will bring about a significant improvement in property conditions.
There is already sufficient legislation to stamp out rogue landlords	There is legislation, and there are powers available, for example, the Housing Act 2004 (and associated regulations), Environmental Protection Act and the Prevention of Damage by Pests Act, that are used to deal with poor management and poor housing conditions. This legislation is primarily reactive and can largely only be used once problems have arisen. Selective Licensing requires licence holders to be proactive in managing their properties. It offers further powers to ensure that the licence holder is a fit and proper person, and that satisfactory management arrangements are in place. The licence holder must comply with a number of licence conditions. All of this will help to tackle the problems which our evidence has revealed. The enforcement and compliance work being undertaken as part of the current selective, mandatory and additional licensing schemes in Nottingham and elsewhere demonstrates what is possible.
This could be achieved much better by simply enforcing statutory requirements and funding the enforcement scheme through penalties issued by the enforcement team	The Council has and continues to use a range of enforcement powers available to deal positively with issues affecting private rented houses, as well as working with partners to improve wider housing issues, ASB and criminality within the private rented sector. There is already targeted enforcement and compliance work with complaints responded to on a risk assessed/prioritised activity basis in relation to rogue landlords. Proactive work is also undertaken to support burglary reduction and reduce excess cold / fuel poverty in parts of the city. Within this scheme there is a proposal for prioritised activity where the evidence from the Building Research Establishment (BRE) study shows the poorest housing conditions. Likewise, there will be prioritised work in areas with high levels of crime/ ASB, and where we have received complaints from tenants and/or there is rogue landlord behaviour. Income from enforcement cannot be predefined and it would not be possible to employ staff on this basis. Selective Licensing is a proactive enforcement tool which works alongside existing powers to support a safer private rented sector of a defined standard.
Other authorities have rejected the need for Selective Licensing and have adopted other methods of dealing with these issues without driving up rents to the extent that licensing does.	No specific authorities were cited in this response, so it is difficult to comment. We are however aware of many authorities who have implemented selective licensing because they see it as the most appropriate tool to deal with problems in their area. The Council believes that the introduction of selective, additional and mandatory licensing has been a success and has grounds to believe that a new selective licensing scheme can deliver necessary improvements in the PRS.

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<i>Proposals/evidence was flawed or incorrect</i>	
<p>Area is too large and covers affluent areas where there are no anti-social problems, poor property problems or high levels of crime.</p>	<p>The statistical evidence supports the proposed designation (area the proposed scheme would cover) The Council has taken a more robust approach to the required criteria this time by identifying areas which are high private rented property (PRS) plus 2 of the 4 criteria (poor property conditions, high crime, high ASB, deprivation) for the current scheme it was high PRS plus 1 criteria. This has resulted in a smaller designation both geographically and in the number of properties. The statistical evidence section contained in Appendix 1 of the April report showed that a significant proportion of the City's geographical area and the eligible PRS property it contains met two or more of the statutory grounds for inclusion in a selective licensing designation.</p>
<p>I'm not convinced about the general statements about conditions/ ASB/ crime/ deprivation in the private rented sector and even more so if this is in comparison to social housing. How exactly is taxing landlords going to do anything about crime and deprivation - what are we expected to do about that as landlords?</p>	<p>The Council acknowledges that ASB can be a problem in any housing tenure. Selective licensing cannot be applied to social housing. The Council has demonstrated the positive correlation between PRS and ASB levels and the qualitative evidence suggests that issues with PRS properties are more difficult to address under present conditions. Landlords are required to manage their properties effectively as part of the proposed licence conditions, and they can do this by having robust tenancy agreements in which breaches are dealt with properly. The licence holder has a responsibility to have a plan in place to tackle ASB perpetrated by the tenants at their property. Through licence conditions the landlord is also required to report any crime at the property. In relation to deprivation through improving property conditions this can improve the 'Living Environment' domain within the measure of deprivation used by the Government.</p>
<p>This consultation process isn't really a consultation process. It's the city council just doing their jobs and notifying the local residents about the changes.</p>	<p>The decision whether to implement a scheme of selective licensing is not predetermined. A final decision as to whether a scheme should be submitted to the Secretary of State for approval will be made by Executive Board having reviewed the outcomes of the consultation and consideration of whether the various statutory tests to justify the scheme have been met. The decision to approve a designation on the scale being considered ultimately lies with DLUHC and not with the Council. The Council however has offered multiple ways citizens can participate in the consultation including live and virtual events, social media and the survey which was both online and available in print on request.</p>
<i>Selective licensing is a tax on landlords</i>	
<p>Just seems like a scheme for the council to generate extra income</p>	<p>The fee reflects the costs of administering the scheme. The Council has used an updated version of the Local Government Association toolkit available for precisely this type of process to set the fee. The Council is not allowed to make a profit from the licence fee and the fee has not been calculated on a profit- making basis. Licensing cannot be considered to be a form of taxation: the fee income can only be used to implement the scheme, and for no other purpose.</p>
<i>Selective licensing will have a negative effect on good landlords</i>	
<p>This penalises good landlords who look after their properties.</p>	<p>The Council wants to work with good landlords in the overall interest of the sector, and part of this means rewarding landlords who comply, engage and deliver high standards. Accordingly, provision for reduced fees for accredited landlords is proposed as part of the scheme. Licensing is not transactional nor is it a penalty, it</p>

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	gives a landlord the legal right to let a property within the designation if it meets the bar of required standards.
As a Landlord of one single property that we maintain to the same standard as our own, the licence does not benefit our tenant or us at all.	Whilst there are undoubtedly many well managed properties, the evidence outlined in Appendix One of the April Executive Board report indicates that this is not across the board and that the statutory tests for justifying a scheme have been met. The benefits which it is believed will accrue from such a scheme are also outlined in Appendix One of the May Executive Board report. Where the management of rented homes is ineffective the scheme will compel landlords to manage their properties properly and deal with the problems which have been identified. A better private rented sector over all will benefit all citizens including landlords and tenants who operate and live in properties of a good standard by raising the overall quality of the sector within the city.
Accredited landlords should pay a lower fee, but the scheme does not take into account landlords who use accredited management agents; this should result in a lower fee than proposed. Management agents who are ARLA-qualified provide an additional level of professional competence to the PRS. To not take account of this in the fee structure is wrong. Landlords pay money for a professional management service; this should be acknowledged in the selective licensing fee rates.	A lower fee for accredited landlords has been recommended in order to recognise good landlords and to encourage more landlords to become accredited. The number of accredited landlords increased significantly when the first scheme was introduced. The same applies to properties managed by managing agents. However, the use of a managing agent is no guarantee in itself that properties will meet the required standard in any case. In the consultation of the first scheme broadening accreditation to include where agents are e.g. ARLA accredited was considered. However, the current accreditation partners the Council works with have a good track record of inspections, support, and removal of landlords that fail in their accreditation duties. The Council previously undertook an assessment of other suggested bodies, but they didn't provide the same level and range of criteria around being accredited.
Why should accredited landlords have to pay a fee at all?	It would not be appropriate to apply no fee at all to good or accredited landlords as their houses would still be required to be licensed and would incur costs to the Council. However, as mentioned in the responses above a reduction in fees for accredited landlords is included within the proposal.
This will lead to accredited landlords potentially selling properties so there will be less properties.	This is obviously the opposite of what the Council wants to achieve. There is no evidence of the existing (selective, additional and mandatory) licensing schemes driving good landlords out of the market. Where the Council has taken enforcement action against poor landlords, a consequence of the Council's action is that some landlords sell up and leave the market. In the Council's opinion this is a positive outcome as it will have succeeded in driving non-compliant landlords out of the market. There is a constant churn in the housing sector with landlords arriving and leaving the market for a whole range of reasons, however overall, the private rented sector continues to grow in Nottingham City.

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<i>Fees are too high</i>	
There needs to be a bigger differential to encourage Landlords to seek accreditation	The Council wants to ensure a sustainable scheme and some of the work required for both accredited and non-accredited landlords is the same. The savings for accredited landlords are partly based on fewer inspections and checks of accredited landlords as they should be up to a good standard already and may also have been recently inspected by an accreditation partner. It is also anticipated that there shall be fewer issues to resolve following any inspection, which again, keeps the costs lower.
The fees are too high for compliant landlords. I would propose that the scheme have a minimal admin fee and be funded by larger penalties on non-compliant landlords thereby acting as a deterrent while not penalising those who are already good landlords.	The Council agrees that good landlords should be recognised and that they should pay less. This is why there is a proposed lower fee for accredited landlords. The licensing fee gives a landlord the legal right to let within the designation as long as their property meets the required standards and the scheme gives the Council proactive powers of enforcement, it is not a transaction whereby a service is provided for the fee.
Why is the scheme licensing landlords yet charging per property? If it is about landlords, then register the landlords and cost should be just "PER LANDLORD".	The law requires each house that the landlord owns to be licensed. Landlords cannot be exempt from the scheme because they have a small portfolio. The legislation is clear that it applies to all "Houses" as defined in sections 79 and 99 of the Housing Act 2004 unless they are specifically exempted. The Council does not have the power to create its own exemptions or licence landlords as opposed to the properties.
The fees are too expensive to be paid upfront in one instalment, especially for landlords with multiple properties/large portfolios	The Council has considered fee payment models following comments in the consultation and recent caselaw about fee payments which apply to most types of licensing. The proposals are that landlords will have to pay the fee in two instalments. Once the Council has determined the application it will grant or refuse it. If the Council grants the licence the second part of the fee will be required. Payments by instalments were considered as an option, but due to the higher administrative costs and potential risks around collecting payments and what to do when a landlord misses a payment it is not intended to pursue this other than by way of a two part fee payment.
<i>Outcome of selective licensing will be increased rents</i>	
The costs involved are passed onto tenants via their rent increases	The Council recognises that a possible impact of the introduction of a licensing scheme is that landlords will absorb the cost of fees by increasing rents. This could have an adverse effect on tenants in the designated area; however, in a competitive market it is perhaps over-simplistic and speculative to say that all rents will automatically rise. If a landlord has already increased their rent when the first scheme was introduced to pay for the licence, the licence fee should already be included in the rent, so there should be no reason to increase rents again to pay the licence fee. The actual cost over five years based on the proposed accredited licence fee is quite small and equates to £2.50 per week. Currently there are many issues affecting the private rented market nationally. High demand, low supply, post covid backlog of movers, growing population and rising

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	inflation and interest rates are some of these which have resulted in rents rising across the country whether within a licensing scheme designation or not.
<i>The proposals will not tackle issue of rogue landlords</i>	
The council should target more precisely properties where there are issues. The sledgehammer approach is unfair, inefficient and unnecessary.	The Council has followed the legislation and guidance when considering the second scheme of selective licensing. There have been successes in the first scheme which mean poor properties have been improved and poor landlords have been forced out of the market because of the enforcement action undertaken by this scheme. It addresses the problems in the areas where robust evidence has been established showing the need for a scheme. The scheme is not intended to penalise good landlords. There will continue to be a dedicated enforcement team to tackle those landlords that fail to comply with the requirements.
Rogue landlords have found ways around the scheme or still not signed up	The Council has undertaken enforcement action against a number of landlords in the current scheme, some of whom have left the market because of the Council's action. Rogue landlords may well try to avoid any further licensing scheme, but it will be a legal requirement for them to apply for a licence. The onus will then be on enforcement activity and working with partners to identify and prosecute offending landlords. The Council is confident that landlords who avoid licensing will be identified and dealt with. The Council is proposing to continue to employ a team of people to support investigations and enforcement activity to target landlords who avoid licensing their properties, as it has done in the first scheme, building on this work.
<i>Other</i>	
The squeeze on already tight landlord profits will force many out of business, adding to housing issues.	The Council is unaware of any evidence that supports this claim. There is no evidence of this from selective, mandatory or additional licensing and there is no evidence from other authorities with similar schemes that this is the case. Much of the work required to comply with licence conditions should already be in place in any case. The licensing conditions and any additional works required are in place to provide basic standards of health, safety and welfare of the occupants. Good, compliant landlords will not need to spend significant sums of money in order to meet the licence conditions.
For a professional, corporate landlord / investor who is already providing an excellent high quality fully accredited and managed product this is merely a tax on doing business in Nottingham. The result of which being investors and developers will either move capital to other projects away from the Nottingham without such a local tax burden and/or increase rents to maintain returns.	The Council has a buoyant private rented sector housing market and the Council does not agree that future investment in the city will be deterred by the scheme. There are currently a number of investors looking to develop new PRS schemes in full awareness of the Council's current schemes and proposals for a second scheme of selective licensing. Housing markets are complex with a number of different factors affecting why people invest. As the scheme is implemented and the sector improves, it may be that landlords are keen to invest in a well-regulated market which is not being undermined by poor housing standards.
All this will do is take money out of the pockets of good landlords which might have been used to improve their properties.	The scheme has proposed a fee that the Council believes to be reasonable and landlords will decide how they pay for the scheme. Landlords should be able to effectively plan their finances and the fee shouldn't impact negatively on how they improve their properties.
The scheme is weak as too much onus is placed on the landlord without any support to help landlords deal with problematic tenants.	The Council recognises that tenants can cause problems. However, landlords do have responsibilities regarding managing the impact of their tenants' behaviour. The Council is proposing to continue to employ additional officers will be employed to support landlords tackling tenants causing ASB, as well as providing

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	support to tenants who are renting from a rogue / criminal landlord. This will be in addition to the work undertaken by front line officers such as Community Protection Officers (CPOs).
Way too expensive, causing issues for us tenants in Nottingham and driving up homelessness.	<p>The DCLG guidance issued by the Government states that councils must show that a proposed selective licensing scheme is consistent with their overall housing strategy and co-ordinated with procedures for homelessness. Given this, how licensing would impact upon homelessness was considered in some detail and can be seen in Appendix One of the May 2022 Executive Board Report section 5.7:</p> <p>https://committee.nottinghamcity.gov.uk/documents/s134040/Enc.%201%20for%20Proposal%20for%20a%20Scheme%20of%20Selective%20Licensing%20for%20Private%20Rented%20Houses.pdf</p> <p>Overall, the impact was considered to be a positive one. The Council is using the PRS more and more as both a prevention solution and a means of discharging duties as its size increases and social housing reduces. Therefore, a scheme which gives greater assurances of good management and good property conditions fits very well with the Council's approach to homelessness. It is assumed that this comment is suggesting that there will be a negative impact on homelessness, and that this is because of the potential rent rises leading to tenants being unable to afford their rent and being evicted, or the rents increasing so much that the properties concerned are no longer affordable to homeless people whom the Council is trying to assist via the PRS. The issue of rent increases generally is dealt with elsewhere in this document: it is acknowledged as a risk; however, the amounts are relatively small, and landlords will make their own business decisions about what they need to do to remain competitive. The Council's belief is that landlords should not pass on the cost of licensing to their tenants. However, any landlords already licensed as part of the current scheme should not need to add the cost of a second licence to rents if they included the costs in their rent for the first scheme.</p>
I rented out my house through a reputable letting agent and paid their fee as such. This meant that the property was up to standard and safety checks maintained. I felt that having to pay the selective licensing fee and do a training course was inappropriate in the circumstances and also demeaning to the letting agent businesses	Using a letting agent does not guarantee that legal standards or licensing conditions are being met. Assuming an agent is meeting these standards is not good practice, as the fit and proper person a landlord is responsible for meeting the required standards and should make independent checks of their property / properties to be assured of this and protect themselves from any failure to meet them. Having a required quality standard for private rented property is an assurance to all involved in the market and citizens who live alongside privately rented properties. Good agents and landlords who are informed regarding these standards should already be meeting them and be confident in their knowledge on the subject.
Where & what is your evidence for this working?	The evidence can be found in the May Executive Board Report Appendix One here: https://committee.nottinghamcity.gov.uk/documents/s134040/Enc.%201%20for%20Proposal%20for%20a%20Scheme%20of%20Selective%20Licensing%20for%20Private%20Rented%20Houses.pdf
Tenants are taking advantage of the licensing scheme to make malicious complaints about the property when they are in rent arrears	The Council's housing teams are available to support landlords with problem tenants. Please contact them at selective.licensing@nottinghamcity.gov.uk or call 01159152020 if you would like some advice.

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Very few inspections taking place so money making exercise for the council	Licensing is not transactional, being licensed gives a landlord the legal right to let their property within the designation and sets a standard for any property within it. Its intention is to regulate the designation, target problem properties and raise standards. Inspections will continue for the life of each licence, many of which run beyond the five-year window of each licensing scheme.
Purchases of current licenses should roll over. I had mine less than a year ago. How can you expect me to pay again?	Each licence for a property usually lasts for 5 years, you will not need a new licence until your old one expires.
The council fails to say how it will prevent malicious claims of poor housing being made, which could result in tenants losing their tenancies. Can this be provided and how will it operate? - NRLA	Any complaints made to the Council are fully investigated before any action is taken if required.
Will the council support a landlord where a tenant is a nuisance, and will it make it clear in the report that they will support the landlord in the ending of the tenancy? - NRLA	The Council has and will continue to support landlords dealing with nuisance tenants including advice and support regarding evictions should all other interventions fail.
Does the selective license scheme cover PBSAs?	PBSAs (Purpose Built Student Accommodation) are covered by the Selective Scheme if they fall within the designation (area) covered by the scheme unless they are exempt from licensing for instance if they are directly institutionally owned by one of the universities.