

APPENDIX B – SUMMARY AND CONSIDERATION OF CONSULTATION FEEDBACK

CONSULTEE	ISSUE RAISED	CONSIDERATION
Landlords	The scheme is not needed	As part of its business case the Council undertook an extensive and detailed analysis of issues relating to private rented accommodation within the identified area. This analysis shows an overwhelming need and justification for the introduction of this proposal when considered against criteria set out within the legislation. This analysis can be found at https://www.scarborough.gov.uk/home/council/consultations/proposed-introduction-selective-licensing-scheme-scarborough-north
Landlords	<p>Responsible landlords are being penalised to cover costs to tackle rogue landlords.</p> <p>The Council should be able to identify the bad landlords already and leave the good landlords alone.</p>	<p>The legislation does require that all landlords within a given area are required to operate with a licence and it is accepted that within that model some responsible landlords shall be captured by this regime. However, the needs analysis undertaken also shows that a very large proportion of the stock within the area is poorly managed and of an inadequate standard and the need to tackle these issues outweighs the cost of additional regulatory burden on responsible landlords.</p> <p>The proposed scheme is to the benefit of the whole community, including responsible landlords, who over time may see the value of their stock portfolio and rental income increase when issues affecting neighbouring properties such as anti-social behaviour are tackled in a more co-ordinated way.</p> <p>The final scheme shall include discounts to responsible landlords who are accredited through a recognised scheme.</p>
Landlords	The Council should take a firmer approach to tackle 'rogue landlords'.	Agreed. Selective Licensing shall help provide a framework for the Council to identify poorly managed properties and tackle them in a co-ordinated way. Additional resources are being deployed to help ensure the Council takes a robust approach to tackling problem properties and rogue landlords and this is supported through its multi-agency partnership working arrangements.
Landlords	The Council already has sufficient powers to tackle these issues but does not use them.	It is agreed that the Council does indeed have a range of existing powers to tackle problem properties and the Council does already use these powers. However the use of these powers is however very much responsive and the Council does not currently have sufficient resources to tackle the whole problem in a co-ordinated way. The introduction

		<p>of Selective Licensing shall provide a framework around which to operate and ensure that every private rented property within the area is inspected and required to operate to a certain standard. Additional resources are being deployed both through extra staff generated through fee income and through internal restructure within the Council to support the delivery of this scheme.</p>
Landlords	<p>The proposal is just a money making scheme for the Council.</p>	<p>By law, the Council cannot use fee income to pay for anything other than costs associated with the administration of the Selective Licensing regime. Fees shall be used to pay for additional staff to undertake inspections.</p>
Landlords/ NLA	<p>The scheme will displace problems into other areas.</p> <p>The proposal does not take into consideration displacement of tenants.</p>	<p>There is no evidence in any national evaluation of Selective Licensing that it causes displacement and this issue has not been highlighted to us as a problem by other Councils who have taken such schemes forward.</p> <p>It is accepted that improved conditions of management in one given area may drive out irresponsible landlords or problem tenants elsewhere. However the very purpose of Selective Licensing is to help break the cycle of issues associated with poorly managed properties within a concentrated area. There is a very high concentration of private rented accommodation in this area that needs to be tackled and the fear and risk of displacement does not outweigh the need for additional regulation.</p> <p>In addition the Council intends to look at the case for Selective Licensing in the Scarborough Central Area (incorporating much of the Castle and Central Wards) and the Scarborough South Area (incorporating Ramshill Wards) over coming years. Inclusion of these areas would capture the bulk of privately rented accommodation within the urban parts of the Borough.</p>
Landlords	<p>The proposed fee of £750 is too high.</p> <p>Fee could have adverse impact on their business</p>	<p>The Council needs to ensure that it charges a sufficient level of fee to ensure that the scheme can be delivered in a meaningful way. Essentially this means that fees need to cover the cost of additional staff needed to undertake inspections of every single rented property within the area.</p> <p>The £750 as highlighted within the consultation is an indicative and average fee. A range of discounts shall be included within the final scheme, including discounts for accredited landlords and landlords who own multiple properties.</p>

		<p>In addition it is important to note that the fee covers a licensable property for 5 years and does not apply to each individual tenancy. Given that the nature of the stock in this area is typically flatted this means that costs are typically spread out over a number of units for many landlords.</p> <p>The Council is very much mindful of the impact the fee could have on landlords who own single units of accommodation and fees shall be structured in such a way to provide a reduction in cost to those landlords.</p>
Landlords & Residents	<p>Housing Association tenants cause the majority of problems within the area.</p> <p>Housing Associations should be included within the scheme.</p> <p>The worst part of the area is Cross Street and Friargate.</p>	<p>Housing Associations are exempt from Selective Licensing and have their own regulatory framework around which they must operate.</p> <p>Selective Licensing is purely focused on tackling problems associated with private rented property, however the delivery of the proposed Selective Licensing scheme is being undertaken as part of a range of initiatives to help up-lift the area and tackle anti-social behaviour.</p> <p>Issues around levels of anti-social behaviour and other problems associated with housing association tenants in this area are recognised and accepted. It is also agreed that these issues cannot be allowed to undermine or jeopardise improvements planned for private rented stock through the Selective Licensing scheme.</p> <p>YCH are partners within the recently established Community Impact Team. The purpose of this team is to tackle a range of issues within this area in a co-ordinated way and work is already underway with YCH to tackle such issues in partnership. This is a long term commitment that shall run on in parallel to the proposed Selective Licensing scheme.</p>
Landlords/ Agents/ MP	<p>Concern that the proposal duplicates the work agents do and that fee charges shall mean landlords no-longer use agents.</p>	<p>The scheme is in no-way intended to replace or duplicate the work that agents do. Selective Licensing does not provide any form of management service to landlords rather it regulates the quality of management provided, including the management services provided by agents who operate on behalf of landlords. From the Council's experience, the quality of service provided by some lettings agents is often variable.</p>

		<p>The important role that managing and letting agents play is however recognised and it is envisaged that the requirements placed on landlords through the scheme, to provide a generally enhanced and improved quality of management may actually increase the demand for the services of lettings and managing agents within the town.</p>
Landlords	Licensing creates extra burden and red tape for landlords	<p>Yes, being licensed will create extra administration for some landlords. However, the administrative requirements will be no different to those currently required for Mandatory and Additional Licensing</p> <p>On-line application processes are also being developed to make the application process easier and less of a burden to landlords</p>
Landlords	Selective Licensing provides no real benefits to landlords	<p>Whilst the direct benefits to landlords may not be immediately apparent, there are a number of longer term benefits to landlords arising from the scheme as follows:</p> <ul style="list-style-type: none"> • Improved management standards • Improved property condition • Support in tackling anti-social behaviour • Reduced anti-social behaviour • Improved image and perception of area • Ultimately increased property and rental values
Landlords	Selective licensing will blight the area and reduce investment	<p>Key findings from studies undertaken to evaluate the impact of Selective Licensing schemes including an <i>Evaluation of the impact of HMO and Selective Licensing</i>. Building Research Establishment 2010, established that areas were more likely to benefit from Selective Licensing rather than be blighted.</p> <p>Whilst there is evidence that Selective Licensing did dissuade the investment by short term investors with little interest in providing decent homes for people in the local community, in the longer term larger than average increases in house prices occur in areas where a Selective Licensing scheme operates. As a result Selective Licensing is more likely to increase property and rental values and encourage longer term investment in the area</p>

National Landlords Association (NLA)	Selective Licensing won't solve the problems of the area and alternative options such as the Home Safe scheme in Doncaster should be considered	<p>The intention with the scheme has always been for it to be a Council run Selective Licensing scheme, and the option to look at alternative models of delivery was not a consideration at the onset of the consultation.</p> <p>However, officers have had discussions with Home Safe and Doncaster MBC on the Home safe scheme and will include an Options Appraisal on alternative options as part of the policy decision for the final scheme designation.</p>
National Landlords Association	Landlords have very limited authority to deal with matters of ASB and licensing provides no influence.	<p>It is accepted that powers of landlords to tackle problems associated with tenants is of course limited, however Selective Licensing ensures that landlords operating within a given area must operate in such a way to help mitigate the risk of problems associated with ASB. This includes the need to ensure that references are taken, the need to have written agreements with tenants (that can be enforced when required) and the need to have a responsible person/local manager on hand for tenants and other agencies to refer to.</p> <p>In addition the aim of the proposed scheme is to enhance partnership working between landlords and the Council and the Police to help tackle problems in a joined-up way.</p> <p>It is also proposed that for certain properties that are deemed to be at a higher risk of ASB (e.g. larger blocks of flatted accommodation) that landlords shall undertake an assessment to set out how they will manage ASB in their properties.</p>
National Landlords Association	Licencing does not provide any further facility or power to deal with criminal activity and is not appropriate tool to deal with these matters.	<p>Whilst Licensing does not provide an additional power to tackle criminal activity, an aim of the proposed scheme is to enhance partnership working between landlords and the Council and the Police to help tackle problems, including problems relating to identified criminal activity in a joined-up way.</p>
National Landlords Association	The NLA has concerns about the proposed	<p>Whilst the need to introduce further phases of selective licensing in the Scarborough Central and Scarborough South areas, no decision has been made on this. Any future</p>

	extension of the scheme without a full analysis of the first stage.	decision around further designations would be made in the context of need within that area, the outcomes of any public consultation and the learning taken from the first phase. A full business case will be developed for both of the further phases prior to consultation taking place.
National Association of Lettings Agents NALS	Request to extend discounts where property is managed by an approved NALS agent or similar recognised body.	Yes this can be extended to NALS members and Residential Landlord Association (RLA) members as well as NLA members
Tenants	Costs will be passed on to tenants.	<p>We are mindful of the impact that charging a fee to landlords could have in terms of rents and charges to tenants and agree that it is inevitable that in many cases fees shall be passed on to tenants via rents.</p> <p>The £750 as highlighted within the consultation is an indicative and average fee. A range of discounts shall be included within the final scheme, including discounts for accredited landlords, landlords who own multiple properties.</p> <p>In addition it is important to note that the fee covers a licensable property for 5 years and does not apply to each individual tenancy. Given that the nature of the stock in this area is typically flatted this means that costs are typically spread out over a number of units for many landlords.</p> <p>The Council is very much mindful of the impact the fee could have on landlords who own single units of accommodation and fees shall be structured in such a way to provide a reduction in cost to those landlords.</p> <p>Rents within the identified area are almost 30 % lower than the Borough average and 50% lower than the national average.</p> <p>Ultimately however, the Council needs to decide whether the need to provide additional regulation to improve the standard or private rented accommodation within the areas</p>

		(for the benefit of tenants) out-weights the cost of fees and rents.
Residents	What enforcement would you take against landlords where the exterior of properties is poor. e.g. rotting windows.	<p>The licence conditions shall require landlords to maintain the exterior of dwellings to a reasonable standard. Typically this would require landlords to ensure that areas are free from refuse, guttering is clear and that paintwork is maintained to a reasonable level.</p> <p>The enforcement of these conditions shall be complimented further through the use of existing planning enforcement powers where the appearance of properties is deemed to be detrimental to the visual amenity of the area.</p>
Residents	<p>The Council shall not effectively enforce the scheme.</p> <p>The proposal shall not help tackle ASB in the area.</p>	<p>The purpose of Selective Licensing is to help the Council tackle issues associated with poorly managed private rented property in a more proactive, effective and co-ordinated way.</p> <p>The Council is very much mindful of the need to ensure that the scheme is delivered in a meaningful way and that issues identified through the licensing process are dealt with effectively, including through, where needed, the use of enforcement action against landlords.</p> <p>To support this, the Council is restructuring its regulatory services to create a new residential enforcement team. The purpose of that team shall be to work closely with licensing officers, landlords and other agencies to tackle issues as they are identified. Additional resources are being deployed within that team to help bolster capacity.</p> <p>It is important to note that Selective Licensing is being taken forward within the context of an enhanced level of joint partnership working between key agencies, including the Police and Fire Service. A new Community Impact Team has been created to both pool resources , powers and expertise where needed. The work of this team is vital in supporting the Council to tackle ASB in the area and very much compliments the proposed licensing regime.</p>
Residents	There are real issues with	Selective Licensing shall help to resolve this problem as it places an additional

	refuse, fly-tipping and overflowing bins in the area.	<p>obligation on landlords to ensure that refuse is disposed of properly and that the external areas of properties are maintained to a reasonable standard.</p> <p>Littering and refuse is a key issue identified by the Community Impact team and various interventions are taking place to help resolve this problem including the planned employment of a community caretaker.</p>
Residents	The scheme should be Borough wide.	The Legislation prevents this. Schemes need to focus on specific areas with identified problems and can no-longer be run on a district wide basis.
Residents	The scheme should include streets that run off North Marine Road, including Durham Street.	This shall be considered as part of the final proposal.