

Appendix 3

Collation & Summary of Consultation Responses and Havering Council Response

The responses outlined below were received from on-line questionnaires, landlord and resident events and landlord and letting group correspondence. These have been split into themed sections, general comments in support or against the proposals have not been included. The purpose of this summary document is to answer/consider or accept alternative suggestions raised during the consultation.

Ref Key	Consultation Representation	Respondent	Consideration	Response
	General additional licensing proposal			
	All landlords need to be licensed. This helps ensure standards are maintained.	On-line questionnaire	Considered and responded	There is currently no legislation requiring all landlords to be licensed. Local authorities can only introduce licensing when the evidential criteria are met.
	Properties should be regularly inspected by the council	On-line questionnaire	Agreed	If introduced the council will follow an inspection programme prioritising unlicensed properties initially and then a prioritised risk-based inspection of licensed properties
	What resources have you put in place for inspection of all property to comply licensing regulations, staffing levels to carrying proposed licensing.	On-line questionnaire	Considered and responded	We have a recruitment and training plan in place to be able to meet the additional workload if licensing is introduced
	You have no idea who or how many people are living in these rented places or who owns these property's	On-line questionnaire	Rejected	The council has put in place a very effective intelligence led programme of proactive inspections for its current licensing

				<p>scheme. We use tenure analytics to find unlicensed properties and a range of tools to identify property ownership.</p>
<p>It is totally wrong to allow more houses of multiple occupation in the borough.</p> <p>This is just a vehicle for people with money to make more at poorer people expense and make the possibility of younger people owning their own homes even more remote.</p>	<p>On-line questionnaire</p>	<p>Considered and responded</p>	<p>Havering Council has already taken steps to minimise the creation of new HMOs. We have made two Article 4 Directions to remove permitted development rights in relation to change of use from dwelling houses to a house in multiple occupation.</p> <p>The effect of this Article 4 Direction is that permitted development rights to change a dwelling which is a flat, terraced house or semi-detached house located within any part of the borough other than in four wards (Brooklands, Romford Town, Gooshays and Heaton Wards) into a house in multiple occupation do not apply and planning permission will be required.</p> <p>The Direction was confirmed on 3 November 2015 and came into force on 13 July 2016.</p> <p>https://www.havering.gov.uk/info/20034/planning/147/article_4_directions/2</p>	
<p>The council have made no mention in the Fee Structure document if Tacit Consent applies should the processing of the licence goes beyond the advertised times, as well as not provided a timescale for the length of processing time for a licence application</p>	<p>RLA letter</p>	<p>Considered and responded</p>	<p>If the proposals go ahead Havering Council will publish the service standards it will work to.</p>	

<p>The council has enough legislative powers already to supervise and take action on most of the areas covered by this new license.</p>	<p>On-line questionnaire</p>	<p>Considered and rejected</p>	<p>All other enforcement powers available to the Council are being fully utilised, licensing of private rented properties is only one part of the Councils enforcement activity/strategy. The new Housing and Planning Act 2016 gives Councils more powers, but half of the contraventions can only be used if there is a licensing scheme in place</p>
<p>More bureaucracy many of many conditions are already required by statute. You have statutory powers HMO's already why not use them</p>	<p>On-line questionnaire</p>	<p>Considered and rejected</p>	<p>Havering Council are using all existing powers available already as well as proactively finding HMOS. Unfortunately, even though some of the condition requirements are well established and well known we find that these basic requirements are often ignored. Licensing provides a framework for Councils to enforce these provisions</p>
<p>More expense to owners means less supply of property and pressure to put up rents both due to shortage and costs</p>	<p>On-line questionnaire</p>	<p>Considered and rejected</p>	<p>There is no evidence to support this, the number of rental properties and rents continue to rise suggesting other economic factors are driving the market. Indeed, the costs associated with the sale of a property and any capital gain tax dues far exceeds the cost of the proposed licence fee over 5 years</p>
<p>"Licensing would like to reduce anti-social behavior from rented properties, which is caused by poor management." How does poor management cause anti-social behavior?</p>	<p>On-line questionnaire</p>	<p>Considered and responded</p>	<p>Poor management of a rented property leads to increases in fly tips, rubbish in front gardens, overflowing bins, overcrowding, potential sub-letting and disrepair which can impact on neighbouring properties etc</p>
<p>HMOs shouldn't be allowed. HMOs doesn't just impact on neighbours who have to live next door to HMOs but it impacts the area negatively. I unfortunately live next door to HMO and have many issues from, parking, noise, rubbish, parties late at night, not looking after the property ie the chimney stack fell down over a year ago and caused 8 of my roof tiles damaged where water leak into the</p>	<p>On-line questionnaire</p>	<p>Noted</p>	<p>Havering Council introduced an article 4 in July 2016 which limits the expansion of HMOs via planning controls. For details please see above</p>

	celling and still today the chimney stack left on the roof after reporting this to the council.			
	The sooner the better to help put a stop to unlicensed proliferation of letting activity. Its bad for residents and the tenants that have to live with the fallout which is often mess noise and anti social behaviour. If landlords have to pay, they may take more care of the property and have better control on those they rent to.	On-line questionnaire	Noted	If the proposal is approved the first priority will be to unearth unlicensed properties and use powers in the Housing and planning act 2016 to impose civil penalties.
	You have already outlined the problems associated with HMO's - and yet continue to allow licenses and extend areas . We feel that having HMO's ruins neighbourhoods. As you are aware it causes problems with parking and anti social behaviour. When we moved to Havering 35 years ago it was a pleasant and peaceful place to live. Now with the problems caused by HMO's we feel that we have no alternative but to find an area that doesn't feel the need for an increase in overcrowding!	On-line questionnaire	Noted	The law only allows licenses to be refused in a limit number of circumstances. The conditions, however lay out what is expected of a landlord when managing their property. If the proposals are agreed the council will expect landlords to comply with the conditions and will follow a programme of risk-based inspections. As stated above LBH has introduced an article 4 direction which restricts the creation of more HMOs
	Letting Agents should have to be licensed before them open up. At present anyone can say they are a letting agent.	On-line questionnaire	Noted and accepted	Havering Council have a multiagency approach to enforcement. Letting agents are now required to be part of a redress scheme and Trading standard officers have consumer protection powers to help regulate these businesses.
	There is no issues in these locations. Havering are using this purely for income generation. There will be no appropriate supervision and unscrupulous landlords will not change through this and will not even register.	On-line questionnaire	Rejected	If the scheme is agreed, the Council has committed to ensuring that the scheme is properly enforced. Data analytics will be used to identify unlicensed properties and if they do not licence when asked to will face enforcement action.

	How would the scheme be monitored, including how the money is spent	On-line questionnaire	Agreed	If the scheme goes ahead there will be a requirement to regularly report on the schemes' outputs and achievements
	Consultation events had a relatively low turnout – particularly the first events Allow the consultation to run for a few weeks and gain momentum before holding consultation events.	Event feedback	Noted	There was a large amount of publicity carried out by the Council, see consultation report. Timed to peak in the run up to events. The council also wanted to make sure some events ran before the school holidays. However, if we consult again the council will try and offer events after a few weeks to build momentum
General Selective licensing proposal				
	This needs to be thought out as charging a fee and licencing rental property that is not being used as an HMO could discourage landlords from renting and reduce the amount of housing available across the borough for young family's	On-line questionnaire	Rejected	There is no evidence to suggest that the fee proposed will reduce the amount of rental properties available.
	Some people need lodgers to pay for mortgages and for someone to be in the house to avert burglaries. Havering Council is wanting money for doing nothing pressurising ordinary people to give more money to the avaricious Council.	On-line questionnaire	Noted	A resident owner occupier/long leaseholder can have up to two lodgers without requiring a licence.
	Havering council by proposing introducing licensing are implying that there is problems which could push investment away	NLA	Rejected	There is no evidence that this will affect investment in Havering. The licensing fee is so low compared to other investment costs it is not likely to be a contributing factor

	This change proposed by the council will reduce secure tenancies and increase the cost for tenants; it could also increase homelessness (how will they get a reference) with people being unable to secure a tenancy due to references.	NLA	Rejected	There is no evidence for this assertion. Very few secure protected tenancies remain in the private rented sector and are often only available to council housing or housing association tenants.
	I am not convinced that houses occupied by one family need to be licensed as I am not of the opinion that this type of occupation leads to anti-social behaviour.	On-line questionnaire	Rejected	<p>Romford Town and Brooklands have the highest number of private rentals, high levels of poor housing conditions, highest levels of ASB in Havering and have required substantial interventions from the Council.</p> <p>When analysing ASB figures care is taken to exclude any report which does not relate to a residential property. For example ASB incidents related to pubs are excluded from the data.</p>
	There is already enough legislation in place for Landlords to comply with in terms of the condition that a property is offered to a tenant and what a Landlord is required to do in terms of electrical and gas safety, smoke alarms etc. Surely the council have enough powers to prosecute Landlords not complying with their statutory obligations already.	On-line questionnaire	Rejected	The examples given are not all enforced by the same regulatory body. e.g gas safety is regulated by the HSE. One of the benefits of licensing is that these can be enforced by one authority under a clear framework rather than by a patchwork of different regulatory bodies. Licensing brings these all under one umbrella and requires the documents to be produced on request which ensure all these are in place.
	The council are charging the good landlords to fund trying to prosecute the bad ones	On-line questionnaire	Rejected	The fees proposed only cover the cost of processing and administration of the scheme. Havering Councils current enforcement policy places a higher cost burden on 'bad' landlords. This is done by targeting enforcement towards unlicensed properties, reducing the length of the licence if the landlord has a record of poor management or has not licensed their properties when asked to do so.

				As currently there is no mandate to provide information on what properties are rented a licensing scheme is the only way to collate this information in a Council area. Having a scheme in place helps identify those that are absent via our use of tenure analytics and therefore allows the council to target enforcement.
	whilst there is a record of more ASB in these areas there is little reference to what % of this is made up of social housing.	On-line questionnaire	Rejected	The evidence on ASB presented excludes social housing
	This is unnecessary and simply a way to generate income.	On-line questionnaire	Rejected	<p>The Councils has carefully evaluated the evidence available and considered various proposals before presenting those that were consulted on.</p> <p>The size of the scheme proposed is modest and has been focussed on the areas which meet the criteria as set out in the legislation.</p> <p>There can be no profit made from licensing, however the Council is keen to introduce licensing in a cost neutral way so the private rented sector is not subsidised by council tax payers</p>
	We would ask the council to publish clear service standards setting out the timescale for processing and approving licence applications and to publish regular updates so that performance in this area can be monitored	Safeagent	Accepted	If the scheme goes ahead there will be a requirement to regularly report on the schemes' outputs and achievements as well as publishing the service standards it will work to.
	Havering Council's proposals are not strong enough. Romford will become "letting land" and will be a dump town in ten yrs unless something is done to clip the wings of these buy-to-let sharks invading our community. The rented house nearby needs drastic repair and	On-line questionnaire	Noted	The Council has identified specific problems in Romford and are trying to regulate this sector more effectively by proposing this licensing scheme

	routine maintenance. The last time the gutters were cleared I and a neighbour paid!			
	Will there be a point of contact for adjoining property owners to inform the Council of their concerns etc 're overcrowding and anti social behaviour	On-line questionnaire	Agreed	The Council will provide a 'report it' tool on their website for this purpose
	Five years is too long for a licence as tenants don't normally stay that long (usually 2-3 years is the norm in my experience)	On-line questionnaire	Rejected	The legislation allows an area to be designated for up to five years. To have a scheme running for less time would not enable sufficient time to meet the council's objectives and will be more of a burden on landlords by having to apply more regularly rather than once every five years
	The selective licensing is proved not effective to improve the living conditions of the tenants in other boroughs	On-line questionnaire	Reject	There is a recent report on the effectiveness of licensing schemes, it can be found here https://www.cieh.org/news/blog/2019/how-effective-is-selective-licensing/
	I agree to licensing but think the charge is excessive and there needs to be something on offer to good landlords e.g free use of recycling centre in the area even if they live outside the Borough	On-line questionnaire	Considered	The council has investigated whether an arrangement can be made. The site is not under the Councils control as it is managed by a different waste disposal authority. No discount/access options are available
	Many licensing schemes fail due to the lack of adequate resources needed to undertake the necessary enforcement activity	ARLA NLA	Agree	Enforcement, especially of unlicensed properties is key to delivering an effective licensing scheme
	Licensing schemes heavily focus on the administration involved, often directing staff away from enforcement to process applications	ARLA	Agree	There has been some examples of this nationally, however, Havering have proven that with its current licensing scheme its focus has been on enforcement and has worked hard to put in place efficiencies to avoid directing staff away from this

<p>ARLA Propertymark believes that instead of introducing further discretionary property licensing, Local Authorities should adopt a collaborative approach with letting agents, landlords and professional bodies to tackle issues within the private rented sector</p>	<p>ARLA</p>	<p>Partially agree</p>	<p>Havering welcome a collaborative approach with letting agents and landlords and have been encouraged by the formation of a landlord forum in the Borough. The Council looks forward to fully participating in this going forward. However, self-regulation has proven not to be successful in this sector. There is poor take up of accreditation schemes and high numbers of serious hazards and breaches of management regulations are still being found in rental properties</p>
<p>With council figures showing there are currently almost 1,000 licensable but unlicensed HMOs in the borough, we believe the council should concentrate resources on enforcing the existing licensing schemes before seeking to introduce any further licensing schemes.</p>	<p>Safeagent</p>	<p>Noted</p>	<p>Havering Council are focusing their current enforcement activity on unlicensed properties. The poor compliance with the regulation is a concern and leads to higher overheads for the Council. What is of greater concern is the number of criminal landlords that have been uncovered operating in Havering as a result of the licensing scheme. These would never have been identified without licensing.</p>
<p>the additional licensing scheme is intended to cover 'some section 257 HMOs' but does not specify which section 257 HMOs would be included and which would be excluded. We would not support a proposal to include all converted blocks of flats, as defined in section 257 of the Housing Act 2004, within a borough wide additional licensing scheme</p>	<p>Safeagent</p>	<p>Considered and rejected</p>	<p>The Council has looked again at s.257 HMOs as a result of this consultation feedback.</p> <ul style="list-style-type: none"> -to review if these should be included -if so what definition to use <p>After careful consideration it has been concluded that the council will include s.257 HMO's that are managed and in control of the freeholder (including a management company) under one licence for the block. The tenure requirement will remain as set out in the legislation.</p> <ul style="list-style-type: none"> -Be a converted house -All flats are self-contained -less than two-thirds of the self-contained flats are owner-occupied.

				<p>Exemption to s.257 HMO's will be offered to freeholders that arrange to bring the property up to the standards of the 1991 building regulations and effectively take the property out of the category.</p> <p>In cases where the individual rented flats within the s.257 HMO are within the management and or control of a leaseholder and they fit the definition HMO definition then the leaseholder will need to licence the individual flat. For flats that are single family dwelling in s.257 HMO's under the control of a leaseholder within Romford or Brooklands will require a licence for each flat under the selective licensing designation.</p>
	<p>For properties converted since 1 June 1992, a Building Control completion certificate would satisfy this requirement. But for properties converted before that date, it would be very difficult for a layperson to assess compliance with the Building Regulations 1991 and many local authority licensing teams would struggle to make a definitive assessment. Letting agents cannot be expected to make this sort of judgement</p>	Safeagent	Noted	<p>The council acknowledges that this is a particular complex area. The main difference is the fire precautions within the building. The council's enforcement policy has been reviewed to take into account concerns raised by Safeagent. In the first instance the council will encourage the appropriate person to seek a building control certificate and to carry out the work required to meet the standard. If a building control certificate is obtained the property ceases to be licensable. If this is not available and some buildings still require a licence, the most appropriate person will be invited to licence. Enforcement action will only be taken if repeated request to licence are not actioned</p>
	<p>In situations where there is a freeholder and separate long leaseholders, the situation is further complicated by the need to determine</p>	Safeagent	Noted	<p>Long lease holders have been no less informed of the consultation than anybody else. Within the current scheme we</p>

	whether less than two thirds of the flats are owner-occupied. Only the freeholder may possess this information and the tenure of each flat may vary over time			have come across this type of 257's and are of the view that it would be beneficial to include them. As regards enforcement please see comment above
	we recognise that there are circumstances where a particular type of section 257 HMO may be worthy of more intensive regulation. For example, where a landlord has converted a property into cramped and poorly designed studio flats entirely for private rental without any planning and building regulation approval.	Safeagent	Noted	See above
	Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as Safeagent licensed firms.	Safeagent	Agreed	Havering Council welcome liaison and effective dialogue with letting agents and look forward to building this relationship via the landlord forum. The Council will also explore holding other events to encourage liaison
	To achieve better regulation of the private rented sector and improve consumer protection, it is important the council takes a holistic approach that extends far beyond the proposed licensing scheme.	Safeagent	Agreed	Havering Council have a multiagency approach to enforcement and includes consumer protection as well as referral mechanisms for safeguarding of vulnerable tenants. We also work with other agencies to address modern slavery and exploitation where encountered.
	Provide help to landlords such as education and training sessions and post-inspection checklists	Event feedback	Considered and noted	Havering Council are part of LLAS and encourage landlords to take part in the training sessions offered The Council does liaise with landlords after inspection, however we will further investigate with landlords what they expect to receive after an inspection.

<p>Communicate the impacts of neighbouring licence schemes (particularly those related to selective licensing) such as impact on anti-social behaviour; impact on the size of the private rented sector and impact on house values.</p>	<p>Event feedback</p>	<p>Noted and partially agreed</p>	<p>Havering council will report on the scheme and on key issues such as enforcement activity and meeting its licensing objectives.</p> <p>However, it would be difficult to report on other councils' ASB but new census data will be available during the life of the proposed scheme which will assist in collating this information</p>
<p>If the scheme is approved, provide interim and end of scheme reports on the impacts on anti-social behaviour and housing conditions</p>	<p>Event feedback</p>	<p>Agreed</p>	<p>If the scheme proceeds there will be reporting and evaluation reports</p>
<p>Demonstrate how the fee is being used to improve neighbourhoods.</p>	<p>Event feedback</p>	<p>Agreed</p>	<p>Part of the scheme reports will include financial breakdown</p>
<p>How to make the application process pain free</p> <ul style="list-style-type: none"> Test the application process with landlords to help ensure it is easy to use. Provide real time advice through chat boxes. Provide a comprehensive Q&A on the scheme website (using some of the questions raised in this report and added to as the scheme rolls out). Provide telephone support for people without internet access. 	<p>Event feedback</p>	<p>Noted</p>	<p>Havering council is investing in IT to ensure that the process is as easy and straight forward as possible</p> <p>Telephone support is also available and if the scheme proceeds will ensure there are enough staff resources in place to support telephone demand</p>

Alternatives to licensing			
Licensing should only apply if you do not use a recognised agent	On-line questionnaire	Rejected	The licensing legislation does not allow this distinction to be applied.
A simpler scheme, of having voluntarily registered Landlords could at least have been trialled throughout the borough, prior to introducing this expensive, but onerous (on all parties) selective licensing scheme. Which I believe will now become borough-wide eventually.	On-line questionnaire	Rejected	<p>Havering Council part funds the London Landlord Accreditation scheme and has been part of the scheme for many years. To date there are 572 members in Havering.</p> <p>Although not a registration scheme per se it shows that voluntary take up of these types of schemes is low.</p> <p>Havering currently offer a discount to accredited landlords. This has been reviewed and if the scheme goes ahead this will be continued</p> <p>Evidence from other schemes where a discount for landlord accreditation has been offered shows that only ¼ of applications were from accredited landlords.</p>
I agree but think the charge is excessive. The council could offer a discount in council tax by e.g £100 for landlords who licence their properties	On-line questionnaire	Considered and rejected	Most landlords do not pay council tax as it is a tenant obligation apart from HMOs. Offering a discount to landlords when council

				<p>tax-payers are already subsidising in this sector would not be possible.</p> <p>In addition, there is a correlation between council tax arrears and private rented properties.</p>
	<p>Make better use of existing enforcement powers. There is already a scheme in place to deal with rogue landlords. Powers to deal with disrepair and ASB</p>	<p>On-line questionnaire</p>	<p>Rejected</p>	<p>All other enforcement powers are being fully utilised by the Council, licensing of private rented properties is only one part of the Councils enforcement activity/strategy. The new Housing and Planning Act 2016 gives Councils more powers but half of the contraventions can only be used if there is a licensing scheme in place</p>
	<p>“There are alternatives to licensing. The RLA supports a system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints in the first instance, while those outside the scheme remain under the scope of local authority enforcement. We also support the use of the council tax registration process to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for criminals to operate under the radar. “</p>	<p>RLA letter</p>	<p>Rejected</p>	<p>Council tax information is already used.</p> <p>Co- regulation remains under review however there is no evidence that this is a viable alternative.</p>
	<p>RLA is not supportive of licensing schemes because most schemes do not support local authorities to improve standards or increase enforcement activities.</p>	<p>RLA</p>	<p>Rejected</p>	<p>There is substantial evidence that enforcement is more targeted and increases in areas with selective and additional schemes. Raising standards and identifying criminal landlords. If licensing is introduced it will be clear which landlords have not applied for a new licence and enforcement action can initially be targeted at these landlords. We will then continue with our</p>

				intelligence led enforcement to ensure that all landlords are licensed and are complying with licence conditions.
	Area to be covered			
	All landlords need to be licensed. This helps ensure standards are maintained.	On-Line questionnaire	Noted	The legislation does not allow for this, licensing can only be introduced if certain criteria are satisfied e.g high levels of private rentals, poor housing conditions.
	All properties being rented out should be licenced regardless of how few occupants there are and regular checks should be made on the tenants and if the Council receives noise complaints etc the landlord should have his licence revoked immediately	On-Line questionnaire	Noted	See above
	Additional Fees			
	Licence fees could be higher	On-line questionnaire	Rejected	The council cannot make a profit out of a licensing scheme, so fees are set to reflect costs.
	Fees are excessive and will probably end up getting passed onto tenants by rent increases making it harder for people to afford to live in the area	On-line questionnaire NLA	Considered	Landlords and managing agents tend to set their rents to achieve the maximum rent that the market will sustain i.e they are price takers. Fees were looked at again to see if there are any more cost savings which can be applied, no further reduction in the fee is possible.
	It is necessary as bad landlords are moving out from east London. However the fee should not be so high as to put off good landlords as they create homes when the government doesn't and the council can't.	On-line questionnaire	Considered	Fees were looked at again to see if there are any more cost savings which can be applied, no further reduction in the fee is possible.

	This fee is high compared to other LA	On-line questionnaire	Considered	<p>The fees were set to reflect costs of the licensing scheme, we also benchmarked with other schemes and are about in the middle.</p> <p>The council will however revisit the fee to see if there are any other cost savings it can make.</p>
	<p>I think the fees for HMOs are very low. This type of business may cause more issues which the council will need more resources to deal with effectively.</p> <p>Not to mention that it is a lot more profitable than renting a flat or house and there should be treated differently</p>	On-line questionnaire	Considered	<p>The fees were set to reflect costs of the licensing scheme, the Council can not make a profit from licensing</p>
	<p>We think it is unreasonable to increase the additional licensing fee to £1,250 per property within such a short period of time. We note no justification has been given for the proposed 39% increase in the application fee. There is also no mention of continuing the accreditation discount</p>	Safeagent	Considered	<p>The council have had the experience of running an additional licensing scheme and has a better understanding of the costs of running the scheme now.</p> <p>The current fee does not meet the costs of licensing.</p> <p>However, the Council will keep them under review</p> <p>Note:- Average rents in Havering are £550 for a room</p>
	<p>The proposed fee of £1250 for a new application for an Additional Licence is excessively high for a landlord to pay</p>	RLA letter	Considered and rejected	<p>See above</p>
	<p>Consider the merits of discounting fees based on criteria such as landlord/agent accreditation and level of enforcement needed by ward</p>	Event feedback	Considered and rejected	<p>Accreditation discounts are being considered. To distinguish between level of enforcement by ward would be too costly to administer.</p> <p>Instead the Council will apply its enforcement policy which means provides a higher cost burden on those landlords that do not apply for a licence and are breaching conditions.</p>

	Selective licensing fee			
	Increase the fee. It is a pittance compared to the rent they charge	On-line questionnaire	Rejected	The fees were set to reflect costs of the licensing scheme, the Council cannot make a profit from licensing
	Do not believe there should be any discounts	On-line questionnaire	Considered	The council is reviewing its policy on discounts
	If the scheme is renewed, communicate clearly again the rationale for the fee when registration is already completed	Event feedback	Considered	A renewal fee and renewal requirements is something that the council will keep under review as we approach the end of any scheme. The Council will consider this should we decide that a renewal of any designation is necessary.
	License should not be used as a way of raising revenue and no evidence so far has been shown as to where these funds are being spent on! prices are way to high	On-line questionnaire	Rejected	The fees presented are set to reflect costs of the licensing scheme, the Council cannot make a profit from licensing
	Fees should be around £500 like other LA	On-line questionnaire	Reject	If the scheme is to be implemented, the proposal is to charge £450 for a selective licence for those that apply on time. The council will publicise the rate widely and give at least 3 months for an application to be made at this rate.
	For the selective licensing scheme, we note the intention is to charge £900 per property. We believe this is excessively high. We note this would be the highest selective licensing fee in London, matched only by Barking & Dagenham. With an average selective licensing fee of £733 in London (source: London Property Licensing, 2019), no justification has been given to explain why fees in Havering need to be 23% higher. There is also no mention of an accreditation discount.	Safeagent	Reject	If the scheme is to be implemented, the proposal is to charge £450 for those that apply on time. The council will publicise the rate widely and give at least 3 months for an application to be made at this rate. The enforcement element will then apply and reflects additional costs that the council have to absorb.

	If an accreditation discount is to be offered, we would request it includes licensed properties where the designated manager is an accredited letting agent - including members of safeagent. This would help to acknowledge the benefit of using an accredited agent to ensure that licensed properties are well managed	Safeagent	Considered	See above
	We do welcome the proposed early bird fee discount to reward compliant landlords and agents and support the smooth implementation of the scheme. To make the arrangements work effectively, it is important that the new licensing scheme is well publicised and that the council allows at least three months for applications to be submitted before the scheme comes into force	Safeagent	Agreed	The council will allow at least three months for applications to be submitted and will publicise the scheme widely if it goes ahead
	There were concerns that additional costs may be passed to tenants through rent rises	On line questionnaire RLA	Rejected	There is no evidence that licensing fees have directly resulted in higher rents, in areas which have licensing schemes. We have established that landlords set rents based on market rates which are determined by tenant affordability.
	Conditions			

	<p>Tenant and Property Management Conditions written with the needs of the neighbourhood in mind e.g. time permitted to report and tackle anti-social behaviour such as noise and drug taking</p>	<p>Event feedback</p>	<p>Considered</p>	<p>This has been considered and at the moment it would be fair and proportional for the time to remain as set out in the conditions</p> <p>Because the licence conditions impose a duty on the landlord to respond to ASB complaints and keep records of any correspondence with occupiers in relation to this. The local authority can request copies of this and take account of it to determine whether or not the landlord has responded in a timely manner and had sufficient time to address the issues.</p>
	<p>If schemes introduced recommended Develop a comprehensive communication plan to reach landlords and agents.</p> <p>Build a comprehensive database of landlord and agent contacts by distributing advance information emails through organisations such as LLAS, ARLA etc.</p> <p>Use local and regional media as well as Council communication channels to publicise the scheme if it launches.</p>	<p>Event feedback</p>	<p>Agree</p>	<p>A communication plan will be developed encompassing all these suggestions if the scheme is implemented</p>
	<p>In <i>Brown</i> Mr Justice Hildyard confirmed that the s90(5) of the Housing Act 2004 is not itself a source of any power, residual or otherwise</p>	<p>RLA letter</p>	<p>Rejected</p>	<p>The proposed conditions do not seek to require works that should be actioned under Part 1 of the Housing Act 2004</p>

	<p>permitting the local authority to include licence conditions that seek to identify, remove or reduce hazards. These are covered by Part 1 of the Act and should be enforced using Part 1 powers, and the Housing Health and Safety Rating System. Councils should not rely on Part 3 licensing powers to enforce Part 1.</p>			
<p>Challenge as to whether the condition related to electrical appliance test report is appropriate as a selective condition</p>	<p>RLA letter</p>	<p>Considered</p>	<p>For selective licensing condition, 3.2 simply states that the licence holder shall ensure that any electrical appliances provided in the property are in a safe condition. It does not specify the need for a report. However should the government seek to change legislation and introduce the requirement for test certificate every 5 years in a phased approach with tenancies as per the DCLG consultation 2018 then we would also reflect this in our conditions from date of enactment to phase in with new licence applications. This would not affect existing licences at this point.</p>	
<p>There should be conditions applied to ensure that all external areas to a property should be kept in a tidy condition</p>	<p>On-line questionnaire</p>	<p>Considered</p>	<p>The council are using the powers under the Housing Act 2004 and Housing and Planning Act 2016 to their full extent. As such any improvements to external areas can be addressed under Part 1 of the act, or other legislation such as the Prevention of damage by Pests Act 1949 or the Public Health Act 1936. The council will assess such cases on their own merits and take the relevant action.</p>	
<p>As a general point, we welcome the proposal to require safety documentation to be provided to</p>	<p>Safeagent</p>	<p>Noted and agree</p>	<p>This approach allows the council to focus on the worst properties</p>	

<p>the council on request rather than submitted automatically each year. We also welcome the flexibility to either display certain documentation in each property or provide copies at the tenancy sign up. Both these proposals help to support a light touch approach for safeagent members who are committed to offering high standards of property management</p>			
<p>Condition 1.1: the condition needs to be amended to comply with the new mandatory licence conditions introduced by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. In particular these regulations set out new notification requirements that must be applied in situations where the property is deemed over-occupied at the time of application, or if it becomes over-occupied during the period of the licence without the knowledge or consent of the landlord.</p>	Safeagent	Agreed	This has been amended
<p>Condition 2.3: this condition should be amended as the timescale to provide tenants with prescribed information is within 30 days of taking a deposit and not at the time the deposit is taken.</p>	Safeagent	Agreed	The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of the deposit being safeguarded in a statutory deposit scheme. This information must be provided to the council within 28 days on demand.
<p>Condition 2.4: it is unclear what is meant by 'implement a fit for purpose tenancy management system' and this will leave landlords and agents unsure what the council has in mind. For</p>	Safeagent	Agreed	The licence holder whilst fully meeting his/her obligations; shall in combination with their tenancy agreement, develop and

<p>example, how would this system differ from the landlord and tenant responsibilities as outlined in the tenancy agreement? The only other items mentioned are a 24 hour emergency number and arrangements for disposal of rubbish. The wording and/or intended meaning of this condition needs to be clarified.</p>			<p>implement a fit for purpose tenancy management system that ensures tenants occupy the property in a 'Tenant-like manner.' The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand:</p> <ul style="list-style-type: none"> • provision of an emergency contact number (including out of hours response arrangements) • formal arrangements for the disposal of rubbish and bulky waste • schedule or details of the tenants' role and responsibility, including instructions for the heating systems and equipment.
<p>2.5 d) where the licence holder must contact the tenant within 14 days of receiving a complaint about anti-social behaviour and 2.5 f/ If the anti-social behaviour is continuing after 28 days, the licence holder must send a warning letter with 7 days were seen as too slow and did not take into account the impact on neighbours of continuing anti-social behaviour – particularly late night noise and drug taking. They wanted to see swifter response times written into the conditions, such as 24 hours after the complaint, the landlord must issue a warning to tenants.</p>	<p>Event feedback</p>	<p>Considered but rejected</p>	<p>There are practical considerations here, depending on where the landlord resides.</p> <p>(f) Actually requires the landlord or his agent to visit with a warning letter, so it is really a hand delivery of a warning letter, and the opportunity for a discussion with the occupier about the contents of the letter.</p>

<p>Condition 3.2: this condition refers to electrical appliances but then references an EICR which relates to the electrical installation. It appears this may be intended as two separate licence conditions.</p>	<p>Safeagent</p>	<p>Agreed</p>	<p>Amended to:-</p> <p>The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand. (Note: The licence holder must ensure the electrical appliance test report is supplied by a competent person, who is appropriately qualified to issue this report.</p>
<p>Condition 3.5: as explained in the LACORS fire safety guidance, the fire safety order only applies to properties where each letting within the property is on a separate tenancy. It does not apply if a property is let to a group of sharers who have exclusive use on a single tenancy. We do not think a licence condition can apply the fire safety order to licensed HMOs that fall outside the scope of the order.</p>	<p>Safeagent</p>	<p>Agreed</p>	<p>The condition has been amended</p>
<p>Below condition 3.6 is a note in bold which could imply the council's HMO standards are a condition of the licence, although it is unclear whether this is the intended meaning. The Upper Tribunal have ruled that local HMO standards are intended as guidance and need to be applied with a degree of flexibility according to the characteristics of each property. For this reason, guidance within the HMO standards should only be added as a property specific condition if it is deemed appropriate to do so.</p>	<p>Safeagent</p>	<p>Considered and partially agreed</p>	<p>The text in bold has been deleted from the conditions</p>

<p>Condition 3.9: we do not think it is reasonable to require monthly testing of fire alarm systems in a low occupancy HMO let to a group of sharers on a single tenancy. It is also impractical to do so as the landlord and agent have no right of access into the property without giving at least 24 hours' notice. In our experience, many councils will accept the tenants in shared houses being shown how to conduct their own monthly tests and to notify the manager if there are any faults. The system can then be checked by the landlord or agent on the 3 monthly interim inspections.</p>	<p>Safeagent</p>	<p>Rejected</p>	<p>This is referring to periodical inspection of an automatic fire system not a monthly check. The minimum expectation is for this to be carried out on a 3 monthly inspection to identify disrepair or maintenance issues. We cannot put a condition on the licence requiring that landlords impose a duty on tenants to test fire alarms. Occupiers are provided with details on how to contact the landlord and report a problem with smoke detection.</p>
<p>Condition 6.2: the condition should be amended as if the HMO is let to a group of sharers on one tenancy, landlords and agents must give tenants at least 24 hours' notice of any inspection. As such, they cannot grant access into those properties in a shorter timescale. For HMOs let out by the room, the agent could grant access into the common parts during normal office hours</p>	<p>Safeagent</p>	<p>Rejected</p>	<p>The condition requires 'reasonable time' If a council officer is to survey the property by pre-arrangement then we are required to provide a minimum of 24 hours' notice to the landlord and occupiers, we merely ask that the landlord ensure access is provided. In practice this will usually be more than just 24 hours. If there is a compelling reason to reschedule then this can be arranged, but provision of access does not mean that the landlord must be present, a tenant suitably notified can agree to provide access.</p>
<p>Selective licensing Condition 1.1: as selective licences will only apply to single family lets or properties occupied by two sharers, any overall occupancy limit should not include occupancy limits for each room as the landlord or agent would have no control over which family member sleeps in each room once the tenancy is granted.</p>	<p>Safeagent</p>	<p>Rejected</p>	<p>Providing the overall occupancy is not exceeded, and there are sufficient rooms for the purpose of sleeping. Should occupiers choose to sleep together it is unlikely that the local authority would try and interfere. The issue would only arise if a room no longer used by a person (because they have decided for whatever reason to share a room) suddenly becomes occupied by a new person and that exceeds the permitted number.</p>

<p>Selective Condition 2.6(f): it is unclear what the council means by warning the tenant about legal proceedings. Only the local authority and/or the police can instigate legal proceedings if it is alleged a criminal offence has been committed. We would suggest the council use the same wording contained in additional licensing condition 2.5(f)</p>	<p>safeagent</p>	<p>Agreed</p>	<p>Amended to; Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed. For example, police, council, DWP, Home Office, etc.</p>
<p>Condition 3.6: there is no requirement to obtain test certificates for smoke alarms installed in a single family property. We believe it should be acceptable for the landlord or agent to check the smoke alarms during interim inspections and confirm they are in good working order</p>	<p>Safeagent</p>	<p>Rejected</p>	<p>Actually p.25 of LACORs fire safety guidance is clear that for normal risk single occupancy of up to 4storeys should be Grade D; LD3 coverage (interlinked) so there is existing legislation requiring that landlords make sure that smoke detectors work at the start of each tenancy, (Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Therefore they are reasonably expected to have the relevant certificates in their possession, and we are entitled to ask to see them. We would also expect that landlords check alarms on inspection.</p>
<p>Condition 6.2: the condition should be amended as landlords and agents must give tenants at least 24 hours notice of any inspection. As such, they cannot grant council officers access to the property in a shorter timescale.</p>	<p>Safeagent</p>	<p>Rejected</p>	<p>We are not asking them to grant shorter than 24 hours' notice see response to this earlier.</p>
<p>Condition 6.3: as selective licences will only be granted to a single family let or a property occupied by two sharers, it would be reasonable for the landlord or agent to</p>	<p>Safeagent</p>	<p>Rejected</p>	<p>See previous answer to above to permitted numbers</p>

	<p>provide the tenants' details. However, it is unlikely they would know which family member sleeps in each room and requesting such information from the family could be considered overly intrusive.</p>			
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