

## All Comments made through Consultation – Public Meetings, Questionnaires and Emails

| Comment  | Response  |
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| It's a waste of time and money and does not add value, already other places like Nottingham have it, what that has achieved other than raise cash for Local Authority?   | The Scheme will be cost neutral and provide the Council with additional powers to deal with poor housing standards and rogue landlords  |
| I am not against identification of private landlords but to charge for it is outrageous  | The Scheme needs to be self funding and therefore all landlords will be included and the rogue landlords identified and action taken against them.  |
| If my tenant can't afford the property, it will fall on the council to find suitable accommodation which they don't have. Elizabeth court, and Boulter crescent are a reflection of poor council accommodation my property is a much higher standard than these.   | Council accommodation is already covered by the same regulations we are trying to implement through this scheme (The Decent Homes Standard)   |
| If this scheme is implemented it should firstly be directed at the landlords that do not maintain properties and those that let their properties to anyone just to fill it. The council must already be aware of these landlords/tenants from complaints. If the scheme after 12 months prove to be working with satisfactory evidence to support the scheme and evidence of where the licence revenue was spent, then a further roll out generally could be put forward again | We have to target all private rented landlords. Due to our research we have undertaken and the results that have come out of this research there are many properties that need to inspect. Currently we are working reactively to complaints. This scheme gives us the power to inspect properties within the designated area without any pre-warning. Making the Council more proactive. |
| Why start with South Wigston? Target the greedy dirty landlords.   | South Wigston meets the majority of the criteria needed for a Selective Licensing Scheme to be introduced.  |
| The proposed cost of £805 in your consultation document is completely unfair on landlords who already provide a good standard of property to their tenants. The tenants in our properties have a sense of belonging in their homes and treat them as their own. There should be some sort of sliding scale to reflect the good landlords that already exist which is why I have indicated a cost of around £250 being much fairer for such landlords.                          | The proposed cost of £805 was a guide based on the current fee for the HMO licences we currently operate. We are looking at the possibilities of discounts for a number of different things however we have to make the scheme cost neutral.  |
| None at all but this will end up happening anyway so what a waste of a form and time filling it in   | Every response, comment and point raised during the consultation will be included in the final report and will undoubtedly make an impact on the final decisions that are being made.   |
| If it is to be introduced, an indication of the levels of anti social behaviour would be useful, is there a way to indicate this is as a result of rentals, this and other issues. I would expect this to reduce how would we measure and how can we ensure if landlords are asked to pay there is a REAL  | On our website, we have provided the figures for crime and ASB for the whole of the borough and how that splits down into South Wigston, Oadby and Wigston. Unfortunately, this data does not narrow it down more to the type of property (Private rented, Social Housing)  |

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| <p>benefit. This I am not adverse to but would want clarity on the actual issues as appose to the letter which I found difficult to understand as there are multiple reasons suggested. In the end I will support but ONLY if there is an up turn and improvement for my tenants, my property and the local area. I would still stand by my belief this appears to be a revenue generator as appose to an attempt to really address. How would we know where the money is used also?</p> | <p>The money raised from the licences are to cover the full costs of the set up of the scheme and the running of the scheme for the 5 year duration</p>  |
| <p>I do not request a reference for my tenants as they are relatives</p>   | <p>Comments noted.</p>   |
| <p>Only that I am strongly against this scheme.</p>  | <p>Comments noted.</p>   |
| <p>Landlords like me are being stung by councils, governments and taxes</p>  | <p>We are introducing this scheme to benefit the area; there hopefully will be some long term effects on the area.</p>   |
| <p>In your 11 page document I do not find a paragraph 'advantage of licencing for the Landlord' why is that? I acknowledge that licenced property will be attractive to some tenants, but the tenant can judge standard of the property they live in without the piece of paper. A fee of £805 is totally no go as there is not much benefit for the landlord</p>  | <p>The benefits for the landlords are more long term than the benefits for the tenants. We are aiming for fewer turnovers in tenants in the area, a decrease in ASB and to make the area a more desirable area to move to.</p>   |
| <p>I and other landlords that I know will now no longer be looking to buy in South Wigston, if this stupid Selective Licensing is introduced, causing less demand. Short term, I will increase the rents - long term, I will sell the house and buy elsewhere.</p>   | <p>If you feel that in order to raise the funds for this licence you need to increase the rents, then that is a business decision by yourself. However, to decrease the chances of this happening, we are looking at the possibility of allowing 3 months after the "go-live" date to apply for a licence.</p> |
| <p>I didn't buy my house as an investment, I bought it to live in and only because my circumstances changed have I moved. I moved because of medical reasons. I had a back op on 7th August and I am still recovering. The rent I get in from my tenants pays for my rent to live in my new property. I will not make any money in the first year as the set up costs seem extreme.</p>  | <p>The rent that is being charged for the property should be enough to maintain that property, it is a commercial concern and profit is on fulfilment of the statutory duties by the landlord or agents</p>  |
| <p>The council must be ineffective when dealing with ASB if you are having to bring in this scheme</p>   | <p>During this scheme, we will be working closely with the ASB officer and ensuring that this view changes as this department again will become more pro active.</p>   |
| <p>If you are renting out a decent property and doing all the things you should be doing then I feel I should not be punished like those landlords who ARE renting out bad properties. Therefore, for good landlords they should only pay £50 and bad landlords £800</p>   | <p>The fee hasn't been decided based on the number of private rented properties in the Ward including good and bad landlords, the fee has been decided on how much officer time it will take to complete an application and compliance checks following the issuing of the license</p>                         |
| <p>Fee should be based on what legal fees landlords pay each year (gas certificate, epc, etc.)</p>   | <p>The proposed fee will be costed in relation in to the costs associated with processing an application and maintenance of the licence for the 5 year period.</p>   |

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| <p>I am a landlord that has numerous properties around the country and several in the area in question. All my properties are maintained to a high standard. I reference all tenants and deal with any raised problems promptly. I also use a managing agent to ensure that I and my tenants maintain the property. I AM TOTALLY AGAINST THIS SCHEME. I feel you are punishing the good landlords who are fulfilling their responsibilities already. Surely if you need to do anything this should be dealt with on a basis where if the tenant complains about the landlord then they can be put on a license. This should not be a scheme where you are presumed guilty. You are asking me to pay to prove I am already doing what I should be. There is absolutely no benefit for me or my tenants in this scheme as previously stated my properties are maintained to a high standard already with most of my tenants having been in the property for more than 3 years. So what am I getting for the money you are asking from me? There is absolutely no need to inspect properties which are maintained well. I do not need any help or development as a landlord. If a landlord can prove they use a managing agent then this should be adequate to not need a license in the first case.</p> | <p>We can not determine whether a house is in a good condition from the landlords say so. If we did it this way then we wouldn't inspect any properties, from the research about housing complaints we know this isn't the case. The benefits we are aiming to achieve for the landlords are:</p> <ul style="list-style-type: none"> <li>Longer tenancies</li> <li>Less turnover in tenancies</li> <li>A more prospective area</li> <li>Less ASB and crime</li> </ul> |
| <p>By charging landlords £800+ (which is an absurdly high amount of money) all you are doing is giving them less money to invest into keeping the property maintained. These charges will result in being passed onto the tenant in the form of rental increases. Also, surely one license for each landlord is better rather than per property.</p>  | <p>We are licensing the property because ultimately we are looking to achieve a higher standard of private rented properties. The licence is a joint licence for the landlord and the properties that they own.</p>   |
| <p>I do NOT agree with it at all. I believe you are looking in the wrong place to sort out the area. I cannot comprehend how or why a landlord should pay an extortionate fee one that I cannot afford or justify for issues in the area I don't believe are remotely related to landlords and their properties. If you feel landlords are mistreating their tenants then these landlords should be addressed on a personal level not every single landlord targeted when like myself I take great care and attention to both my property and my king standing tenant. I believe that if there are tenants that are being placed in the area that are creating anti social behaviour I think these people should be addressed personally. There are both genuine landlords and tenants in the area. This registration fee is going to create havoc. It will not resolve any of the issues in the area. I think a curfew should be put in place for the youths in the streets in the area. I STRONGLY advise AGAINST this registration</p>   | <p>The area has been determined based on the criteria needed for the introduction of a Selective Licensing Scheme. High levels of crime, High levels of ASB, high number of housing complaints. Like any area South Wigston has its positives and negatives but based on the evidence we are trying to address the negatives and make the area more positive than negative.</p>   |

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| Not all landlords are fat cats with 10+ properties. Some of us are regular average earners who work hard to maintain their single rental property. My property is maintained to a high standard and my tenants are well looked after. Why should I suffer because other landlords do not provide good homes? If you're going to introduce this, introduce it for landlords with multiple properties- those who can afford it. If I can't afford this and my tenants can't cover it, I will sell.  | We understand that not every landlord owns a catalogue of properties. However, the operation of private rented properties is a commercial decision and the costs of running a privately rented property are intrinsic in the commercial decision.   |
| I strongly disagree, I believe there is a high demand for rental properties in this area, with good connections to the city/ train line in a relatively cheap area and I believe this will decrease the number of rented properties in the area possibly leaving houses empty as not everyone can afford to buy   | The issue of the house prices being cheap is a factor in determining the Selective licencing area as required in the Guidance as Landlords will buy cheap properties and obtain greater returns on their investment through the rent paid.  |
| Don't introduce it!   | Comments have been noted.   |
| Would you like to buy, maintain & manage my property?   | Comments have been noted.   |
| I cannot see why the council is clearly discriminating against rental property tenants and landlords by saying in your consultation that south Wigston is "an area of high crime and anti social behaviour" and that a licencing scheme is needed to tackle this. You are therefore implying that rental tenants are the cause of this. I fail to see how you can justify this statement. If there is a problem in this area then all properties both rental and private should be included so one group isn't being discriminated against and unfairly blamed for the problem. Are you saying that people that live in private property do not cause crime or anti social behaviour but only tenants do? I find this shameful. | <p>Areas of high crime and anti social behaviour are only one of the criteria that need to be met in order for the introduction of a selective licensing scheme to go ahead.</p> <p>The reason we are targeting private rented is because Housing Associations and Council Properties are already covered under the legislation we are trying to implement.</p>   |
| I believe this scheme not to be suitable for the area or the purpose it is trying to impose.  | Comments have been noted.   |
| I think it is clear exactly why this scheme is being introduced. It certainly is not to benefit the landlord. How does the council believe that the fees from the licence will be spent? The brochure makes it clear that the landlord will have all the responsibility; they will have to manage the property (which we do already). Fire safety is already in place, anti social behaviour is already in place. Which means any revenue will be used for what? I was also interested to note that a letter was sent to me at the end of October, the consultation has been open since 6 September. Why has the council waited so long to notify   | <p>The Council, understand that in the first round of consultation from comments received the letters we sent out to landlords gave landlords an insufficient amount of time to respond to this proposal. Because of this we extended the consultation period by a further 10 weeks producing a total of 20 weeks consultation.</p> <p>The fees raised through licencing are purely for the maintenance of the five year scheme, we legally can not make a profit from this scheme.</p> |

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| landlords?  |  |
| Our view is that an improvement to the quality to the parade of shops would be more welcome by the community and more effective than the introduction of a licensing scheme. Business rate relief and similar incentives could stimulate retail activity  | Long term, we believe that if the area is improved and becomes more desirable and prosperous the attraction to shop owners to set up on roads like Blaby Road etc. will become more regular.   |
| It does seem a bit of a postcode lottery for those landlords who have properties in and around the area...  | The area identified fulfils the Governments criteria for Selective licensing.  |
| I think there is no information about what the council intend to do with the scheme?  | All the information is on the website and this is updated regularly by the Regulatory Services Manager.  |
| I fear this consultation will be ineffective, especially if the fact that I have only recently been made aware of it (end of October) despite the start date being sometime ago is anything to go by.   | Because of this, we extended the consultation and also held two public meetings for landlords to attend.   |
| Landlords cannot be responsible for the behaviour of their tenants. References can be taken for previous rental history, employment references or personal references.  | Landlords can make a condition of the tenancy that they do not cause nuisance to neighbours and therefore can take action. References are frequently taken to assess any prospective tenants.  |
| It will increase rent for the tenants. And make landlords sell up as it's not profitable.   | This is a commercial decision for the Landlords. The Council has no powers over the rents set to tenants and are trying to minimise the rent increase by allowing up to 6 months to collect the fee from the current rental income which should cover the costs of servicing the property prior to making any profit (3 months prior to the go live date and 3 months after) |
| The council needs to look to its own housing stock and to those properties also owned and managed by Housing Associations to bring effective management and control to tenant behaviour. This I believe is where the council should be directing their efforts together with the police in order to effect a more community minded spirit with adequate resources to support young people, Neighbourhood Watch etc., Youth and Church organisations etc. Where the council is under resourced in these areas, then the Councillors should make direct representation to MP's and Government; the Police & Crime Commissioner and to funding organisations to make effective bids for extra money to help with projects that reduce any perceived drug or anti-social behaviour in the area of South Wigston where specifically identified by your plan. | Housing Associations have procedures in place to deal with their own tenants. Housing Associations and Council properties already are covered by the Decent Homes Standard.<br><br>We will be working closely with the ASB officer with the aim that these ongoing occurrences reduce.   |
| Bad idea to only highlight one area   | The area identified fulfilled the requirement of the Government guidance.  |
| It seems on this form that you have to tick   | We received a number of comments about the   |



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| <p>something in each section - even if nothing is applicable, therefore please note:-About Your Property Section : 2nd section, none of these options apply - we became Landlords for the first time in May this year and several people were interested in renting our property.</p>  | <p>questionnaire, so, we acted upon it and have now added options such as "does not apply" or "unsure"</p>   |
| <p>Yes, use the council tax to police the areas. Also I'm paying an estate agent a monthly fee to manage my properties. How is it fair to make me pay further fees if my properties are already managed properly?</p>  | <p>The licence will also help the area your property is located. The area will improve due to the reduction in rogue landlords</p>   |
| <p>It's not fair for landlords like myself who only have one property, is there going to be a better service to help landlords? I think it will all continue to be on the side of the tenant which isn't always fair.</p>  | <p>Although it may seem this scheme benefits the tenants, we are trying to better the relationship with the Council and private rented landlords. We have spoken about the opportunity of holding forums where you can express any concerns, we are prepared to hold training for any landlords that are new or maybe want more knowledge. We are working on ways to make the landlord feel that this is benefitting them also.</p>  |
| <p>The above questions in the About This Area and About Your Property are not appropriate. I rarely visit the area, the fact that I have not identified any problems does not mean they do not exist just it's that I don't know about them because I don't live there. Each of the questions should have a 'Don't know' box; otherwise your conclusions from the answers will not be valid.</p>   | <p>We have identified the questions that were without an option to say it doesn't apply and have addressed this issue.</p>   |
| <p>I rent out one small house, through an Estate Agent, and pay the required income tax on that income through my PAYE code. I like to think the rent charged is in line with that recommended by the Estate Agent and is a fair figure. Requiring a payment for the licence that is too high is likely to push landlords to increase their rental fees to cover the cost of the license and perhaps not achieving a situation that is fair for either reputable tenant or landlord.</p> | <p>If the scheme is bought in by members on 4<sup>th</sup> February 2020, then there will be 3 months (legally) before the scheme actually comes into place (5<sup>th</sup> May). Once the scheme is live, it is proposed another 3 months grace period will apply meaning you will have until 5<sup>th</sup> August to apply before action will be taken against unlicensed premises. Therefore, we are giving landlords and agents up to 6 months to gather the fees from the current rental income which should cover the costs of servicing the property prior to making any profit.</p> |
| <p>I think every landlord should be taken on their own merit, and not a blanket scheme rolled out. To a point, this would be ok, but if landlords do not comply, and tenants also (let's not put this all on the landlords) then fines would need to be enforced, depending on the failure of compliance and the impact it would have on the area.</p>   | <p>We are currently working on potential fees for fines and prosecutions. This scheme gives us the advantage of prosecuting for the failure to licence as well as any offences to do with the property.</p>  |
| <p>In our case, if the licences are higher than the equivalent of £100 per year i.e.£500+ we would have no choice but to put up our rents to recoup the additional costs ( We currently have to pay mortgages and we also offer low rents in return for stable and reliable tenants but would not be able to sustain this if licences exceeded the</p>   | <p>We are looking at a 3 month grace period to allow the landlords to gather the funds from the current rental income which should cover the costs of servicing the property prior to making any profit to reduce any rent increases. Also, the questionnaire has now been amended with more options on the questions</p>  |

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| <p>equivalent of £100 per year).: In section -About your property (Question 2) - Survey would not let me move on without ticking a box. None of these applied in our case but I had to tick a box to allow me to proceed</p>  |  |
| <p>It should be the responsibility of the police to deal with ant social behaviour</p>  | <p>The Council also has an ASB officer that deals with it.</p>   |
| <p>I think this is targeted money making exercise from the council that will badly impact poorer and more vulnerable tenants and will have very little helpful application in improving rogue landlords.</p>  | <p>This scheme has to be cost neutral so it can not be introduced with the intention of making money from it.</p>  |
| <p>All the information in your leaflet about anti social behaviour is irrelevant to the introduction of an unfair licensing fee.</p>  | <p>We have provided more information on our website.</p>   |
| <p>Make more, specifically detailed, information available about the impact this would have on landlords and tenants. Provide evidential studies of the benefits this would bring to the community - anecdotes or presumed outcomes do not qualify as sufficient reason to pursue legislative change. Also, the following question (from above) does not give us any "does not apply" option - I have not encountered any of these problems, but had to tick something in order to progress. Your questionnaire is therefore flawed, and its results inaccurate. "In the last 12 months have you encountered any of the following issues regarding your property? (Please tick all that apply) *Difficulty finding new tenant Difficulty obtaining references for new tenants Poor property conditions Problems evicting tenants Problems in neighbouring property affecting your property; Tenants causing antisocial behaviour"</p> | <p>We have updated our website with all the relevant information for the scheme. We have uploaded the evidence for the scheme to be introduced, information on the scheme itself and also any new legislation that has been announced that is of interest to landlords e.g. the EPC certificates.</p> <p>In respect of the point being made about the questionnaire being inaccurate, we have amended this with new options to answer.</p> |
| <p>I can see the benefits of the scheme, but broadly I am not in favour of more bureaucracy or associated costs. So I am overall neither for nor against the scheme. I had to edit the form because the following two questions did not allow me to say 'none':</p>   | <p>We have now edited the form. All other comments have been noted.</p>  |
| <p>I spent between £30k and £40k on my house less than two years ago. It is immaculate and has a good tenant in it. I am happy with her and she seems happy with the house. Why do you want to tax me? Just leave me be. I appreciate that not all landlords are as scrupulous as me but why should I have to pay for a licence? Why don't you focus on those who are renting out dumps? Why don't you just ask my tenant if she is happy and leave it at that? And what on earth is the connection between landlords and tenant behaviour? Also: "In the last 12 months have you encountered any of the following issues regarding your property? (Please tick all that apply) I have had none of these; I ticked one</p>  | <p>We are not taxing landlords we are just adding an extra step into renting a property out to ensure that the property is of good condition and the landlord is of a fit and proper standard.</p>   |

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| <p>because the form insisted on it. Without a "none of the above" option, any data you gather from these questions are essentially worthless.</p>  |  |
| <p>I hope it works, if it is implemented! The facility to have direct contact with someone at the Council when needed would be a great asset.</p>  | <p>If the scheme is implemented, the Selective Licensing Team will be a point of contact for all landlords and tenants. We are also looking at the possibility of Landlord forums.</p> |
| <p>I think the council need to review. They have to understand the social landscape of South Wigston many tenants are in low income jobs because of their social background with limited support and do not have the funds to look after the properties and the contents of their property they will not be able to afford rent an increase. The council would be better of supporting these families and Landlords to keep them within the area as many local companies employ the local residence as many tenants have limited transport or you could end up with not only losing the rental market, low income families, but also the companies that employ them.</p> | <p>These comments have been noted.</p>   |
| <p>I will put the property up for sale.</p>  | <p>This comment has been noted.</p>  |
| <p>Why is it called selective licensing when you are planning to make it compulsory? Will this also apply in time to Magna and Oadby? I doubt it. South Wigston is always targeted adversely.</p>  | <p>It is called Selective Licensing as it only applies to a select area, The Private Rented Sector</p>   |
| <p>I see little other than more bureaucracy and the cynic or possibly reality is. Is this a way to raise more money for councils? I do acknowledge though this might help improve standards and drive out rogue landlords, but I would have no idea if rogue landlords is really an issue or not. Therefore I can only comment on my own experience where I provide high quality home well maintained.</p>   | <p>The scheme has to be cost neutral, the council legally can not benefit from the funds raised.</p>   |
| <p>I think the council should already be fulfilling its responsibilities to tackle street litter and antisocial behaviour. Why should landlords be paying for this? On Glen gate where we have our house - the problem neighbours own their properties so the issue isn't always caused by rental properties.</p>  | <p>As you state, it isn't always caused by private tenants however there is a strong correlation between the two.</p>  |
| <p>It's a money making scheme and you already have powers to deal with rogue landlord through Housing Act.</p>   | <p>The Council does have some powers in regards to rogue landlords. Selective Licensing is a way to identify them and be proactive not reactive.</p>                                   |
| <p>The only problem I see within the proposed area is that neighbouring property has been rented out by social housing departments for tenants - some of these are not high calibre so the problem is their letting procedure. A few doors down from my property I understand there was a</p>  | <p>Social housing departments are in control of their own tenants however these comments have been noted.</p>  |



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| <p>social housing property and a fire was caused by the tenants growing cannabis in the property. I do not understand why I should subsidise poor landlords by paying a fee</p>   |   |
| <p>It's ridiculous and putting more financial burden on people who already live on the poverty line. Also I feel there hasn't been enough promotion and notification of this proposal. I only heard about it because I went into the local library and was told. This needed to be a much wider advertised consultation. Also it is the council's job to ensure that housing is adequate- that is why we pay council tax, surely? What is this obscure figure of £805 and what does it do? How would someone decide what is acceptable living conditions?</p> | <p>We have held 20 weeks of consultation, we have hand delivered leaflets, held two public meetings and advertised the Scheme on the Council website and through Social media. All of this has been promotion of the scheme to try and get peoples views on the proposal.</p> |
| <p>The cost of renting in South Wigston is already ridiculously high, considering the problems in the area. When you think that the prices are already not far off more affluent areas like Wigston and Countesthorpe - it seems ludicrous that you plan on taking an action that will force rents higher.</p>  | <p>Our aim is not to raise the rent prices The rental from the current rental income which should cover the costs of servicing the property prior to making any profit should be utilised. Our aim is to improve the living conditions and the surrounding area</p>           |
| <p>This is a tenant tax for those families who cannot really afford it.</p>   | <p>The rental from the current rental income which should cover the costs of servicing the property prior to making any profit</p>  |
| <p>I really think that the council needs to reconsider implementing this scheme, as it will negatively impact upon landlords and tenants in this area.</p>  | <p>These comments have been noted.</p>  |
| <p>The fee shouldn't be passed onto the tenant though this is the landlords' responsibility. It's their property not the tenants and they are choosing to be a landlord. I have only added an amount because I have to - but I don't agree with anything</p>  | <p>The current rental income should cover the costs of servicing the property prior to making any profit</p>  |
| <p>I think the cost is immaterial if society doesn't have or see any benefit. I would be happy to see a rent increase if I saw changes from my landlord taking more care of me as a tenant who causes no issues.</p>  | <p>The aim is to make landlords more accountable for any defects in the property.</p>   |
| <p>I am not supporting this idea. Why should I have people coming to inspect my property and invading MY privacy just so you can charge a ridiculous fee!!! You should only be aiming this to the relevant tenants and Landlords before even looking at honest and respectful Landlords/Tenants.</p>  | <p>The landlord would have to let us inspect the property or the licence will not be granted. If the licence is not granted then it will be illegal to rent out that property.</p>  |
| <p>Question 5 needs a not relevant option. Really disappointed with your biased questioning.</p>  | <p>Questions have now been amended.</p>   |
| <p>I understand there are bad landlords but South Wigston poverty area, people can't afford to pay unless on benefits or don't care. Eviction will</p>  | <p>These comments have been noted.</p>  |

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| <p>increase homelessness more people at council doors for housing. As a disabled pensioner living on own I can't afford pay more, after 45 years of work I may have to leave (daughters live nearby and carers) and look to .....who knows.....what is available to me - (a graveyard?)</p>  |  |
| <p>I can see rents rising as landlords will need to recoup the cost of licenses, leading to more possibility of evictions, due to unmet rent. This seems to me one more way for the council to put financial pressures onto landlords, in an already difficult housing market. I would also like to know if the council are planning to adopt the same standards or practice within their own properties.</p>  | <p>The council and housing associations have already adopted the standards we are trying to implement.</p>                 |
| <p>I have rented properties either side and gardens are not maintained. I have had to pay for new fencing; landlords don't want to spend money. Tenants do not take any pride in looking after their property.</p>   | <p>The scheme will place measures on landlords to deal with their properties.</p>  |
| <p>Please go ahead with this plan, for all the home owners, who may have antisocial neighbours , in these rented Properties</p>  | <p>These comments have been noted.</p>   |
| <p>The area needs ambition and drive. OWBC need to be central in driving this forward and not accept long standing learned behaviours. OWBC need to raise the expectations of the residents.</p>   | <p>These comments have been noted.</p>   |
| <p>This is essential to reduce the levels of crime and anti social behaviour in the area. Crime and anti social behaviour have increased significantly and are having a negative effect on residents.</p>  | <p>Hopefully, with the close work of the ASB officer we can start to reduce this.</p>                                      |
| <p>I can't comment on the cost of the licensing scheme as I don't live in a rented property. However, I believe that landlords should limit the costs they pass on to the tenant as some will all ready be in receipt of welfare payments and will not have the means to pay much more. Ideally I would expect landlords to pay the cost of the license themselves, given that this could be used to attract future tenants, who will know from the landlord being a member of the scheme, that he/she is meeting certain standards of repair and maintenance and the standard of behaviour they are expected to maintain.</p> | <p>The current rental income should cover the costs of servicing the property prior to the landlord making any profit.</p> |
| <p>If this becomes reality, you will have so much more bigger problems on your hands like children with no where to live so I hope you have available properties available for them!!</p>  | <p>These comments have been noted</p>  |
| <p>I feel my landlord is up to date with all the relevant certificates and paperwork and I'm happy with the condition of the house and feel this is putting added pressure on landlords and tenants, which could then also end up making</p>   | <p>These comments have been noted.</p>   |

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| <p>some families homeless due to landlords selling up or putting rents up which are already high which would result in more demand for council houses, which is clearly at a all time high. Surely the council can find money from other sources rather than hitting young families who are just surviving already</p>   |  |
| <p>South Wigston used to be a nice place to live. Now, it is noisy, dirty and intimidating. Selective licensing isn't the answer though. It will do nothing except drive up already high rents and affect the most vulnerable people. It seems designed to be some sort of social cleansing rather than actually deal with any antisocial problems head on. The police need to be more proactive in clamping down on antisocial behaviour, as do the council. This licensing idea just seems like a money grab, which will result in tenants suffering higher costs and ultimately, lower disposable income.</p> | <p>Selective Licensing will give the Council more powers on top of the existing powers which will help us become more proactive. It allows us to enter any property within the designated area without a notice.</p> |
| <p>Any scheme which improves the area is long over due. There are still a lot of older people and young families who live in this area and the standard of rented properties and the high turnover of tenants is blight on the area. I am an owner occupier so an increase in rent does not affect me but something constructive to improve the quality of the area and the living standard is vital. (I had to answer the questions about rent in order to get to the next page of the questionnaire</p>  | <p>These comments have been noted.</p>   |
| <p>Lansdowne grove for parking needs sorting big time sick of not getting out side the house the two roads that go up to park the houses up top of the streets which about 16 in total have no parking so have to park on Lansdowne that wrong work vans right plain people in side roads living car trailers on the road taking up car space then the heavy traffic that comes up and down and thought South Wigston is not good at all adding to air pollution getting out off Lansdowne grove is a night mere when Tesco was built should of been better placement of the round about</p>                     | <p>These comments have been noted.</p>   |
| <p>A positive move to enforce compliance in the private rented sector.</p>   | <p>These comments have been noted.</p>   |
| <p>Will the Council offer the option of a public landlord meeting in order for us to get our points across?</p>  | <p>The council have held two successful landlord meetings one on Tuesday 7th January 2020 at 12pm-2pm and the other on Thursday 9th January 2020 5pm-7pm.</p>  |
| <p>Was it in the Councils intention to contact landlords for their views on this proposal?</p>   | <p>It was always the councils plan to consult with as many statutory consultees as possible. We originally sent out a letter to local business, landlords, estate agents and we hand delivered</p>                   |

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|  | leaflets to every property in the ward. Since then, we have held two sessions weekly at both Customer Services on Bell Street and Tesco South Wigston. In January, we held two public meetings for landlords and residents to attend.  |
| How will the assessment of housing standards be carried out?   | Housing standards will be assessed through an inspection by an individual officer. The council must inspect the property within the five year period and how soon we visit depends on any risk we see with the property. For example, if an EPC hasn't been provided we see that as a risk and will visit sooner than a property that has got all the certificates required. The council will inspect the property looking at the 29 hazards of HHSRS and using the Decent Homes Standard. |
| Will being a member of the National Landlords association be taken into account when charging for a licence?       | Accreditation is something we take seriously so we are looking at ways to reduce the fee for those landlords that are apart of an accreditation scheme.  |
| Will there be a discounted price if the property passes the inspection with nothing to comment?                    | The costs of the licence are based on the true costs of processing an application and the monitoring of the license.   |
| What will the licence fee provide for me, as a landlord?   | The licence fee will provide more support from the council, a more desirable place to own a house and hopefully less turnover in the tenancies.  |
| Is the licence fee expected to be paid in one instalment or am I able to set a payment plan up to cover this cost? | The licence fee is split into two payments: The initial application fee and then the enforcement fee. The enforcement fee is paid once the licence has been granted.   |
| Are the area boundaries likely to change?  | The area of the Selective Licensing Scheme is up for consultation meaning the area boundaries haven't been confirmed for definite yet.   |
| Will I need a licence for all of my properties or is the licence just once that covers all of my properties?       | The licence is per property.   |
| Why are housing association and council properties exempt from the scheme?   | Housing associations and Council properties are already using the standards that we are trying to enforce in the Private Rented sector.  |
| The cost of running the scheme is likely to lead to higher rents. How does this help tenants?                      | The current rental income should cover the costs of servicing the property prior to the landlord making any profit. In addition the Council are working on ways to reduce the impact on rent increases, like allowing a three month grace period for applications to be submitted.   |
| Is the licence per person or per property?   | The licence would be per property  |
| Does an agent need to have a licence to manage properties?   | An agent may be directed as a licence holder if they have full management responsibility and the power to under take works and management of the property  |
| If the licence is per person and an agent holds a  | The licence will be per property. If an agent has  |

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| licence, does this relieve the burden on the landlords whose properties the agent manages?                | several properties each one will need to be licenced as it is the property that is being licenced.   |
| How was the fee of £805 arrived at?   | The fee that has been stated was guidance based on the current HMO licence application fee a full cost analysis of the Scheme will be undertaken to derive a true fee for the License.   |
| How do the 'high levels of crime and ASB' compare to the other areas?                                     | From Police data, we have compared the three areas of OWBC together. South Wigston very clearly indicates that you have more chance of being a victim of ASB than you have in Oadby and Wigston. As well as this, in 6 of the other 12 categories there is more chance of occurrence of crime in South Wigston than Oadby and Wigston.   |
| What happens if I sell my property during the licensable period? Do I get a refund?                       | If you sell your property during the 5 years, there will be no refund available.   |
| I can't get online to fill in the questionnaire, are there any other ways of getting my view across?      | The Council recognise that not everybody has the access to the internet version of the questionnaire. So, on 18th November 2019, we sent out hard copies of the questionnaire to be completed and returned to the offices. We also held the two public meetings for anybody to get peoples viewpoints and are also accepting any comments through email during the consultation.   |
| Will any new owners during the period be made to pay a new fee or the remaining years?                    | If somebody buys the house within the licence period we would expect them to pay for a new licence.  |
| What has caused the Council to introduce the scheme now at this particular time?                          | The Council have identified the criteria for developing a Selective Licensing scheme.  |
| Will the option to pay monthly/yearly be made available to cover the costs?                               | We will investigate this idea.   |
| Why are landlords being charged for things that are out of their control like crime rates and ASB levels? | They're not. There is a correlation between Anti Social Behaviour and the private rented sector  |
| Why South Wigston?  | In order for a selective licensing scheme to be introduced the area has to meet certain criteria within the legislation. For example, high level of Anti social behaviour, high levels of crime, housing complaints and deprivation. South Wigston meets the majority of the criteria.   |
| What data has been compared to come up with the South Wigston area being an issue?                        | The crime data from the Police has been compared between the 3 areas of the Borough. We have used the Governments public health report to identify deprivation. We as a council have also done surveys of the properties in South Wigston (EPC Certificates, Roof Condition). We have looked at the number of housing complaints by postcode, the house price comparison between Oadby, Wigston and South Wigston and also the migration statistics. |



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| Why is the suggested fee so high?   | The fee will be calculated to cover the costs of running the licence, this includes:<br>Cover the 5 years of the scheme<br>Cost of the service provided by staff<br>Time spent on the property (Inspection)<br>Enforcement of the scheme<br>Administration<br>Start up costs |
| How will this improve the housing as opposed to now as there are existing powers already in place?  | At present, we are only being reactive to complaints that come in. By introducing a licensing scheme we gain more powers of entry meaning we can change from being reactive to being proactive with the private rented accommodation in South Wigston.                       |
| What has a landlord got to do with the Crime and ASB rates?   | Crime and ASB are only one of the criteria that are needed for a Selective Licensing scheme.   |
| What happens when a rented property is sold within the 5 year licence to another landlord?  | If a property is sold to another landlord, the new landlord will be expected to pay a licence fee again.   |
| What categorises a fit and proper person?   | A fit and proper person will have had no involvement in fraudulent offences, sexual offences or will have had no housing contraventions across the country.  |
| If we are scoring the houses based on the risk, would we be able to provide the landlords with their score and any advice on how to raise that score? | Certainly. Similar to the food inspections we will provide a score and a period of inspection.   |

**Important – All answers are as of January 2020**

**Below are three responses attached from the Consultation – One is from Andrew Oldershaw - Landlord another from RLA and the other from SafeAgent. We have attached these as there are a number of points raised in each of them. The Contents have been noted and addressed in the full decision of the Council**

Dear Selective Licensing Team,

**The final day of the consultation period for the proposed Selective Licensing Scheme.**

**I would like to make the following points:**

The public liaising meeting I attended on the 9<sup>th</sup> January I felt could have been more informative, better chaired and conducted. It was disappointing that there were no Councillors present when their opinion impacts upon the ultimate decision made about this scheme.

The liaison meeting raised questions that your team had not considered.

The end of the consultation period, 30<sup>th</sup> Jan, and the full Council meeting on the 4<sup>th</sup> February, when it was stated that a decision would be made, hardly gives enough time for you to evaluate

all the information gained from the consultation period, write the report and distribute to all Council members for them to read in order for them to be well informed in time for the meeting.

**Clarification is required on:**

The licensing fee split between 'Registration' and 'Enforcement'.

The actual amount of discount for a Landlord being a member of NLA or any other approved body.

Whether a sliding scale of fees would be made according to the condition of the property. i.e. if no enforcement is required.

Whether a discount would be given to Landlords who have multiple properties.

What happens if a rental property is sold within the 5 year timescale to another investment buyer; does the new owner have to also pay into the Licensing Scheme and if so does this run for a 5 year period or would there be a reduced fee according to number of years left from the start of the scheme?

The 5 year time period is not long. Does the Council really think that it gives enough time to inspect all of the private rental properties and enable the significant changes, purported to be required in living conditions, social and health standards to take place?

It was stated that the scheme had to be cost neutral to the Council. It is difficult to understand how this could be the case when clearly so many factors have not been considered.

It would be appreciated if this email could be acknowledged and information given as to when the full report will have been completed and when it will be available to view on the Council Website.

Kind regards,  
Andrew Oldershaw

Oadby & Wigston  
Council  
40 Bell Street  
Wigston  
LE18 1AD

9<sup>th</sup> January 2020

### **Selective Licensing Proposal**

Thank you for the opportunity to respond to the above consultation. Although we appreciate the issues raised by the council, the RLA believes that selective licensing does not raise standards in the PRS and has an overall negative impact on landlords, tenants and the housing market.

### **Fee Structure**

The proposed fee of £805 for a new application is excessively high for a landlord to pay. The processing costs of an HMO licence vary differently to the processing costs of a Selective Licence, so the Council should not use this as a basis to calculate the fee. Landlords will apply for licences and, likely, pass the cost on to tenants in the form of increased rents to cover the cost of applying for a Licence, doing nothing to address affordability. In contrast, the worst landlords – the criminal operators – will ignore the scheme, as they do many other regulations.

The proposed fee of £50 to apply for a Temporary Exemption Notice is unlawful in nature.

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 being 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.

Therefore, the Council should remove this proposed charge if the scheme is approved.

### **RESIDENTIAL LANDLORDS ASSOC.**

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Residential Landlords Assoc. is a trading name of Residential Landlords Association Ltd. Company No. 2869179.  
[www.rla.org.uk](http://www.rla.org.uk)

### **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. This means additional costs to other council services, as they pick up the pieces created by the disruption to the lives of already vulnerable tenants.

### **Existing Enforcement Powers**

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

Councils should fully use the enforcement powers already granted to them by the Housing and Planning Act 2016, ranging from civil penalties, rent repayment orders, banning orders and the introduction of a database for rogue landlords and letting agents. This is instead of relying on licensing schemes to regulate landlords. The Council has also not taken into consideration the amount of informal enforcement activity undertaken between local authorities and private landlords.

Additionally, Oadby and Wigston Council has access to the Controlling Migration Fund, which allows local authorities to tackle local service pressures associated with any recently increased migration, which includes tackling rogue landlords and driving up standards. 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.

### **Conclusion**

There are alternatives to licensing that the council can consider.

The RLA advocates using council tax records to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for the small minority of criminals to operate under the radar. It would be a more effective method of targeting these criminals and rooting them out of the sector than an unnecessary licensing scheme.

Thank you for giving these views your attention, and please get in contact for further details of our response if desired. I would only like to add that the RLA's goal is to make renting better for everybody, creating a more harmonious PRS in the process.

Kind regards,

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

#### **RESIDENTIAL LANDLORDS ASSOC.**





## OADBY AND WIGSTON COUNCIL'S SELECTIVE LICENSING PROPOSALS

### A RESPONSE TO THE CONSULTATION FROM SAFEAGENT

#### INTRODUCTION

**safeagent** [www.safeagentcheme.co.uk](http://www.safeagentcheme.co.uk) is a licensing scheme for lettings and management agents operating in the Private Rented Sector. **safeagent** agents are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Agents must provide evidence that they continue to meet **safeagent** criteria on an annual basis, in order to retain their licence. The scheme operates UK wide and has 1500 firms with over 2000 offices.

We are an accredited training provider under the Rent Smart Wales scheme. We are also a co-regulation partner with Liverpool Council. Recently, we have been approved by Government as a provider of the new mandatory Client Money Protection arrangements.

#### SAFEAGENT AND LICENSING

**safeagent** is supportive of initiatives such as Selective Licensing, providing they are implemented in a way that takes account of the Private Rented Sector (PRS)'s own efforts to promote high standards.

**safeagent** believes that positive engagement with voluntary schemes and the representative bodies of landlords and agents (such as **safeagent**) is essential to the success of initiatives such as Selective Licensing. We are mindful that the operational problems associated with lack of such engagement have been highlighted in House of Commons Standard Note SN/SP 4634.

The same note sets out how important it is for licensing schemes to avoid being burdensome. We believe that promoting voluntary schemes, and offering discounted licence fees to accredited landlords and agents, can help to achieve this. Voluntary schemes often require members to observe standards that are at least compatible with (and are often over and above) those of licensing schemes. We believe, therefore, that if Oadby and Wigston Council were to allow discounts based on membership of **safeagent** (as well as other similar bodies) implementing and policing the licensing scheme would ultimately be less costly and more effective, allowing resources to be concentrated in the areas where they are most needed.

This is a commonly accepted approach by many English Local Authorities. We would further point out that, in Wales, the Welsh Government has recently recognised the importance of membership of specified bodies such as **safeagent** and is offering discounted fees to members as a consequence <https://www.rentsmart.gov.wales/en/>



## **PROMOTING PROFESSIONALISM IN THE PRS - THE ROLE OF AGENTS**

**safeagent's** engagement around the country, with various local authorities, suggests that lettings and management agents have a key role to play in making licensing, accreditation and other, voluntary regulatory schemes work effectively. Agents tend to handle relatively large portfolios of properties, certainly when compared to small landlords. They tend, therefore, to be in a position to gain an understanding of licensing based on wider experience. They become expert in trouble shooting and ensuring that the balance of responsibilities between the agent and the landlord is clearly understood. This, amongst other things, can help to prevent non-compliance due to misunderstandings about local licensing arrangements.

Furthermore, **safeagent** ensures its members maintain certain operational standards, have Client Money Protection arrangements in place, keep separate client accounts and comply with their legal obligation to be a member of a redress scheme. We also provide training. All this can be of assistance to councils who are trying to drive up standards in the PRS.

Although agents are now required to belong to a government approved redress scheme, display their fees and publish their client money protection status, our experience to date suggests local authorities face challenges in enforcing these standards. Membership of bodies such as **safeagent** can reduce the need for the local authority to use its formal, legal powers in these areas.

## **OADBY AND WIGSTON COUNCIL'S PROPOSALS - SPECIFIC ISSUES**

### **Proposed Licensing Area**

We welcome the targeted nature of the licensing proposals.

### **License Period, Changes in License Holder and Pro-Rata Fees**

We note that the license period will be "up to" 5 years. Our experience around the country suggests that the lack of flexibility in most license fee structures can militate against efforts to establish an alternative competent person to be licence holder/ manager, in cases where problems have been identified during the license period, often by the council. This is because (even accredited) agents still have to pay the full fee when they take on management part way through the license period.

Furthermore, it seems unreasonable to charge the full fee for licenses granted part way through the period – especially if there is only (say) one or two years remaining.

Whilst we understand that licenses cannot be "transferable" from one person to another, we would suggest that more flexibility is required than a fixed "up to 5 year" term allows. Landlords and agents taking on properties part way through a 5 year term should only have to pay the 5 year fee "pro rata".

### **License Fee**

We believe that a fee in the region of £500 would be reasonable.

### **Fee Structure – Discounts and Accreditation**

We note the proposal that there be discounts for accredited landlords through the Association of Residential Letting Agents (ARLA), National Landlords Association (NLA) or

Decent and Safe Homes (DASH) We would urge Oadby and Wigston Council to also offer fee discounts to:

- Agents who are members of **safeagent** (where the agent is the actual or *de-facto* licence holder)
- Landlords who engage agents that are members of **safeagent** (where the landlord is the licence holder)

We would suggest that this discount be £100, not the £50 proposed.

We would suggest that this is justified because **safeagent** members and the landlords who engage them are less likely to be non-compliant and that, as a result, there would be reduced costs to the council. We would also suggest that **safeagent** membership mitigates the need for compliance visits to be carried out by the council. For example, the timing and content of visits could be risk based, recognising that the risk of non-compliance is much lower in the case of properties managed by **safeagent** agents.

In our detailed comments below, we point out some of the areas where compliance with key standards is an inherent part of the **safeagent** scheme. These are the areas where we think promotion of **safeagent** membership through license fee discounts could ultimately save the Council money, as well as increase the take up of voluntary accreditation.

#### **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 a fee being payable.

Furthermore, this approach could become more structured if the council were to enter into partnership arrangements whereby lettings agents source properties for council referrals of homeless people or those at risk of homelessness. **safeagent** is currently working on a model whereby a “Social Lettings Agency” is created through links to one or more established local agents. This is an alternative to the traditional approach whereby entirely new voluntary sector entities need to be set up. We would be happy to discuss this model with the council at any time.

#### **LICENCE CONDITIONS**

##### **Tenant Referencing**

We would be strongly supportive of any requirement to obtain references for prospective tenants, as **safeagent** is actively involved in promoting good practice in tenant referencing.

##### **Tenancy Management**

**safeagent** agents are expected provide and fill in a tenancy agreement on behalf of the landlord. they will always make sure the terms of the tenancy are fair and help the tenant to understand the agreement.

They will always provide clear information to the tenant about any pre-tenancy payments and what these cover. They will explain any requirement for a guarantor and what the guarantor role entails.

At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.

Under **safeagent's** service standards, agents are required to take a deposit to protect against possible damage. They are required to explain the basis on which the deposit is being held and the purpose for which it is required, as well as to confirm the deposit protection arrangements. When joining **safeagent**, agents are asked to provide details of the number and value of the deposits they have registered with the scheme.

Agents are asked to authorise **safeagent** to contact the scheme to verify this information.

During the course of a tenancy, **safeagent** agents will check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's deposit. They will return the deposit in line with timescales and processes required by the statutory tenancy deposit schemes.

**safeagent** agents are also required to:

- Have a designated client account with the bank
- Operate to strictly defined Accounting Standards
- Be part of a mandatory Client Money Protection Scheme.

These requirements provide additional security for client monies held, over and above the requirements of the Oadby and Wigston licensing scheme. Again, this is an area where increased **safeagent** membership would be of benefit to the Council and local tenants.

#### **Licence Conditions Relating to the Property**

We welcome Oadby and Wigston Council's drive to improve property standards. We believe that **safeagent's** standards go a long way to ensuring compliance with license conditions.

Under **safeagent's** service standards, **safeagent** agents are expected to visit any property to be let with the landlord and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can, therefore, be confident that **safeagent** agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary.

**safeagent** agents are expected to explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property.

**safeagent** agents are required to ensure that tenants are provided with copies of safety certificates on gas and electrical appliances before they commit to the tenancy. They will provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.

Thereafter, **safeagent's** standards require agents to carry out property inspections periodically, as agreed with the landlord, in line with normal good practice. **safeagent** and our firms would anticipate inspections to be carried out every 6 months as a minimum, to

identify any problems relating to the condition and management of the property. In line with common practice, records of such inspections would contain a log of who carried out the inspection, the date and time of inspection and issues found and action(s) taken. Under a licensing scheme, this information could be shared with the council in an appropriate format.

Tenants will be fully aware of access arrangements. **safeagent** agents are expected to arrange in advance a time for access, in order to inspect the condition of the property in accordance with the tenancy agreement. **safeagent** agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.

### **Training**

We would welcome any proposal that agents who are license holders should undergo training.

Membership of **safeagent** means that agents already have access to an extensive training package, engagement with which should reduce the need for the local authority to intervene. Although not a *condition* of **safeagent** membership, **safeagent** offers accreditation through an online foundation course as well as qualifications such as BTEC Level 3 in Lettings and Management practice.

**safeagent** offers training to those who have been involved in lettings and management for some time as well as those who are just starting out. Training is available for principals of firms as well as employees. Thus, **safeagent's** Virtual Learning Environment (VLE) is designed to cater for a wide range of professional development needs. Training is easily accessible and can be undertaken when it suits the trainee. Any candidate completing the **safeagent** Foundation Lettings Course successfully also has the opportunity to use the designation '**safeagent qualified**'. **safeagent** Foundation Lettings Course (Wales) is also approved training recognised by Rent Smart Wales, the Welsh Government's regulatory body as meeting the requirements for agents to have complying with their licensing requirement.

One advantage of this approach is that it makes it easy to ascertain (through on-line monitoring) that participants have in fact undertaken the required training, prior to or immediately after accreditation.

Modules available cover:

- Pre-tenancy issues
- Responsibilities and liabilities
- Setting up a tenancy
- During a tenancy
- Ending a tenancy
- General law concepts, statute vs contract
- Relationships
- Obligations
- Process
- Considerations for corporate tenants
- Continuing Professional Development (CPD)

In addition, **safeagent** provides mini online courses designed to cover a number of elements in more detail, as appropriate to the learner's role, include topics such as:



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| Assured Shorthold Tenancies (ASTs)             |
| Client Money                                   |
| Consumer Protection Regulations (CPRs)         |
| Deposits                                       |
| Disrepair                                      |
| Electrical Appliances & Safety                 |
| Gas Appliances & Safety                        |
| Houses in Multiple Occupation (HMOs)           |
| Housing, Health & Safety Rating System (HHSRS) |
| Inventories and schedules of condition         |
| Joint Tenancies                                |
| Notice Requiring Possession                    |

We would further suggest that discounted fees for **safeagent** agents would provide an incentive to positive engagement with training that is fully compatible with the requirements of the licensing scheme.

#### **Anti-Social Behaviour**

We note that there are distinctive issues around crime and Anti-Social Behaviour (ASB) in the licensing area. However, we do have concerns about the assumed link between the amount of PRS accommodation in the neighbourhood and the incidence of ASB.

There may be some *correlation* between incidences of ASB and the prevalence of PRS accommodation on the area. However, correlation does not imply *causation*. The *causes* of ASB are many and varied. It is not, in our view, reasonable to expect agents and landlords to play a disproportionately large part in tackling them.

Furthermore, we would strongly advise against any proposals which imply a parity of approach between the PRS and the social rented sector. Social landlords are publicly funded (and regulated) to develop and manage housing on a large scale. Their social purpose brings with it wider responsibilities for the communities in which they work. As private businesses, PRS landlords and their agents, whilst having clear responsibilities to manage their properties professionally cannot reasonably be expected to tackle wider social problems.

#### **Suitability of Licence Holder**

We note the requirement that the council would only issue a licence if it is satisfied that the proposed licence holder is a 'fit and proper' person and that there are suitable management arrangements in place. We believe that this requirement highlights the importance of lettings and management agents belonging to recognised accrediting bodies like **safeagent**, who themselves apply a fit and proper person test.



All principals, partners and directors of a **safeagent** firm are asked to make the following declaration on application:

*– “I confirm that: for a period of 10 years prior to this application I have had no conviction for any criminal offence (excluding any motor offence not resulting in a custodial sentence) nor have I been guilty of conduct which would bring the Scheme or myself into disrepute; I am not an undischarged bankrupt nor is there any current arrangement or composition with my creditors; I am not nor have I been a director of a company which has within the period of 10 years prior to this application entered into liquidation whether compulsory or voluntary (save for the purpose of amalgamation or reconstruction of a solvent company) nor had a receiver appointed of its undertaking nor had an administration order made against it nor entered into an arrangement or composition with its creditors; nor have I at any time been disqualified from acting as a Director of a company nor subject to a warning or banning order from the Consumer Markets Authority or the Department for Business, Enterprise and Regulatory Reform.*

*If I am subject to any current claim or am aware of any impending claim for professional negligence or loss of money or if I have been the subject of any investigation by the Consumer Markets Authority and/or local Trading Standards Office, full details of the circumstances are set out in a report enclosed with the application; all information provided by me in connection with this application is, to the best of my knowledge, correct”*

We believe this certification is broadly in line with Oadby and Wigston council’s licensing conditions and is another example of where promotion of **safeagent** membership through discounts could help to ensure compliance.

### **Complaints**

All **safeagent** firms are required to have a written customer complaints procedure, available on request. Our guidance sets out how the first step for complainants is to ask the firm they are dealing with for a copy, which will outline the method by which they can seek to resolve any issues.

In line with statutory requirements, all **safeagent** members must also be members of a recognised redress scheme. Firms are required, at the request of the complainant, to refer the complaint to a redress scheme once their in-house procedure has been exhausted. They are also required to comply with any award determined by the redress scheme, within the timescale prescribed.

Under co-regulation schemes elsewhere in the UK, **safeagent** has undertaken to review any complaints that have been adjudicated upon by any of the redress schemes. Under such an arrangement, **safeagent** can report to the Council on the number of complaints reaching this stage and on the adjudications made. Non-compliance with a redress scheme’s adjudication would eventually lead to disqualification of the agent from **safeagent**. We would be happy to come to a similar arrangement with Oadby and Wigston .

### **MEASURING THE SUCCESS OF THE SCHEME**

We believe that regular information on implementation of the scheme should be made available in a clear and consistent format. Reports to local landlord and agent forums, representative bodies and other stakeholders should include at minimum:

- The estimated number of private rented properties that require licensing under the selective licensing scheme

- The number of applications received in respect of these properties
- Progress in processing (granting, querying or refusing) the licence applications received
- Analysis of the reasons for any queries or refusals and the extent to which remedial action is identified and taken as a result
- Analysis of the outcomes of ongoing inspections and the extent to which remedial action is identified and taken as a result
- Progress reports across the whole 5 year period covered by the scheme.

This should help to enable the Council to work in partnership with landlords, agents, representative bodies and other stakeholders to ensure the success of the scheme.

### **CONCLUSION**

It seems to us that many of the licencing requirements in the Oadby and Wigston scheme highlight how important it is for landlords to work with reputable agents such as **safeagent** members. Offering a discount to licence holders who work with a **safeagent** accredited agent would help to promote this.

**safeagent** would welcome a collaborative approach with Oadby and Wigston Council, based on shared objectives. We believe that agents who are members of a recognised body are more likely to embrace Selective Licensing and less likely to generate complaints or breaches of their licence. Discounted fees for **safeagent** members would be a significant incentive to positive engagement by agents. In return, the Council would experience reduced administration and compliance costs.

### **CONTACT DETAILS**

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**APPENDIX 1 – COMPATIBILITY OF SAFEAGENT SERVICE STANDARDS WITH TYPICAL SCHEME CONDITIONS**

| Example Scheme Conditions          | SAFEAGENT Service Standard Requirements  |
|------------------------------------|--|
| Fees                               | SAFEAGENT promotes complete transparency in agency fees. Members provide landlords with a statement of account as often as agreed.   |
| Rent Liabilities and Payments      | SAFEAGENT agents collect the rent and pass it on every month or as otherwise agreed. The agent will keep a separate clients' account to hold all monies.   |
| Contact Details                    | SAFEAGENT agents are expected to respond to tenant and other legitimate enquiries in a timely manner. Up to date contact details will enable them to respond to tenants' requests for maintenance or repairs which might in some cases have to be referred to the landlord for approval.   |
| State of Repair                    | SAFEAGENT agents visit the property with landlords and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can be confident that SAFEAGENT agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary. |
| Access and Possession arrangements | SAFEAGENT agents will visit the property periodically during the course of the tenancy as often as agreed with the landlord. Tenants will be fully aware of access arrangements. At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.   |
| Repairs and Maintenance            | SAFEAGENT agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.   |
| Access, Cleaning and               | SAFEAGENT agents will arrange in advance a time for  |

| <b>Example Scheme Conditions</b> | <b>SAFEAGENT Service Standard Requirements</b>  |
|----------------------------------|---|
| Maintenance of Common Parts      | access to the property in order to inspect the condition of the property in accordance with the tenancy agreement.  |
| Level of Facilities              | SAFEAGENT agents ensure that tenants are provided with copies of safety certificates on gas and electrical appliances before you commit to the tenancy. They provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.  |
| Deposits                         | SAFEAGENT agents provide and fill in a tenancy agreement and take a deposit to protect against possible damage. They will explain the basis on which it is being held and the purpose for which it is required  |
| References                       | SAFEAGENT agents choose a tenant in a way agreed with the landlord, taking up references or checking the tenant's rent payment record.  |
| Complaints & Dispute Handling    | <p>SAFEAGENT agents explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property.</p> <p>During the tenancy, they will arrange to check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's initial deposit. They will return the deposit as soon as possible, less any appropriate deductions.</p> |