

Appendix 2vi: Responses to thematic objections to consultation proposal

Objection	Response
Reasons for Proposing the Scheme	
It won't improve the condition of rental properties in Nottingham	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, electricity are in place, and be pro-active in improving their properties so that hazards that affect the health and safety of the 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.
It is a waste of time with no benefit	The Council believes that selective licensing is a powerful tool that can contribute to helping achieve the City's strategic housing objective of driving up standards within the private rented sector (PRS). The potential benefits of the proposed scheme are documented in the main body of the Executive Board Report of the 22 nd November 2016 and Appendix Two of the report. http://committee.nottinghamcity.gov.uk/documents/s49050/Appendix%202.pdf
There is existing legislation and there are powers to deal with problems which should be used properly. If existing regulations are not being enforced than a large scheme is unlikely to be better enforced.	<p>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.</p> <p>The enforcement and compliance work currently being undertaken with the mandatory and additional licensing schemes in Nottingham and elsewhere demonstrates what is</p>

	possible with a larger licensing scheme.
The justification for the proposals is nonsense/rubbish	The Council has used the best data available to it, and (as evidenced in Appendix Two of the Executive Board Report of the 22 nd November 2016 http://committee.nottinghamcity.gov.uk/documents/s49050/Appendix%202.pdf) various of the statutory criteria justifying the introduction of a Selective Licensing scheme are met.
Selective licensing is costly, expensive and a waste of money	<p>The fee charged covers the costs of the licensing process and equates to £2.50 per week for properties managed by non-accredited landlords and £1.54 a week for accredited landlords. It is not the highest fee that is charged for the processing of licences nationally. There are a wide range of fees for selective licensing and the Council undertook benchmarking across several other local authority areas when considering the fee. The proposed fee for selective licensing in Nottingham is slightly above average.</p> <p>Licensing is a cost effective tool to improve housing management and standards of accommodation in Nottingham. The scheme needs to be sustainable over a 5 year period</p>
The Council should (better) target enforcement activity instead	<p>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.</p> <p>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.</p> <p>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.</p>
Other authorities are rejecting selective	No specific authorities were cited in this response so it is difficult to comment. We are

<p>licensing – the Council should study these cases</p>	<p>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.</p>
<p>Proposals/evidence was flawed or incorrect</p>	
<p>There is little evidence that selective licensing will resolve problems</p>	<p>The Council believes that the introduction of additional and mandatory licensing has been a success and has grounds to believe that a selective licensing scheme can deliver necessary improvements in the PRS</p>
<p>The designation area is incorrect, there is no selectivity and it is unnecessary. There is no evidence for a citywide scheme and the Council does not have the resources for such a big scheme. Should be targeted at specific areas in Nottingham known to be problematic rather than all areas of the city. Should be piloted in certain areas and rolled out more widely only after its efficacy has been assessed</p>	<p>The statistical evidence supports the inclusion of all parts of city with the exception of Rise Park, Wollaton Park and Clifton South. These were included in the designation considered at Executive Board in November 2016 for reasons of scheme completeness, and to avoid small pockets of the city where the scheme would not apply but might generate problems in the future, which local authorities are permitted to propose. However, in response to the consultation, and on reflection, officers have decided that if specific areas of the city consistently fall outside of the statutory criteria for licensing they should not be included in the designation.</p> <p>The legislation provides that in the case of ASB, the ground can apply regardless of whether an area has a high proportion of private rented sector properties or not, which is not the case for the other 3 criteria which must be examined in tandem. As a result areas without a high proportion of PRS but an above average rate of ASB were included in the draft designation. Selective licensing can be used to bring about a reduction in ASB in an area and the evidence the Council collected established a positive correlation between the proportion of PRS and the level of ASB. It was therefore reasonable to suggest that applying licensing to these areas could enable ASB to be reduced. These areas are however predominantly social housing – which also has a positive correlation with levels of ASB, though not as strong as with the PRS. It is acknowledged that the above average ASB is more likely driven by social rather than PRS housing given their relative tenure shares. Therefore specific areas that have above average rate of ASB but do not have a high level of PRS have been omitted from the designation.</p> <p>The statistical evidence section contained in Appendix 2 of the November report showed that a significant proportion of the City’s geographical area and the eligible</p>

	<p>PRS property it contains met one or more of the statutory grounds for inclusion in a selective licensing designation. A City wide scheme was therefore suggested in order to produce a coherent and cohesive scheme boundary which could be easily understood and took account of the potential for tenure displacement. Making the above revisions and omitting the relevant areas reduces the coverage of the proposed designation. However this will still be rounded to some extent to meet legible neighbourhood and natural boundaries and may still cross into small portions of the city that do not meet any criteria, or have above average ASB but not a high proportion of PRS.</p> <p>In terms of those high PRS areas which meet the statutory grounds there are no specific areas which particularly stand out more than others in terms of problems, so targeting specific areas would not be a viable approach. Piloting in certain areas would potentially create a situation in which schemes were starting and finishing at different times which would be confusing for both landlords and residents.</p>
<p>Anti social behaviour (ASB) in the PRS is no different to other types of housing – family, housing association or Council-managed; that there are probably more complaints in social housing areas, and no attempt has been made to compare levels of ASB in the different tenures or areas with high levels of a certain housing type (eg social housing estate v area with high PRS). The scheme will not reduce the incidence of ASB; landlords do not have the power or legal jurisdiction to tackle ASB, and by placing these responsibilities on landlords the Council is delegating its authority.</p>	<p>The Council acknowledges that ASB can be a problem in any housing tenure. However, there are different statutory powers available within the two main tenures of rented housing to tackle it. Social landlords have powers within various pieces of legislation to tackle ASB, and the Council together with Nottingham City Homes is a high performing authority in this respect. In the PRS the powers are entirely different. This proposal is about utilising one of those powers, which would never apply to the social sector, so it is not meaningful to compare the tenures in this respect.</p> <p>It is the case that some areas where social rent is the predominant tenure have a higher rate of ASB than areas where PRS dominates or have met the high proportion of PRS threshold; however selective licensing cannot be applied to social housing. It can though be requested and granted where a scheme could bring about a reduction in ASB in an area. It was therefore reasonable to suggest that applying licensing to however many PRS properties were in these areas could enable ASB to be reduced in the area overall. Furthermore, 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. However, given</p>

	<p>the greater likelihood of ASB in these areas being generated by social housing, as stated above, such areas have not been included in the designation.</p> <p>The Council disagrees that the scheme will not reduce the incidence of ASB. 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 responsibility for the conduct of tenants (while at the property) and any ASB perpetrated by them lies with the landlord. As part of the operating model the Council will build on the work undertaken for additional and mandatory licensing in identifying tenants causing ASB and ensuring licence holders are utilising tools to tackle ASB, enforcing the licence conditions if necessary. Landlords should be fulfilling their responsibilities in relation to the management of their properties in tackling ASB caused by tenants.</p> <p>The operational model proposes 2 officers to liaise with landlords / tenants where ASB issues are causing problems. This will help support and deal with ASB issues in privately rented properties, with the aim of reducing ASB during the length of the scheme.</p>
<p>The complaints data was flawed, could not be trusted, or the evidence was weak and insufficient to demonstrate a causal link between ASB and housing conditions in the PRS. Areas that are already subject to a licensing scheme continue to experience problems with ASB.</p>	<p>The Council is satisfied of the integrity of the complaints data used in Appendix Two to the November Executive Board report. The Council rejects the claim that the data is flawed and believes the methodology for data analysis is consistent with the requirements of the Housing Act and CLG guidance document, and that the approach taken is also consistent with case law on the introduction of such schemes. Case law (Regas v London Borough of Enfield and Southern Landlords Association v Thanet District Council) has established that causation does not need to be proven, and that high levels of correlation are sufficient when considered with other wider evidence of problems. The Council has demonstrated a strong correlation between ASB/crime and high levels of PRS, and in the case of crime data this has been validated by academics at Nottingham Trent University. The BRE report, Sept 2016 identified 19% of the privately rented housing in Nottingham has a serious (category 1) hazard within the house. When taken with other qualitative evidence such as that outlined in the</p>

	Draft Submission (p63-65) and views being expressed though the consultation responses it is still felt that there is sufficient basis for Selective Licensing scheme as part of the solution to tackle these issues
The threshold for calculating a high proportion of PRS is out of date and the inaccurate and the removal of HMOs is unreasonable	Whilst the determination of what constitutes a “high proportion of PRS” is within the Council’s discretion regard was had to DCLG Guidance on this issue. The methodology used by the Council to determine a “High Proportion” and justifying the removal of HMOs from this calculation is outlined in Appendix Two to the November Executive Board report. However, even if HMOs had not been removed and the 19% figure indicated in the Guidance had been followed the results of the analysis would not have been significantly different.
The decision was/is pre-determined	The decision whether to implement a scheme of selective licensing is not pre-determined. 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 considered 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 DCLG and not with the Council.
Selective licensing is a tax on landlords	
Selective licensing is an income generator. The proposal is a stealth tax on rental income	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.
Selective licensing will have a negative affect on good landlords	
proposals will alienate or penalise good landlords	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.
Properties are already well managed and there is no benefit to be gained from this scheme	Whilst there are undoubtedly many well managed properties, the evidence outlined in Appendix Two to the November 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

	<p>Appendix Two to the November Executive Board report.</p> <p>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.</p>
<p>There should be some compromise where the licensing only applies to non-accredited landlords or exemptions for landlords who use managing agents</p>	<p>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 and therefore will not be able to apply licensing only to non-accredited landlords. A discount in fee for accredited landlords has been recommended. The differential between the standard fee and accredited fee has been increased, in order to recognise good landlords and to encourage more landlords to become accredited. 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.</p> <p>It was suggested in the course of the consultation that the Council should widen the range of accreditation providers whose members would attract a discount on the licence fee. The Council has carefully considered this suggestion and constructed a robust methodology and criteria to assess the additional providers suggested against this framework. The Council narrowed this down to 2 potential additional accreditation providers. Initial discussions were had with both organisations. The presence of an inspection regime (even on a sample basis) is a key element of accreditation schemes and neither of these providers were able to demonstrate that they met the standard required for this key criterion. At present the Council is not aware of any additional accreditation schemes that meet the criteria laid down in the Nottingham Standard. The Council will however continue to monitor this and consider any additional providers that come forward if they are able to demonstrate that they meet the criteria laid down in the framework.</p>
<p>Accredited landlords or good landlords should not have to pay.</p>	<p>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</p>

	<p>accredited landlords is included within the proposal, and the differential has increased between the standard fee and the accredited fee since consultation.</p>
<p>Landlords are unlikely to sign up to scheme because there is no incentive for them to do so</p>	<p>Holding a licence and being fully compliant with licence conditions will enable landlords to demonstrate to tenants good standards of management. This should be a positive and will be increasingly so when the majority of properties are licensed. The Council and other partners will, as the scheme develops, also make helpful information available to landlords and tenants on matters that benefit them such as energy initiatives, updated guidance etc</p> <p>If the Designation is confirmed it will be a legal requirement to hold a licence. It will not be a matter of choice for a landlord to “sign up to” the scheme. It will be a criminal offence not to hold a licence. If landlords are convicted for not licensing they are unlikely to get a licence in the future. There are new powers under the Housing and Planning Act 2016 (HPA) which allow Councils to issue civil penalty notices, as an alternative to prosecuting through the Courts. These financial penalties can be up to £30,000 per offence.</p> <p>Also, under the new HPA tenants can apply to a tribunal for a rent repayment order if the landlord has breached certain legislation. These should be significant deterrents for those operating illegally.</p>
<p>The proposals will actually drive good landlords out of the market and allow bad ones in</p>	<p>This is obviously the opposite of what the Council wants to achieve.</p> <p>There is no evidence of the existing (additional and mandatory) licensing schemes driving good landlords out of the market. Where the Council has taken enforcement action against the 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 rogue landlords out of the market.</p> <p>There is a constant churn in the housing sector with landlords arriving and leaving the market for a whole range of reasons.</p>
<p>Fees are too high</p>	
<p>The estimated fees are too expensive and differential for accreditation is not enough</p>	<p>In comparison to fees charged by other authorities those estimated by the Council are not the highest in the country. The fee reflects the costs of administering the licensing</p>

	<p>scheme. The Council has used the updated version of the Local Government Association (LGA) toolkit available for precisely this process, which is how the fee has been set. The Council is not allowed to make a profit from the licence fee.</p> <p>The Council wants to ensure a sustainable solution 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. In the revised operational model the differential in the fee for accredited landlords is actually higher than the original proposal.</p>
<p>There should be greater discounts or exemptions for good landlords in order to recognise good quality provision/ open up discounts to other organisations</p>	<p>The Council agrees that good landlords should be recognised and that they should pay less. This is why there is a proposed discount for landlords accredited by certain schemes. This discount has increased since the consultation.</p>
<p>There should be some compromise for flats with the same leaseholder in a block or new build properties</p>	<p>It is recognised that recently built purpose built blocks of non HMO flats may take less time to process and undertake compliance inspections if each flat is the same and there is one lease holder and freeholder only. This would not be the case for other houses or houses converted into non HMO flats.</p> <p>The Council has carefully considered the proposal to issue one licence for a block and constructed a robust methodology and criteria to consider this. However it was felt that the criteria required would make the fee structure more complex and licensing process more complicated. The Council does not believe there are many blocks in the city that would meet the criteria and therefore it is felt that complexity outweighs any benefits. The Council is not aware of other local authorities with block licences in their schemes.</p> <p>The discount offered for accredited landlords has increased since the consultation and will assist with blocks of this type if landlords become accredited.</p>

<p>Landlords should be licensed not the property, or landlords with small portfolios should be exempt</p>	<p>The law requires that properties, not landlords, are 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.</p>
<p>The fees are too expensive to be paid upfront in one instalment, especially for landlords with multiple properties/large portfolios</p>	<p>The Council is considering fee payment models following comments in the consultation and recent caselaw about fee payments which apply to most types of licensing.</p> <p>The proposals are that landlords will have to pay the fee in two instalments - the first part of the fee will be non-refundable and payable on application. 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 which essentially will cover the recoverable costs of enforcement and compliance work the Council undertakes under the licensing scheme.</p> <p>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.</p>
<p>Outcome of selective licensing will be increased rents</p>	
<p>Costs will be passed on to tenants in the form of inflated rents</p>	<p>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. The actual cost over five years based on the proposed licence fee is quite small and equates to £2.50 per week for non-accredited properties and £1.54 a week for accredited.</p> <p>Although a slightly different housing market, no significant rise in rents in HMO properties, attributable to licensing fees were noted when either the mandatory or</p>

	additional licensing schemes were introduced.
The proposals will not tackle issue of rogue landlords	
The scheme is unjust and the blanket nature of the scheme penalises the majority of good landlords. Instead the scheme should be targeted at inadequate landlords	<p>The scheme is not of a “blanket” nature. 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. The legislation does not allow for the targeting of any particular landlords; however it is intended that resources are focused on non-compliant landlords, poorer housing, and areas affected by crime and ASB. The fact that less resources are needed to licence properties managed by accredited landlords is reflected in a lower fee.</p> <p>There will be a dedicated enforcement team to tackle those landlords that fail to comply with the requirements.</p> <p>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 by legislation. The evidence suggests that such a scheme is justified.</p>
The fit and proper test doesn’t exclude bad landlords	<p>The fit and proper test is set down in legislation within the Housing Act 2004 and sets out what the Council has to take into consideration when determining licences. The Council has to follow the legislative framework and will work hard to ensure that rogue and criminal landlords are driven out of the housing market.</p>
There should be exceptions for managers with RCIS and ARLA qualifications. They are already required to undertake 20 hours of CPD each year and should be exempt from the basic training courses as per the City’s proposal.	<p>Membership of RICS and ARLA was considered as part of the proposal to include other accreditation partners in the Nottingham Standard. The Council has constructed a robust methodology and criteria to assess the additional providers suggested against this framework. Qualifications and training offered was taken into account as part of the wider criteria.</p> <p>The Council recognises the focus on training that both organisations provide but neither operate accreditation schemes and do not routinely inspect properties as part of such a scheme. They do not therefore per se meet the standard required and it is not appropriate to include them in the framework for the Nottingham Standard and exempt members of those organisations from training schemes.</p>

	<p>A key component of any accreditation scheme is around inspection of property. The Council will consider any organisation that puts forward a case for being included as an accreditation provider using the methodology referred to above, but inspection would be expected to be a key component of any accreditation scheme put forward</p> <p>The Council is keen to recognise those landlords / managing agents that already undertaken training that they would meet the relevant licence conditions as long as it meets the same requirements / aims of the condition.</p>
<p>Some landlords will continue to avoid licensing/charges, carry on as normal, and the Council will be unable to deal with them</p>	<p>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.</p> <p>The Council proposes to employ an additional team of 10 officers just to support investigations and enforcement activity to target landlords who avoid licensing their properties. The Council, working with its partners will seek to use the range of powers available to successfully investigate and enforce against those landlords who do not comply with the requirements and let unsafe housing. The Council will promote the scheme, recommending tenants use fully compliant licensed properties</p>
<p>Other</p>	
<p>Licensing will put landlords out of business</p>	<p>The Council is unaware of any evidence that supports this claim. There is no evidence of this from 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.</p>
<p>It will have a negative impact on tenants</p>	<p>It is strongly argued that the opposite would be the case. If an area is known to have</p>

<p>especially tenants claiming housing benefit which could lead to a greater burden for the Council</p>	<p>properties that are licensed and therefore achieve certain standards it may be more attractive to tenants.</p> <p>It is not accepted that the costs associated with licensing will result in increases in rent such as to disadvantage tenants including those on benefit. Housing benefits is determined via local housing allowance (LHA) levels, so there is a natural cap on HB that the Council does not control. Housing Benefit subsidy is paid to local authorities by the Department of Works and Pensions so is therefore not a cost borne by local council taxpayers.</p>
<p>It will affect property values. Landlords will invest outside of the city</p>	<p>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 proposals for 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.</p>
<p>The council does not carry out inspections properly</p>	<p>The Council undertakes inspections in a professional and competent manner. Any instances where this is not the case should be brought to the attention of the Council. This could be to the services manager or through the Council's complaints system (http://www.nottinghamcity.gov.uk/contact-us/have-your-say-comments-compliments-and-complaints/)</p>
<p>It will reduce the availability of accommodation or reduce the standard as landlords will have less money to maintain their properties</p>	<p>Some landlords may leave the market, but there may also be new entrants. The experience of the last 20 years has been a significant expansion of the PRS. This is a national and sustained trend and it seems unlikely that a licensing scheme would alone reverse it.</p>
<p>Tenants are the problem not landlords and the Council should do more to support landlords</p>	<p>The Council recognises that tenants can cause problems. However, landlords do have responsibilities regarding managing the impact of their tenants' behaviour. This</p>

<p>with this</p>	<p>is generally acknowledged by professional landlords, as shown in an article which appeared in "Private Sector Landlord" magazine in February/March 2017¹</p> <p>The Council is proposing that an additional two officers will be employed to support landlords tackling tenants causing ASB, as well as providing support to tenants who are renting from a rogue / criminal landlords. This will be in addition to the work undertaken by front line officers such as Community Protection Officers (CPOs) in Community Protection, the joint Police / Council partnership</p>
<p>The council have not considered the impact on homelessness</p>	<p>The DCLG guidance 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 Two of the Executive Board Report of the 22nd November 2016</p> <p>http://committee.nottinghamcity.gov.uk/documents/s49050/Appendix%202.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.</p> <p>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. As part of the consultation officers attended the multi-agency Homelessness Strategy Implementation Group (SIG) and presented the proposals. Stakeholders within the SIG also raised their concerns about the possibility of increased rents and the access to the PRS for lower income groups, but overall welcomed the higher standards that licensing could bring to the sector.</p>

¹ "Do Landlords have a duty to improve tenant behaviour?" *Private Sector Landlord* (East Midlands edition) Feb – March 2017

	<p>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.</p>
<p>There is ambiguity in how the conditions of the scheme will be implemented and what this means for landlords in how they manage their properties</p>	<p>The Council believes the proposed licence conditions are appropriate to ensure licence holders are proactive in managing their properties effectively, both in protecting the health, safety and welfare of tenants and in ensuring that incidents of ASB by their tenants are dealt with effectively</p> <p>The Council recognises, there is a balance to be struck in the licence conditions being overly prescriptive and providing general conditions which are open to interpretation, but it will also seek to provide support and guidance on its website to assist licence holders in these responsibilities. For example, there is guidance on the Council website about how to what the Council expects to be in a ASB Plan and a joint Police / Council guide on security and privately rented houses, to protect against burglaries. Following the consultation some of the conditions have been reviewed and clarified to make them more straightforward to understand.</p>
<p>Tenants will have to relocate outside of the city due to increase in rents and decrease in supply</p>	<p>As stated above, even assuming that landlords do put the cost onto rents, the size of potential rent increases would not appear to be so great that it is likely to displace tenants and force them to leave the City, nor lead to a significant reduction in the size of the PRS, which has grown considerably in recent years.</p> <p>Nottingham City generally has lower private sector rents compared to neighbouring areas². It is therefore unlikely that tenants would be able to find lower cost housing in the neighbouring districts.</p>
<p>Need to lengthen timeframe for compliance so</p>	<p>Any works required by landlords to improve their properties should have appropriate</p>

² Data from Hometrack

they are more practical for landlords

timescales attached to them, taking into account factors such as the extent of the works and impact on tenants. Landlords can liaise with officers on a case by case basis.

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