

Appendix 2i – Standard letter of submission (Email from CP Walker)

We are submitting this on behalf of: *[Name Supplied]*

We support the notion of looking to improve housing standards in the City. We support the notion that tenants should have access to safe accommodation that is well managed. We appreciate that the PRS is largely unregulated but we choose to use a professionally qualified, regulated agent to let and manage our properties. It does not appear that you have considered the fact that a good section of the property management market in the city is already regulated.

Whilst we acknowledge your attempts to improve standards, we don't think you have carried out sufficient discussion with property professionals working in the city. We wish to object to City Council's Selective Licensing proposal on the following basis:

1. The scale of the scheme is excessive. The scheme should not be made on a city wide basis but targeted to those areas where there is the greatest need. The City is already unable to keep up with workload of their current schemes. What chance do the Council have of successfully operating a scheme that is at least 10 times the size of current Additional Licensing Scheme when you can't keep up with your current workload? There is a real danger that the Council will spend all their time dealing with the applications from good landlords rather than having the time to pursue the criminal landlords who should really be the focus of any scheme designed to improve standards.
2. The scale of the scheme and the level of the fee will impact on decisions by landlords to invest further in properties within the City boundary. This is not good for the future of the rental market in the city. New investment inspires existing landlords to upgrade their properties and compete in the marketplace. Deterring investment won't help to improve standards inside the City boundary in the future.
3. The principle aim of any licensing scheme is to ensure that the property is managed by a "fit and proper" person. We pay for management by a qualified firm of Chartered Surveyors. In addition to their professional qualifications, the firm is already Regulated by the RICS. Why is no account taken of the fact that we already elect to pay for management by fit and proper professionals?
4. We do not believe that licensing will solve the problems that the Council is seeking to address. Licensing of HMOs has not resolved the complaints of antisocial behaviour in the Lenton area for example. The Lenton Drives Residents Association are reporting that problems are now worse than ever. Licensing won't stop problems like bins being left out on streets. The proposal to improve housing is an office based, bureaucratic exercise of form filling and form checking. There is not enough focus on dealing with the problem. Housing Officers should be out solving problems not sat in the office reading through forms.
5. There is a disproportionate effect on the good landlords who already comply with the legal requirements and are willing to operate at levels above the statutory requirements. No doubt the good landlords will all be the first to submit their license

applications meaning that there will be a disproportionate amount of time spent dealing with the “good landlords” at the start of the project. There should be a better use of resources and the aim should be focused on tackling the problem, not spending a disproportionate amount of time approving the applications of good landlords.

6. There are no concessions proposed for portfolio landlords. The main purpose of Licensing is to check that the property is managed by a fit and proper person. How many times does a portfolio landlord have to prove they are fit and proper? If you have already run other checks on the same individuals, why is the price of the subsequent checks the same?
7. We think the Council should seek to work with Regulated Agents and other qualified professionals to develop a scheme (like the Co-Regulation scheme in Liverpool) that is fit for purpose, rather than overtly bureaucratic. In particular we think that the Council has to commit to either carrying out a HHSRS check or make provision for the same to be carried out by a third party. A proper “safety check” is in our opinion fundamental to the notion of ensuring that all houses within the City boundary are safe for occupation.
8. The Council is advocating training by only a select bunch of companies. EMPO and their partners (e.g. Training for Professionals) also operate good quality training schemes that should be included within any proposal. The Council should not promote monopoly positions for their selected bunch of “friendly” training providers.
9. The fee is likely to result in rents rising and this will impact most on the most vulnerable citizens living in the city. Research has indicated that rents on similar schemes rise by the cost of the licence per year. Can all of the City’s residents afford to pay an additional £600 each year?
10. The cost does not offer value for money for any of the parties associated in the process. Ashfield DC’s Selective Licensing scheme is £350 per property or £250 if you are accredited. Included within this price is an HHSRS inspection. Why does £600 offer value for money to tenants in Nottingham given that there is no guarantee that they are living in safe accommodation after the license is granted?
11. The Council has existing powers to deal with the problems they have identified. There are new powers that will be conferred in the 2016 Housing and Planning Act to tackle property condition and disrepair. The notion of have a city wide licensing scheme appears to be politically driven.
12. Selective Licensing Conditions – we are concerned that these were not readily advertised by the City as these were hidden within a report on the Council’s website. We managed to get a copy via EMPO and have the following observations:
 - a. (3) Electrical appliances – we are concerned about the wording of this proposed condition. How can a landlord covenant to keep safe at all times? Occasionally, there will be faults. Are we then liable when this

happens? Will there be a requirement to PAT test and if so how often? Surely a better solution is ensuring that there is RCD protection on the consumer unit to deal with problems when they occur.

- b. (7) Smoke alarms – we note there is a requirement for “maintaining in proper working order”. What are the requirements for testing? Can we ask tenant to test each week / month? What happens if the tenant removes the alarm?
- c. (16) Gardens – we note that the landlord will become responsible for maintenance of the garden. Are there similar requirements proposed on gardens owned by NCH or other social housing providers? Are we able to put similar complaints in if social housing neighbours have untidy gardens?
- d. (17) We note that all houses are required to have thumb turn locks. This goes further than the current legal requirements. This may also invalidate some insurance policies.
- e. (19) How is refuse storage dealt with if there is no front garden? Is the landlord responsible if bins were provided at the start of the tenancy but are “lost” during the tenancy?
- f. (22) We note that an emergency number is required for repairs. Is there any clarification over what needs to be covered by the emergency repairs system? Would the landlord be held liable if a 3rd Party Emergency Service failed to attend?
- g. (26) The wording of this condition is unclear – do you mean that landlords have to provide a written tenancy agreement?
- h. (28) The wording of this clause is poor. How do we reference occupiers in corporate lets (we let to a company and there may be any number of different employees that occupy)? What happens with overseas tenants who are not able to provide references / ones in a language we can understand?
- i. (30) We note that inventories are required with photos. Why is this required if it is the landlord’s risk if this isn’t done. There is adequate protection in law for the tenant under the deposit rules. With the proposed changes to fees that tenants pay on letting, landlords could opt not to undertake inventories and or with photos.
- j. (32) Is the Council able to provide a typical policy towards antisocial behaviour? Is the Council proposing to have similar policies for NCH / other social housing tenants? We have not had good experiences when the tables have been turned and we have complained against the behaviour of social housing tenants. There should be a level playing field for all tenants.
- k. (34) Are there any exceptions for Managers with RCIS and ARLA qualifications? They are already required to undertake 20 hours of CPD each

year. Do they also need to undertake basic training courses as per the City's proposal?

Regards

CP Walker & Son