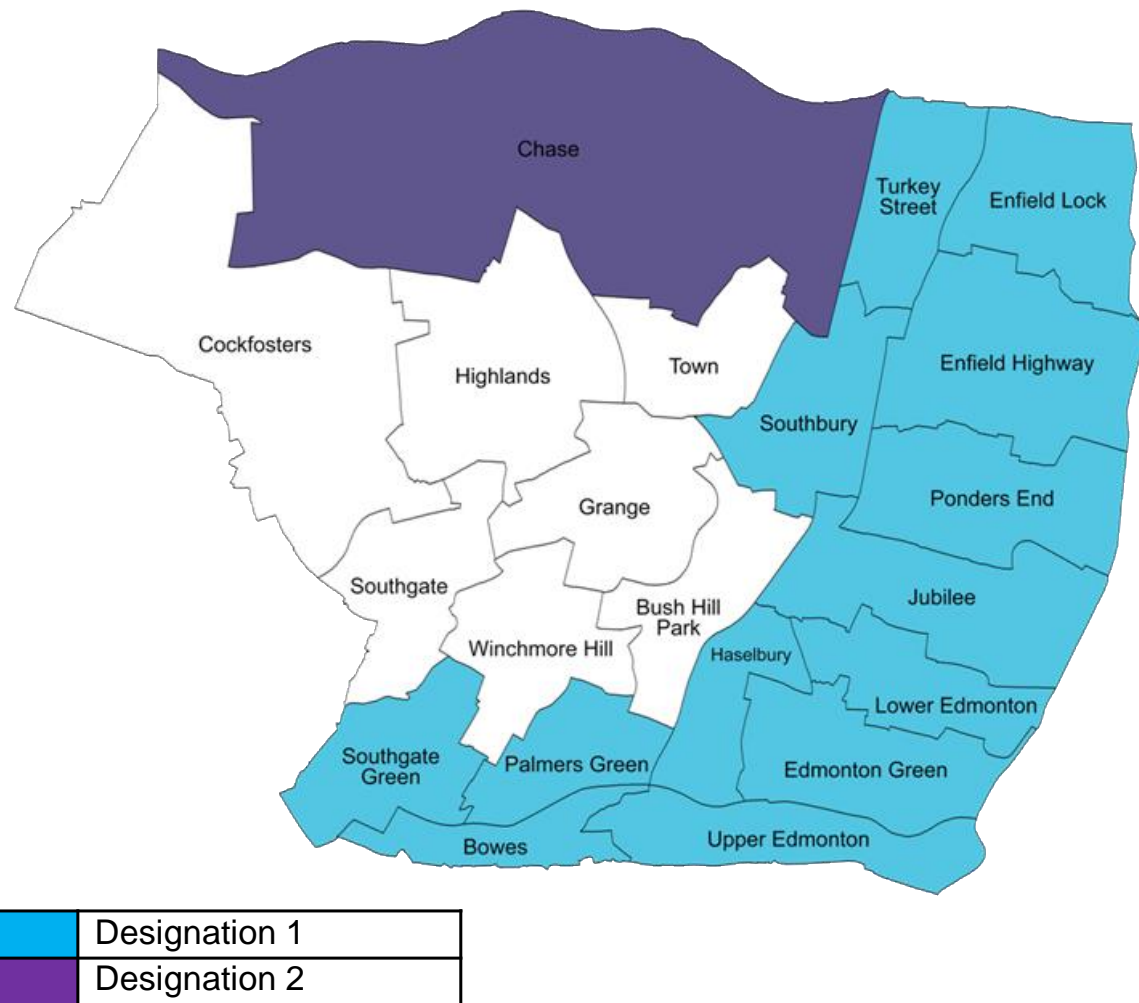


# Appendix 1: Maps of proposed licensing schemes

## Proposed Wards for Selective Licensing Scheme



# Proposed Wards for Additional Licensing Scheme



## Appendix 2: Survey



# CONSULTATION ON LICENSING PRIVATE RENTED PROPERTY IN ENFIELD

The Council is consulting on proposals to improve housing conditions in the private rented sector in Enfield. The Council wants to ensure that private rented properties in Enfield offer tenants a choice of safe, quality and well-managed properties. It is proposing that all private landlords with properties to let within the proposed licensing areas will require a licence to rent their property.

The private rented sector is the largest growing housing sector in the borough and is hugely important to the Council and local communities.

Before making a decision, the Council wants to hear your views about the proposals and any alternatives that they could consider. We would specifically like to hear from private tenants, landlords, letting and managing agents, Enfield residents and businesses and organisations operating in Enfield and surrounding areas.

**Prior to responding to this questionnaire, we strongly encourage you to read the background information about the proposed schemes, which can be found [here](#).**

The Council is proposing to introduce the following:

1. Two selective licensing schemes covering 14 wards (Bowes, Chase, Edmonton Green, Enfield Highway, Enfield Lock, Haselbury, Jubilee, Lower Edmonton, Palmers Green, Ponders End, Southbury, Southgate Green, Turkey Street and Upper Edmonton); and
2. A borough-wide additional Houses in Multiple Occupation (HMO) licensing scheme.

**The Council believes that the proposed schemes would have a number of benefits to residents, tenants, landlords and the wider community.**

**Residents:**

- Reducing levels of anti-social behaviour
- Providing Enfield residents with a more desirable place to live in and enjoy.

**Tenants:**

- Improving poor property conditions and management of privately rented properties
- Reducing levels of overcrowded living conditions for improved health
- Empowering tenants to recognise when properties are sub-standard and what options are available.

**Landlords:**

- Support for landlords dealing with anti-social behaviour caused by tenants
- Supporting and advising landlords on property conditions and who might not necessarily be aware of their responsibilities
- Creating good landlord reputations by independent endorsement.

**The questionnaire should take around 15 minutes to complete. Alternative ways to get involved in the consultation can be found [here](#).**

**The closing date for the consultation is midnight Friday 29 November 2019.**

The consultation is being run by M·E·L Research, an independent research company. Information you provide will only be used for research purposes and you will not be personally identifiable in any reports, however organisations may be identifiable. M·E·L Research work to the Market Research Society code of conduct.

We will hold all information securely and strictly in line with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Please visit the following to read our privacy notices: [www.melresearch.co.uk/page/privacypolicy](http://www.melresearch.co.uk/page/privacypolicy)

**For questions about the survey or to request a paper version, please contact Karen Etheridge, Senior Research Manager at M·E·L Research on Freephone 0800 073 0348 or email [enfieldprs@melresearch.co.uk](mailto:enfieldprs@melresearch.co.uk).**

## About you

**Q1 Which of the following best describes you? (Please tick all that apply)**

- A resident
- A privately renting tenant
- A landlord
- A letting or management agent
- Own or manage a business
- Represent a business organisation
- A community group or charity
- Other (Please write in the box below)

Q2 **If you live within the London Borough of Enfield, please specify which postal district you live in from the following list?**

**(If you live outside of the borough, please tick 'outside of the London Borough of Enfield').** (Please tick one box only)

EN1

N11

EN2

N13

EN3

N14

EN4

N18

EN6

N21

EN8

N22

N9

Outside of the London Borough of Enfield

If outside of the London Borough of Enfield, which postal district (or area) do you live in? (Please write in the box below)

Q3 **Do you operate in the London Borough of Enfield?**

Yes

No

## **Section 1: Views on the proposed Private Rented Property schemes**

The proposed Additional Licensing scheme would require landlords to licence all privately rented HMOs in the whole borough that are not covered by the Mandatory HMO scheme. An HMO is a dwelling of 3 or more people not forming a single household, who may share facilities such as a bathroom or kitchen. Additional Licensing would cover privately rented properties occupied by at least 3 individuals who do not form part of a single household and are not related to each other, but share amenities such as a kitchen or bathroom.

Q4 **To what extent do you agree or disagree with the proposed Additional Licensing scheme?** (Please tick one box only)

Strongly agree

Tend to agree

Neither agree nor disagree

Tend to disagree

Strongly disagree

Don't know

Q5 **Please tell us the reason for your answer in the box below**

**(You may want to tell us how the proposed licensing scheme will affect you)**

The proposed Selective Licensing scheme would require landlords to licence all privately rented properties that are rented as single family properties occupied by one household (i.e. single persons or couples, or one family) in the 14 wards identified.

Q6 To what extent do you agree or disagree with the proposed Selective Licensing scheme? (Please tick one box only)

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Q7 Please tell us the reason for your answer in the box below  
(You may want to tell us how the proposed licensing scheme will affect you)

Q8 What suggestions, if any, do you have for alternative ways the Council can address poor property conditions and management, anti-social behaviour and deprivation in private rented properties in the borough? (Please write in the box below)

## **Section 2: Views on licence conditions**

There are mandatory licence conditions that must be applied to Additional and Selective licences. The Council can also apply other conditions to deal with the management, use and occupation of the property. The proposed licensing conditions would seek to prevent overcrowding, poor property conditions and help tackle deprivation and anti-social behaviour.

For full details on the proposed Additional Licence conditions please see [here](#).

For full details on the proposed Selective Licence conditions, please see [here](#).

**Q9 To what extent do you agree or disagree with the proposed Additional Licence conditions? (Please tick one box only)**

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

**Q10 Please tell us the reason for your answer in the box below**

**Q11 To what extent do you agree or disagree with the proposed Selective Licence conditions? (Please tick one box only)**

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

**Q12 Please tell us the reason for your answer in the box below**

### **Section 3: Views on proposed licence fees**

**The proposal is to set fees for licence applications which take into account the Council's costs in administering and carrying out its licensing and enforcement functions under the proposed schemes. The Council has provisionally set the licence fees in accordance with the law to ensure that they are reasonable and proportionate and will not exceed the cost of the proposed licensing schemes. The licence fee is to be split into 2 parts: part 1 will be charged at the initial application and part 2 would become payable when the licence has been approved.**

**The Council is proposing to charge £600 per property for a Selective licence and £900 per property for an Additional Licence. The licences are for up to 5 years. Fees will be kept under review throughout that period.**

**Please click [here](#) for more information on the proposed licence fees.**



**Q13 To what extent do you think the proposed fee for Selective Licensing is reasonable?**

- Very reasonable
- Fairly reasonable
- Not very reasonable
- Not reasonable at all
- Don't know

**Q14 To what extent do you think the proposed fee for Additional Licensing is reasonable?**

- Very reasonable
- Fairly reasonable
- Not very reasonable
- Not reasonable at all
- Don't know

**Q15 If you have any other comments you would like to make around the proposed licence fees, please write in the box below**

**Q16 If there are any other comments that you would like to make about the proposed licensing schemes for the London Borough of Enfield, please write in the box below**

## **Section 4: More about you**

**This last section asks you some questions about yourself so we can fully understand different people's views and experiences, in particular those with protected characteristics as defined by the Equality Act 2010.**

**Q17 How old are you (years)? (Please tick one box only)**

- |                                   |                                         |
|-----------------------------------|-----------------------------------------|
| <input type="radio"/> 19 or under | <input type="radio"/> 55-59             |
| <input type="radio"/> 20-24       | <input type="radio"/> 60-64             |
| <input type="radio"/> 25-29       | <input type="radio"/> 65-69             |
| <input type="radio"/> 30-34       | <input type="radio"/> 70-74             |
| <input type="radio"/> 35-39       | <input type="radio"/> 75-79             |
| <input type="radio"/> 40-44       | <input type="radio"/> 80-84             |
| <input type="radio"/> 45-49       | <input type="radio"/> 85 or older       |
| <input type="radio"/> 50-54       | <input type="radio"/> Prefer not to say |

Q18 **Are you....?** (Please tick one box only)

- Male
- Female
- Transgender
- Prefer to self describe
- Prefer not to say

If you prefer to self-describe, please provide details in the box below

Q19 **How would you describe your ethnic background?** (Please tick one box only)

- White: English/ Welsh/ Scottish/ Northern Irish/ British
- White: Irish
- Other White: Greek
- Other White: Greek Cypriot
- Other White: Turkish
- Other White: Turkish Cypriot
- Other White: Italian
- Other White: Polish
- Other White: Russian
- Other White: Other Eastern European
- Other White: Kurdish
- Other White: Gypsy or Irish Traveller
- Other White: Romany
- Mixed: White and Black Caribbean
- Mixed: White and Black African
- Mixed: White and Asian
- Mixed: Mixed European
- Mixed: Multi ethnic islander
- Asian or Asian British: Indian
- Asian or Asian British: Pakistani
- Asian or Asian British: Bangladeshi
- Asian or Asian British: Sri Lankan
- Asian or Asian British: Chinese
- Black/African/Caribbean/Black British: Caribbean
- Black/African/Caribbean/Black British: Ghanaian
- Black/African/Caribbean/Black British: Somali
- Black/African/Caribbean/Black British: Nigerian
- Black/African/Caribbean/Black British: Other African
- Other ethnic groups: Arab
- Other
- Prefer not to say

If 'other', please provide details in the box below

Q20 **Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?** (Please tick one box only)

- Yes - limited a lot
- Yes - limited a little
- No
- Prefer not to say

Q21 **How would you describe your working status?** (Please tick one box only)

- |                                                                            |                                                         |
|----------------------------------------------------------------------------|---------------------------------------------------------|
| <input type="radio"/> Working - full time (30+ hours)                      | <input type="radio"/> Unemployed and available for work |
| <input type="radio"/> Working - part time (9-29 hours)                     | <input type="radio"/> Permanently sick/disabled         |
| <input type="radio"/> Self-employed                                        | <input type="radio"/> Wholly retired from work          |
| <input type="radio"/> Working - under 8 hours                              | <input type="radio"/> Looking after family/home         |
| <input type="radio"/> Full-time education at school, college or university | <input type="radio"/> Other/Doing something else        |
|                                                                            | <input type="radio"/> Prefer not to say                 |

Q22 **Do you receive either Council Tax Support, Housing Benefit or Universal Credit?** (Please tick all that apply)

- Yes - I receive Council Tax Support
- Yes - I receive Housing Benefit
- Yes - I receive Universal Credit
- No - I do not receive any of these benefits
- Don't know
- Prefer not to say

**Thank you for taking the time to complete this questionnaire.  
Please click on the "Submit" button below.**

## Appendix 3: Email and written responses to consultation

### Email response 1

These days the back to back flats which have only electric fans, I find that despite electric fans etc. there is much dampness problem. Now this is not due to Landlord carelessness, I face this problem quite often.

In one property I changed the whole wardrobe, I got management involved etc. they also assisted us, and helped us get over this issue financially, but I will be honest to you, the problem still persists, **it is one in which there is no window in the bathroom. Back to back properties. However I manage a back to back property with no windows in the bathroom, probably built in 2006/7, off xxxxx, I have not experienced dampness in any bathrooms, although they are all back to back flats.**

At the moment I have two flats of this nature, we are using Dehumidifier in one of them, we will be installing a more powerful fan, repainting, and then see how things go, the Management are also willing to come and have a look, I said I would like to be present together with my worker when Management visit.\*

\*Prior to this tenant we had a couple for 10 years, and we have been managing this property for almost 20 years, I cannot understand why since this tenant has come, the problem has escalated to this extent.

I had another set of tenants using one room in the loft, and the rest on the first floor, there was so much damp, in their clothing, shoes etc. really shocking, once they left, and another set of tenants moved into the property who used the heating, the dryer, the ventilation of the rooms etc. there was no damp experienced ever since. These second set of tenants, were there for very many years, and as mentioned, all good.

From my experience, not making use of dryer, the moisture from the clothes, especially in winter months, leads to dampness.

Another tenant put so much furniture against the exterior wall, there was no breathing space perhaps, when he moved his furniture, it was all damp on this particular wall, since this tenant moved out, and the room does not contain so much stuff, there is proper ventilation and heating, everything is fine.

Problems of this nature, the Landlord will be heavily penalised under the new scheme. I hope that my points will be taken into serious consideration.

I have used the link today, and submitted.

I am not sure if I can get your views, as long as my points are submitted.

Kind regards.

Mrs xxxxx

## Email response 2

### General Submissions Against the need for Selective Licensing by Enfield Council

Selective licensing offers nothing new or additional to the various and countless (over 400 regulations which landlords must comply with) and various existing powers, bye laws, legislation, statutory nuisance procedures, ASBOs, environmental inspection powers etc. etc. available to all local authorities in the United Kingdom including Enfield council under legislation which compel and make landlords liable if they fail to ensure properties are safe and in repair, costs against those who breach housing and accommodation laws can be secured against their properties so the deterrence is considerable and there to be utilised freely and confidently and specifically against those who offend, so why penalise good landlords?

It's rather illogical and somewhat absurd to suggest local authorities need yet more powers for the exact same issues through instead a chargeable new scheme, worded or argued slightly differently, but giving the same responsibility and creating the same liabilities as the current rules and laws provide for, yet to seek and fully charge ALL landlords (majority good) hefty fees at a very difficult time following the removal of wear and tear allowance which had helped good landlords with repairs and mortgage relief resulting in private landlords paying approx. 93% on income including their mortgage interest which remains a real expense for the purposes of accommodating a tenant under a btl property. This is a totally self-serving and misguided scheme and plan and deliberately and totally ignores recent changes and impacts on landlords. Rental properties and landlords are essential to accommodate a large section of the public, why do people think they are the cause for there being a lack of homes being built by neglectful governments last 20 years – why are hardworking and stressed out landlords being penalised for slow or incompetent acts of others, what impression and message does that send and create. Where is the evidence to justify all this, in fact the evidence shows landlords are and will always be absolutely essential and it is well known by those who know councils are one of the worse landlords in the country - often taking months and longer to do basic repairs to anyone who actually knows in practise what is occurring, compared to good landlords who take a matter of hours or days to look after their tenants and keep them happy so they can try to enjoy a normal life, which is a challenge in itself.

There is no logical correlation between the Council introducing a new licensing scheme giving it no additional powers of enforcement other than those already available to it, to suggest or justify that this will in some way increase and improve accommodation or security to tenants. It's in fact irrational by saying that just because the council will have a register of all rented properties – which they in fact have or can compile easily through computerised databased and other records (which could be done in a matter of hours and improved gradually to perfection) without charging Landlords for it particularly

where it relates solely to identifying bad or repeat offender landlords of who are likely to be the same ones all the time - as is common in such behaviour – again no statistics or evidence are provided by the council in this regard to justify anything. It would take a bias or misguided decision maker to agree with the council without requiring for them to provide clear, independent and complete full evidence of the seriousness of the problems with evidence why existing powers are not sufficient which would equally persuade all other landlords of the reasonableness of this scheme. None has so far bene provided.

Peculiarly, it has been ignored by the council, that bad or criminal type of landlords could just as well comply with initial licensing requirements during early or initial inspections which are very simple to comply with and in actual fact already complied with through all other current rules and regulations (like smoke/carbon/safety requirements which agents/tenants are provided – which they can easily provide to councils to assess who has or hasn't and provide this annually probably at the time their housing benefit is reviewed annually as it always is). And so the introduction of this scheme would not mean these same bad landlords will ensure properties are properly maintained in the meantime and in between inspection (which are likely to be every 2-3-5 or more years) which is a far more important need and crucial to ensuring places are kept well in the meantime. These same bad landlords will likely wait to be told of what works need to be done and will only do so at those times which rather makes a mockery of the need for this scheme and yet forcing more cumbersome costs now and in years to come and added time and energy (in emails/calls/inspections/arguments/challenges which will always win as it will always be difficult/connotative/tenants who don't want to pay that will probably take time up on this too – does Enfield Council even know what some DSS tenants are like – cause damage but don't want to accept or ever pay for it even though good landlords do in 99 per cent but when they cause other damage and don't report it and insure and no one will pay) to be incurred, which they don't have on top of all other things of good landlords. The council is hardly going to be able to revisit every property quickly enough and by then this will give bad landlords another opportunity to correct things so it does nothing to eradicate bad landlords, instead money wasted on good landlords who are being force to fund it, just salt to the wounds.

### **Raising Standards**

There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licences, while prosecutions centre on whether a property is licensed or not, rather than improving management standards and property conditions. Additionally, the decent homes standard is a measure of the standard of housing and has no legal applicability to PRS housing. The Housing Health and Safety Rating System (HHSRS) is the relevant standard for the PRS.

The Council already has the necessary tools to tackle poor housing management and conditions in the PRS. Rather than introduce a bureaucratic licensing scheme that will see scarce resources focused on processing applications, the council should continue to direct these limited resources at identifying private rented properties and taking effective enforcement action.

### **Enforcement Powers**

There are over 150 Acts of Parliament and more than 400 regulations affecting landlords in the private rented sector.

Councils should use the enforcement powers already granted to them by the Housing and Planning Act 2016 and Housing Act 2004 to their full extent, rather than rely on Licensing Schemes to regulate landlords in addition to these powers. The Council has also not taken into consideration the amount of informal enforcement activity undertaken between local authorities and private landlords.

### **Pressure on non-licensed areas**

Landlords, especially those with properties outside the licence area will become risk-averse in terms of the tenants they let to. Tenant problems such as anti-social behaviour are impossible for the landlord to address alone and landlords will not wish to risk a breach of licensing conditions that may affect their ability to let properties elsewhere. Some may seek to evict already challenging tenants, which would mean additional costs to other council services, as they pick up the pieces created by the disruption to the lives of already vulnerable tenants.

### **Fee structure**

In the document titled Selective Licensing Scheme Fee Structure, there is a £50 charge for paying the licence fee in instalments. Only one licence fee can be charged per application.

Please note - this is incorrect as a £50 charge and installments was not in Enfield's consultation materials

The power to charge a fee is set out in s63(3) and s87(3) of the Housing Act 2004, with the fee-charging ability limited by s63(7) or s87(7). These state that a fee must reflect the cost of running a scheme, with the local authority not being permitted to make a profit. The fee can be used for the operation of the scheme itself, necessary inspections, promoting education and all enforcement activity to ensure the scheme is effective. Fees are only chargeable in respect of the application itself, and not in respect of ancillary matters.

No other charges can be implemented under the licensing regime, a point confirmed by the RPT (as was) in *Crompton v Oxford City Council* [2013]. Because of this, Oxford amended its fee structure to reflect this ruling. While we appreciate the need of local authorities to use their resources efficiently, this does not extend to the charging of fees that are not lawfully permitted.

The council should, therefore, remove the charge to pay the licence fee in instalments.

The administrative fee for making a paper-based application for a licence at £50 per application penalises applicants with limited technological knowledge or access to a computer. The council should not charge an additional fee on top of the £645 licence fee because the application is submitted in paper form.

### **Licence Conditions**

#### **EICR/PIR Requirement**

In the document titled "Licence Conditions amended January 2019" condition O) states that the licence holder must "produce to the Council on demand a valid Electrical Installation Condition Report (EICR) or alternatively a valid Periodic Installation Report (PIR) for the whole of the electrical installations in

accordance with current IEE wiring regulations. Such a report should be provided by a competent person who is a member of an appropriate competent person scheme, details of which can be found at [www.competentperson.co.uk](http://www.competentperson.co.uk) (to comply with Part P of the Building Regulations). Where the report expires during the term of the licence, an up-to-date Electrical Installation Condition Report must be provided to the licensing team of the Council within 28 days of the expiry date; Ensure that any remedial works identified on the EICR or PIR are attended to subject to the required remedial action”.

Section 90(1) Housing Act 2004 is clear that a licence "may include such conditions as the local authority consider appropriate for regulating the management, use or occupation of the house concerned." In contrast to s67 Housing Act 2004, the equivalent provision in Part 2 of the Act, no mention is made in s90(1) HA of the use of conditions to regulate the "conditions and contents" of the property. This is emphasised in the Court of Appeal case of *Brown v Hyndburn Borough Council* [2018] EWCA Civ 242.

Following the Court of Appeal's reasoning in *Brown*, any licence condition that seeks to regulate the condition or contents of the house is unlawful, and the local authority has no power to impose such a condition. Any such conditions should be removed. We note that the MHCLG recently drew the attention of local authorities to this case in one of their quarterly PRS newsletters.

Likewise, In *Brown* Mr Justice Hildyard confirmed that the s90(5) of the Housing Act 2004 is not itself a source of any power, residual or otherwise permitting the local authority to include licence conditions that seek to identify, remove or reduce hazards. These are covered by Part 1 of the Act and should be enforced using Part 1 powers, and the Housing Health and Safety Rating System. Councils should not rely on Part 3 licensing powers to enforce Part 1. Therefore, Wirral council should remove this condition.

There are alternatives to licensing. There should be support for a system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints in the first instance, while those outside the scheme remain under the scope of local authority enforcement. We also support the use of the council tax registration process to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for criminals to operate under the radar.

Based on approx. 22 bad properties in Enfield borough, all landlords are going to be blanket penalized – that is plainly absurd. Those repairs can easily be dealt with under existing rules – the tenants could easily instruct a solicitor to get issues corrected and be advised of quick and easy methods to resolve immediate problems, so many options open including self-repair and counterclaim if the evidence is at hand – no landlord is going to succeed in the face of such evidence or be viewed favourably by a judge. Those are plainly legal issues. Overcrowding is a criminal act and should not have any bearing on good landlords – it is likely to be a very low percentage of incidents likely before 1 per cent of rented properties – the council has failed to provide any statics themselves let alone justifiable ones, deliberately. There are ample other ways to deal with that, why is it being overlapped with selecting licensing. All the case examples shoot the council in the foot to anyone remotely unbiased who recognises exiting powers and mechanisms and Licensing schemes have had next to no improvement with ASB yet this is the second most argued reason by council - at 3.23. At 3.27 majority of authorities don't even consider licensing useful for ASB prevention. There is no evidence or reasoned explanation to suggest they can't. We need full and fair statistics to show exactly or reasonably accurately how bad the problem actually is as percentage of rented properties – or whether these are always the same landlord(s) in order to to justify yet another upheaval to landlords lives and retirement plans (which in some cases have taken over 40



years of savings and sacrifice to achieve to live out their lives in retirement and peace esp. given other pension plans have been disastrous and a scam). A chargeable scheme which will more likely cause more damage and problems and make things worse than those proposing it realise. There should be no charge and the council should use its existing powers and recoup costs from bad landlords direct who are home owners and so of course it can be secured and recovered, why do we all need to pay.

Those specific case are examples of and would appear to refer to low intelligent criminal type landlords, why on Earth should what they do be able to impact in good landlord who work so hard 24/7 call and are under appreciated. There are available powers to the council to deal with all these issues, it's not like there isn't. Why should good landlords be forced to pay the salaries of otherwise inept or slow appointed by the public staff, all as a result of the ignorance and behaviour of criminal/bad landlords when it's not even necessary as powers do exist? So many others alternatives haven't even been attempted to be considered. All properties for example, could be rated or graded which agents or the council can easily compile or record – landlords can apply voluntarily maybe even pay if they want to – like review of service providers/restaurants/others that way they don't have to feel threatened, charged increasing fees, forced to accept more unfair regulations added on, and interfered with. Those that don't have any ratings are those which can the council can focus on a visit, at least then won't waste all their money. There's no genuine desire to find more efficient and effective ways it's just blanket penalty on people who have worked hard by a bullying or domineering authority, what message that sends out.

Recent new rules like smoke and carbon monoxide smoke alarms, electrical or gas safety certificates are in place. New safety rules can be introduced by way of similar bye-laws and carry penalties, how is selective licensing going to address these any differently. Instead they will be wasting money on good landlords who are being forced to pay for it to be wasted.

A great deal of rental security and rights are already available to tenants though various mechanism and means. In any of the reports, there is no mention of any examples and fact finding which would encourage or gain the support of landlords, yet this is another exercise which is intended to impact them yet further. The views of the majority of good landlords who are being asked to fund licensing should, in the proper scheme of things be sought and weighed.

The council is a separate entity which its own agenda, aims and interests. The can be and are often politically motivated or to generate revenue due to mismanagement or other reasons. They cannot always be seen to be acting fairly or balancing everyone's interests justly. That would be unreasonable, misguided and somewhat of bias perception to do so without proper questioning and examination of their or anyone actions in such circumstances.

Selective licensing appears to offer yet more bargaining/arguing power and or strength to those already enjoyed by tenants and held by the council over in particular good landlords, who by all statistics are the majority of landlords.

Laws have already been introduced a general law, so if there is anything additional in licensing that the government to others consider would improve safety this too can be instructed by way of simple legislation. Why landlords should be charged so much just for that.

It further feels the council is able to interfere and intrude in a person ordinarily life, engaging its time and energy how it sees fit, in circumstances where it is selective to abuse an unfairness. Complaints against

council behaviour often lead to no sanction and there are no anti discriminatory practices in place to prevent council being comprised of particular groups who are more against certain groups than others – to suggest discrimination and bias doesn't exist often perpetuates from those who allow it or benefit from it . Data protection firm is not maintained nor considered gravely necessary to ensure there is no such practises.

Better method of engaging agents/tenants/housing benefit questionnaire tenants to better identify more rouge landlords. Having a large database of thousands more landlords will prevent the council from more easily identifying and targeting rougher landwards where the need to improve housing is far more urgent.

It's not effective, and is too random and does not effectively or directly rid poor standards let alone improve others hence it appears primarily a revenue generating scheme. There are more good landlords than bad so it is absurd to penalise them yet further even more regulatory responsibility on top of all those that they already have. It will further damage the trust and relation of council and landlords – council have always in the past advise tenants to stay beyond their legal rights of tenure, or not pay the last months of rent – and nor do they penalise them under rehousing rules, the council cannot be trusted and it seems landlords are not on a fair playing field.

Mortgage relief has recently been removed which means landlords are paying taxes on expenses which is simply absurd and irrational, despite them engaging in activity providing safe and secure well maintained accommodation and being responsible to adhere to over approx. 50 rules and requirements to ensure their tenancy is within the law. To suggest they are entitled to no additional benefit to any other homeowner is absurd as a homeowner does not have to worry about tray of these requirements nor risks being left unpaid for months and losing their mortgage property. It simply is irrational beyond comprehension and laughable seemed the view this is not case as it points to lack of understanding and familiarity in practise that boggles the mind.

Landlords are now renting at a loss having to pay income tax on btl mortgage interest paid in order to accommodate a tenant, so any additional fees which sees to recognise and suggest they are even in a worthwhile and reasonable preoccupation for which relief has been removed yet the view here is they are chargeable as business

It is clearly intended as yet another revenue generating money making scheme as existing power already exit so there need not be clear evidence otherwise it typifies the behaviour of the council in exercise of power over others and in particular targeting landlords as the reason for housing and other problems despite their being a need for a capable and well serving rental market.

The council has failed to tackle bad landlords for whom there are so many laws and rules and enforcement action available so why would introducing another scheme encourage or help them. That's illogical and demonstrates the scheme is intended to raise funds which will not go towards improving housing at all for tenants and instead place more strain on good landlords to carry out more regular repairs and ambiance due outback of monies.

Council staff are very often very poorly trained, there as often next to zero accountability about their skills and competence, staff are often personally motivated pursuing certain groups and classes as opposed to others, there is no uniformity or protection ever considered or in place, and it is superficial, and likely to lead to yet more discrimination and bias in operation. It is absurd to suggest the council who have some

of those most inept unaccountable staff by generating more money – due to poor performance and its failures in the past to stay on top of existing powers need yet more money from others to fund yet further ineptness, it is an insult.

The council should first demonstrate it has reasonably attempted to pursue or clampdown on bad landlords and has effectively systems in place to tack let them before being given more money for not real progress or change. It's an affront.

Ministers recently announced that local authorities will be able to access almost £4 million in new funding, as part of what it describes as a “crackdown on criminal landlords” for 2019/20. This comes after £2 million was made available for similar efforts in 2018/19.

We require full and clear and justifiable statistics over existing council efforts and actions; with data on the success in those actions and some statistics data to evidence why and how additional funding is requires and how it will be utilised. At the moment there is no convincing or clear or overwhelming evidence being presented whatsoever and landlords yet again are getting railroaded unreasonably and unfairly. How many times can someone seek to charge others on false pretences and claims? There must be reasonable evidence and analysis presented to proper justify such proposal before the can be introduced, not just some evidence.

### **What new improvements are likely that can't already be required?**

It is not clear why licensing or how it will improve anything over and above other powers which would be available to get such issues addressed and resolved. It's clearly a duplication of existing rules, laws and powers for which a fee is being attempted to justify. It would make sense if there were no other rules or powers available or in place for the council, but this is simply and clearly not the case.

In fact existing powers and enforcement work very effectively and there is no reason to create new or additional rules dealing with the same issues, so it does appear as a superficial attempt which does nothing new or effective in improving standards but to charge landlords yet more fees towards council's coffers and justify yet more interference and bureaucracy. That is plainly unfair and wrong and any decision in favour of the council is clearly premised on bias or a perception that the council has the best interests of the all at heart, and does not attempt to properly appreciate or recognise that council has sufficient powers and rules at its dips opal and should be doings it job better and more effectively It is unfair to penalise landlords in any failure by them do to do so.

A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is one experiencing:

- low housing demand (or is likely to become such an area)

(use tenant-find services and more via TR Online Lettings)

- a significant and persistent problem caused by anti-social behaviour

(prevent anti-social behaviour taking place in your property by optimising Tenant Histories, only available at Tenant Referencing UK)

- poor property conditions

(Access free property management reminders at Tenant Referencing UK, to help you stay compliant and keep up-to-date with your property maintenance)

- high levels of migration

(prevent multiple applications by optimising Tenant Histories, only available at Tenant Referencing UK)

- high level of deprivation

(Access free property management reminders at Tenant Referencing UK, to help you stay compliant and keep up-to-date with your property maintenance)

- high levels of crime

(prevent crime by optimising Tenant Histories, only available at Tenant Referencing UK)

NLA/RLA states, If you are not experiencing any of these conditions within your area then you may have a case.

Councils cannot use selective licensing conditions to impose new standards on private rented homes, the Court of Appeal has ruled.

The ruling comes following a case involving Paul Brown, a landlord in Accrington, who challenged Hyndburn Council after it tried to use its selective licensing scheme in certain areas of the borough to force the installation of carbon monoxide detectors.

The council also tried to make landlords carry out electrical safety checks and implement their findings.

Brown was supported in the case by the Residential Landlords Association (RLA).

He carried out both of the requirements but argued that imposing such standards through licensing schemes went beyond the powers available to local authorities.

The Court of Appeal agreed with Brown.

Instead, the Court, Brown and the RLA argued that rather than relying on licensing schemes which only cover certain properties, electrical and gas safety issues are best addressed by councils using the “extensive powers” they already have under the Housing, Health and Safety Rating System (HHSRS).

HHSRS applies to all private rented homes, whether they require a licence or not.

The RLA is calling for the guidance associated with the HHSRS, which was last published in 2006, to be updated urgently to reflect considerable changes in the sector since then.

RLA policy adviser Richard Jones said: “This case was not about trying to stop councils from imposing requirements.

“It was about how they go about this ensuring that they use the proper processes which already exist.

“Today’s judgement is a reminder that councils already have extensive powers to deal with properties found to be unsafe and they must act in a legal manner.”

As a landlord I should be encouraged to support a scheme whereby rogue landlords are reduced and improvements made, but how can I encourage and support a scheme which seeks to randomly waste time (as that’s bound to happen) and resources on so many good landlords and not get to the crux of the problem, what exactly is new in licensing that will improve standards that can’t be improved already or by other more targeted or specific means.

Council could waste so much of the licensing money on good or undeserved landlords, there is no accountability to working together and yet only to seek to charge landlords even more. Councils are well known for poor and incompetent staff. This should be a policy where landlords and council are encouraged and incentivized to work together, not the other way around, it’s misguided.

At some point or another council will get wind of bad landlords, and these landlords are often repeat landlord who are the crux of the problem. Councils need to focus on this divides not randomly a majority of good landlords who will end up taking uptime, resource, engaging in correspondence, disputes, challenges away, from dealing specifically with repeat bad landlords.

Under section 9A of the Landlord and Tenant Act 1985, tenants already have rights protected under legislation which they can freely invoke and seek;

“the landlord should ensure that the property is in such a condition as to comply with the condition obligation of a landlord under section 9A of the Landlord and Tenant Act 1985 to let and keep a property fit for human habitation within the meaning of section 10 of the Landlord and Tenant Act 1985”<sup>6</sup> Authorities should be permitted to enforce directly against this condition if prescribed hazards (or other matters set out in section 10) which amount to the property not being fit for human habitation are discovered during a selective licensing inspection (see paragraphs 8.19 to 8.48).

Tenants always point out defects, and request repairs and inventories are provided for that very reason to avoid disputes over neglect and other issues and it’s not in the landlords favour if he fails to provide them. The council is seeking to superimpose or change the balance of positions – again in favour of tenants who already have legal recourse and so many rights many of whom can be unreasonable esp. when problems occur with damage or causing condensation which they fail or refuse to accept is their fault, and so are always looking for a reason to not pay full or any rent that month. Rights of tenure are being addressed by the government and have nothing to do with available rights – that’s a bias, confusing and misdealing to try to argue such things in justifying a completely different scheme. If there are reasons tenants don’t won’t to seek those, we need a proper explanation and those issues can be addressed directly and more effectively than licencing over which there’s no certainty that they will ever achieve the desired goal for everyone’s best interests.

The council should give clear and specific examples of what new issues will likely will be identified and how these are better served in a new scheme compared to the existing powers it has so one can reasonably weigh up whether this is necessary, or whether this is at appears to be is a complete duplication of existing powers over which they have funding and can recover costs (is it to give more jobs to their friends – lets be real) which is moreover likely to lead to more work, more delays in dealing with and getting to the crux of the problem.

Repairs very often are minor and there are numerous simple ways for the tenant and landlord to resolve these, even though their respective letting agent where necessary – agents can be more involved, have more involvement in tenants issues – which in most cases they do anyway and they can report bad landlords much more easily and directly. Why do ALL and the majority of good landlords have to foot the bill?

Most tenants will withhold rent as a means to encourage bad landlords (albeit they wrongly do it with good ones too) to do repairs and so even the bad landlords will come around, and concerns over vindictive landlords is already being dealt with no other consultation plans such as section 21 and longer term tenancies. Landlords are being attacked from every side and angle with zero appreciation for what they do whilst trying to take care of their own sickly family and other members, to deal with essentially has been the mismanagement and ineptness of government and local council officials over critically the last 30 years to properly allocate revenue in housing and they are now attempting to scapegoat current and new and good landlords, all of which will never address the real problem or supply needs let alone improve standards. The UK is a large lettings dependant society and that is not going to change due for various and so many reasons (not going to present it all here) so there is no need to blame and target landlords every step and turn, instead many need help, if you genuinely want to improve conditions, it's obvious to good landlords you don't genuinely care. I could suggest hundreds of ways to prove things for all, as I often do and have. The council as never bothered to engage or work with landlords who have practical and other ideas and knowledge which others perhaps simply don't have, for as usual they prefer and need someone else to blame.

The council can introduced other byelaws generally to address other issues, it doesn't have to target all landlords and make them pay for it. Good landlords would comply so it's back with square one how do you identify the bad ones and can you when you have thousands of inspections and how long will that take? And even then bad landlords can easily comply initially but maintaining it is the key issue which this scheme simply won't be able to identify – bad landlords could easily overcrowd in between or other times – and repeatedly over years wouldn't be able to. There are better ways identify and pursue bad (and no doubt repeat offender) landlords especially those that are overcrowded – probably the same landlord or approx. 2-3 every time, and those who regularly don't have certificates are likely to have other dangerous hazards, this scheme just does not go anywhere to being able to identifying and ensuring they get in the habit of comply all the time.

Landlords are now required to provide tenants gas certs, epc certs, electrical certs, carbon monoxide and smoke alarms so what more or what exactly are landlords being required or desired to do – they could get damp free annual certs or fire extinguishers (although this should be a choice as most homeowners don't even have regularly workings ones) through basic bye laws, but overcrowding and regular disrepair has to be reported by a tenant – that is their legal responsibility to take action and nearly all DSS get legal aid – it doesn't make sense why this scheme is therefore needed). As it's is a tenant's responsibility to report unsafe properties, tenants should be better made aware to report it, ignorance or failure to do so is no defence, they aren't children and have to learn their responsibilities and educate themselves like anyone else, why is the council seeking to give them a defence for not relating or bothering. Why one rule for some and not others, utterly absurd and culpable in allowing such things to continue and occur.

Any decision on licensing should also be delayed pending the recent consultation as there are likely to provide tenants better security and confidence in dealing with repair issues.

Landlords could voluntarily be asked to submit property checks to be exempt from licensing - such as an appropriate inspector/surveyor who confirms on sight, safety issues and measures in place – that would cost less than £50 like epc certs which last 10 years. There are so many alternatives.

There could be better efforts at "co-regulation" schemes brought in where landlords voluntarily signed up to a professional body and code of practice.

Looking after tenants accommodations needs is time consuming, requires care and attention and to alienate and stress and burden landlords yet more who must live their own lives and balance their own emergencies and responsibility within those of a household, this scheme will not have their support it and in fact it will make their ability to deal with such issues effectively more difficult, if anything it will cause them to leave and leave bad landlords who will more often try to evade such schemes or their responsibilities. It's not well thought out at all.

In its 2004 report the only things licensing has been effective in is according to their own stats is poor conditions – for which measures are already covered by other powers. Council can better manage existing funds and make offending landlords pay for costs which they do - by securing costs orders on the actual property, so why all good landlords being penalised?

Council will be incurring funds in failed applications and so wasting funds over which there will be little to no accountability, let alone awarding their self-entrusted chosen staff inflated salaries at the expense of landlords. We have absolutely no say or control.

The Housing Act 2004 gave local authorities the power to designate areas of selective licensing to help tackle concerns over anti-social behaviour and low housing demand. In 2015, the conditions for designation were expanded to include poor property conditions, high crime, high levels of deprivation and high migration.

No statistics to show bad crime, housing is compared to say for example perhaps in certain such as Hackney where stats could well be very bad. High crime and high immigration does not apply any longer in Enfield nor are any statistics provided to justify the council's argument – deliberately not provided. Licensing schemes have had next to no improvement with ASB yet this is the second most argued reason by council - at 3.23. At 3.27 majority of authorities don't even consider licensing useful for ASB prevention.

Landlords are providing a crucial and important service in providing safe and secure accommodation to tenants and ensuring the property is well maintained and repairs are attended to promptly, quicker in most cases than their own homes which are more likely in need of work. There are over 50 rules and regulations affecting landlords which if not complied with can invalidate a tenancy leading to unpaid rent, stress and time in dealing with lengthy evictions (one problematic eviction involving a difficult or unreasonable tenant – and there can be so many at this stage not wanting to pay rent and getting prolonged free accommodation - can take 6 months to 2 years and consumes a person life which rent guarantee polices do not cover defended claims), stress and risks of other legal proceedings and legal costs incurred or awarded against them, stress and risk of the repossession of a property in which they have invested their life income and savings, many more arguments can be put forward – and licensing just adds to further burden and stress them.

Homeowners do not have any responsibility of complying with all sorts of housing requirements and repair legislation relating to maintenance and safety or in dealing with often constant emergencies,

usually quicker than they do with their own home repairs or needs. It is a 24/7 on call service/responsibility similar to what council provide miserably - I have several repairs with my local council where they have taken over a year to attend to basic repairs despite over 10 reminders – they are very badly staffed/organised, ineffective complaints systems, parliamentary ombudsman is too busy and ineffective in the end over what was a minor but necessary repair, yet private landlords provide the same service but far better and promptly. The responsibility of landlord is entirely different to homeowners and to suggest they should be compared and treated the same is if you deal with it daily rather absurd. It is in the face of it illogical to cause more upheaval and uncertainty by changing section 21 procedures, and does demonstrate a lack of familiarity and understanding of what is actually involved in being a day to day landlord. If people have a perception it's all easy and requires no time or attention that is completely misguided, on what narrow view have they formed that assumption, that would hardly be reliable or accurate.

Please excuse spelling or grammar or at times repetitive points made, due to pressure of work and other reasons, and lack of time to keep proof reading etc.

### **Email response 3**

I fully support both schemes, the licencing of HMOs and the licencing of all privately rented properties. The ability to enforce change in the conditions and the behaviour of the landlords as well as the tenants by the withdrawal or threatened withdrawal of the licence would be a huge help, as the current repair enforcement timescales are such that the tenant lives for many months without the landlord actually fixing the problem.

I also believe that the incredible pressure which Enfield council finds itself under with huge waiting lists for housing, and the numbers in Temporary accommodation mean that the exercise of any enforcement -for example insisting a landlord reduces the numbers of people in his HMO- just means that the tenants removed from that HMO need rehousing in a small pool -and often below par pool of properties.

This licencing scheme would hopefully mean that control of the condition, numbers, and rental prices would be far easier that the current enforcement via reference to the Housing Acts.

I believe that Enfield council ought to create a link between the licencing of properties and the provision of Housing Benefit to assist in the payment of the rent. Rent is often charged at above the market rates for properties which are in disrepair because the tenant does not have the deposit and thus effectively moves into the property having not paid a deposit which is overcrowded and overpriced.

A mechanism to ensure that Housing Benefit is only paid to:

- a) Tenants/landlords who are in/being provided with good well-kept properties, and
- b) Tenants in properties which are not overcrowded
- c) Tenants who are paying market rates- the council should not support the exploitation of tenants in overpriced rented properties.



The shortage of properties/Landlords on the market which are prepared to take tenants who are in receipt of Housing Benefit, leads to a situation of demand far exceeding supply and the consequent reluctance of anybody to enforce the existing housing rules.

The council ought to look at a scheme where they removed the 'need' for a substantial deposit by issuing a bond to the (licenced) landlord guaranteeing the deposit amount in the event of a fault eviction taking place. By issuing this bond, it would enable more tenants to move into private rental housing which was previously beyond the capability of the tenant to raise the deposit. Also, by the involvement of the council, it would help underwrite the stability of the tenant's occupation of the property and encourage private landlords to enter this sector of the market.

The licencing of the property and the closer relationship of the landlord with the council would ensure the quality of the property is maintained, the appropriate number of people only are allowed into the property and would assist in the provision of homes to reduce the tremendous shortage of housing in the borough.

## **Email response 4**

### **Enfield PRSL – Additional Feedback – xxxxxx**

I have submitted the Questionnaire online. This is additional feedback which I prepared as I was studying all the various documents. I am a Landlord with nearly 30 years of direct experience.

Our properties (previously categorised as HMOs) comprise multiple tenancies, BUT without any sharing of basic amenities. My history displays a large number of happy and long-stay tenancies, no ASB, no evictions, no overcrowding and no fuel poverty.

It seems our tenancies would now come under the new bureaucratic Selective Licensing Regime. For me as a good Landlord for many years the proposals are nothing less than insulting!

My overall view about the licensing proposals is that an excessively onerous and un-necessary extra burden would be formally offer to Landlords, when much of what is required already exists in Tenancy Contracts, Gas Safety, Electrical Safety and Government Letting Guide and other facets of property purchase and management.

The proposals would therefore be needlessly bureaucratic and costly. Landlords would be instinctive in rejecting the plans. The sector is not as bad as the Council wants to believe.

The effort required under the proposals, WILL force me to appoint a managing agent, and that will lead to 8-12% additional costs which I would seek to recover from raised rents.

### **Scheme Objectives**

The Council is pushing for Licensing because it does not know which properties are privately rented and how they are being managed and maintained. They only become aware from complaints made.

The Council is also assuming that the scale of problems is very wide and deep rooted based on its predictive data. The Council is wrong in this belief and is failing to use easy existing methods to assess the scale of the problem.

It would be very easy to take a series of steps to start achieving most important improvements first.

The Council has information in Housing Benefit Claims, Changes in Council Tax Accounts, Changes in the Electoral Register as well as rental property websites which can all help to identify rental occupation of properties in Enfield.

Next, there is plenty of opportunity to seek additional information about the property, its condition and its management.

The Council's aims on reducing anti-social behaviour among private rental tenants, improving property conditions and reducing the causes of deprivation cannot be achieved by introduction of Licensing. Significant improvements can be achieved WITHOUT the need for Licensing.

### **Evidence Report**

This is a needlessly large document as it includes unnecessary repetition and non-evidential content. It portrays extreme seriousness of issues related to private rental housing, but the actual evidence is very weak, while the proposals are based on predictive data which is very difficult to believe.

The Predictive Data is highly questionable. The Data, Tables, Graphs and Charts are all portraying an overly exaggerated negative picture.

One has only to study rental property offers for any area within the Borough to see the very good quality and choice on offer. Expectations of private tenants have risen substantially as the rental market has expanded and the standards on offer are pretty good due to intense competition.

The Council's predictive data first needs to be fully validated using ONE WARD, ideally the one with the fewest addresses on the Electoral Register.

The stated "significant and persistent" problem of anti-social behaviour and poor property management and the consequential higher demand on council services also needs to be fully quantified with actual data rather than predictive data.

**Section 3 of the Report** is attempting to connect all the undesirable aspects of housing difficulties in the Borough to Landlords and the need for Licensing - Evictions, overcrowding, Children in HMOs, homelessness, temporary accommodation, affordability, deprivation, increased immigration, renters on benefits, insufficient supply of social housing and rising housing costs.

The vast majority of private rented properties, Landlords and Renters fall outside the scope of the catalogue of problem issues that the Council is concerned about. Instead of pursuing such a large Licensing Initiative, the Council needs to make better use of the information already available to it and slowly assemble more precise data on the PRS estate which exists in the Borough.

Landlords are already subject to a number of regulatory requirements. A far more successful, cost free and voluntary scheme such as a Rental Rating System with input by Tenants as well as Landlords could be achieved.

The Government already has a Guide to Renting which Landlords are legally required to provide to Tenants. This Guide already sets out many (if not all) major Landlord Compliance Requirements

The Rented Property Market is quite competitive and supply exceeds demand. Seekers have a wide choice and generally not prepared to take properties of poor standard.

On the contrary my experience is that where tenants stay long term, they themselves can cause a worsening of condition especially when long stay tenants make it difficult for a Landlord to maintain improve the space. For example Mould is caused by Tenants not Landlords.

As Landlord, I know that prospective tenants expect to see good quality and good evidence of care whenever I offer a property for rent. As Landlord I also assess prospective tenants quite thoroughly

### **Recent Case of Stoke's Licensing Proposals**

<https://news.rla.org.uk/success-government-rejects-licensing-in-stoke/>

### **RLA comments on Stoke's Licensing Proposals**

[https://news.rla.org.uk/wp-content/uploads/2018/05/Stoke-on-Trent-Selective-Licensing-consultation-response\\_-002.pdf](https://news.rla.org.uk/wp-content/uploads/2018/05/Stoke-on-Trent-Selective-Licensing-consultation-response_-002.pdf)

## **WARD SUMMARIES**

**Ward Summaries** are presented as EVIDENCE, but the volume numbers are not only unbelievably high, they are predicted. A thorough survey is necessary to produce accurate evidence BEFORE the need for Licensing is re-assessed. The Ward Summaries provide very little actual evidence. Nevertheless I have commented on "my" two wards below.

The Council is aiming to reduce the effects of **social deprivation**, but that is NOT relevant for the proposed Licensing. Landlords are offering accommodation for rent in a competitive marketplace; they are not the cause of social deprivation or adding to it in any way.

**Anti-Social Behaviour** – the actual number of 556 ASB incidents recorded for my **Bowes Ward** in 2016-2018 needs to be presented fully detailed. In my 30 years as a Landlord in Bowes and having managed 66 Tenancies Anti-Social Behaviour by Tenants at our property has been non-existent. So I would like to see the data on actual incidents.

Similarly for **Edmonton Green Ward** where I am a Landlord, I would like to see full ASB incident records together with an understanding of exactly what the Council is having to do with its resources and its powers to intervene and improve the situation.

**My** experience here (with possibly 4 incidents at one property over 15 years) was that anti-social behaviour was completely outside my control and difficult to prevent due to **one tenant** having addictions, poor English and aggressive East European friends.

These factors were not evident when I first accepted the Tenant and as Landlord there is no rapid recourse available to me to remove such a tenant. When I needed help, neither the Police nor the Council were able to help.

### **Example Case Studies and My Experience**

It is useful to see all the examples and how they were “found”. As a Landlord I am appalled at the seriousness of each case. However I believe these examples are extreme examples.

Whenever I offer my quite nice property for rent, I know from the feedback I get from viewers that there are many similar and better properties on the market. Websites are full of well-managed and good quality accommodation on offer by good Landlords and Agents.

Presentation of an extremely bad example for each ward is a deliberate exercise to justify Borough-Wide Licensing. The existence of sub-standard conditions and unprofessional practices by Landlords is not as widespread as the Council is claiming, and is more prevalent in a small number of wards.

My strong recommendation is that the Council should focus first on the more difficult wards and apply smart strategies to bring about a systematic step by step breakthrough using existing powers and processes. There are many routes available for successful impact.

## **Email response 5**

We believe that it would be better to license the landlord and not the property. In response to your point re differentiating between landlords with 30 units and 2 units, the most recent UK government research

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/775002/EPLS\\_main\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775002/EPLS_main_report.pdf)) suggests that only 17% of landlords own more than 5 units but that this 17% account for 48% of the private rented sector. Assuming that Enfield is not too far from this profile of the PRS then LBE would be much better off targeting the landlords than the properties. Has LBE researched the landlord profile in Enfield? Does it match the national profile? What type of landlord owns the target sub-standard properties? Is it the big guys or smaller (accidental) landlords? Either way, licensing the landlord will be more effective.

- we take time, trouble and money to keep our properties in good condition. This is a competitive market and we only want good tenants. Charging us £600 for a 5 year licence will require us to look at our cost base and seems likely to mean we will invest less in our units.

- your presentation noted that LBE is targeting poorly managed *properties*. The properties are not the issue – it is the landlord that manages the properties. Bad landlords will result in bad properties.

- assuming that you will inspect properties before issuing the licence and that you will not licence sub-standard units then what is the point in licensing properties? License the landlord and you will catch the sub-standard properties. This will also focus the enforcement component of the fee on the bad landlords so leaving money in the system for good landlords to continue to invest in their properties.
- while we wholeheartedly support the intent behind the scheme (not least it will reduce the number of tenants per unit and possibly reduce the number of units in the PRS thereby increasing rents for the market overall) we do think the scheme needs some fundamental rethinking.
- we would be more than happy to engage bilaterally on this with the appropriate people in LBE.

## Email response 6

It is a very bad idea. Other greedy councils have done it and it breeds nothing but a money oriented approach which is not good for tenants as they will have less value on offer in unfurnished and unmodernised properties due to landlords needing to break even.

Another notch in the taxation wheel for Enfield residents struggling to break even and pay their council taxes and service charges, EPC's, management fees, govt taxes etc.

It will bring nothing but misery for tenants who have nothing to feed their children on.

It will put up rent prices for private renters and make housing unaffordable.

Landlords already set high standards to maintain their properties for future generations. The high standards will drop as they cut back on redecoration costs and furnishing costs so all will lose out.

It will force many to sell and go on benefits and be another burden to the State. So it is a reverse effect on achieving anything positive.

Any rogue landlords can be sued by the many legislations if need be, it doesn't need to tax the landlords struggling to break even or who run at a loss.

Unscrupulous landlords will simply rent room by room with inflated prices to offset cost of the landlord license fee and overoccupy properties causing noise nuisance, condensation and infestations. Great. Bring it on. Very forward thinking idea, not.

All in all a very unpromising future ahead of us.

## Appendix 4: Written stakeholder responses

Cllr George Savva MBE  
Cabinet Member for Licensing & Regulatory Services  
Enfield Council  
Labour Group Office  
Civic Centre  
Silver Street  
Enfield EN1 3XA

**Joanne McCartney AM**  
City Hall  
The Queen's Walk  
London  
SE1 2AA  
Switchboard: 020 7983 4000  
Minicom: 020 7983 4458  
Web: [www.london.gov.uk](http://www.london.gov.uk)

**Our ref:** JM/JP  
**Date:** 01 November 2019



**RE: Private Rented Sector Property Licensing**

Thank you very much for the opportunity to respond to the consultation on the two private rented sector property licensing schemes proposed in Enfield. Please see below for my responses to the relevant specific consultation questions.

As the London Assembly Member for Enfield and Haringey since 2004, I have seen first hand, and heard even more from constituents, about problems with private renting in London. Over recent years, rents have continued to rise, while the quality of homes has not materially improved, and the market is such that many unscrupulous landlord exploit tenants on low- and middle-incomes, and do not keep their properties in adequate conditions.

As your supporting evidence shows, an ever greater proportion of Enfield residents are living in the private rented sector, and that Enfield has the highest rate of private rented sector evictions in the capital. The proposed licensing scheme will help vulnerable tenants better understand and enforce their rights, leading to longer tenancies and more stable communities where people are able to build a home. Standards are also poorest in the Private Rented Sector, with a recent study estimating that more than a quarter of London's private rental homes do not meet the Decent Homes Standard. The evidence supporting this consultation that shows that in some Enfield wards, nearly 40% of private rented homes have Category 1 hazards is absolutely shocking.

I therefore absolutely welcome and fully support your proposals to implement Selective Licensing in 14 of Enfield's, and Additional Licensing for Homes of Multiple Occupation across the borough from 2020. Government legislation has not kept up with the changing rental landscape, and I am very pleased that Enfield is taking these important steps. The proposed schemes will help improve the lives of thousands of private tenants, especially those living in some of the poorest areas of Enfield and in the worst conditions, and I look forward to its introduction.

**Q1. Which of the following marketing and communication activities encouraged you to complete the online questionnaire? (Please tick all that apply)**

- Email communication
- Word of mouth

**Q2. Which of the following best describes you?**

Other: local London Assembly member

**Q5. To what extent do you agree or disagree with the proposed Additional Licensing scheme?  
(Please tick one box only)**

Strongly agree

**Q7. To what extent do you agree or disagree with the proposed Selective Licensing scheme?  
(Please tick one box only)**

Strongly agree

**Q9. What suggestions, if any, do you have for alternative ways the Council can address poor property conditions and management, anti-social behaviour and deprivation in private rented properties in the borough?**

As well as the licensing schemes proposed, the Council can look at ways of imposing Interim and Final Management Orders in cases of hazardous and poor quality private rented homes, as well as imposing civil penalties on landlords found in breach of regulations. There should be plenty of information available and communication to private tenants in the council about the new licensing schemes and about the rights they have against potential rogue landlords or poor living conditions.

**Q10. To what extent do you agree or disagree with the proposed Additional Licence conditions?**

Strongly agree

**Q12. To what extent do you agree or disagree with the proposed Selective Licence conditions?**

Strongly agree

**Q14. To what extent do you think the proposed fee for Selective Licensing is reasonable?**

Very reasonable

**Q15. To what extent do you think the proposed fee for Additional Licensing is reasonable?**

Very reasonable

Yours sincerely,



**Joanne McCartney AM**

London Assembly Member for Enfield and Haringey



Doug Wilkinson  
Director of Environment & Operational  
Services  
Place Directorate  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY

Tim Shields  
Chief Executive  
Hackney Town Hall  
Mare Street  
London  
E8 1EA

020 8356 3021  
tim.shields@hackney.gov.uk

30 September 2019

Dear Doug,

**Response to Consultation on licensing private rented property in Enfield**

Thank you for your invitation to respond to consultation regarding Enfield Council's proposals to introduce private rented property licensing schemes in Enfield.

I would like to put on record Hackney Council's support for the introduction of the proposed schemes, which your evidence indicates would have had the impact of improving conditions and management in the borough's private rented sector.

We believe that Enfield's scheme would have a broadly positive impact on neighbouring boroughs in north and east London, such as Hackney, by improving the knowledge and management standards of landlords who operate across borough boundaries, and by bearing down on and taking action against rogue landlords.

From 1 October 2018, Hackney Council introduced two discretionary licensing schemes: an Additional licensing scheme covering all HMOs in the borough and a Selective licensing scheme covering all other privately rented properties in three wards. As landlords operate across borough boundaries, we strongly support neighbouring boroughs introducing property licensing schemes, so that rogue landlords are less able to move their operations to non-licensed areas.



I know that our boroughs are working together through the London Borough Private Rented Partnership, hosted by the GLA, to improve coordination, joint working and information sharing to drive forward improvements in private rented sector enforcement across the capital. I am pleased that our councils are able to work closely on sharing intelligence on rogue landlords and developing a coordinated and effective approach to help bear down on their activities. The licensing schemes operated by boroughs assist in this essential work to protect tenants and improve conditions.

Whatever the outcome of the consultation, we look forward to working with Enfield to improve the private rented sector in north and east London and throughout the capital.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Shields', written in a cursive style.

Tim Shields  
Chief Executive

## Consultation on proposed discretionary licensing scheme

### Response from ARLA Propertymark

#### Background

1. ARLA Propertymark is the UK's foremost professional and regulatory body for letting agents; representing over 9,000 members. ARLA Propertymark agents are professionals working at all levels of letting agency, from business owners to office employees.
2. Our members operate to professional standards far higher than the law demands, hold Client Money Protection and we campaign for greater regulation in this growing and increasingly important sector of the property market. By using an ARLA Propertymark agent, consumers have the peace of mind that they are protected, and their money is safe.

#### General concerns

3. ARLA Propertymark does not believe that discretionary licensing schemes are an effective way of promoting higher quality accommodation. They are often poorly resourced, and consequently the schemes become an administrative exercise that penalises compliant landlords and allows rogues to continue operating under the radar. Enforcement and prosecution remain low where the schemes operate, doing little to improve the minority of substandard properties in the private rented sector, which licensing schemes aim to target.
4. Many licensing schemes fail due to the lack of adequate resources needed to undertake the necessary enforcement activity. Due to the EU Services Directive,<sup>1</sup> the fee to apply for a property licence cannot exceed the cost to process the application, this means that the cost of enforcing the schemes must come from elsewhere. Councils operating discretionary licensing schemes have often indicated that the schemes cost more to operate than the funding generated from licence fees, such as in Blackpool.<sup>2</sup>
5. Licensing schemes heavily focus on the administration involved, often directing staff away from enforcement to process applications. Councils have indicated that processing a single

---

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0123>

<sup>2</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/housing-communities-and-local-government-committee/private-rented-sector/oral/77774.html>

application can take between 15 minutes and one hour. This can be incredibly time consuming and costly when thousands of properties require licensing.

6. Often, the rogue landlords that the schemes are created to target continue to operate under the radar. Already compliant landlords pay their licensing fees, funding the administration of the scheme while more than often those providing poor housing ignore their legal requirements.
7. The Housing and Planning Act 2016<sup>3</sup> allows civil penalty fines levied for offences in the private rented sector to be retained by the Local Authority for further enforcement. Research conducted by the Housing, Communities and Local Government Committee in April 2018<sup>4</sup> highlighted that Local Authorities on the whole rarely issue landlords and agents with penalties. Existing licensing schemes have demonstrated that only a small number of prosecutions ever occur, with 50 per cent of all prosecutions in 2016-17 coming from Newham Borough Council out of 33 boroughs with discretionary licensing across all of England.
8. Consequently, we would argue that the issue does not lie with existing legislation, rather the lack of enforcement. Local Authorities pinpoint lacking enforcement as a product of stretched resources. Although this should have been remedied with the introduction of the Housing and Planning Act 2016, many Local Authorities do not exercise their powers to bring additional resources into enforcement of the private rented sector.
9. ARLA Propertymark believes that instead of introducing further discretionary property licensing, Local Authorities should adopt a collaborative approach with letting agents, landlords and professional bodies to tackle issues within the private rented sector. This approach recognises and rewards landlords and agents that already adhere to good practice and enables local authorities to better target their resources on effective intelligence-led enforcement.

---

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted>

<sup>4</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/440/440.pdf>

London Borough of  
Enfield

7th November  
2019

### **Additional & Selective Licensing Proposal**

Thank you for the opportunity to respond to the above consultation.

Although we appreciate the issues raised by the council and the new Housing Strategy the council is currently developing, the RLA is opposed to any form of landlord licensing due to the adverse impact such schemes have on landlords, tenants and the housing market overall.

### **Existing Enforcement Powers**

There are over 150 pieces of legislation, creating more than 400 legal obligations affecting landlords in the private rented sector.

Councils should use the enforcement powers already granted to them by the Housing and Planning Act 2016 and Housing Act 2004 to their full extent, rather than rely on Licensing Schemes to regulate landlords in addition to these powers. The Council has also not taken into consideration the amount of informal enforcement activity undertaken between local authorities and private landlords.

The Tenant Fees Bill has also introduced a lead enforcement authority to provide guidance and support to local authorities regarding the enforcement of letting agent requirements.

### **Raising Standards**

There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licences, while prosecutions centre on whether a property is licensed or not, rather than improving management standards and property conditions. Additionally, the decent homes standard is a measure of the standard of housing and has no legal applicability to PRS housing. The Housing Health and Safety Rating System (HHSRS) is the relevant standard for the PRS.

The Council already has the necessary tools to tackle poor housing management and conditions in the PRS. Rather than introduce a bureaucratic licensing scheme that will see scarce resources focused on processing applications, the council should continue to direct these limited resources at identifying private rented properties and taking effective enforcement action.

## **Supplementary Data**

In the Evidence Report for Consultation document on page 37, point 14.3 shows a table displaying the % of HMOs of regulatory interventions per ward. Individual wards display figures totalling over 100%. The structuring of the data suggests that the council have combined single and multiple interventions as one figure. This does not display the data accurately. The table should have had two separate graphs of data showing properties who have had single PRS interventions and those who have had multiple interventions.

## **Tacit Consent**

The council have made no mention in the Fee Structure document if Tacit Consent applies should the processing of the licence goes beyond the advertised times, as well as not provided a timescale for the length of processing time for a licence application.

Concerning the processing time for a licence application, regulation 19 of the Provision Regulations deals with the speed of processing of applications. Specifically, they require that applications must be:

- processed as quickly as possible and, in any event, within a reasonable period running from the time when all documentation has been submitted;
- The length of the processing period must be fixed and made public in advance.
- Where an application is not processed within the advertised period, the authorisation will be deemed to have been granted automatically.

The *Gaskin* case says that the Provision of Services Directive applies to licensing schemes in full. This does a lot more than talk about fees. The transposition of this into the UK law states that regulators should set out how long it will take to carry out a licensing approval process and if they do not meet that timeline then approval should happen automatically.

The council needs to set out and display their licensing processing time publicly, and if tacit consent will apply if the processing of the application goes beyond the advertised processing timescale.

## **Raising Standards**

There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licences, while prosecutions centre on whether a property is licensed or not, rather than improving management standards and property conditions. Additionally, the decent homes standard is a measure of the standard of housing and has no legal applicability to PRS housing. The Housing Health and Safety Rating System (HHSRS) is the relevant standard for the PRS.

The Council already has the necessary tools to tackle poor housing management and conditions in the PRS. Rather than introduce a bureaucratic licensing scheme that will see scarce resources focused on processing applications, the council should continue to direct



these limited resources at identifying private rented properties and taking effective enforcement action.

### **Conclusion**

The RLA reiterates its objection to the proposed scheme.

There are alternatives to licensing. The RLA supports a system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints in the first instance, while those outside the scheme remain under the scope of local authority enforcement. We also support the use of the council tax registration process to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for criminals to operate under the radar.

Yours sincerely,

Samantha Watkin  
Policy Officer  
Residential Landlords Association  
[Samantha.Watkin@rla.org.uk](mailto:Samantha.Watkin@rla.org.uk)

**RESIDENTIAL LANDLORDS ASSOC.**

212 Washway Road, Sale, Manchester M33 6RN T +44 (0) 3330 142 998 E [info@rla.org.uk](mailto:info@rla.org.uk)  
Residential Landlords Assoc. is a trading name of Residential Landlords Association Ltd. Company No. 2869179.

[www.rla.org.uk](http://www.rla.org.uk)

## Response to Enfield Council's proposal for Selective Licensing

November 2019

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. With more than 40,000 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.

### Overview

4. The National Landlords Association (NLA) would like to thank Enfield Council for providing the opportunity to comment on licensing.
5. The ability to introduce Licensing is a powerful tool. If used correctly by Enfield Council, it can 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.
6. The legislation in relation to Selective Licencing clearly states that the introduction of licencing has to be evidence based. The evidence that is presented does not support the argument made, this will be developed in later sections.
7. 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 an area, along with the cost of the council. Therefore, increasing costs to Enfield residents especially the most vulnerable. This could be seen as increasing the cost of living for residents of Enfield.
8. The cost of the license will be passed through to tenants. Thus, increasing the cost for those who wish to rent in Enfield. We already see a difference between the local housing allowance and rental prices. Tenants being placed out of borough because properties can not be found.



9. Areas that have seen the introduction of selective licensing have seen mortgages withdrawn, (Nat West and RBS), and costs for tenants rise. This will have an impact on tenancies.
10. Enfield council by proposing introducing licensing are implying that there is problems which could push investment away.
11. In addition to young professionals and students, migrants make up an important part of the shared housing market the UK. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Thus the impact of these policies will have an impact on the lower economic groups within Enfield. What measures are the council taking to mitigate the issues.
12. The use of Selective Licensing which is landlord/property based, will not resolve many of the issues which are caused by tenants – they are tenant based issues. Landlords have limited powers in addressing these as any direct action by the landlord to address issues such as ASB can be stated as being harassment by the tenant. The policy does not either take into account rent to rent which is increasing. Where is the policy to support landlords who are victims of those that rent a property and illegally sublet it?
13. The introduction of Selective Licensing is not a solution in itself; resources need to be allocated by Enfield Council as well. Other councils who have introduced licensing schemes that have not allocated the adequate resources to resolve the problems still have the problems. We have reservations with the proposals as no new resources have been identified.
14. One of the aims of the council is to increase tenancies length; the policy being proposed by the council will have the direct opposite and decrease the length of tenancies. The ending of tenancies especially with the changes to section 21 which is currently under consultation by the government. What support will the council give to landlords with evicting those tenants that are causing problems.
15. 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.

## **Resources**

16. A key concern over the creation of licensing schemes is the question of Enfield Borough Council's resources. It is well known that in this time of austerity, Local Authorities are being asked to do more by central government with fewer resources. The administration of a Licensing scheme is costly in terms of both officer time and a financial commitment. This is especially true around the additional resources that the council will have to deploy around issues such as anti-social behaviour (with the proposed changes to section 21), adult social care, children's services. What additional budgets have been put in place. The passing of Selective Licensing by Local Authorities too often does not have the support that is required to resolve the issues.
17. The increase in the activity will increase the demand on the council what provision has the council made and how much additional resources has the council allocated?
18. At a time when Enfield Borough Council is reducing department budgets, we believe that the remaining resources should be allocated to targeted enforcement against the worst, criminal landlords. Equally the council should be looking at using a delivery partner which would support the council and assist the good landlords.

19. The introduction of Licensing will require resources to be allocated to the area it to work i.e. tenant information officers, landlord liaison officers, anti-social behaviour staff, community workers and enforcement staff. This will create added cost to Enfield Council which cannot be met through licensing fees.
20. Many other councils who have introduced licensing fail to inspect properties and seek out those that have not registered. Does the council propose to inspect all properties?
21. The changes to welfare allowances and the reduction in housing couples with a rising rents, how much resources have the council allocated to help vulnerable residents with increased costs due to these policies?
22. 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 which would outline the council's position in helping landlords remove tenants who are causing anti-social behaviour.
23. 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, thus the tenant is liable for council tax, but the property is empty? If a landlord has challenges with a tenant, how will the council help the landlord?
24. Of even more concern is the fact that the Council has failed to provide a road map on how licensing will interact with other Council policies 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.
25. A social economic restructure has taken place in the United Kingdom over the last 30 years which has created a divide between the North and South (primarily centred around London). London is growing quicker than the rest of the country which will add to demand in Enfield, as overspill continues and Enfield becomes more attractive to investment and for people to live in. These changing conditions are already reflected in average incomes across the regions. This will impact the options for housing.

### **Powers/enforcement**

26. Licensing can have a role, but Licensing in itself will not resolve the issue; 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?
27. Enfield Borough 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 Enfield 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);
  - 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.

28. The current proposals by the government in Parliament include reducing the threshold from which complaints can be generated that can be classified as anti-social behaviour. This would allow for the nuisance of one person to be classified as antisocial behaviour, this includes someone reading the bible out in the street. As this will increase the ability of neighbours to complain how much additional resource has the council allocated to tackle these issues? If the section 21 is replaced by a new section 8, a person who is evicted will have a criminal conviction, who will house these people? Who will house a person who has a criminal conviction?
29. With references required for tenancies and the threshold being reduced this could lead to delays for prospective tenants, along with people having difficulty 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 being able to provide referencing along with social housing providers that neighbour Enfield?
30. What provision is there for people who are first time renters who will not be able to get a reference? If the change to section 21 takes place, landlords will be more wary of tenants that can't provide perfect references.
31. This change proposed by the council will reduce secure tenancies and increase the cost for tenants; it could also increase homelessness (how will they get a reference) with people being unable to secure a tenancy due to references.

### **Processing the license**

32. 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 Enfield Council and to the landlord. We would be willing to work with the Council on how this can be done.
33. A failure of Enfield Council to have joined up standards between departments is also a problem for landlords. The Planning Control Departments often has different standards to that of the Environmental Health Departments, which would issue the Licence. This causes problems for landlords and creates a bizarre situation where landlords will not be complying with one of the Councils departments to comply with another. How will the council be rectifying this?

### **Waste**

34. One of the many reasons raised by Enfield Council has proposed for the introduction of Licensing is due to 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 Enfield Council, if the tenant does not comply with the waste collection then the tenant is responsible, and the Council can take action against the tenant – Licensing is not the appropriate regulation to address this issue. We would suggest that the council adopt an approach similar to Leeds council, which benefits all parties.
35. In many situations fly-tipping or excessive litter is due to 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 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 the current resources do not seem adequate?

36. 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 waste at the end of term needs to be considered by local authorities which have further education establishments. This is made worse when Council 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.

## **Legislation**

37. There are currently over 130 pieces of legislation that a landlord has to comply with. An understanding of 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.

38. The ability for a landlord to enforce the law against the tenant that is causing anti-social behaviour is currently through the civil court where the burden of evidence is different to that of a criminal court. Although this is lower, the length of this process will often exceed the period of the tenancy. Why will a landlord continue to prosecute a person who is no longer a tenant? A landlord also risks the tenant causing damage to their property if they start legal proceedings against the tenant. Equally if a landlord has started a process, this will not appear on any council document, thus how will the council expect to measure this? This could cost the council additional resources in management, of landlords sending in letters and correspondents. This will not be able to be recovered within the licensing fee.

39. 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 Local Authorities and can help with tenant information packs, assured short hold tenancies, energy efficiency and accreditation of landlords, along with targeting the worst properties in an area.

40. 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.

41. 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 Enfield Council to target the criminal Landlords – a joint approach is required.

42. The NLA would also like to see Enfield 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 whilst still leaving the criminal able to operate under the radar.

## **Anti-social behaviour**

43. The NLA would also like to see Enfield 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 whilst still leaving the criminal able to operate under the radar.
44. 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 to compare and contrast?
45. The data that has been presented does not distinguish between owner occupied, social or private rented. They are based on perception – not evidence? In the same document you claim not to know where all the private rented sector is, thus how can you claim problems emanate from one sector of housing over the other?
46. Could the council provide a breakdown of the ASB? Could this also be sub divided into anti-social behaviour that is housing related?
47. The length of time that a landlord will take to prosecute a tenant and cost if prohibitive to landlords. A course of action that landlords have taken in other areas where Licensing has been introduced which requires referencing is the landlord only granting a short tenancy i.e. 6 months and when a landlord is informed of anti-social behaviour, terminating the tenancy. This could make tenancies less sustainable.
48. A person who's tenancy has been shortened or expired due to anti-social behaviour but no prosecution has been made would still have a perfect reference. Why would a landlord continue a prosecution of a tenant who has moved out?
49. How will a landlord be able to get a reference from someone who is being housed by a third party i.e. the Home Office (refugee)?

## **Conclusion**

50. The NLA would like to see Enfield Council present what will be achieved by the introduction of Licensing along with a clear outline of the services that will and will not be introduced along with a timeline.
51. We would like clarity on the anti-social behaviour, costs and resources being allocated by Enfield Council. Recent court cases show that the council will have to commit resources and that these need to be targeted to resolve the issues that the council highlight.
52. The aims of the Council has i.e. removing nuisance, ASB, waste etc. can be achieved through existing legislation that Licencing will not and cannot achieve. The risk of introducing Licencing 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.
53. Again, the NLA would like to thank Enfield Council for the opportunity to respond to this consultation and hope you find our comments useful.

## Appendix 5: Responses by methodology

The tables below show the breakdown of survey responses by methodology: online survey and the face to face residents survey.

Which of the following best describes you?

	Online		Face to Face	
	Base	%	Base	%
Landlords, agents	386	49%	54	5%
Tenants	123	15%	242	23%
Residents only	260	33%	771	72%
Other	25	3%	0	0%
<b>TOTAL</b>	<b>794</b>	<b>100%</b>	<b>1067</b>	<b>100%</b>

To what extent do you agree or disagree with the proposed Selective Licensing scheme?

	Online		Face to Face	
	Base	%	Base	%
Strongly agree	244	31%	542	51%
Tend to agree	84	11%	404	38%
Neither agree nor disagree	43	5%	53	5%
Tend to disagree	33	4%	39	4%
Strongly disagree	368	47%	29	3%
Don't know	16	2%	0	0%
<b>TOTAL</b>	<b>788</b>	<b>100%</b>	<b>1067</b>	<b>100%</b>
<i>Total agree</i>	<i>328</i>	<i>42%</i>	<i>946</i>	<i>89%</i>
<i>Total disagree</i>	<i>401</i>	<i>51%</i>	<i>68</i>	<i>6%</i>

To what extent do you agree or disagree with the proposed Additional Licensing scheme?

	Online		Face to Face	
	Base	%	Base	%
Strongly agree	267	34%	577	54%
Tend to agree	119	15%	381	36%
Neither agree nor disagree	72	9%	53	5%
Tend to disagree	31	4%	29	3%
Strongly disagree	285	36%	27	3%
Don't know	19	2%	0	0%
<b>TOTAL</b>	<b>793</b>	<b>100%</b>	<b>1067</b>	<b>100%</b>
<i>Total agree</i>	<i>386</i>	<i>49%</i>	<i>958</i>	<i>90%</i>
<i>Total disagree</i>	<i>316</i>	<i>40%</i>	<i>56</i>	<i>5%</i>

**To what extent do you agree or disagree with the proposed Selective Licence conditions?**

	Online		Face to Face	
	Base	%	Base	%
Strongly agree	209	27%	693	65%
Tend to agree	118	15%	300	28%
Neither agree nor disagree	73	9%	54	5%
Tend to disagree	53	7%	13	1%
Strongly disagree	311	40%	7	1%
Don't know	18	2%	0	0%
<b>TOTAL</b>	<b>782</b>	<b>100%</b>	<b>1067</b>	<b>100%</b>
<i>Total agree</i>	<i>327</i>	<i>42%</i>	<i>993</i>	<i>93%</i>
<i>Total disagree</i>	<i>364</i>	<i>47%</i>	<i>20</i>	<i>2%</i>

**To what extent do you agree or disagree with the proposed Additional Licence conditions?**

	Online		Face to Face	
	Base	%	Base	%
Strongly agree	240	31%	714	67%
Tend to agree	120	15%	285	27%
Neither agree nor disagree	81	10%	50	5%
Tend to disagree	49	6%	11	1%
Strongly disagree	278	35%	7	1%
Don't know	18	2%	0	0%
<b>TOTAL</b>	<b>786</b>	<b>100%</b>	<b>1067</b>	<b>786</b>
<i>Total agree</i>	<i>360</i>	<i>46%</i>	<i>999</i>	<i>94%</i>
<i>Total disagree</i>	<i>327</i>	<i>42%</i>	<i>18</i>	<i>2%</i>

**Selective licensing fees?**

	Online		Face to Face	
	Base	%	Base	%
Very reasonable	161	20%	190	18%
Fairly reasonable	111	14%	521	49%
Not very reasonable	78	10%	186	17%
Not reasonable at all	417	53%	110	10%
Don't know	24	3%	60	6%
<b>TOTAL</b>	<b>791</b>	<b>100%</b>	<b>1067</b>	<b>100%</b>
<i>Total reasonable</i>	<i>272</i>	<i>34%</i>	<i>711</i>	<i>67%</i>
<i>Total not reasonable</i>	<i>495</i>	<i>63%</i>	<i>296</i>	<i>28%</i>

## Additional licensing fees?

	Online		Face to Face	
	Base	%	Base	%
Very reasonable	161	21%	188	18%
Fairly reasonable	113	15%	517	49%
Not very reasonable	73	10%	174	16%
Not reasonable at all	381	50%	128	12%
Don't know	39	5%	59	6%
<b>TOTAL</b>	<b>767</b>	<b>100%</b>	<b>1066</b>	<b>100%</b>
<i>Total reasonable</i>	<i>137</i>	<i>36%</i>	<i>705</i>	<i>66%</i>
<i>Total not reasonable</i>	<i>454</i>	<i>59%</i>	<i>302</i>	<i>28%</i>



## Appendix 6: Responses from outside of Enfield

Which of the following best describes you?

<i>Base</i>	<b>5</b>	<b>100%</b>
Landlords, agents	2	40%
Tenants	2	40%
Residents only	1	20%
Other	0	0%

To what extent do you agree or disagree with the proposed Selective Licensing scheme?

<i>Base</i>	<b>5</b>	<b>100%</b>
Strongly agree	3	60%
Tend to agree	0	0%
Neither agree nor disagree	0	0%
Tend to disagree	0	0%
Strongly disagree	2	40%
Don't know	0	0%

To what extent do you agree or disagree with the proposed Additional Licensing scheme?

<i>Base</i>	<b>5</b>	<b>100%</b>
Strongly agree	3	60%
Tend to agree	1	20%
Neither agree nor disagree	0	0%
Tend to disagree	0	0%
Strongly disagree	1	20%
Don't know	0	0%

To what extent do you agree or disagree with the proposed Selective Licence conditions?

<i>Base</i>	<b>5</b>	<b>100%</b>
Strongly agree	3	60%
Tend to agree	0	0%
Neither agree nor disagree	0	0%
Tend to disagree	0	0%
Strongly disagree	1	20%
Don't know	1	20%

To what extent do you agree or disagree with the proposed Additional Licence conditions?

<i>Base</i>	<b>5</b>	<b>100%</b>
Strongly agree	3	60%
Tend to agree	0	0%
Neither agree nor disagree	0	0%
Tend to disagree	0	0%
Strongly disagree	1	20%
Don't know	1	20%

How reasonable or unreasonable are the Selective licensing fees?

<i>Base</i>	<b>5</b>	<b>100%</b>
Very reasonable	2	40%
Fairly reasonable	0	0%
Not very reasonable	0	0%
Not reasonable at all	3	60%
Don't know	0	0%

How reasonable or unreasonable are the Additional licensing fees?

<i>Base</i>	<b>5</b>	<b>100%</b>
Very reasonable	2	40%
Fairly reasonable	0	0%
Not very reasonable	0	0%
Not reasonable at all	3	60%
Don't know	0	0%

## Appendix 7: Demographic profile of respondents

The tables below show the profile of respondents to combined online and face to face surveys, unless otherwise specified.

### Age:

<b>Base</b>	<b>1852</b>	<b>100%</b>
19 or under	59	3.2%
20-24	98	5.3%
25-29	120	6.5%
30-34	163	8.8%
35-39	183	9.9%
40-44	183	9.9%
45-49	179	9.7%
50-54	192	10.4%
55-59	181	9.8%
60-64	143	7.7%
65-69	122	6.6%
70-74	77	4.2%
75-79	40	2.2%
80-84	29	1.6%
85 or older	12	0.6%
Prefer not to say	71	3.8%

### Gender:

<b>Base</b>	<b>1852</b>	<b>100%</b>
<i>Male</i>	881	47.6%
<i>Female</i>	858	46.3%
<i>Transgender</i>	9	0.5%
<i>Prefer to self describe</i>	2	0.1%
<i>Prefer not to say</i>	102	5.5%

**Ethnicity:**

<b>Base</b>	<b>1841</b>	<b>100%</b>
White: English/ Welsh/ Scottish/ Northern Irish/ British	888	48.2%
White: Irish	28	1.5%
Other White: Greek	22	1.2%
Other White: Greek Cypriot	45	2.4%
Other White: Turkish	63	3.4%
Other White: Turkish Cypriot	23	1.2%
Other White: Italian	7	0.4%
Other White: Polish	26	1.4%
Other White: Russian	0	0.0%
Other White: Other Eastern European	66	3.6%
Other White: Kurdish	17	0.9%
Other White: Gypsy or Irish Traveller	0	0.0%
Other White: Romany	8	0.4%
Mixed: White and Black Caribbean	19	1.0%
Mixed: White and Black African	4	0.2%
Mixed: White and Asian	17	0.9%
Mixed: Mixed European	7	0.4%
Mixed: Multi ethnic islander	0	0.0%
Asian or Asian British: Indian	82	4.5%
Asian or Asian British: Pakistani	16	0.9%
Asian or Asian British: Bangladeshi	26	1.4%
Asian or Asian British: Sri Lankan	8	0.4%
Asian or Asian British: Chinese	5	0.3%
Black/African/Caribbean/Black British: Caribbean	120	6.5%
Black/African/Caribbean/Black British: Ghanaian	8	0.4%
Black/African/Caribbean/Black British: Somali	17	0.9%
Black/African/Caribbean/Black British: Nigerian	25	1.4%
Black/African/Caribbean/Black British: Other African	23	1.2%
Other ethnic groups: Arab	8	0.4%
Other	88	4.8%
Prefer not to say	175	9.5%

**Disability:**

<b>Base</b>	<b>1848</b>	<b>100%</b>
Yes - limited a lot	104	5.6%
Yes - limited a little	107	5.8%
No	1499	81.1%
Prefer not to say	138	7.5%

**Work status:**

<b>Base</b>	<b>1850</b>	<b>100%</b>
Working - full time (30+ hours)	711	38.4%
Working - part time (9-29 hours)	248	13.4%
Self-employed	244	13.2%
Working - under 8 hours	11	0.6%
Full-time education at school, college or university	82	4.4%
Unemployed and available for work	46	2.5%
Permanently sick/disabled	46	2.5%
Wholly retired from work	253	13.7%
Looking after family/home	73	3.9%
Other/Doing something else	23	1.2%
Prefer not to say	113	6.1%

**Receipt of benefits:**

<b>Base</b>	<b>1831</b>	<b>100%</b>
Yes - I receive Council Tax Support	144	7.9%
Yes - I receive Housing Benefit	170	9.3%
Yes - I receive Universal Credit	70	3.8%
No - I do not receive any of these benefits	1443	78.8%
Don't know	15	0.8%
Prefer not to say	117	6.4%

**Ward (face to face survey only):**

<b>Base</b>	<b>1067</b>	<b>100%</b>
Bowes	50	4.7%
Bush Hill Park	47	4.4%
Chase	45	4.2%
Cockfosters	45	4.2%
Edmonton Green	62	5.8%
Enfield Highway	55	5.2%
Enfield Lock	59	5.5%
Grange	44	4.1%
Haselbury	56	5.2%
Highlands	43	4.0%
Jubilee	52	4.9%
Lower Edmonton	55	5.2%
Palmers Green	51	4.8%
Ponders End	50	4.7%
Southbury	51	4.8%
Southgate	49	4.6%
Southgate Green	45	4.2%
Town	48	4.5%
Turkey Street	50	4.7%
Upper Edmonton	65	6.1%
Winchmore Hill	45	4.2%

# Appendix 8: Communications visuals



Clear Channel Poster on London Road



Clear Channel Poster at Green Lanes



Large Outdoor Banner at Bury Lodge



Large Outdoor Banner at Pymmes Park, Victoria Road

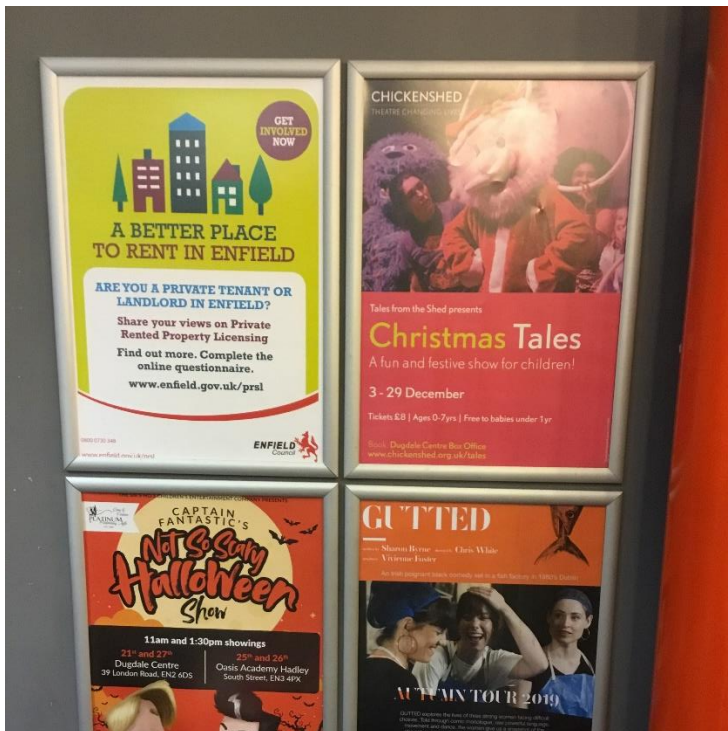
Pull-up banner at John Wilkes House



Pull-up banner at Palmers Green Job Centre Plus



A2 poster at the Dugdale Centre





Avrupa Newspaper  
(Turkish), 30<sup>th</sup>  
August 2019

Enfield Independent  
28<sup>th</sup> August 2019

Epping Forest  
Guardian, 17<sup>th</sup>  
October 2019

Waltham Forest  
Guardian, 17<sup>th</sup>  
October 2019

Barnet Borough  
Times, 14<sup>th</sup>  
November 2019

Parikiaki  
Newspaper  
(Cypriot), 14<sup>th</sup>  
November 2019