

APPENDIX A – SUMMARY AND CONSIDERATION OF CONSULTATION FEEDBACK

CONSULTEE	ISSUE RAISED	CONSIDERATION
Landlords and Residents	Fees will be passed on through rent increases 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 £550 standard fee to be charged amounts to £2 per week across the lifetime of the scheme. A range of discounts shall be included within the final scheme, including discounts for accredited landlords, landlords who own multiple properties, which would reduce the potential weekly cost in many cases.</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 a high proportion 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 of 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 about 25% 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 (for the benefit of tenants) out-weights the cost of fees and rents.</p>
Landlords and Residents	Selective Licensing won't address ASB problems	<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. The Community Impact Team pools 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>

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 members of either the National Landlords Association (NLA), Residential Landlords Association (RLA), National Approved Letting Scheme (NALS), Association of Residential Letting Agents (ARLA) or are an accredited landlord through the Scarborough Borough Council Landlord Accreditation Scheme.</p>
Residents and 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 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.
Residents	Needs to be effective enforcement	<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 restructured its services last year to create a new residential enforcement team. The purpose of the team is 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>
Landlords and Residents	The proposal is just a money making scheme for the Council.	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.
Landlords	<p>The proposed fee 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. The £550 standard fee has been based on the actual costs of the overall scheme.</p> <p>A range of discounts shall be included within the scheme, including discounts for accredited landlords, early bird applications 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.</p>
Landlords/ Agents	Concern that the proposal duplicates the work agents do and that landlord would be paying extra for a similar service	<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.</p> <p>The important role that managing and letting agents play is however recognised and it 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 & Residents	<p>Housing Association tenants cause the majority of problems within the area.</p> <p>Housing Associations</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</p>

	should be included within the scheme.	<p>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>
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
National Association of Lettings Agents (NALS)	Request to extend discounts where property is managed by an approved NALS agent or similar recognised body.	Yes the scheme will offer discounts to landlords and managing agents who are members of either the National Landlords Association (NLA), Residential Landlords Association (RLA), National Approved Letting Scheme (NALS), Association of Residential Letting Agents (ARLA) or are an accredited landlord through the Scarborough Borough Council Landlord Accreditation Scheme.
Residents	There are real issues with refuse, fly-tipping and overflowing bins in the area.	Selective Licensing shall help to resolve this problem as it places an additional obligation on landlords to ensure that refuse is disposed of properly and that the external areas of properties are maintained to a reasonable standard.
Residents	Problems of dogs barking and fouling in area	The issue of dogs barking and fouling would not be directly addressed through Selective Licensing.

		Support though could be given to landlords in tackling problems caused by dogs barking in properties, which was causing a nuisance to neighbours.
Landlords/Managing agents	Selective Licensing is causing landlords to sell up in the proposed area	This is something that we will be monitoring quite closely to see if there is any impact. It has been stated by some landlords that they would sell up. However, the evidence from the initial designation is that only a very small number of landlords have sold their properties to date and we are not aware of any of these being sold due to the introduction of the licensing scheme. Further analysis of properties sold in the initial area in the first year, shows that there has been no increase in the overall number of properties sold in the designated area compared to the previous 3 years.
Landlords	Would like to see facility for fees to be paid by annual direct debit to reduce burden on landlords	Noted that overall fee can be a significant payment to make at once. Currently looking into practicalities and implications of annual direct debit payments
Residential Landlords Association (RLA)	Penalty fees could be deemed unlawful as not part of the operation of the licensing scheme	Penalty fee is charged to reflect the work that is done to find landlords who have not applied for a licence and is part of the wider administration of the scheme
National Association of Lettings Agents (NALS)	Fee should now be charged in two stages following recent court case and initial fee should just cover costs of obtaining authorisation under the scheme.	Currently seeking legal advice on whether our fees should be staged.
National Association of Lettings Agents (NALS)	Difficult for landlords to deal with ASB and proposals for tackling ASB should not expect same approach as social landlords can offer	Understood that some private landlords, especially smaller landlords can be expected to take same approach as social landlords. Licensing conditions reflect this and require copy of ASB plan on request and for licence holders to co-operate with SBC, the Police and other agencies in tackling ASB. Support and advice will also be provided to landlords on tackling ASB and resolving complaints
Residential Landlords	Inclusion of annual PAT	Noted that this is an implication of the recent Brown v Hyndburn Borough Council case

Association (RLA)	(portable Appliance Testing) and requirement for Electrical Condition Installation Report (EICR) should be removed from the Licensing Conditions	and these conditions will be removed accordingly.
Residential Landlords Association (RLA)	Requirement for monthly and quarterly inspections is too excessive and should be removed from licensing conditions	Requirement for monthly inspections is for multi-occupied property with common parts. This will ensure that the licence holder can pick up on any issues with regards to the common parts, and any tenancy issues. Requirement for quarterly inspections is for single occupied properties and demonstrates that the licence holder/manager is managing property effectively.
Residential Landlords Association (RLA)	Should not include any licensing conditions, which are covered by Part 1 of the Housing Act 2004	Noted and will review licensing conditions to ensure that no condition is included which is covered by Part 1.