

National Private Tenants Organisation

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Private Sector Housing Team
Adult and Community Services
Southend-on-Sea Borough Council
SS2 6ER

Your ref:
Our ref: SOS-SL-1011

04th October 2011

Dear Mr Colwill,

Housing Act 2004, Selective Licensing Consultation

Introduction

Thank you for your invitation to provide our views on Southend-on-Sea Borough Council's proposals to implement a Selective Licensing Scheme in three areas of the Borough.

The National Private Tenants Organisation (NPTO) welcomes and supports proactive measures by local authorities and robust use of their full range of powers to improve standards in the private rented sector (PRS). A recent example being Newham Borough Council's proposal to license all private landlords in its borough.

A recent report by Shelter stated that local councils know more than 1475 landlords who repeatedly give them cause for concern and complaints against landlords have risen by 22 per cent in the last two years¹. These findings along with other research on the PRS makes action by councils an urgent issue.

NPTO supported the last Government's proposal for a national regulatory scheme for PRS landlords. We also support selective licensing and the establishment of local voluntary landlord accreditation schemes as part of a wider strategy to work towards professionally managed, secure, affordable and decent private rented homes in sustainable communities.

Comments on the Council's proposal

Due to time constraints and as a quick reply has been requested, our response is brief but hopefully useful.

In principle NPTO supports Southend-on-Sea Borough Council's plans to introduce selective licensing in three areas in the Borough.

Some general comments

- It is very important that selective licensing schemes are sufficiently resourced including at the critical research stage. The outcomes (good and bad) should be

¹Shelter, http://england.shelter.org.uk/news/september_2011/tenant_misery_grows, September 2011

- kept under constant review during the period of the licensing scheme
- At the research stage it is important to gather information from PRS tenants. It should be borne in mind that there is always the risk of unscrupulous landlords taking retaliatory action e.g. eviction using Housing Act 1988 Part 1, Chapter 2, Section 21, against tenants who might provide information to councils. The fear of retaliatory eviction can also deter tenants from assisting councils
- Selective licensing schemes should be consistent with overall housing strategy and any joint-working with other bodies on issues such as anti-social behaviour
- Selective licensing can assist in the long term regeneration of areas and neighbourhood cohesion
- Selective licensing should not be seen as a 'cure all' solution and should have a lasting impact
- Community involvement for example through regular meetings with local residents and assisting the establishment of tenants' and residents' associations, can assist in the long term success of selective licensing schemes
- Selective licensing has a major advantage in that it is comprehensive and therefore is less prone to disputes over whether or not particular premises fall within the criteria for mandatory or additional HMO licensing. It is also seen to be treating all landlords in the same way and makes properties easier to identify. This enables the local authority to be less reliant on information from tenants with the risk of retaliatory eviction referred to above
- It is important that local authorities' homelessness prevention strategies and services take full account of the potential consequences of a scheme. Homelessness might be caused when a landlord is refused a licence
- The risk of displacement of problems to other areas when a scheme is introduced has to be effectively dealt with. Also poorly planned schemes can have a negative impact such as good and bad landlords leaving an area due to the extra requirements placed on them from a selective licensing scheme

Alternatives to selective licensing

- Other courses of action might be considered which could provide a more targeted approach to problem areas. This might include consideration of using Special Interim Management Orders. Other options include Transitional Licensing, Additional Licensing Schemes, crime and disorder initiatives, and accreditation schemes for landlords

Useful reference sources

- If you have not already studied the Shelter good practice guide on selective licensing 'Selective licensing for local authorities: A good practice guide', we would recommend it to you
- The 2010 Department of Communities and Local Government (DCLG) report 'Evaluation of the Impact of HMO Licensing and Selective Licensing' has some very good case studies.
- The DCLG legislative guidance 'Approved steps for discretionary licensing schemes in England' is a useful reference source. The latest revision was published in 2010
- Case Study - Selective licensing in Manchester and Salford (See: <http://www.audit-commission.gov.uk/housing/marketrenewalpathfinders/goodpractice/areamanagement/focusingprivatesector/Pages/selectivelicensingmanchestersalford.aspx>)
- LACORS (now the RSU) case studies on selective licensing (See: <http://www.lacors.com/LACORS/ContentDetails.aspx?id=19126>)
- Parliamentary briefing paper on selective licensing (See: www.parliament.uk/briefing-papers/SN04634.pdf)

We hope the above comments might be useful in your consideration of consultation responses.

You may be interested in the consultation on Private Rented Property Licensing being conducted by Newham Borough Council, please visit:
<http://www.newham.gov.uk/News/2011/September/Landlordslicenceconsultation.htm>.

Yours sincerely,

Kevin Allen

Kevin Allen
Chairperson
On behalf of the National Private Tenants Organisation