

Appendix 8 Consultation Representations

YOU SAID:

- What is the association between low housing demand and the private rented sector? The stats relate to an area which includes all tenures.
- Cannot find the link between low housing demand criteria and what has been said in the report and analysis?
- Disagreement with the proposed licence conditions centres on questions regarding the Council's motivations and impact.

WE SAY:

Part 3 of the Housing Act 2004 provides the indicators that are to be taken into consideration when determining whether an area has or likely to exhibit low housing demand. These include:

- The value of residential premises and how many properties are available to which relate cross tenure.
- The turnover of occupiers and length of time residential properties remain unoccupied which are more prevalent in the private rented sector
- The number of residential properties to rent which relates directly to the private rented sector. Housing association properties are exempt by the Act.

Poor housing management and low standards in the private rented sector can lead to the failure of a local housing market. People leave the area, house prices fall, speculative landlords move in, and the local community becomes weaker. Low demand and antisocial behaviour can result in unsettled communities, along with other social and economic problems. These can undermine the efforts to regenerate an area

The Government recognised that poor management and associated problems exist in some parts of the private rented sector and these issues contribute towards low housing demand and/or anti-social behaviour. Selective licensing was introduced by the Government to tackle problems arising from private rented housing and therefore can contribute to the regeneration of an area, if combined with other regeneration initiatives.

Licensing aims to improve management practices ensuring landlords take responsibility for their properties and tenants, making private renting a more viable option in the longer term. A professional private rented sector encourages longer lets and a provision of a comprehensive tenancy management service.

Selective Licensing is intended to address the impact of poor-quality private landlords and anti-social tenants through management conditions. Poor quality does not necessarily mean landlords who intend to flout the law. Experience from the previous scheme shows that many private sector landlords were unaware that they were landlords, never mind their responsibilities. This included many experiencing significant problems from their tenants and not knowing what to do or where to obtain advice. The Council already has powers to deal with property conditions, individuals causing anti-social behaviour, illegal eviction and

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harassment, however, this does not extend to the management of properties.

YOU SAID:

- What was the data from before 5 years ago?
- The statistical analysis is from 2018- now outdated, new stats required a lot has changed in 12 months?
- 97% of landlords who took part in the online consultation survey thought there was no benefit to a policy of a Landlord Licensing area
- You have to impose and follow up with punishment
- How is this managed? My area is flooded with horrendous landlords and tenants, properties in such poor conditions and full streets being decimated. No good charging for a licence if you're not going to oversee that the conditions are being adhered to, quite clearly not happening.
- No knowledge of such proposals however rogue landlords would not be deterred by licensing. More enforcement is needed instead of pointless charges for the majority. It is evident the unkempt properties by travelling through the town and good landlords will be penalised
- It has to be regulated otherwise it's just a money-making scheme by yourself and the council don't have the best rep. It has to be managed correctly and not seen as a money-making scheme for the council.

WE SAY:

The data regarding the low housing demand indicators as provide under Part 3 of the Housing Act 2004 and can be found on the following link:

<https://committees.oldham.gov.uk/ieDecisionDetails.aspx?ID=1725>

The data of these indicators has been available on Oldham Councils website since April 2014 and was also provided on the Selective Licensing page for the scheme until 2021.

The data for low housing demand indicators completed and provided before 5 years ago was reviewed and compared to the low housing indicators in 2019. This can be found in Appendix 2 Statistical Review May 2019.

Due to the pandemic another review of this data was carried out in December 2020. Please see Appendix 3 Statistical Review Update December 2020.

Please see table below for enforcement action taken.

YOU SAY:

- Is there any data relating to high level ASB/landlords not doing repairs – Any data from then to now?

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WE SAY:

Anti-Social Behaviour

The report found on the above link provided details of anti-social behaviour. The Council did not designate and have not carried out the review and consultation in relation to anti- social behaviour.

The previous Selective Licensing Scheme and current proposals are in relation to low housing demand.

The links below provide data on Oldham and also each neighbourhood.

<https://www.oldham.gov.uk/info/200557/neighbourhoods>

https://www.oldham.gov.uk/info/200632/profile_of_oldham/1588/research_and_statistics_about_oldham

By introducing selective licensing, licence conditions are imposed on the landlord to improve primarily the management of the property. Improving management practises ensures that landlords take accountability for the actions of their tenants who are contributing to anti-social behaviour issues. This includes:

- landlords having the necessary correct documents in place for a tenancy (i.e. references, tenancy agreement, deposit, how to rent guide and safety certificates),
- being aware and educated of their responsibilities and available options,
- being confident to know what options are available to them and to take action,
- to work in partnership with services to tackle anti-social behaviour,
- the provision of contact details to neighbours and services to be able to make the landlord aware of any unreasonable behaviour.

Disrepair

Selective Licensing enables proactive inspections of a significant number of private rented properties within the designated areas due to:

- The Council being aware of where the private properties are through the licensing process.
- The Council have up to date contact details for the landlord through the licensing process.
- The inspection is not reliant on tenants complaining to the Council regarding disrepair for fear of reporting the landlord, not being aware that they can report disrepair to the Council or due to their personal circumstances.

No of Condition Audits conducted	1167
No of serious hazards identified	124
No of defects identified	2346
No of properties where licence condition breaches identified	1261

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Warrants executed	78
No of Prosecutions	124
Emergency Prohibition Orders served within the Selective Licensing areas.	20

YOU SAID:

- How has the previous scheme addressed those issues of low housing demand? What has the Council done to address the issues?
- If the issues have not been addressed then the scheme has failed, so why roll out again?
- How we can trust the Council to get it right in the next 5 years?
- 97% of landlords who took part in the online consultation survey thought there was no benefit to a policy of a Landlord Licensing area.

WE SAY:

The reviews in May 2019 and December 2020 of the low housing demand indicators showed that 2 of the designated areas 2015 - 2020 had deteriorated, 6 had shown improvement and 8 had maintained.

The improvement of an area does not mean that that the area is still not exhibiting signs of low housing demand. In addition, an area that has maintained does not mean that Selective Licensing has not had an impact, as the area may have worsened should Selective Licensing not have occurred.

The Council implemented Selective Licensing in order to address low housing demand within the designated areas. Licensing ensures that landlords are fit and proper and adhere to management licensing conditions.

Over a thousand audits were carried out to ensure that property and management standards were improved.

Information, training, advice, tenancy management pack, joint partnership working, and legislative updates were all provided to assist landlords and tenants in improving the management and private rented sector in these areas.

The Government recognises that the use of Selective Licensing is not a short-term solution and that further designations may be required.

The Council continually throughout the scheme reached out to landlords to determine what benefits would assist and continue to want to work with landlords to work in partnership. Selective Licensing requires the engagement and

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determination of landlords to take responsibility, to share best practise and to provide increase confidence, perception and professionalism in the business of renting properties.

A small number of landlords have stated that they would like to be part of a focus group to have a say in any scheme that is approved. The Council is looking at this option.

YOU SAID:

- The success stories provided by the Council are not relevant – finding a cannabis farm is a Police matter not a Council matter?

WE SAY:

By ensuring that landlords were licensed and complying with licensing conditions there were a number of serious crimes that were disrupted. These crimes were having a negative impact on the neighbourhood, affecting low housing demand and residents were scared to report what was happening.

Finding a cannabis farm and disrupting crime, including theft of electricity is very relevant to the Council, its partners and more importantly the residents of Oldham.

The Police take lead enforcement concerning the cannabis farm being present. Cannabis farms are often linked to human trafficking and therefore the exploitation of tenants, illegal immigrants and landlords.

The Council takes action due to the electric meter being bypassed and overloaded, which is very likely to cause a fire and have serious consequences for the tenant, landlord and neighbours.

In addition, if the cannabis farm is not dealt with, once cropped the remains are often fly tipped at a negative impact to the neighbourhood and cost to the Council and residents of Oldham.

This was one of a number of success stories which includes prevention of imminent risk to life/severe harm, drugs, human trafficking, persons wanted due to committing very serious crimes and immigration offences.

YOU SAID:

- Agents state that Oldham is in much greater demand than the rest of Greater Manchester?
- House prices have rocketed in Oldham with houses being sold within hours.
- The dates doesn't take into account 5% mortgages.
- Council must demonstrate a high proportionate of properties in the area are within the private rented sector.
- The low prices in 2013 are not the case now, house are selling within days all this is going against the original principles of SL in 2014.

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WE SAY:

The statistical review completed in 2019 and updated in December 2020 have taken into account house prices, the length of time properties are unoccupied and the numbers of private rented properties in each area.

YOU SAY:

- The increased fee of 20% compared to rents going up is disproportionate.
- Council raising the price for a poor service.

WE SAY:

The fee consulted was a maximum of £650 per licence. The Council have not stated that this will be the fee. The fee is calculated by the number of properties that require a licence and the time and cost each element of licensing a property.

At the stage of consultation these elements are unknown as the consultation outcome may provide that the proposed area does not go ahead or requires to be changed.

The fee, discounts and payment plans will be reviewed before any operation of the scheme. A breakdown of the fee will be available as it was for the previous scheme.

The fee will be split into two elements as stated in case law. There will be a fee for the administration, assessment of whether to grant a licence or not and the decision. If the licence is granted the second element will be required which is for the operation, monitoring and compliance of the scheme.

YOU SAID:

- Are there going to be discounts for multiple properties?
- Fee Waiver – Tackling Homelessness
We would suggest that, in cases where a private landlord is assisting the Council by offering permanent accommodation to meet homelessness duties, license applications should be accepted without any fee being payable.
- We welcome the fact that a licence would normally be valid for five years. However, we are concerned that any “new” licence holder applying part way through the designation would be bound to pay the full fee. This is unfair and makes licenses granted later in the designated period poor value for money. In these cases, we believe the fee should be charged “pro-rata”.

WE SAY:

Following the consultation the Council have acknowledged that a number of landlords have multiple properties that a licence fee is required.

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Options are currently being reviewed with regards to discounts in certain circumstances and with regards to new landlords who apply during the operation of any scheme.

YOU SAID:

- Selective Licensing and the Council are reactive when they should be proactive. What are the Council doing to be proactive?
- Selective Licensing guidance states that the Local Housing Authority should ensure that any Selective Licensing scheme compliments other measures and if it doesn't this could have a potential negative impact. I want to see evidence of the measures the Council have already put in place and that Selective Licensing is the last resort.
- There are a number of paragraphs that the Council have not considered, and it is clear in the guidance that Selective Licensing should only be considered as a very last option. Need to demonstrate fulfilling the guidelines?
- Landlord Accreditation is a better way forward incentivise rather than punish through Landlord Licensing.
- The Council should use innovative thinking and work with landlords.

WE SAY:

The Council has limited resources and has to prioritise the most serious cases. It is also restricted and guided by legislation. The Council also relies on information from residents, landlords and partners to be able to take any necessary action.

Selective Licensing is a tool that can be used by the Council to react to specific criteria. The Council was and is being proactive in the use of this tool.

Throughout the previous Selective Licensing scheme the team continually requested engagement with all parties to build good relationships and work in partnership to prevent and solve issues being faced. However this only works if all parties engage.

During the consultation 2020/2021 there has been a core group of only 16 landlords who have taken advantage of the one-to-one discussions and focus groups.

Landlords who took part in the focus group have stated that although they do not agree with a scheme going forward, if it did go ahead, they would want to be part of the discussions. The Council is looking at options to make this happen if a scheme is approved.

The Council operated a voluntary landlord accreditation scheme for a significant number of years. Financial incentives, landlord forums and information were provided. The uptake of the accreditation scheme was very poor with less than 5 landlords, before the decision was made to end the scheme. Accreditation

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schemes due to being voluntary are usually attended by a small number of proactive landlords and does not ensure that all landlords take part and improve property/management standards.

Of the landlords who completed the online consultation survey over three quarters indicated that they are not a member of a landlord/letting agent organisation. This also showing the lack of appetite for a lot of landlords to take part in voluntary schemes/memberships.

The Council is working with the Greater Manchester Combined Authority on a good landlord scheme. Oldham Council are developing a tenant's charter.

Concerning other measures taken and an option appraisal of measures available to the Council please see Appendix 9 and 10 of the Selective Licensing report.

Consideration has been given carefully to the non – statutory guidance and this has been demonstrated in the report to Cabinet.

YOU SAID:

- Selective Licensing is only repeating inspection's good landlords already carry out.
- All Selective Licensing does is make good landlords pay extra money for the Council to tell us to do what we are already doing?

WE SAY:

The Council recognises that there are good landlords who provide good quality valued properties, and this is to be encouraged.

However there are only a small percentage of landlords who see the renting of properties whether it be one property or ten properties as a business and therefore understand the legislative requirements and impact of their property on the neighbouring area.

During the process of the previous Selective Licensing scheme the majority of landlords owned one property and were an accidental landlord. This means they had moved to a new house and couldn't sell the property, or they had inherited the property and had been approached by someone they knew who wanted to rent it.

A lot of common responses included:

- I am not a landlord as I don't receive any profit, the rent pays for the mortgage.
- I didn't want to rent the property, but the person was homeless and had nowhere to go, I know the house is not fit to live in, but it was better than the streets.
- There was a large core group of landlords who didn't think they were landlords and therefore were not aware of the legislation they should be complying with or their responsibilities. They also didn't know their rights or

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how to deal with problems. Some landlords were frightened to approach their tenants and hadn't visited the property for years, some were owed thousands of pounds in rent.

The team provided information and resolved a number of issues.

It is human nature to assume that as a good business owner that all business owners act in the manner you do. Unfortunately this is not the case.

There was also a small number of landlords who were facilitating crime provided false safety certificates and 20 emergency prohibition orders had to be served due to imminent risk of death or severe harm.

The Council has provided assistance to good landlords. Unexpected circumstances can affect all landlords.

YOU SAID:

- Why are good landlords being penalised?

WE SAY:

The legislation and guidance that governs Selective Licensing does not distinguish between landlords who are already doing what they need to do and more. Oldham Council did feed this back to Government during the review of Selective Licensing they conducted.

The Council does not want to burden good landlords and wants to ensure the landlords who are required to improve their management and property standards are the ones that are dealt with.

This was a common issue raised at the one to one and focus group consultation discussions. Therefore the Council is looking at discount options and how good landlords can be an essential part of the development and operation of any scheme.

YOU SAID:

- If there is a problem just ring us?

WE SAY:

As a Council we will investigate all the systems available to us and information from tenants to contact landlords.

The Environmental Health team have access to a number of Council records including service requests, council tax and housing benefit for the purpose of enforcing under the Housing Act 2004. The team also have access to Land Registry. Unfortunately these systems rely on the person(s) it relates, to ensure the details are updated. This is often not the case. In addition addresses for the

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landlord may be provided, however telephone numbers and email addresses are not.

The application process for Selective Licensing involves the provision of up-to-date contact details and who is responsible for the property. This enables the Council to contact and engage with landlords.

Apart from the licensing process there is no current register of private rented properties or up to date landlord details.

The Government has released a white paper with regards to the potential development of a landlord register due to the issues Councils and tenants face contacting their landlord.

YOU SAID:

- Who makes the decision? Who is Cabinet? How do we speak to someone?

WE SAY:

The following link provides the Councils Constitution. This is how the Council makes decisions and the procedures it follows.

<https://committees.oldham.gov.uk/eCSDDisplay.aspx?NAME=The%20Council%20Constitution&ID=238&RPID=264189&sch=doc&cat=13171&path=13171>

The links below provides details of the Cabinet members and their roles and the Senior Management Team.

The Cabinet is responsible for strategic decisions and recommends proposals for approval by full Council on the budget, Council Tax levels and the Council's policy framework.

Before decisions are brought before Cabinet reports and briefing papers will be submitted by Council Officers to the Council's Senior Management Team, the Cabinet Portfolio Holder, Overview and Scrutiny and the Leadership team.

https://www.oldham.gov.uk/info/200142/councillors_and_leadership/1917/cabinet_Chief_Executive_and_Executive_Management_Team_|_Chief_Executive_and_Executive_Management_Team_|_Oldham_Council

The following link provides contact details for all Oldham Councillors:

[Your Councillors \(oldham.gov.uk\)](#)

YOU SAID:

- Education measures are key?

WE SAY:

The Council agrees that education measures are key to improve both management and property standards. This was a key element of the previous

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scheme which included legislation updates, tenancy management pack, advice, training, forums and newsletters.

However the provision of education does not mean that all landlords and those that most need the information will access it. Licensing provides a framework to ensure that landlords access this information to enable compliance with licence conditions.

In addition to the above the Council are working with the Greater Manchester Combined Authority to provide an information package including practical help for landlords and tenants across all ten Greater Manchester authorities.

YOU SAID:

- Other measures – putting up Council tax for all as it's the whole area affected not just PRS?
- I want to see an evaluation/evidence of a breakdown of where the previous Selective Licensing fees money has gone and how that has been spent to address the issues? We receive this with a CTAX bill however no mention with Selective Licensing.
- How can the Council ask for more money when it has already received millions from previous scheme with no evidence where it has been spent?
- Council using Selective Licensing as a cash cow to fill budget cuts.
- The Council are not raising Council Tax but hitting the landlord to cover the costs instead.
- Selective licensing is a back-door tax
- Council using Selective Licensing as a cash cow to fill budget cuts.
- Of the landlords who stated they didn't agree with the proposed licencing conditions, 70% stated that they failed to see the value of the proposal. Of these, a significant minority believed that the proposals simply represented a way for the council to make money.
- Just think nothing works only money-making landlords should know the law
- Money making scheme by the council. Don't ever come out sort any of the problems out.
- No clear evidence to suggest that the licence works and is just a money scheme to obtain funds
- The Council are not raising Council Tax but hitting the landlord to cover the costs instead.

WE SAY:

Council Tax is a property-based tax, with a personal element.

The basis of the tax is that a property is occupied by two adult residents. In such a case, half the tax will relate to the property element and half to the personal element.

Oldham Council collects Council Tax for its own purposes and also on behalf of Saddleworth and Shaw & Crompton Parish Councils and the Greater Manchester Combined Authority (GMCA) for two components, the Mayoral Police and Crime

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Commissioner Precept and the Mayoral General Precept (including Fire Services). For more information about the GMCA precepts please see [Council Tax contributions to GM precepts](#)

Council Tax is not a direct payment for services so it must be paid whether you use the services or not.

What does it pay for in Oldham?

The Oldham Council element of your Council Tax helps to pay for services we provide throughout the borough like:

- Protecting and supporting older people and vulnerable adults
- Protecting and supporting children and young people
- Collecting, recycling and disposing of your rubbish
- Maintaining roads, pavements and street lighting, and cleaning your streets
- Running your libraries and leisure centres
- Looking after your parks and open spaces
- Many other services including planning, trading standards, elections, cemeteries and registration of births, marriages and deaths

Your Council Tax also pays for levies (payments we have to make to other organisations) for services such as public transport and waste disposal.

The Adult Social Care Precept element of your Council Tax was introduced from 1 April 2016 and helps fund the increasing cost of providing Adult Social Care services.

Separate elements of your Council Tax also contribute towards the services provided by:

- The Greater Manchester Mayor as Police and Crime Commissioner
- The Greater Manchester Mayor for general functions including Fire Services
- Saddleworth Parish Council (only residents in Saddleworth)
- Shaw and Crompton Parish Council (only residents in Shaw and Crompton)

Council Tax is already being increased to meet the rise in cost to provide core Council Services, and cannot be increased anymore for 2022/23

Selective Licensing is a tool that Oldham Council would like to use to tackle low housing demand in certain areas of Oldham. There are a number of areas in Oldham that are not exhibiting or likely to exhibit low housing demand and therefore Selective Licensing is not appropriate for those areas. Therefore a charge on council tax for everyone would not be appropriate.

In addition the legislation provides that the Council can introduce a fee for Selective Licensing to cover the costs of the licensing scheme. The link has been provided between the private rented sector and low housing demand.

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The landlord must apply for a licence and comply with the set conditions, and therefore it is expected that the landlord will pay the fee. The renting of private rented properties is a business and therefore any regulation introduced relating to this business should be paid by the business owner not the public purse.

The fee will equate to less than two months' rent. The fact that a landlord requires a licence and has to adhere to licence conditions improves the management and property standards within the area which in turn reduces low housing demand.

The Housing Act 2004 provides that the Council can charge a fixed fee to cover all costs incurred by the authority in carrying out their functions with regards to Selective Licensing. The fee covers the cost of the administration, assessment, monitoring and enforcement of the Selective Licensing Scheme.

The fee is calculated by the time of each task that is required to administer and assess the licence and to monitor and enforce the obtaining of a licence and compliance with the licence conditions. The cost of the time spent is calculated by the salary grade of the Officer who is assigned that task. The fee is not to be spent on any physical improvements to the area and the Council cannot make a profit or use the monies for any other purpose.

The finance model for the previous scheme has been available and provided as requested. It is intended that this would be the same for any new scheme.

Landlords have stated that they would like to see annual statements and performance indicators should any new scheme be improved. The Council will provide this should a new scheme be approved.

YOU SAID:

- Can we have an approved list of engineers which contains the criteria all properties need to meet? Issue raised that landlords at the hands of contractors who take advantage of the scheme.

WE SAY:

The Council note the request and will work on this option.

YOU SAID:

- What criteria is going to be used to determine whether to bring in Selective Licensing or has Council already decided?

WE SAY:

In line with the legislative and non- statutory guidance, the Cabinet will determine whether the report shows the following factors have been met. They will also consider the positive and negative impacts of whether Selective Licensing is the right tool to be introduced in Oldham:

- Identified and provided evidence of the problems affecting the area.

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- Considered other measures alongside the selective licensing scheme to eliminate or mitigate those problems and how they will work together. .
- Acknowledges that Selective licensing is not a tool that can be used in isolation but alongside other measures, where these measures alone are not enough to tackle the underlying housing problems in a specific area.
- How such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies homelessness, empty homes regeneration & anti-social behaviour associated with privately renting tenants.
- Has considered any potential negative economic impact that licensing may have on their area.
- Has demonstrated the link with the overall housing strategy.
- Has considered the role of other partners, such as the Police or Social Services, in ensuring the designation reaches its goal.
- Looked at alternative options available, that might provide an effective method of achieving the objectives and;
- How the making of the designation will significantly assist the local housing authority in achieving its objectives (whether or not in conjunction with those other measures).
- Considered the resources needed to successfully run the scheme and include services such as active outreach support programmes to engage with landlords and tenants who need their assistance as well as how to support landlords to deal with problem tenants.
- Provided a risk assessment that assesses the likelihood of possible displacement of unprofessional landlords to other areas within the local authority's jurisdiction, or to neighbouring local authorities.
- Taken reasonable steps to consult persons who are likely to be affected by the designation, and, considered any representations made in accordance with the consultation.
- Will publish the responses to consultation to make them available to the local community. This will be in the form of a summary of the responses received and should demonstrate how these have either been acted on or not, giving reasons.

YOU SAID:

- Incentives are required -- security lights, more locks fitted. Landlords need to see something for their money.

WE SAY:

Any financial incentives provided will be at the cost of the licence fee and therefore the cost of the licence would increase.

The Council will look at whether there are any funding options available for landlords and provide this information. For example on the introduction of the

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smoke and carbon monoxide regulations 2015, the Greater Manchester Fire and Rescue Service provided free smoke detectors in certain circumstances. The Green Dividend is a Council project where funding can be applied for to improve alley ways. This funding was promoted during the previous scheme. https://www.oldham.gov.uk/news/200965/green_dividend_fund

YOU SAID:

- Why charge per property?

WE SAY:

The fee is for the cost of the administration, assessment, monitoring and operation of the Selective Licensing Scheme.

The fee is calculated by the time of each task that is required to administer and assess the licence and to monitor and operate the obtaining of a licence and compliance with the licence conditions.

The cost of the time spent is calculated by the salary grade of the Officer who is assigned that task.

Each property that is required to be licensed has to go through this process and therefore there is a cost for each property to be assessed for a licence and this licensed monitored for compliance.

The Council recognises that some landlords do have more than one property and are therefore subjected to multiple fees. Options of discounts are being reviewed.

YOU SAID:

- The Council is hitting the self-employed who have received no help.

WE SAY:

The purpose of selective licensing and the introduction of this by the Council is not to burden self-employed landlords.

Landlords who operate within the Borough are not solely self-employed, with a great deal of landlords who have another form as their main income.

Being a landlord is being a business owner of which there are a number of risks including the introduction of legislation and additional costs. All these factors must be assessed by the landlord.

The fee is a maximum of £650 per licence. If the licence is applied and granted within the first year of the scheme this equates to a maximum £13.55 a month over 4 years or a maximum £3.39 a week. The maximum licence fee is less than 2

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months rental income from an average annual income of approximately annual income of £6,000 per property.

The Council has listened to what landlords have said during the consultation and are therefore looking at discount options in certain circumstances.

YOU SAID:

- I will pass on the licensing fee to my tenants

WE SAY:

Landlords do have the option to increase rent by following the correct legal process. However the fee is a maximum of £650 per licence. If the licence is applied and granted within the first year of the scheme this equates to a maximum £13.55 a month over 4 years or a maximum £3.39 a week.

The Council has listened to what landlords have said during the consultation and are therefore looking at discount options in certain circumstances.

Landlords also stated that they would like more flexible payment options. The Council have looked at this option. Any licence fee would be in two instalments as provided by case law. A fee for the administration and assessment of the licence application and then on the granting of a licence a monitoring and operation fee. Any further flexible payment options would result in additional management, monitoring and recovery of fees and therefore the cost of this would be added to the cost of the licence fee.

As flexible payments are not a request from all landlords and the Council and landlords want to keep the licence fee to a minimum flexible payments will not be provided.

The Council has also considered this risk and can be found in Appendix 18 of the Selective Licensing report.

YOU SAID:

- Selective Licensing is racially motivated.

WE SAY:

This is definitely not the case. A comprehensive statistical analysis review in May 2019 and December 2020 have been carried out with regards to low housing demand indicators specified in the Housing Act 2004.

Extensive consultation has taken place and a full equality impact assessment has been completed. This includes a summary of equality monitoring data that was provided by licensed landlords on the previous scheme. Please see Appendix 19 of the Selective Licensing report.

YOU SAID:

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- Most property safety checks & landlord documents are already mandated by law.

WE SAY:

It is correct that a number of property safety checks are mandated in law. The Housing Act 2004 provides mandatory licence conditions that the Council must include which include property safety checks.

There is limited mandated law that relates to the management of private rented properties, except in very extreme circumstances. It is the lack of management of some private rented properties which has a negative impact on the neighbouring community and affects housing demand.

YOU SAID:

- Pointless exercise as I can report any issues my landlord does not sort out to environmental health.

WE SAY:

The Environmental Health team can deal with issues of disrepair, pests, overcrowding, and noise issues of a private rented property if they are informed by the tenant/neighbour and can be contacted on 0161 770 2244 or envhealth@oldham.gov.uk.

The Tenancy Relations team can deal with issues of illegal eviction, harassment and tenancy advice and can be contacted on 0161 770 3612 or tenancy.relations@oldham.gov.uk

The Community Safety team can deal with anti-social behaviour and can be contacted on 0161 770 1573 or css.admin@oldham.gov.uk

The Neighbourhood Enforcement team can deal with issues of waste and can be contacted on 0161 770 2244 or https://www.oldham.gov.uk/info/201056/keeping_streets_clean/842/fly_tipping

It is correct that the Council can deal with a number of issues, however the Council has very limited powers in relation to the general management of a private rented property, Selective Licensing provides this to Councils if there is evidence an issue exists. Please see Selective Licensing report and Appendices.

YOU SAID:

- Get rid of the licence! It has a detrimental effect on us tenants. Landlord has said it's not worth the hassle anymore. So, when they sell up, we will end up

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in a shelter or hotel. Cost of doing that doesn't stack up as it's too much pressure on landlord. He will sell 17 properties.

WE SAY:

The Council has carried out a comprehensive risk assessment to determine any negative impacts of introducing a Selective Licensing scheme. This can be found in Appendix 18 of the report. The risk assessment identifies that Selective Licensing could reduce the size of the private rented sector as landlords leave properties empty/sell and this reducing availability.

The Council has identified the following mitigating actions:

- If a private rented property is on the market, it may be purchased by another landlord who wishes to invest in the area ensuring the supply of properties for rent is maintained.
- Opportunity for owner occupiers to purchase affordable homes.
- New landlords' step in as the market grows in response to changes in the housing market.
- Empty Dwelling Strategy to proactively target and prioritise this area.
- Experience from previous scheme did not provide any decrease in the PRS or increase in long term properties that wasn't consistent with changing markets.

The Council will:

- Monitor turnover of landlords in the proposed designation.
- Review options of discount for landlords with multiple properties
- Review options of a landlord focus group to contribute to making the process work and easier for them to prevent additional burden on good landlords.

YOU SAY:

- Scrap it. It has a knock-on effect. You charge them and they pass it on to us people who have hardly any money left. Council not bothered landlords have money social tenants live on the breadline and become poor. Kids grow up in household where there is no money and left behind compared to other children.

WE SAY:

The Council has carried out a comprehensive risk assessment to determine any negative impacts of introducing a Selective Licensing scheme. This can be found in Appendix 18 of the report. The risk assessment identifies that landlords could take the following actions on the introduction of Selective Licensing:

- Increase rent to cover the licence fee.
- Avoid fee by leaving void or selling the property.
- Price the area out of reach of existing tenants.

Appendix 8 Consultation Representations

The Council has identified the following mitigating actions:

- Rent levels can be altered by landlords at regular intervals depending on market conditions. This is beyond the Council's control.
- It may affect availability to tenants if regeneration of an area occurs and demand to reside in the area increases.
- Housing Benefit thresholds (ceiling) and the market will dictate rent levels more than licensing.

The Council will:

- Promote the tenancy relations/welfare assistance services and have robust referral mechanisms.
- Review options on discounts of the licence fee.
- Review options of a landlord focus group to contribute to making the process work and easier for them to prevent additional burden on good landlords.

YOU SAID:

- It's ridiculously expensive, and is solely focussed on landlords, not bad tenants

WE SAY:

The reasons for the Selective licence fee and what it pays for is provided above.

The legislation does not enable the Council to put licence conditions on tenants. Ensuring landlords take responsibility for managing their properties also ensures that they take accountability and are prepared and will take action with regards to bad tenants.

By introducing licence conditions regarding management standards in an area this creates a level playing field where all landlords have the same accountability and responsibility, therefore bad tenants cannot just move from property to property and understand that their behaviour is unacceptable.

In the previous Selective Licensing scheme the Council carried out numerous joint visits with the Police, other partners and landlords to provide warnings to bad tenants and inform of the consequences should their behaviour continue.

The Council are also developing a tenant's charter and working with the Greater Manchester Combined Authority concerning education and advice for both tenants and landlords.

Appendix 8 Consultation Representations

YOU SAID:

Point 3.5 in the consultation documents state that there would be no resources for enforcement or support to occur in the previously designated areas without selective licensing. The NRLA disagrees and provides a list of powers already available to Councils.

WE SAY:

Appendix 10 Appraisal Alternative Options reviews the powers available to the Council including the ones provided by the National Residential Landlord Association.

The Council does have a number of powers provided to it through Government legislation to deal with certain issues. Being provided a power does not mean that the Council has a duty to use this power.

The Council has limited resources and does need to prioritise its enforcement action including to those that are the statutory duty of the Council and target those issues that have the potential of high risk/severity of impact on Oldham residents.

The Council cannot enforce all powers that are available to them due to limited resources.

The available powers to deal with management within the private rented sector/low housing demand are very limited in their scope and impact on wider areas. They are often limited to the worst case property only, unlike Selective Licensing which has a wider impact.

YOU SAID:

Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include but not limited to putting waste out on the street for the council to collect. This is in the hope of getting their deposit back. Local authorities with many private rented properties need to consider a strategy for managing excess waste at the end of a tenancy in place of selective licensing.

WE SAY:

Being a landlord is being a business. Therefore it is important that landlords have strategies in place to ensure that nearing the ending of a tenancy that they are communicating with their tenant regarding any excess waste. The landlord is in control of the property and the risks associated with the ending of the tenancy. The Council is not.

A core group of landlords have stated that although they object to Selective Licensing, should the scheme go ahead they would like to be involved. The

Appendix 8 Consultation Representations

Council is currently reviewing this option and potentially this could be something that could be part of those discussions with this core group of landlords.