

Date of issue: Friday, 8 March 2019

MEETING	CABINET	
	Councillor Swindlehurst	Leader of the Council and Cabinet Member for Regeneration & Strategy
	Councillor Hussain	Deputy Leader of the Council and Cabinet Member for Transformation & Performance
	Councillor Anderson	Environment & Leisure
	Councillor Carter	Planning & Transport
	Councillor Mann	Regulation & Consumer Protection
	Councillor Nazir	Corporate Finance & Housing
	Councillor Pantelic	Health & Social Care
	Councillor Sadiq	Children & Education
DATE AND TIME:	MONDAY, 18TH MARCH, 2019 AT 6.30 PM	
VENUE:	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF	
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NICHOLAS PONTONE 01753 875120	

APPENDIX PACK

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Proposals for Private Rented Property Licensing
Appendices

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Designation of an area for Additional Licensing

Slough Borough Council Designation of Area for Additional Licensing of Houses in Multiple Occupation No 1, 2019

Slough Borough Council in exercise of their powers under section 56 of the Housing Act 2004 (“the Act”) hereby designates for additional licensing of Houses in Multiple Occupation (“HMOs”) the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as Slough Borough Council Designation for Additional Licensing of Houses in Multiple Occupation No 1, 2019.
2. This designation is made on [date of cabinet decision]. A general approval under section 58 of the Act applies to it, the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.
3. This designation shall come into force on [INSERT DATE at least 90 days from date of cabinet decision] and shall cease to have effect on [INSERT DATE 5 years minus 1 day of come into force date].

DESIGNATION, AREA AND DESCRIPTION OF HMOS

4. The Council hereby designates for additional licensing under section 56 of the Act the area within the district of Slough Borough Council outlined on the map at Annex A in relation to all HMOs that are not subject to mandatory licensing under section 55(2)(a) of the Act.

ANNEX A – Paragraph 4: Map of Designated Area

APPLICATION OF THE DESIGNATION

5. This designation applies to all Houses in Multiple Occupation within the area described in paragraph 4 unless –
 - a) the building is of a description specified in Annex G (Buildings that are not HMOs for the purpose of the Act- other than Part 1);
 - b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
 - c) the HMO is subject to a temporary exemption under section 62 of the Act; or
 - d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing).¹

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.²
7. Slough Borough Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.³

Leader of the Council and Cabinet

Date: [Cabinet decision]

¹ For the application of mandatory licensing see SI 2006/371 – The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006

² Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 10

³ Section 232 of the Act and regulation 11 of SI 2006/37

ANNEX B – Paragraph 5: HMOs subject to the designation;

1. For the purposes of the designation a building or a part of a building is a “house in multiple occupation” if—
 - a) it meets the conditions in subsection (2) (“the standard test”);
 - b) it meets the conditions in subsection (3) (“the self-contained flat test”);
 - c) it meets the conditions in subsection (4) (“the converted building test”);
 - d) an HMO declaration is in force in respect of it under section 255 of the Act; or
 - e) it is a converted block of flats to which section 257 of the Act applies.
2. A building or a part of a building meets the standard test if—
 - a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
 - b) the living accommodation is occupied by persons who do not form a single household (see section 258 of the Act);

- c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259 of the Act);
 - d) their occupation of the living accommodation constitutes the only use of that accommodation;
 - e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
 - f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
3. A part of a building meets the self-contained flat test if—
- a) It consists of a self-contained flat; and
 - b) Paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).
4. A building or a part of a building meets the converted building test if—
- a) it is a converted building;
 - b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
 - c) the living accommodation is occupied by persons who do not form a single household (see section 258 of the Act);
 - d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259 of the Act);
 - e) their occupation of the living accommodation constitutes the only use of that accommodation; and
 - f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.
5. But for any purposes of the designation a building or part of a building within subsection (1) is not a house in multiple occupation if listed in Annex C below.

References to an HMO include (where the context permits) any yard, garden, outhouses, outbuildings and appurtenances belonging to, or usually enjoyed with, it (or any part of it).

Interpretation

In Annex B —

- “basic amenities” means—

- a) a toilet,
 - b) personal washing facilities, or
 - c) cooking facilities;
- “converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;
- “enactment” includes an enactment comprised in subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978);
- “self-contained flat” means a separate set of premises (whether or not on the same floor)—
 - a) which forms part of a building;
 - b) either the whole or a material part of which lies above or below some other part of the building; and
 - c) in which all three basic amenities are available for the exclusive use of its occupants.

ANNEX C – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act ⁴

Buildings controlled or managed by public bodies etc.⁵

1. A building where the person managing or having control of it is:⁶
 - a) a local housing authority;
 - b) a non-profit registered provider of social housing;
 - c) a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
 - d) a police and crime commissioner;
 - e) the Mayor’s Office for Policing and Crime;
 - f) a fire and rescue authority under the Fire and Rescue Services Act 2004; or
 - g) a health service body within the meaning of section 9 of the National Health Service Act 2006;

Buildings regulated by other enactments ⁷

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - a) sections 87 to 87D of the Children Act 1989;
 - b) section 43 (4) of the Prison Act 1952;
 - c) section 34 of the Nationality, Immigration and Asylum Act 2002;
 - d) The Secure Training Centre Rules 1998;⁸
 - e) The Prison Rules 1999;⁹

- f) The Young Offender Institution Rules 2000;¹⁰
- g) The Detention Centre Rules 200;¹¹
- h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 200;¹²
- i) The Care Homes Regulations 200;¹³
- j) The Children’s Homes (England) Regulations 2015;¹⁴
- k) The Residential Family Centres Regulations 2002.¹⁵

⁴ Schedule 14 of the Act as amended and SI 2006/373

⁵ Paragraphs 2, 2A and 2B of schedule 14 as amended

⁶ For the definition of “person managing” and “person having control” see section 263 of the Act

⁷ Paragraph 3 of schedule 14 of the Act as amended and paragraph 6 (1) and schedule 1 of SI 2006/373

⁸ SI 1998/472 as amended

⁹ SI 1999/728 as amended

¹⁰ SI 2000/3371 as amended

¹¹ SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹² SI 2001/850

¹³ SI 2001/3965 as amended

¹⁴ SI 2001/3967 as amended

¹⁵ SI 2015/541

Certain student lettings etc¹⁶

- 5.** A building –
- a) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - b) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment¹⁷ and
 - c) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.¹⁸

Religious communities¹⁹

- 6.** A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners²⁰

- 7.** A building which is only occupied by –
- a) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building

- b) and/or any member of the household²¹ of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by Resident Landlord etc²²

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons²³, not forming part of the owner's household.

Buildings occupied by two persons²⁴

9. Any building which is only occupied by two persons (forming two households)

Meaning of "building"

10. In this annex a "building" includes a part of a building.

¹⁶ Paragraph 4 of schedule 14

¹⁷ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016/420 for the list of specified bodies

¹⁸ The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

¹⁹ Paragraph 5 of schedule 14

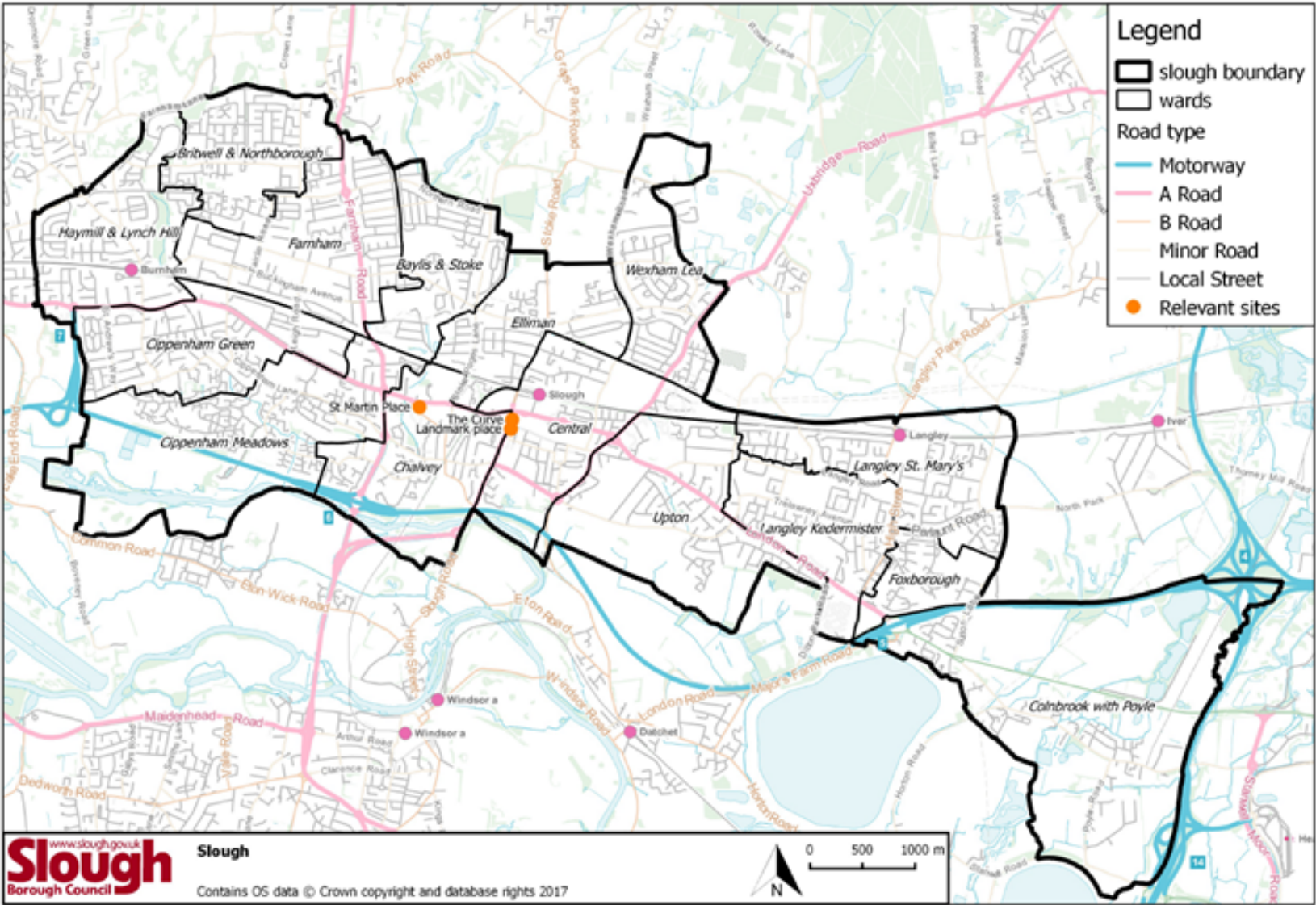
²⁰ Paragraph 6 of Schedule 14

²¹ For the definition of "household" see section 258 (2) and paragraphs 3 and 4 of SI 2006/373

²² Paragraph 6 of schedule 14 and SI 2006/373

²³ Paragraph 6 (2) of SI 2006/373

²⁴ Paragraph 7 of schedule 14 of the Act



Designation of an area for Selective Licensing

Slough Borough Council Designation of an Area for Selective Licensing No. 2, 2019

Slough Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as Slough Borough Council Designation for an Area for Selective Licensing No 2, 2019
2. This designation is made on [date of cabinet decision].
3. This designation shall come into force on [at least 90 days from the decision] and shall cease to have effect [five years minus 1 day from when it comes into force].

DESIGNATION AND AREA

4. The Council hereby designates under section 80 of the Act as subject to selective licensing the area within the district of Slough Borough Council shown edged in Red on the map at Annex C

Annex A – Paragraph 4: Map of Designated Area

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a registered social landlord³;

¹ For the definition of “house” see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (SI 2006/371)

³ Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing

- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined in annex b;

EFFECT OF THE DESIGNATION

- 6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
- 7. Slough Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

Leader and Cabinet

Date: [decision date]

Annex B – Paragraph 5(d): Exempted Tenancies or licences⁷

Prohibition of occupation by law

- 1. A tenancy or licence of a house⁸ or a dwelling⁹ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

- 2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 and falling within any paragraph in Part I of Schedule 1 of that

Act 1996

⁴ Section 79 (4) of the Act and the Selective Licensing of Houses (Specified Exemptions) (England) Order SI 2006/370

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

⁶ Section 232 of the Act and regulation 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations SI 2006/373

⁷ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370

⁸ Sections 79 (2) and 99 of the Act

⁹ For the definition of a dwelling – see section 99 of the Act

Act and which is:

- (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
- (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises¹⁰;
- (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house¹¹;
- (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding¹².

Tenancies and licences granted etc. by public bodies

- 3. A tenancy or licence of a house or dwelling within a house that is managed or controlled¹³ by:
 - (a) a local housing authority;
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
 - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
 - (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

Tenancies, licences etc. regulated by other enactments

- 4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - (a) sections 87 to 87D of the Children Act 1989;
 - (b) section 43 (4) of the Prison Act 1952;

¹⁰ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

¹¹ For the meaning of "agricultural land" section 26 (3) (a) of the General Rate Act 1967

¹² See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

¹³ For the definition of "person managing" and "person having control" see section 263 of the Act

- (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
- (d) The Secure Training Centre Rules 1998¹⁴;
- (e) The Prison Rules 1999¹⁵;
- (f) The Young Offender Institution Rules 2000¹⁶;
- (g) The Detention Centre Rules 2001¹⁷;
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹⁸;
- (i) The Care Homes Regulations 2001¹⁹;
- (j) The Children's Homes (England) Regulations 2015²⁰;
- (k) The Residential Family Centres Regulations 2002²¹.

Certain student lettings etc.

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment²² and
 - (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act²³

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –

¹⁴ SI 1998/472 as amended

¹⁵ SI 1999/728 as amended

¹⁶ SI 2000/3371 as amended

¹⁷ SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹⁸ SI 2001/850

¹⁹ SI 2001/3965 as amended

²⁰ SI 2015/541

²¹ SI 2002/3213 as amended

²² See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016 for the list of specified bodies

²³ The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
 - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

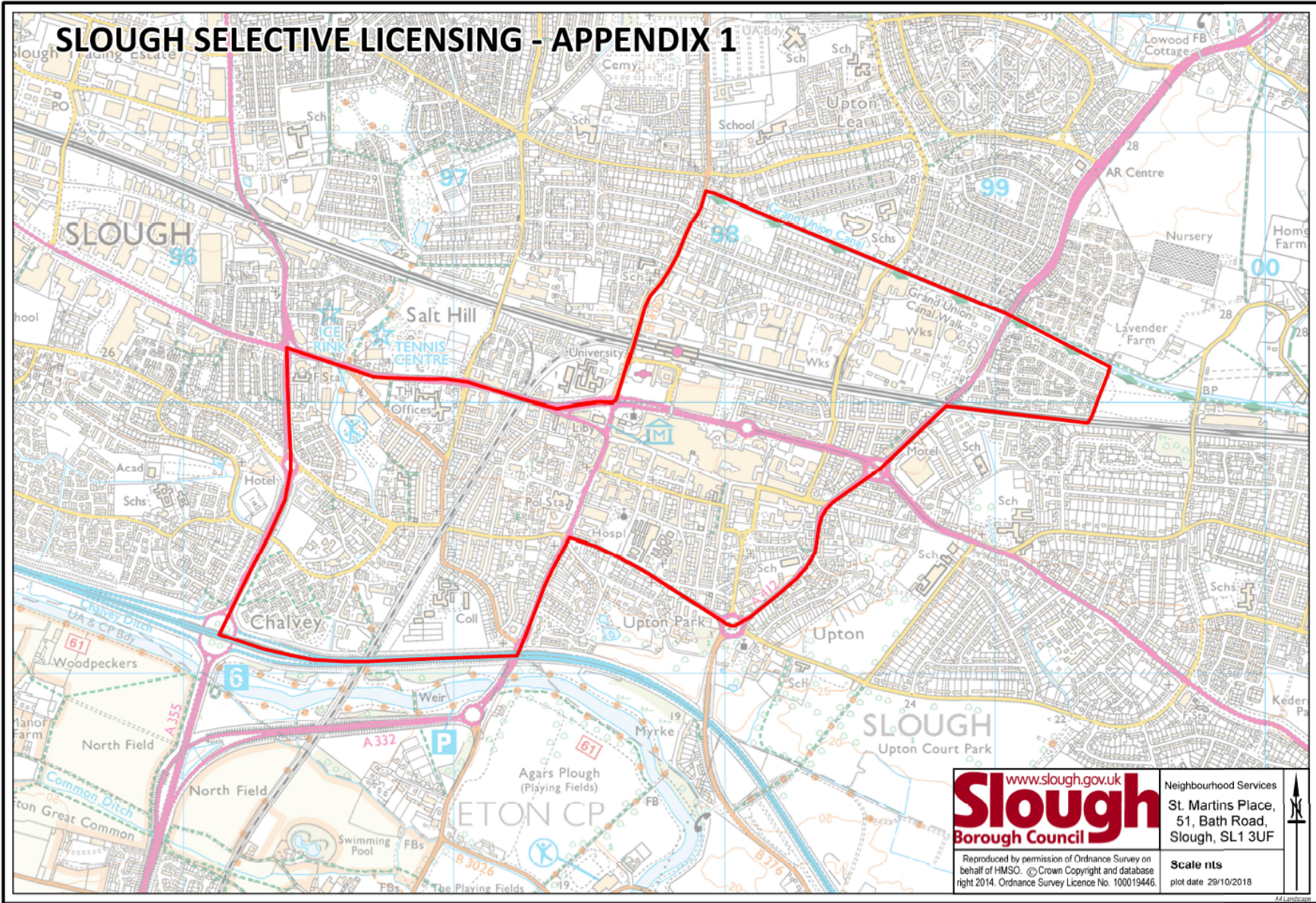
Interpretation

In Annex D -

- (a) a "person" includes "persons", where the context is appropriate;
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate;
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease";
- (d) a person is a member of the family of another person if –

- (i) he lives with that person as a couple;
- (ii) one of them is the relative of the other; or
- (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple
and
- (iv) For the purpose of this paragraph –
 - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
 - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
- (4) a stepchild of a person is to be treated as his child

SLOUGH SELECTIVE LICENSING - APPENDIX 1



www.slough.gov.uk
Slough
Borough Council

Neighbourhood Services
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Scale mts
plot date 29/10/2018

A4 Landscape

Rented Property Licensing

Evidence Pack

Introduction

Slough Borough Council wants to ensure private rented properties offer residents a choice of safe, quality and well managed accommodation.

Decent housing is the foundation of people's lives and a strong and cohesive local community. A more stable and high quality private rented sector will lead to stronger communities.

Slough Borough Council's Five Year Plan and Housing Strategy objectives are to:

- improve housing conditions across tenure
- provide local landlords with support and guidance to run a professional business and maximise their return, whilst better protecting their assets
- tackle rogue landlords to improve the sector and create a level playing field
- deal with anti-social behaviour (ASB) and make Slough a safe place to live and work.

Recent modelling has shown that the private rented sector (PRS) in the borough is now estimated to be 33% of the total housing stock. It is well documented that the worst housing conditions are seen in private rented properties as compared to social housing or owner-occupied properties.

Most economic forecasts predict that the PRS is going to continue to grow for the foreseeable future; this has historically been at the expense of owner occupation in Slough. This is a result of owner occupiers moving out and being replaced by private renters.

With a large PRS there needs to be an effective way of regulating this sector. Although most landlords provide decent accommodation, as the numbers of PRS rise, so does the proportion of PRS that require regulation.

Anti-social behaviour (ASB) remains the single most negative issue that local residents are experiencing and are concerned about. The summary data and graphs within this report clearly demonstrate the extent of ASB and its prevalence. There is a clear link between the PRS and houses in multiple occupation (HMO) which is mainly due to poor management and the transient nature of this population within the sector.

Examples of common ASB related to the PRS are: rubbish in front gardens, fly tips, overflowing domestic bins, abandoned mattresses and noise. Licensing these

properties can help deal with this type of issue by requiring property managers to take an active role in reducing these nuisances.

To help deliver the council's objectives, an extended licensing scheme is being considered which will mean that more rental properties will need a licence.

The council is now consulting with local residents, landlords, businesses and those that may be affected by this proposal.

The proposal

Slough Borough Council is consulting on proposals to bring in property licensing schemes for privately rented accommodation. If the scheme is introduced, then private landlords will have to apply for a licence to rent *all* HMOs. HMOs are residential properties that are occupied by three or more persons forming two or more households. The council is also considering proposals to require most rented property in Chalvey and Central wards to have a licence. This will include property rented to one family or household or two unrelated people.

The objective of the licensing schemes is to:

- reduce anti-social behaviour in the private rented sector
- improve property standards and address serious home hazards, such as damp and excess cold
- make sure more landlords manage their properties responsibly
- focus enforcement on landlords that provide below standard accommodation and have unlicensed properties
- provide a light touch solution for landlords who meet the requirements and already provide good quality accommodation and service.

It is proposed that the schemes run for five years.

The areas proposed and type of occupation and use

If the proposed licensing schemes are introduced:

- all private landlords with properties covered by the scheme and in the areas proposed would require a licence for each of their rented properties
- the council would need to determine the proposed licence holder is a 'fit and proper' person to manage their properties
- failure to licence a property would be a criminal offence and could result in prosecution and an unlimited fine or a financial penalty of up to £30,000
- landlords would need to meet the licence conditions, including how many people can live in a property.

If the schemes go ahead as proposed it is intended to designate the areas in the spring of 2019 and, would come into force in summer 2019.

There are two types of licensing scheme being proposed:

Proposal 1 – HMOs in the whole of the borough

Firstly, the council is proposing to introduce a borough-wide licensing designation for Houses in Multiple Occupation. This is known as an additional licensing scheme. This would mean that all landlords who let a property occupied by three or more non-related occupiers who share some basic facilities or amenities such as a kitchen or bathroom will be required to have a licence.

Proposal 2 – Targeted selective licensing scheme

Secondly, the council is proposing to introduce a targeted licensing designation that will require landlords who let all other residential accommodation (housing rented to a single family or household) to have a licence. This will be focused on an area (Appendix 1) which the council has identified as having particularly high levels of PRS, poor housing conditions and high rates of ASB.

This is known as a selective licensing scheme. The areas which are of concern are in the Chalvey and Central wards. The areas covered by the selective licensing designation are significantly smaller than the combined areas covered by Chalvey and Central wards (Appendix 1). The council is satisfied that the designation represents less than 20% of the total PRS and less than 20% of the geographical area in Slough. Appendix 1 details the geographical areas to be covered by the proposed selective licensing designation.

HMO licensing (known as additional licensing)

There is evidence that there is a significant proportion of HMOs in the borough which are being managed ineffectively as to give rise, or to be likely to give rise, to one or more particular problems, either for those occupying the HMOs or for members of the public. The evidence is provided in more detail in the section below.

There is evidence that HMOs have a high proportion of properties which:

- are in a poor external condition with untidy yards and gardens, including rubbish
- have a poor standard of amenities (kitchen and bathrooms), often overcrowded, lack fire precautions and other management failures which adversely impact upon the health, safety and welfare of the occupiers
- have landlords who are failing to take appropriate steps to address issues
- have a high level of anti-social behaviour (ASB)
- are being poorly managed.

Section 257 HMOs

It is also intended to cover some section 257 HMOs. A section 257 HMO is a building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

Selective licensing (properties which have one household or less than three people)

Government guidance states that to introduce a licensing scheme, (for landlords who rent to families, one household or less than three people) the council has to demonstrate that the area covered by the scheme **has a high proportion of privately rented properties**, that it is affected by one or more of a range of social factors outlined below, and that licensing will have a positive impact.

- Poor housing conditions
- Anti-social behaviour
- High levels of crime
- High levels of deprivation
- High levels of migration

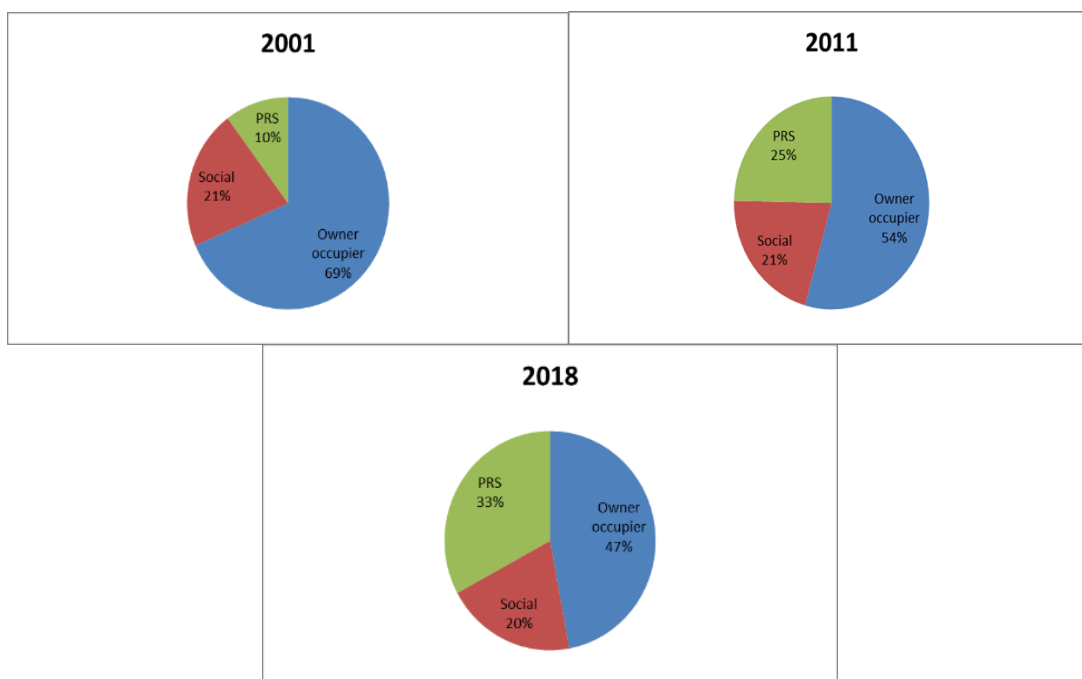
The proposal is to introduce a selective licensing scheme located in two wards, Central and Chalvey, as these have a high percentage of PRS with high levels of housing in poor condition and ASB. The sections that follow will look at these in turn.

A high proportion of private rented property

The government guidance (DCLG) states that nationally the private rented sector currently makes up 19% of the total housing stock in England.

Census data published in 2011 is now quite dated and the trend in the South East has been a significant increase in the rental sector away from owner occupation since 2001. The table and three graphs below show tenure make up in 2001 (ONS) and 2011 (ONS) and modelling completed in 2018.

Tenure change				
Year	Owner occupier	Social	PRS	Totals
2001	30144	9382	4500	44026
2011	27212	10476	12348	50036
2018	25481	10825	17818	54124



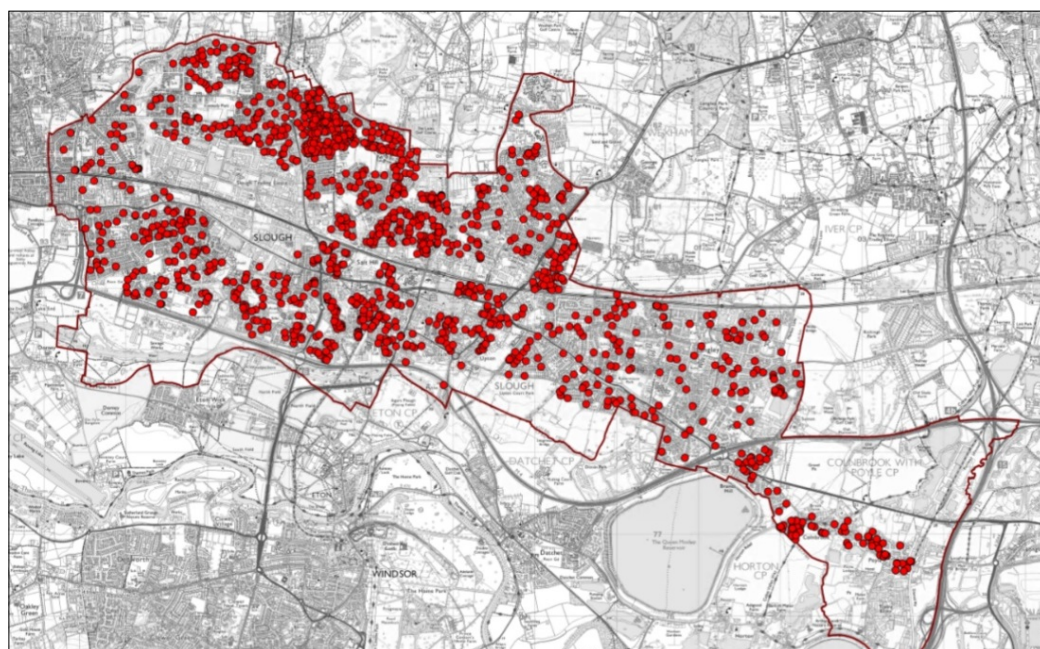
The table displays the current populations of PRS by ward. Data shows that Central (51.5%) and Chalvey (50%) wards have by far the highest proportion of PRS, which is one of the reasons they have been identified to benefit from selective licensing.

Ward	No. PRS	Total housing stock	% PRS
Baylis and Stoke	901	2973	30.3%

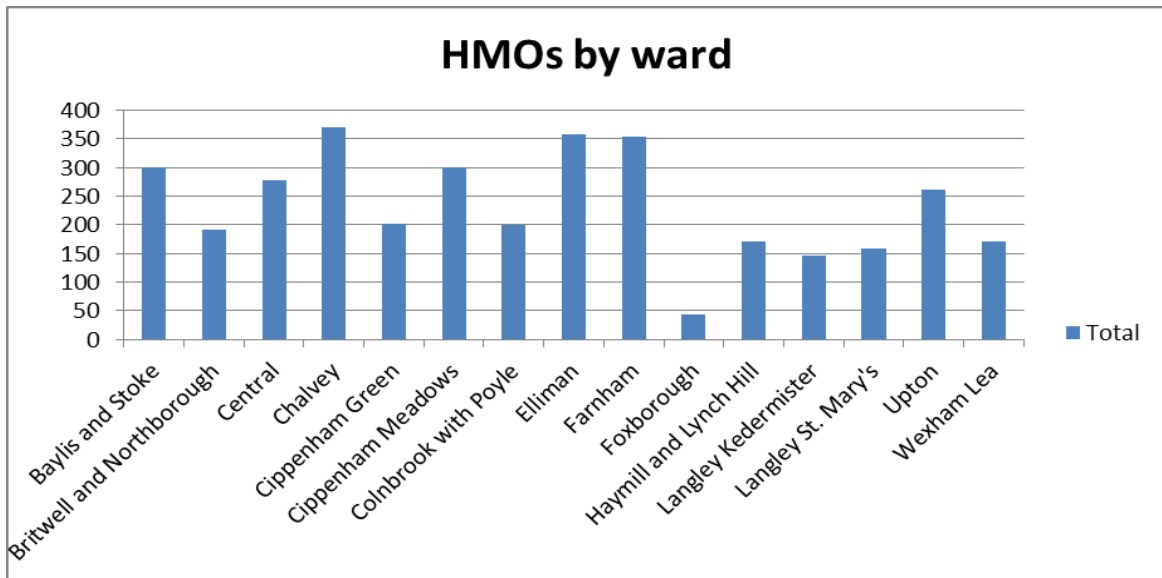
Britwell and Northborough	823	4110	20.0%
Central	2296	4458	51.5%
Chalvey	2109	4226	49.9%
Cippenham Green	921	3840	24.0%
Cippenham Meadows	1499	4515	33.2%
Colnbrook with Poyle	1066	2566	41.5%
Elliman	1479	3236	45.7%
Farnham	1400	3725	37.6%
Foxborough	427	1506	28.4%
Haymill and Lynch Hill	1035	4215	24.6%
Langley Kedermister	727	3852	18.9%
Langley St. Mary's	1110	4014	27.7%
Upton	1129	3240	34.8%
Wexham Lea	896	3647	24.6%
Grand Total	17818	54123	32.9%

Houses in Multiple Occupation (shared houses)

The numbers of HMOs has grown overall and are located throughout the borough. It is now estimated that there are up to 3,509. The map below displays the distribution across the borough.



The graph below shows numbers of HMOs per ward.



Anti-social behaviour

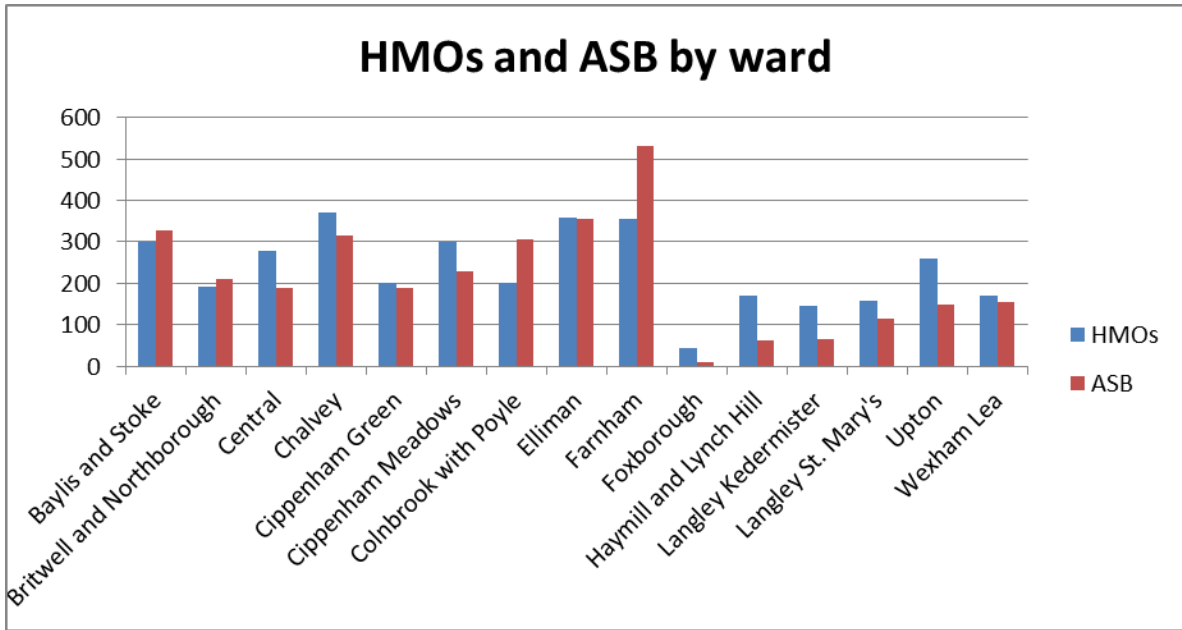
Slough is encountering significantly higher rates of anti-social behaviour in the private rented sector compared to other tenure types.

Table 2: Anti-social behaviour by Tenure Group

Tenure	No. of ASB incident since 2013 per 1000 dwellings
HMOs (subset of Private Rented Sector)	914
Private Rented Sector	425
Social Housing (Council and RSL stock)	299
Owner Occupiers	175

Houses in Multiple Occupation are found in all wards and have by far the highest rates of anti-social behaviour as compared to other tenure groups. These types of properties also take longer for the council to deal with as they are more complex. For example: inspection time as these are larger properties and have access problems due to multiple tenancies.

The graph below shows the direct relationship between HMOs and ASB at ward level.



How does licensing help?

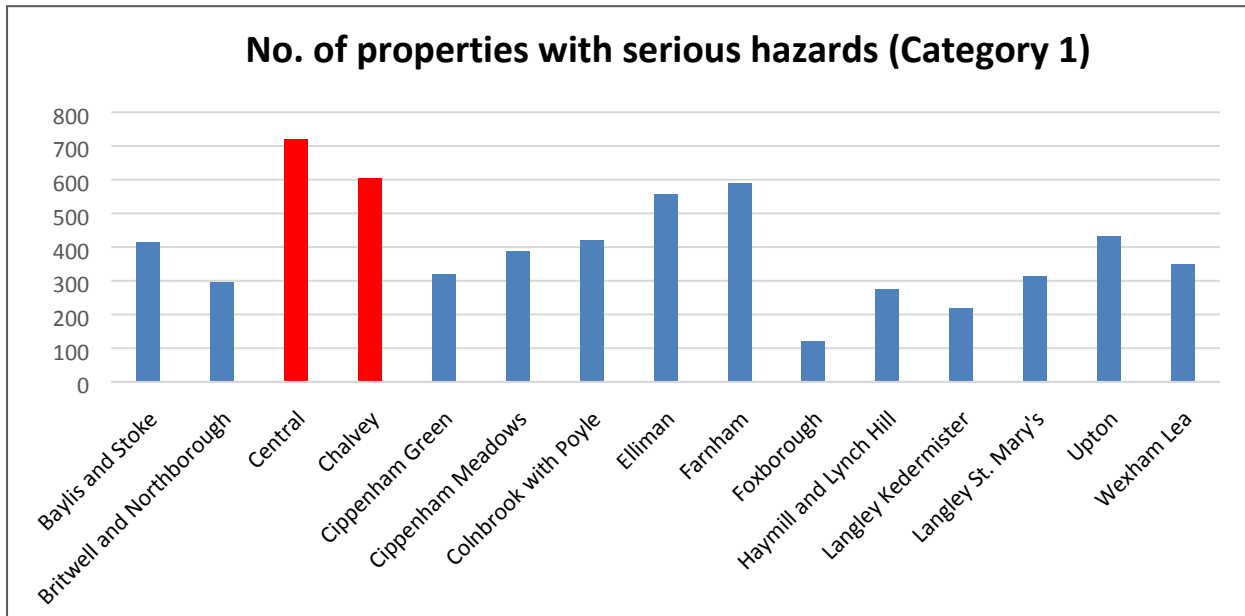
Licensing provides extra powers to require landlords to take steps to address ASB with tenants and provide adequate arrangements for the disposal of rubbish. Properties with high levels of anti-social behaviour can be targeted by enforcement officers and landlords are required to take responsibility for any problems with the properties they rent.

Poor housing conditions

The council has traditionally made use of all its housing powers to improve housing conditions. These include Housing Act 2004 improvement notices, prohibition notices, Environmental Protection Act 1990 powers, Building Act 1984 and Public Health Acts.

Since April 2016 the authority has served 980 notices and commenced six prosecutions relating to poor property conditions in the PRS. The council has adopted powers made available by the Housing and Planning Act 2016, including Financial Penalty Notices (FPNs). So far the council has issued two FPNs, with the highest fine being £22,000.

The table below shows the spread of serious hazards identified in the PRS for each ward. Central and Chalvey wards have the most serious hazards.



How does landlord licensing help?

Licensing provides an important framework to help in driving housing standards up in the private rented sector and helps both tenants and landlords manage rented properties to a higher standard. Every licence issued can clearly show the permitted number of occupants that can occupy the property; this is determined by the size of the rooms and available amenities (e.g. bathrooms and kitchens). Licensing shows clearly who is responsible for management and standards in the property, as this can often be obscured in current circumstances.

What are the benefits of having a licensing scheme?

In the council's view, landlord licensing can provide a light touch for the vast majority of professional landlords. However, successful licensing schemes can force criminal landlords out into the open; demand basic housing standards are met and take enforcement action against them if they fail to do so. This approach has enabled councils to have a tangible impact on poor housing conditions, anti-social behaviour and crime.

The specific benefits a targeted licensing scheme offers are as follows.

Housing conditions and safety

- Preventing overcrowding by specifying the number of people and households permitted in the property.
- Ensuring gas and electrical safety by requiring the landlord to have a valid gas safety certificate and provide an electrical appliance test report to the council.
- Ensuring fire safety by ensuring that the landlord tests all smoke alarms and fire equipment. The licence requires the landlord to provide a copy of periodical test certificates/reports to the council.
- Ensuring the good condition of the property by requiring the landlord to inspect the property at least every six months.

Anti-social behaviour

Licensing offers information and extra powers covering a range of common ASB issues, including:

- requiring the landlord to take steps to address anti-social behaviour with tenants
- requiring the landlord to ensure there are formal arrangements for the disposal of rubbish and bulky waste
- working in partnership with landlords to reduce and prevent ASB at an early stage.

General

- Improved management and conditions of privately rented accommodation and significantly increased identification and level of enforcement against criminal landlords.
- Allows a framework for councils to be proactive and not just reacting to complaints.
- Provides a quicker response and resolution rate by landlords to tenant complaints about repairs.
- Licensing will require absentee or unprofessional landlords to employ a professional property management approach to actively manage their properties and make sure suitable arrangements are in place to deal with any problems that arise.
- Promotion of landlord accreditation and encouraging landlords to let property to a higher standard and to act in a professional manner. Improvement of the image and desirability of the borough.

Strategic context

Slough Joint Wellbeing Strategy Priorities

Housing is one of the four priority areas in the Joint Wellbeing Strategy. It states ‘the links between housing and wellbeing are well documented – where people live can have a significant impact on the quality of their lives. There are strong evidential links between the quality of someone’s home and their life chances; including educational attainment for children and young people, employment prospects, social participation and sense of belonging to a local community.’ Property licensing can be an effective tool for tackling some of these key priority areas; preventing or controlling overcrowding, improving conditions and reducing ASB.

It is well documented that overcrowding has a serious and lasting impact on health and the psychological wellbeing of families, especially young people which negatively affects their life chances. Licensing can improve the overall condition of properties and controls the number of permitted persons allowed to occupy a licensed property.

Slough Five Year Plan Outcomes

The new Housing Strategy, in line with the Slough’s updated Five Year Plan recognised housing as a key determinant of improving health, wellbeing, social mobility and educational attainment. Taking into account that around 33% of the housing stock is made up of PRS; an effective / fit for purpose regulatory approach is paramount in improving this sector which is rapidly growing.

The Five Year Plan and Housing Strategy objectives are to:

- improve housing conditions across tenure
- provide local landlords with support and guidance to run a professional business and maximise their return whilst better protecting their assets
- tackle rogue landlords to improve the sector and create a level playing field
- deal with anti-social behaviour (ASB) and make Slough a safe place to live and work.

Outcome four of the Five Year Plan identifies Housing as a key priority. The plan makes specific reference to introducing a new landlord licensing/registration scheme to help regulate the private rented sector and improve the quality of housing across the borough.

In addition, outcome three of the Five Year Plan relates to making Slough an attractive place to live, work and stay and outlines performance measures relating to street cleanliness, crime rates and residents' perception. Anti-social behaviour remains the single most negative issue that local residents are experiencing and concerned about. There is a clear correlation with the PRS and HMOs which is mainly due to poor management and the transient nature of this population within the sector. ASB is what most residents care about and would want a sustainable solution to reduce / eradicate the incidents of ASB.

Other alternatives to licensing

Slough Borough Council has strong partnership working in place to try to reduce crime. We regularly carry out joint operations with the police, council enforcement officers and fire service. Our ASB team works proactively across the borough using all the powers available to them.

Alternatives to licensing such as Housing Act 2004 improvement notices, other legislation related to controlling housing standards such as Environmental Protection Act 1990, Building Act, planning enforcement and compulsory purchase powers are all being used extensively.

Homelessness

Inadequate supply of decent and affordable homes in Slough is putting increasing pressure on homelessness, resulting in a significant increase in families in temporary accommodation (TA). As of 18 October 2018, there were 449 households in all forms of temporary accommodation, which is an increase of 130% compared to the second quarter of 2017/18. In August 2017 we had 348 families in TA. Similarly, homeless approach in Slough has seen a continuous and incremental increase in the last 12-18 months from a total of 510 in 2016-17 to 810 in the first six months of 2018-19. The council has a legal and moral duty to take steps and help in improving the access to decent housing. We believe these proposals will help us in accessing good standard homes for families who approach the council.

It has long been established that the bulk of homelessness approaches are generated from our private rented sector either directly or indirectly. This is generally due to poor conditions and a lack of security of tenure.

Empty homes

Slough has been very successful in tackling long term empty properties. Within the last 18 months we successfully dealt with 30 long-term, problematic empty properties

through successful use of compulsory purchase orders (CPO). This helped to increase the supply of decent homes whilst removing blights of empty property from the community. Long term empty properties are not only a waste of valuable housing resources but a source of ASB and blight the neighbourhood. As set out in the council's Five Year Plan, we are using all available powers to improve homes across all tenure and make the neighbourhood / communities safe so Slough is an attractive place to live and work.

Regeneration

Slough is going through a period of significant regeneration with the redevelopment of the town centre and the arrival of Crossrail in 2019. Making Slough more desirable as a place to live, work and invest in. We aim for a careful balance of new development with maximum benefit for residents and minimum impact on the environment.

Consultation Report

Slough Borough Council

Statutory Consultation on proposals for licensing privately rented properties

February 2019

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Executive Summary

Introduction

Slough Borough Council has undertaken a consultation exercise to seek the views of residents, businesses and other stakeholders, about proposals to introduce a Borough wide additional licensing scheme (HMOs) and a selective licensing scheme in Central and Chalvey wards for the private rented sector.

Process and method

The consultation period ran for from 7 November 2018 until 31 January 2019 and included the following:

- A questionnaire for all residents, stakeholders and organisations (the questionnaire was available online and paper questionnaires were circulated in libraries, My Council Service Centre, Slough Shelter office and was also made available on request.
- Landlord/business consultation events
- Landlord drop-in session.
- Residents' consultation events
- Residents' drop-in session
- Tenants' drop-in session
- Written submissions

Key Findings

There is a consensus that the poor housing and environment in Chalvey and Central wards needs to be addressed.

There are strong opinions both for and against licensing. Nearly all landlords who participated oppose the scheme. However, there are many other groups and individuals e.g. residents and tenants that are supportive.

Overall, there was support for licensing. There is more support for an additional scheme (HMO) 55% than for the selective licensing proposals (49.8% as opposed to 35.13% against), although both scheme proposals have more responses in their favour than against.

The majority of respondents felt that the licensing scheme would improve conditions in privately rented property.

Although the majority of respondents reacted positively to the levels of fees proposed this was the weakest comparative result between those in favour and those against, with support for the selective fee levels being below 50%. There was also strong support for discounted fees for compliant landlords who applied early.

The support for the tenancy and management conditions was strong.

Written responses again reflected the two opposing view-points; tenant and resident based groups were strongly in favour of licensing whilst landlord groups generally opposed licensing in general and specifically in Slough.

Key areas of consensus were that if a scheme was introduced; there needs to be enforcement, it needs to be joined up with other agencies and the fee income should be ring-fenced for the selective licensing wards.

1. The Consultation Process

Slough Borough Council (SBC) has undertaken a consultation exercise to seek the views of residents, businesses and other stakeholders, about proposals to introduce a Borough wide additional licensing scheme (HMOs) and a selective licensing scheme in Central and Chalvey wards for the private rented sector. SBC also sought views on various aspects of the proposed new scheme, such as fee levels and licence conditions.

The consultation period ran from 7 November 2018 until 31 January 2019 and included the following:

- A questionnaire for all residents, stakeholders and organisations. The questionnaire was available online and paper questionnaires were circulated in libraries, My Council Service Centre, Slough Shelter office and were also made available upon request.
- Two landlord/business consultation events, lunchtime and evening sessions.
- Landlord drop-in session to provide an opportunity for further comments and questions.
- Two residents' consultation workshops, lunchtime and evening
- Residents' drop-in session
- Tenants' drop-in session
- Written submissions (Some organisations and individuals provided written submissions which are also included in this report).

1.1 Publicity and messaging

A consultation document outlining the issues and proposals under consideration was produced by SBC. A questionnaire was designed featuring core questions and covering all the key elements of what was being consulted on; Views on each were invited. Respondents could also make additional comments.

This questionnaire along with documentation outlining the proposals, evidence, fees and conditions was published on the website.

Posters about the consultation were put up in the following locations:

- Local Libraries
- Community Centres
- Council Buildings
- Doctors Surgeries
- Leisure Centres
- Shopping Centres
- Religious Organisations
- Local shops

Adverts about the consultation were placed in local/neighbouring borough newspapers.

8,000 letters were hand delivered in both Central and Chalvey wards informing residents about the consultation workshops/drop in sessions.

Email/letter notifications were also sent to solicitors, estate agents, landlord associations, voluntary organisations, individual landlords (that the council had contact details for), and property developers.

500 hard copies of the questionnaire were also circulated in libraries, My Council Service Centre, Slough Shelter office and were made available upon request.

Information about the consultation was also posted on the council's Facebook page and its Twitter feed.

1.2 Consultation questionnaire

The consultation questionnaire was available for anyone to complete - either online via the consultation page on SBC's website, or in hard copy which was widely available. The questionnaire was also available on request from council offices or by post.

Questionnaires are important forms of engagement as they are inclusive and provide people an opportunity to express their views.

In total, 270 responses were received, including:

- 195 from those identifying themselves as residents;
- 58 from landlords living in Slough
- 18 from landlords living outside of Slough
- 12 from property management agents
- 9 from community groups
- 1 group representing landlords
- 6 from residents/businesses/landlords in a neighbouring Borough to Slough
- 8 other groups

1.3 Forum meetings

Slough Borough Council (SBC) engaged the services of two independent facilitators to lead different consultation events. On both occasions the sessions began with a presentation by the Housing Regulation Manager, Slough Borough Council, followed by a facilitated question and answer session and discussion. This covered the main issues; the reasons for considering a scheme, objectives, proposed fee levels and licence conditions.

The Landlords Consultation Session

This was held at My Council, Landmark Place on 6 December 2018, and was facilitated by Mark Yeadon from Public Perspectives Ltd (an independent, specialist research and consultation organisation working with the public sector).

There were 2 sessions, one at lunchtime and one in the evening.

- Session 1: attended by 18 participants: 17 landlords/agents and 1 councillor
- Session 2: 7 participants: all landlords/agents

The aim of the sessions was to provide an opportunity for interested parties to find out about and discuss the proposals with key council officers, allowing for an interactive and informed discussion.

The sessions were promoted directly to agents and landlords (including 169 direct letters to landlords, 115 direct emails to estate agents and 135 direct emails to solicitors) in local papers, via social media, advertised on the council's website, and through posters at council locations.

Residents Consultation Workshops were held at Chalvey Community Centre, on 10 January 2019, over 2 sessions- lunchtime and evening. The workshops were facilitated by Suzannah Kinsella (Volition Ltd).

Although these were advertised as residents' workshops the majority of attendees were landlords.

- Session 1: attended by 7 landlords, 2 residents and 2 councillors.
- Session 2: attended by 23 landlords, 3 residents and 3 councillors.

8000 letters were hand delivered to properties in Chalvey and Central wards informing residents of the workshops. The letters were delivered between 27th December 2018 and 5th January 2019.

The full reports of both the landlords' consultation sessions and the residents' consultation sessions from the facilitators are attached at Appendix 1.

The second report, of the residents' consultation sessions, cited that it should not be seen as representing the views of a cross-section of Slough society. Landlords formed the majority of participants and thus the report presents their views and concerns.

1.4 Drop-in Sessions

Landlords had asked for an additional session to be held towards the end of the consultation period at their December session. Residents attending this forum were disappointed by the low number of resident participants and urged Slough Council to ensure that they sought out the views of residents to ensure that the consultation received feedback from a cross-section of the borough.

The council responded by organising some drop-in sessions for all three major stakeholders: landlords, residents and tenants. Three separate drop-in events were organised and advertised widely.

This provided a further opportunity for both landlords and residents to find out more about the proposals. Council officers were on hand at these sessions to provide information and answer any questions.

- A residents' consultation drop-in was held at The Curve Library on 15 January 2019 between 1400-1800hrs and was attended by 7 residents.
- A landlords' consultation drop-in was held at The Curve Library on 17 January 2019 between 1400-1800hrs and was attended by 28 landlords and agents.
- A tenants' consultation drop-in was held at Slough Shelter on 29 January 2019, attended by 5 residents (1 of which was homeless) and 3 landlords and 6 Shelter members of staff.

All seven attendees at the residents' drop-in session supported the licensing scheme and most thought a discount was a good idea. One person thought it should be extended to the entire borough. There was a concern about impact on rents but antisocial behaviour (ASB) was considered

to be a problem. The scheme needed to be enforced with regular inspections and also that the money should be used in Chalvey/Central.

Other residents' concerns expressed were; problems with sheds being used as beds, rough sleepers, ASB and landlords being slow to carry out repairs. A specific issue was raised in respect to whether if you had a lodger would this require a licence?

The landlords were generally against the scheme, stating council already had powers to deal with rogue landlord behaviour, concerns with sub-letting, discounts should be offered to landlords and the Council should stop giving permission to high density residential buildings.

1.5 Written submissions

During the formal consultation process, organisations and individuals provided written submissions to the council. Contributions were received from:

- Letee Limited
- Focus Residential
- A Landlord/Managing Agent claiming to be representing Slough Landlords Forum (SBC do not have any knowledge of this Forum)
- Chalvey Residents Association
- Generation Rent
- National Landlords Association
- Residential Landlords Association
- 30-38 Park Street Management Ltd
- Cllrs Mohammed Sharif, Atiq Sandhu and Safdar Ali
- Royal Berkshire Fire and Rescue Service
- Thames Valley Police
- Shelter Thames Valley and Shelter National
- (Note: These submissions are summarised within this full report)

2. Nature of consultation

2.1 Proportional and fair

The council's consultation programme was conscientious, open, accessible and fair to stakeholders across the borough. The process was also proportional to the importance of the issues and conforms with good practice and government guidance²⁴ on these types of consultation.

The key aims of delivering a good quality consultation should:

- Provide the public and stakeholders with enough background information to allow them to consider the issues and any proposals intelligently and critically.
- Consultations should be targeted

(1) ²⁴ *Principles of consultation* Cabinet Office (2018)

- Consultations should take account of the groups being consulted
- Allow sufficient time for people to participate and respond
- Be properly taken into consideration before decisions are finally taken
- Ensure responses to consultations are published in a timely fashion

2.2 Accountability

The views and verbal feedback from the consultation will assist decision-making. The contents of this report will be considered, and a formal response made to the points raised. All responses are taken into account in order to:

- Be informed of any issues, viewpoints, implications or options that might have been overlooked;
- Re-evaluate proposals
- Review priorities and principles.

It is important to note that this is a consultation and not a referendum i.e. the majority views should not automatically decide the policy or proposal. The levels of, and reasons for, public support or opposition are very important, but as considerations to be taken into account, not as factors that necessarily determine authorities' decisions.

3. The Consultation Report

3.1 Introduction

This report presents the views and statements of attendees from the organised meetings and also from the questionnaire submissions in respect to the council's private rented sector (PRS) licensing proposals. The report seeks to capture the many different and often opposing viewpoints accurately and clearly. The report does not make the case for or against any of the proposals.

The consultation responses will be considered and responded to by Slough Borough Council separately to this report.

3.2 Consultation Questionnaire

3.2.1 Introduction

A consultation questionnaire was produced to capture views on key issues such as introduction of a PRS licensing scheme, proposed fees, licence conditions and views on the proposed geographical areas. A full suite of documents detailing accommodation standards, evidence, conditions and detailed proposals was also produced and published alongside the questionnaire.

The questionnaire was designed with a section of questions which required agree/disagree answers but there was also an opportunity for respondents to make any additional comments.

The consultation document and questionnaire were available on the council's website between 7 November 2018 and 31 January 2019 (the duration of the consultation period). Paper versions were available on request from council offices and were also made available in libraries, My Council Service Centre and Slough Shelter office for those who were unable to fill it in online.

The council publicised the questionnaire through a variety of means, including (but by no means limited to):

- Electronic mail-outs: to estate and lettings agents, landlords and other stakeholders (such as developers, solicitors, national landlord organisations etc.);
- Postal mail-outs: to known landlords and other stakeholders
- Hand delivery of 8000 letters to residents in Chalvey and Central wards
- Adverts in the local press
 - Slough & South Bucks Express
 - Slough & Windsor Express
 - Windsor, Ascot & Eton Express
 - Maidenhead Advertiser
 - Uxbridge Gazette
 - Ealing Gazette
 - Hounslow Chronicle
 - Staines Informer
 - Slough Express
- Online via SBC's website and social media channels
- Posters and leaflets in locations such as libraries, contact centres, council buildings, shopping centres, local shops, religious organisations

The questionnaire could be completed by individuals, landlords or on behalf of organisations. In total, 270 responses were received, including:

- 195 from those identifying themselves as residents
- 58 from landlords living in Slough
- 18 landlords living outside of Slough
- 12 from agents
- 9 from community groups
- 1 group representing landlords
- 6 from a resident/business/landlord in a neighbouring Borough to Slough
- 8 other groups

3.2.2 Interpretation of the data

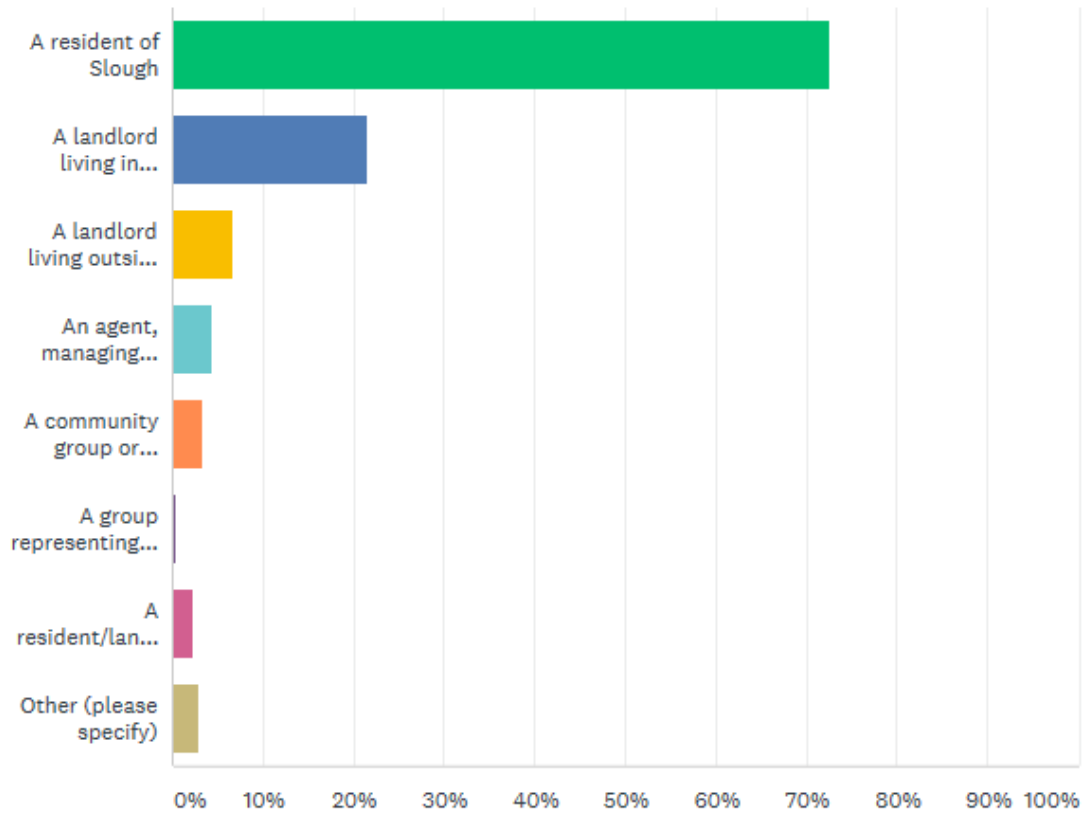
Graphs are used extensively in this chapter to aid interpretation. The charts show the proportions (percentages) of respondents to each question by category.

Charts showing responses to the licensing proposals have been standardised where possible, the colours represent:

- Green represent very positive responses
- Dark Blue represent positive responses
- Yellow represent neither positive nor negative
- Light blue represent negative responses
- Dark orange represent very negative responses

3.2.3 Respondent profile

The first two questions sought to understand the type of respondent, for example a resident or landlord; of the 270 individuals that responded to the questionnaire. 72% self-identify as residents and 35% from landlord or managing agent population (see figure 1).



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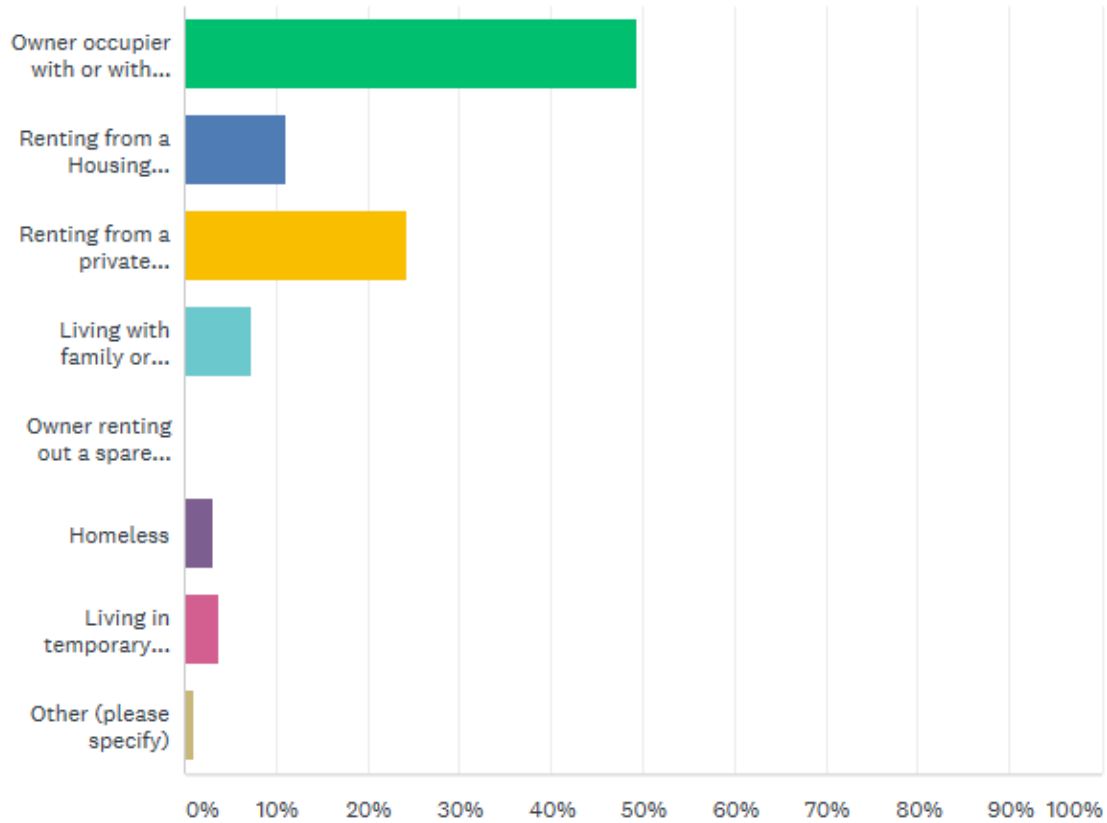


Figure 1 Asks for the tenure of the respondent e.g. tenant, owner occupier

When analysing the responses to the first two questions (see figures 1 and 2) there were 195 respondents that reported to be residents and 88 reported to be landlords or managing agents.

However, there are 65 respondents that have at first identified themselves as a landlord/managing agent but later identified themselves in a residential tenure group.

44.79% of respondents said that they lived in Chalvey or Central wards.

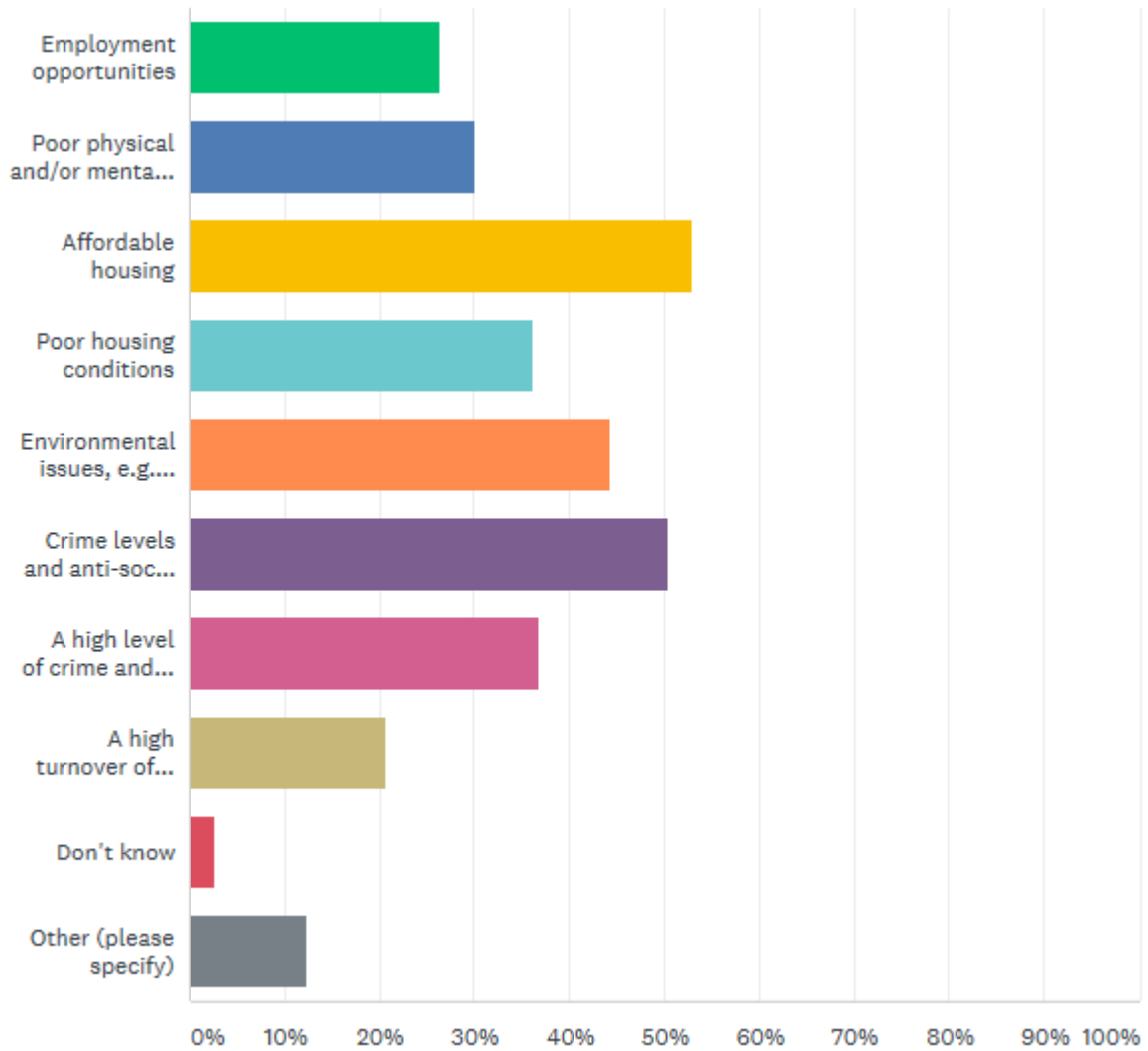


Figure 2 Which of the following do you feel are major problems in Slough? (more than 1 option could be chosen).

The top three concerns were affordable housing, crime levels/anti-social behaviour and environmental issues such as fly tipping. Followed by poor housing conditions, health and employment opportunities. There was also an option to identify other issues and a range of issues were reported including; gambling, drugs, too many take-aways, Air BnB, parking and criticism of the council and Police.

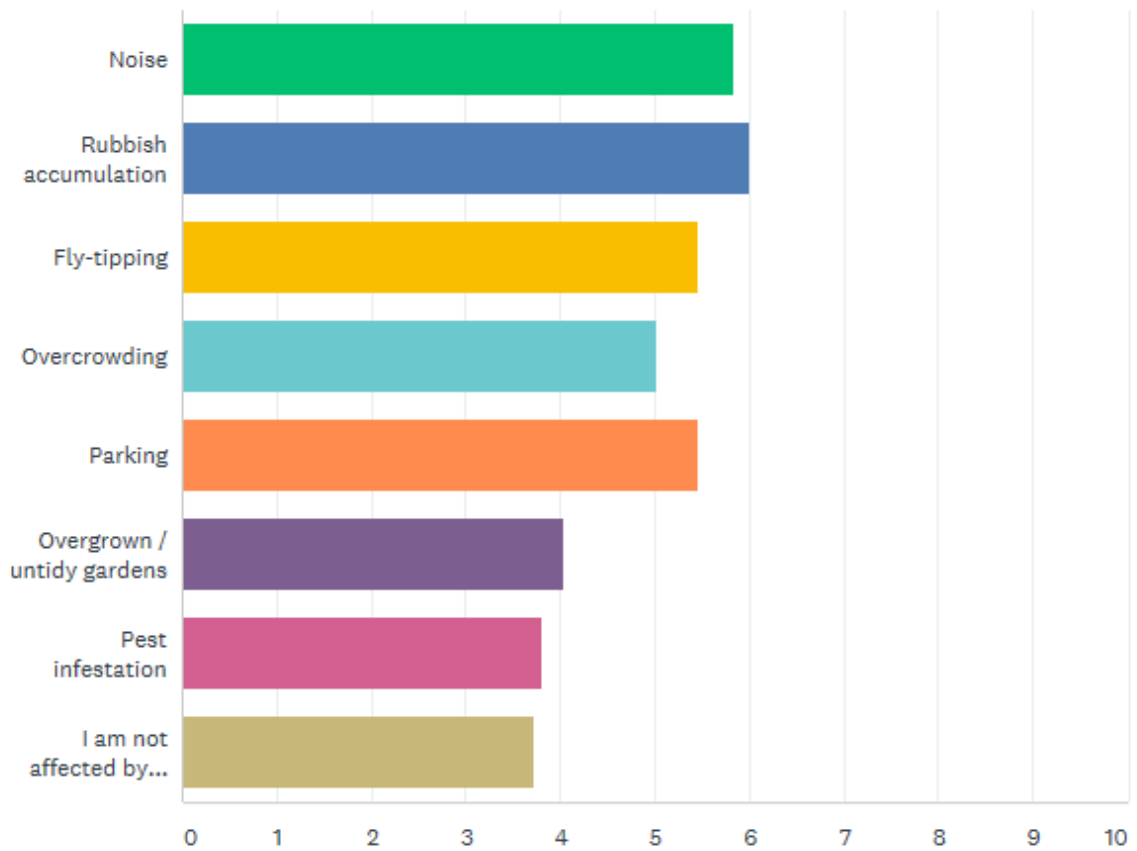


Figure 3 Respondents were asked to rank what types of ASB were of concern

Figure 4 shows respondents' ranking of various types of antisocial behaviour. Noise and rubbish accumulations received the highest ranking, followed by fly-tipping and parking. Although 40 respondents responded that they were not affected by antisocial behaviour.

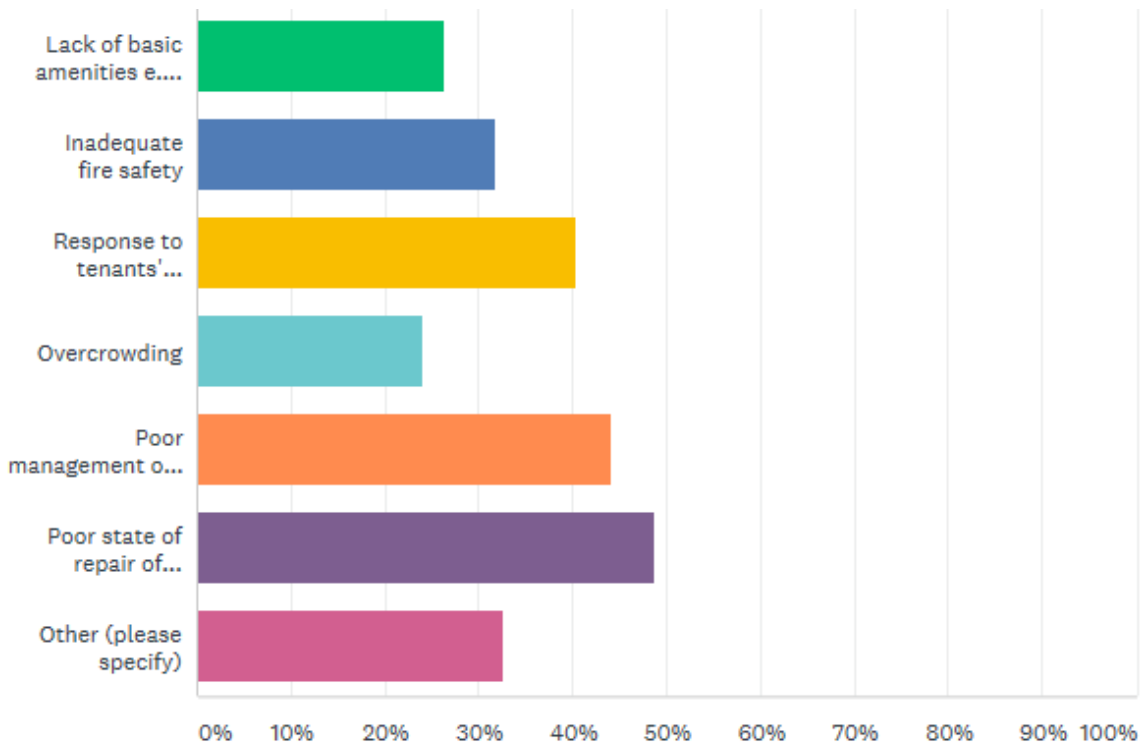


Figure 4 If you are a tenant of a privately rented property do you have concerns about any of the following?

Figure 5 explores PRS tenant's key areas of concern. This question had 129 responses. The most popular concerns were poor state of repair of the property, poor management and landlord response to tenants' complaints. Concerns around fire safety also ranked highly. Respondents were also able to specify other concerns the most mentioned were; high rents, no concerns, disrepair, lack of security, no communal space, not enough bins and landlord harassment.

3.2.4 Licensing proposal responses

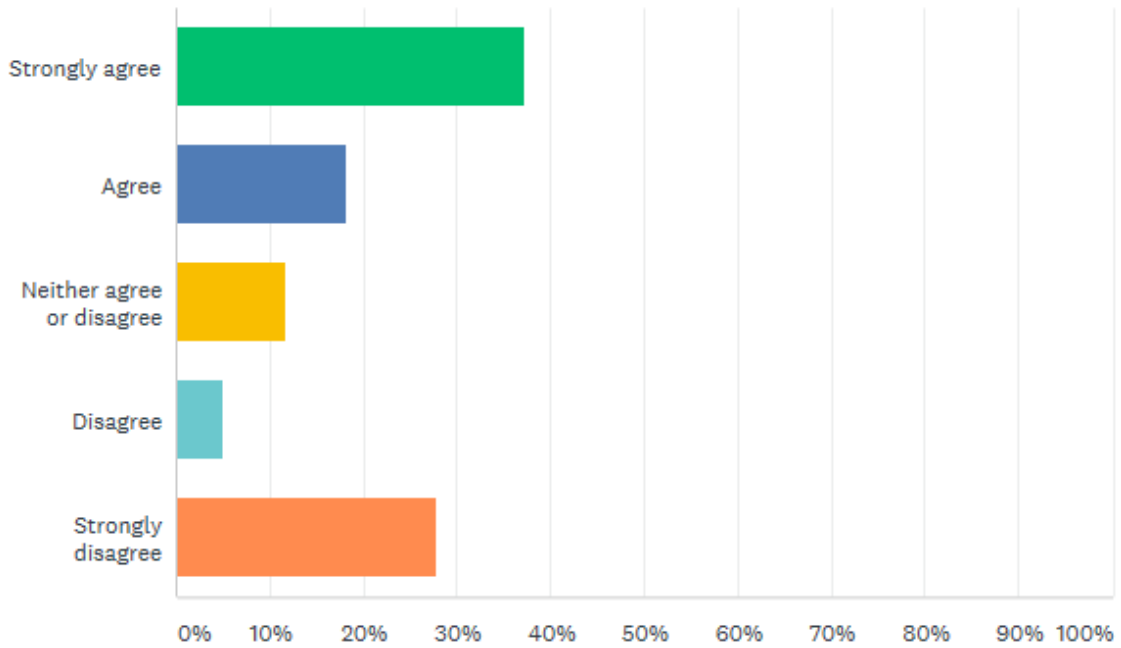


Figure 5 To what extent do you agree or disagree with the 'additional' licensing scheme proposal?

By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 55.5% agree and 32.7% disagree with the additional licensing scheme proposal (see figure 6).

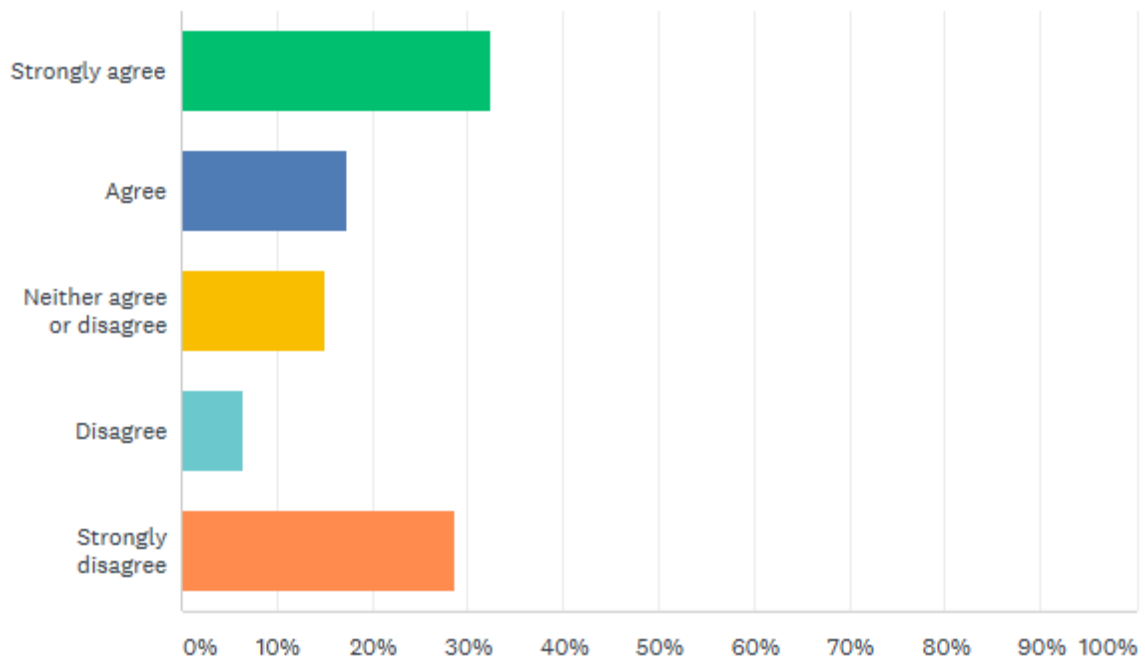


Figure 6 To what extent do you agree or disagree with the 'selective' licensing scheme proposal for the Central and Chalvey ward?

By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 49.8% agree and 35.13% disagree with the selective scheme proposal (see figure 7).

3.2.5 Fees

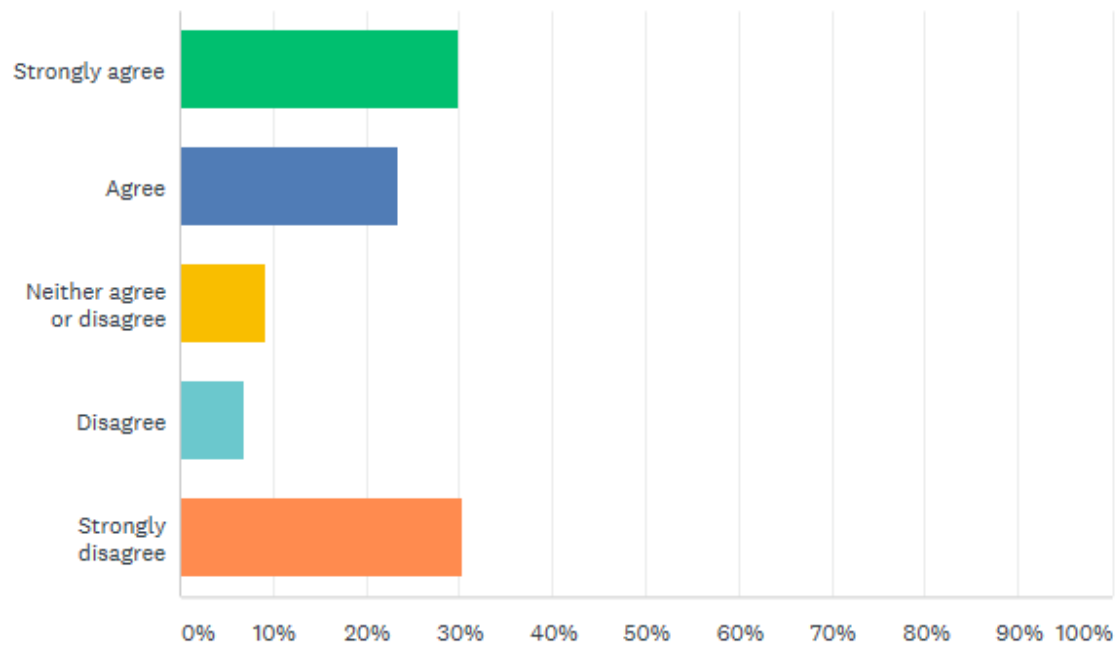


Figure 7 The proposed fee for an additional licence is £750, do you think this is reasonable?

By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 53.46% agree and 37.3% disagree with the proposal.

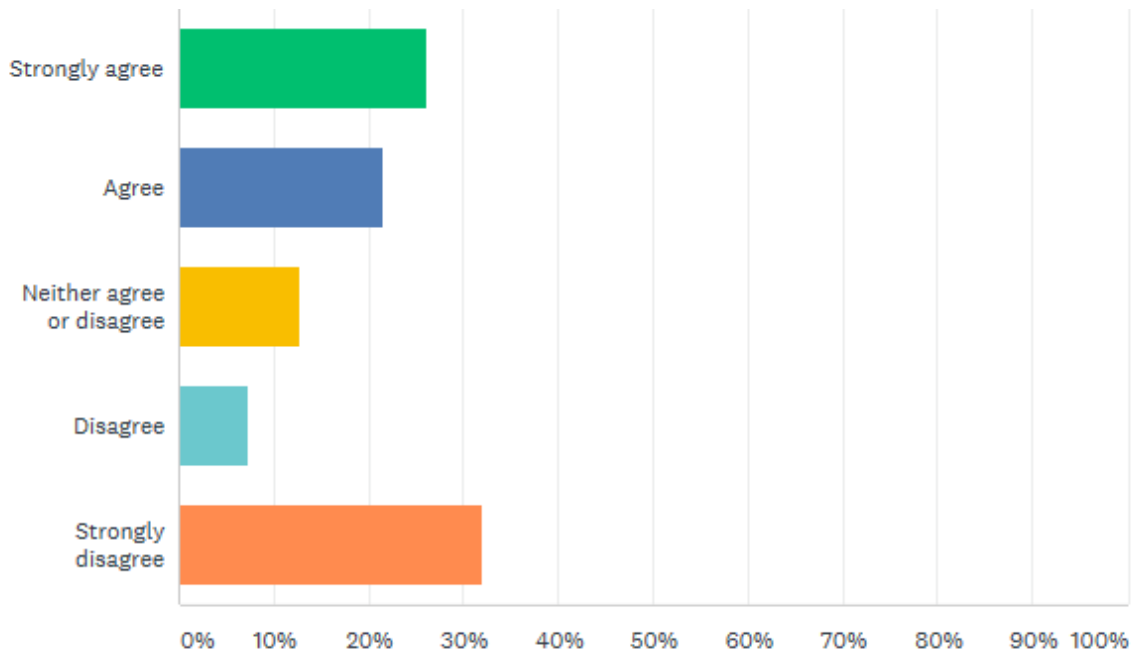


Figure 8 The proposed fee for a selective licence is £650, do you think this is reasonable?

By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 47.8% agree and 39.4% disagree with the proposal. This result is less conclusive than for the additional fee which had a higher fee level but more support.

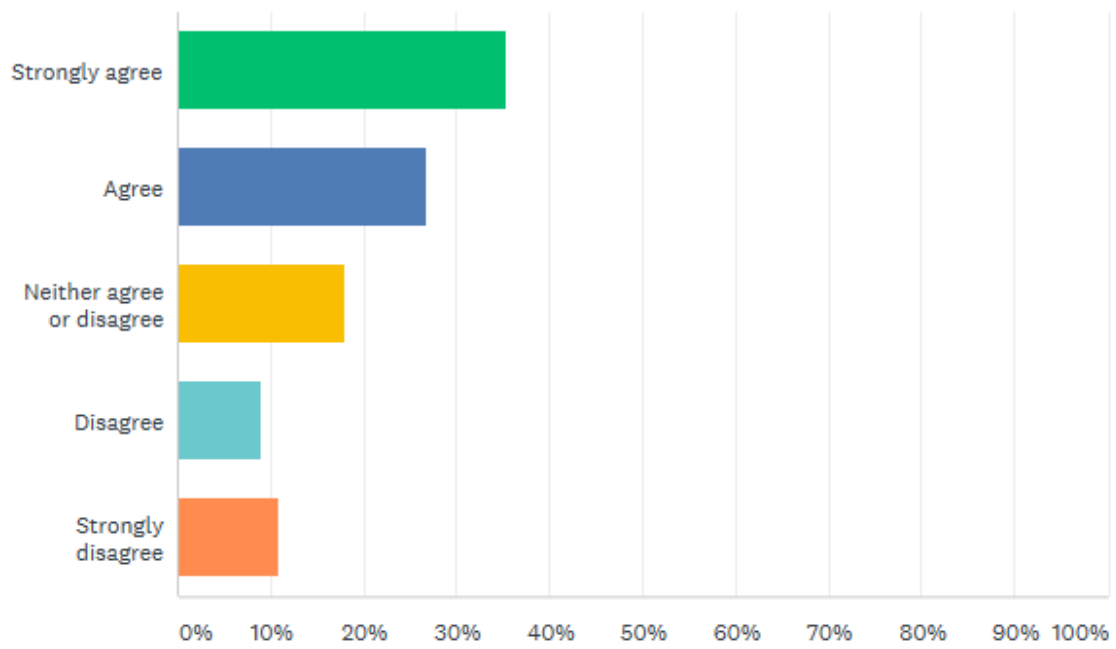


Figure 9 Should landlords who have a good history of compliance and apply early, receive a discount?

By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that there is strong support for this proposal, with 62% of respondents in favour as opposed to 19.8% against.

3.2.6 Length of licence and conditions

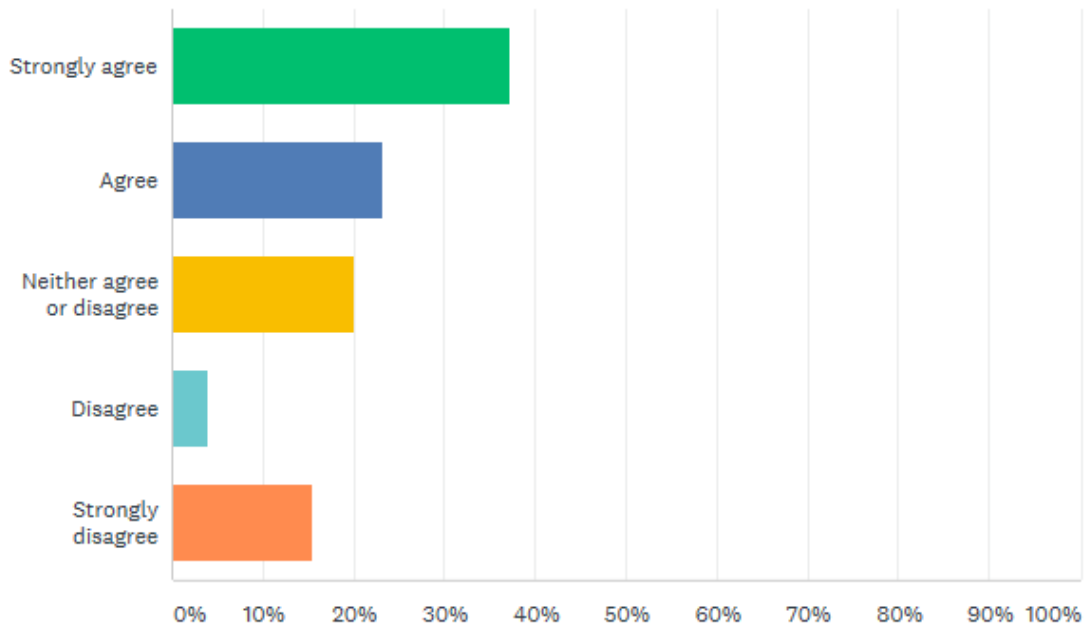


Figure 10 Is it fair to issue shorter licences to landlords with previous management concerns?

By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that again there is strong support for this proposal, with 60.5% of respondents in favour as opposed to 19.4% against although, 20% did not express a preference.

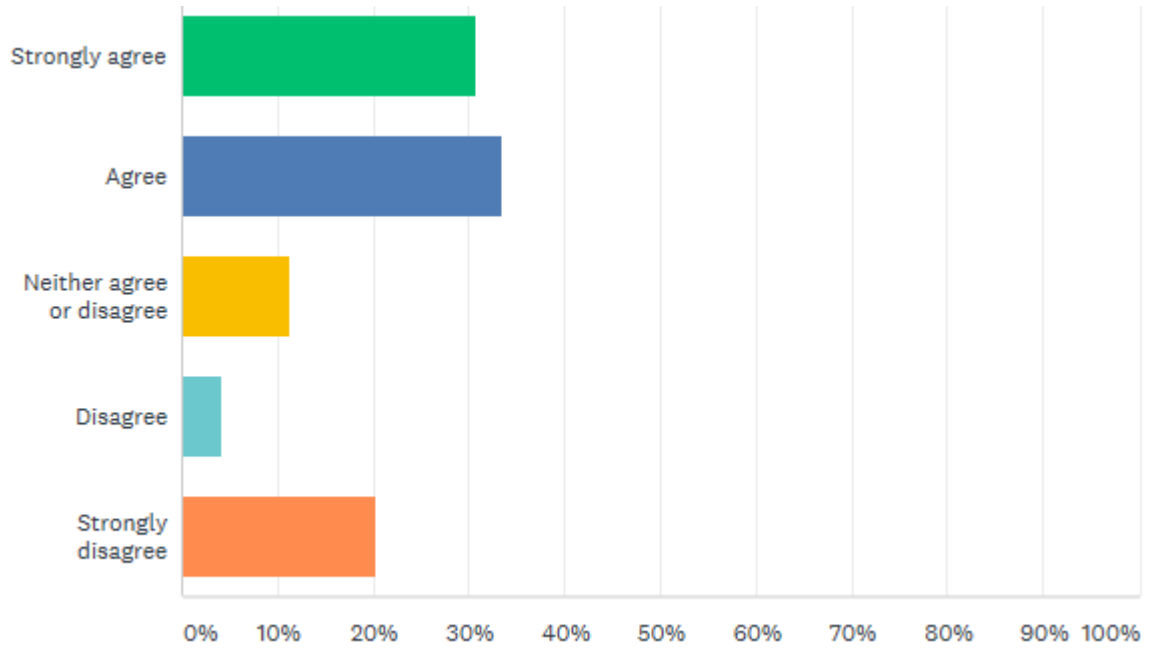


Figure 11 Do you agree or disagree with the proposed tenancy management conditions?

There is strong support for this proposal; 64.2% respondents in favour overall, and 24.5% against.

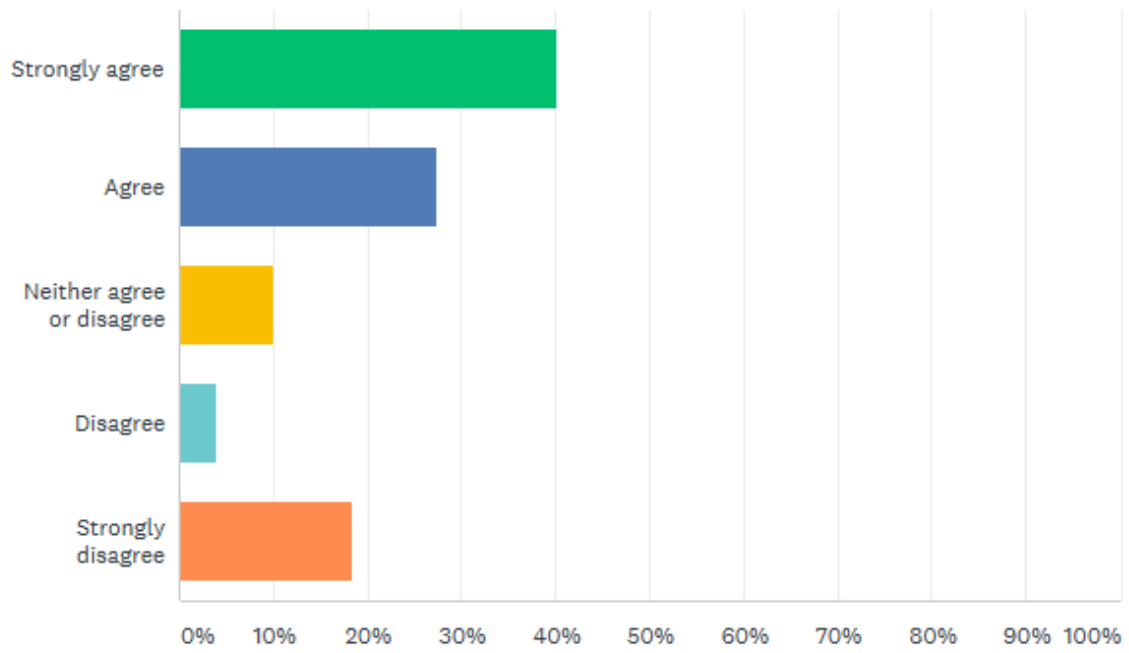


Figure 12 Do you agree or disagree with the proposed management conditions?

Again, there is strong support for this proposal with 67.7% of respondents overall in favour, as opposed to 22.3% against.

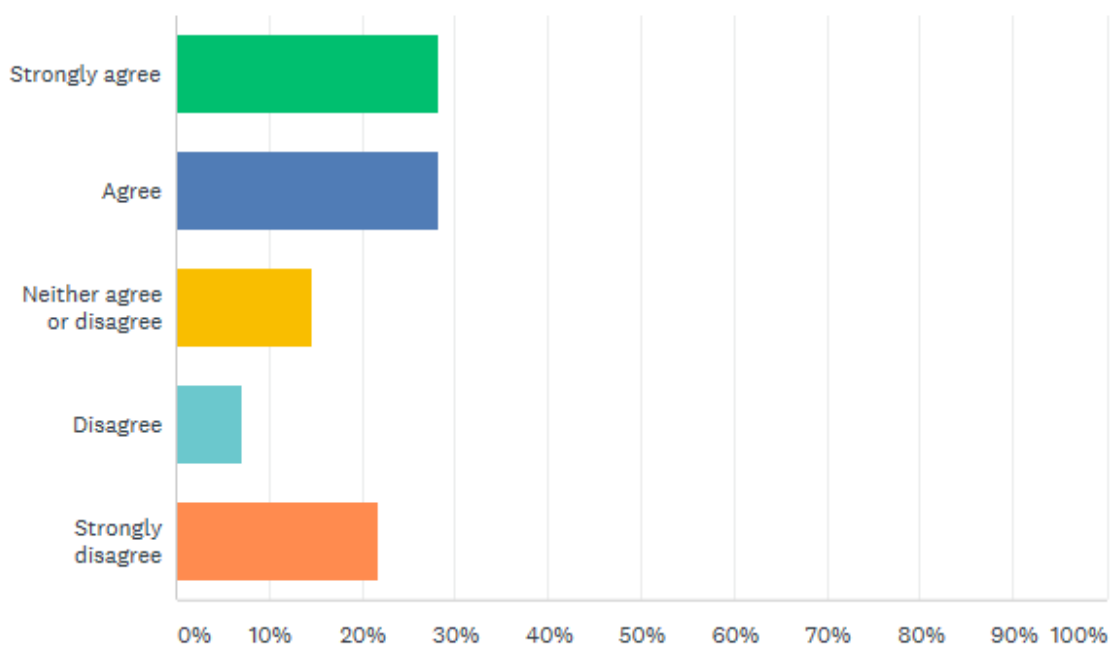


Figure 13 Do you agree or disagree that licensing will improve conditions in privately rented properties?

Overall 56.7% of respondents believe that the scheme will make a positive difference as opposed to 28.7% who do not.

3.2.6 Summary of other comments and alternatives

There was also an opportunity for questionnaire respondents to make additional comments if they wished.

There appears to be a consensus that Chalvey and Central wards are particularly run down and in need of some investment to deal with the poor environmental conditions prevalent in the area. There were differences in opinion as to the causes of these problems, with some respondents some blaming landlords, some blaming the council and some the tenants.

There were several comments about the proposed areas to be covered by a selective licensing scheme. There were several comments asking why the scheme would only cover Central and Chalvey; Other wards mentioned for possible inclusion were; Farnham, Elliman, Manor Park, Britwell and parts of Cippenham.

Another common comment was that the proposed scheme was *'just about the council making money'*.

Many respondents were concerned that the cost of the licensing fees would just be passed onto tenants who were already having to pay high rents.

There were many comments about need for lower fees; other comments related to fees included suggesting that discounts be provided for landlords with multiple properties, and it not being fair to charge a fee to compliant landlords.

There were also several alternative suggestions to the proposed licensing scheme:

- Some called for financial support/grants for landlords
- Make more use current enforcement powers.
- Rent controls
- Planning controls on HMOS
- Standards to be linked to age of property
- HMRC should be chasing landlords for unpaid taxes
- The national licensing scheme is adequate

3.2.7 Conclusion

It is clear that there are strong opinions on each side, for licensing or against it. From the comments in the questionnaire nearly all landlords oppose the scheme. However, there are many other groups of residents and tenants that are supportive, and this is reflected in some of the results shown above.

There is more support for an additional scheme (HMO) than for the selective licensing proposals although both scheme proposals have more respondents that support them rather than are against them.

Although the majority of respondents reacted positively to the levels of fees proposed, this was the weakest comparative result between positive and negative responses. Responses that supported selective fee levels were less than 50%. There was also strong support for discounted fees for compliant landlords who apply early.

The support for the tenancy and management conditions was strong.

The majority of respondents felt that the licensing scheme would improve conditions in privately rented property.

3.3 Forum Meetings

There were two sessions organised for landlords and two for residents, however no one was turned away if they attended a session primarily organised for residents or landlords or vice versa.

3.3.1 Landlord consultation sessions

The Landlords Consultation Session was held at My Council, Landmark Place on 6 December 2018, facilitated by Mark Yeadon from Public Perspectives Ltd (an independent, specialist research and consultation organisation working with the public sector).

There were 2 sessions, one at lunchtime and one in the evening.

- Session 1: attended by 18 participants: 17 landlords/agents and 1 councillor
- Session 2: attended by 7 participants: all landlords/agents

The aim of the sessions was to provide an opportunity for interested parties to find out about, and discuss the proposals with, key council officers, allowing for interactive and informed discussions.

The sessions were promoted directly to agents and landlords (including 169 direct letters to landlords, 115 direct emails to Estate agents and 135 direct emails to Solicitors), in local papers, via social media, advertised on the Council website, and through posters at Council locations.

3.3.2 General comments- Landlord consultation sessions

Some participants said that they felt the proposals were disproportionate to the issues and like a *'sledgehammer to crack a nut'*, and that the costs of the schemes would outweigh the benefits of what they were aiming to achieve.

Several participants said that they wanted more help from the council to deal with bad tenants, and that the licensing proposals seemed to be placing all the responsibility and burden on landlords.

Some participants said that the proposals represented an additional and unnecessary burden upon landlords, increasing costs, and making it less attractive to operate in the borough, which in turn could affect the supply of private rented housing locally.

A small number of participants said that the proposals would be a revenue raising activity by the council.

A small number of participants said that licensing would need to be accompanied by notable enforcement resources and activity to lead to positive change.

A small number of participants asked why the proposals have been put forward and who in the council was responsible for conceiving them.

One participant said that the council and housing associations were responsible for importing bad tenants from London, who are causing anti-social behaviour.

One or two participants said that not many landlords knew about the consultation and proposals and asked for more promotion. They also asked for another session to be held towards the end of the consultation period (Please note the methods used to promote the consultation highlighted in the introduction. In addition, the Council subsequently organised further drop-in sessions).

3.3.3 Objectives of licensing schemes

Whilst participants did not challenge that it is important to tackle anti-social behaviour, overcrowding and poor housing conditions, some said that licensing will not deal effectively with these issues, especially anti-social behaviour. They argued that the licensing proposals will only place an extra cost and burden on good landlords and will not change the practice of bad landlords or bad tenants and/or that landlords are not responsible for anti-social behaviour.

Upon discussion, some participants did appreciate that licensing could help increase resources and generate intelligence to target bad landlords and conduct inspection and enforcement activity.

Some participants questioned why the selective licensing proposal was only targeting two wards when the issues of anti-social behaviour, overcrowding and sub-standard conditions are a borough wide issue.

A small number of participants said that introducing licensing, especially selective licensing in Chalvey and Central Wards would target poor people and ethnic minorities who represent a high proportion of residents/tenants and landlords in those wards. There was a consequent request to review an equalities impact assessment on the proposals. These participants were concerned that licensing would increase living costs for tenants in those wards (as landlords will pass on the costs to their tenants) and would have a detrimental and disproportionate impact on tenants and landlords in those areas. They said they would prefer for there not to be licensing at all, but if there was for it to be equitable across the entire borough.

One participant questioned why the two town centre wards are being targeted when there is a large number of high-end new builds being developed in those areas and the issues that licensing is trying to target will not be problems on these new developments.

3.3.4 Evidence base

Some participants said that they did not accept the link between private sector housing and anti-social behaviour, that the issues/causes are complex and that landlords are not responsible or do not play a part in creating or tackling anti-social behaviour.

3.3.5 Fees

Some participants said that the fees themselves are not an issue in their own right, although they do add to the increasing costs faced by landlords as a result of various tax and legislative changes. Instead they said the issue is more about the cost of implementing the licencing conditions.

A small number of participants asked how the fees had been costed and asked to see calculations. Most participants supported the concept of a discount. They also tended to support the breakdown of the fee into two parts – administration and enforcement - and welcomed that compliant landlords that apply early would only pay the administrative (discounted) rate. They encouraged the Council to widely promote the early bird discount to encourage landlords to sign-up, if the proposals were to be implemented.

One participant said that discounts should be offered to landlords and agents who were members of the Association of Registered Letting Agents (ARLA), or who were working with ARLA registered agents.

A small number of participants said that they felt the fee discount was a gimmick and not serious. Participants did not challenge the proposal to offer shorter licenses to non-compliant landlords.

3.3.6 Licensing conditions

Some participants said that the conditions should be in line with the mandatory/regulatory standards and not place additional requirements or burden on landlords.

Some participants raised concerns about the amenity standards relating to the proposal for additional licensing of HMOs. For example, some participants said that requirements to provide communal space and/or stipulated room sizes were going above the government minimum requirements. They said that this would impose high costs on landlords to meet these standards and that the requirements will not deal with issues of poor accommodation.

One participant asked why details of anti-social behaviour needed to be held for three years.

One participant asked why it was stipulated that the electrical installation condition report (EICR) should be renewed every five years.

3.3.7 Alternatives

Some participants said that licensing would not deal effectively with anti-social behaviour or bad landlords, and instead would impose additional costs and burden on landlords.

Some participants said that there is already sufficient legislation in place for the council to deal with anti-social behaviour or bad landlords (such as the recently implemented Housing Act 2004).

A small number of participants said that they should not be penalised for the council's failings to deal with anti-social behaviour or bad landlords or make effective use of existing resources and legislation at its disposal. They said that the council is responsible for dealing with these issues.

Some participants said the council should provide more support to landlords to deal with bad tenants, including background checks on social housing tenants and support to evict bad tenants.

3.3.8 Licensing process

There were some questions raised about the licensing process, such as:

- How long will it take, and how easy will it be, to apply?
- How long will it take to receive the licence?
- How will properties be selected for inspection and how will the inspection be conducted?
- Will the licence be transferable upon selling the property?

3.4. Residents Consultation Workshops

Residents' consultation workshops were held at Chalvey Community Centre on 10 January 2019 over 2 sessions, lunchtime and evening. The workshops were facilitated by Suzannah Kinsella (Volition Ltd).

Although these were advertised as residents' workshops, there was a high attendance by landlords:

Session 1: attended by 7 landlords, 2 residents and 2 councillors.

Session 2: attended by 23 landlords, 3 residents and 3 councillors.

8000 letters were hand delivered to properties in Chalvey and Central wards informing residents of the workshops. The letters were delivered between 27 December 2018 and 5 January 2019.

Volition Ltd's full report can be reviewed at Appendix 1.

This report covers the feedback provided at the two workshops on Thursday 10 January 2019 at the Chalvey Community Centre. Landlords formed the majority of participants and therefore this report focuses on their views and concerns and should not be seen as representing a cross-section of Slough society.

The following comments illustrate the views of those that attended about the area;

“There’s no question that some of the properties and landlords of those properties, they do abuse tenants. I’ve seen worse than the pictures shown in the presentation.” (W1)

“Every time someone moves in, we see beds, mattresses dumped. As landlords and everyone else we need to ask ourselves, how can we improve the image of Chalvey so if you are going to take on a tenant, are you asking the right questions or are you just taking the rent and forgetting about them?” (W2)

“To get those properties to a decent standard is important.” (W1)

3.5 Drop-In sessions

Further opportunities were made for landlords/agents and other stakeholders to attend drop-in sessions to ask for more information and respond to the proposals. A resident and separate tenant session was also arranged.

- A residents’ consultation drop-in session was held at The Curve Library on 15 January 2019 between 1400-1800hrs and was attended by 7 residents.
- A landlords’ consultation Drop in session was held at The Curve Library on 17 January 2019 between 1400-1800hrs and was attended by 28 landlords and agents
- A tenants’ drop-in session was held at Slough Shelter on 29 January 2019 attended by 5 residents (1 of which was homeless) and 3 landlords.

All seven attendees at the residents’ drop-in session supported the licensing scheme and most thought a discount was a good idea. One person thought it should be extended to the entire borough. There was a concern about impact on rents but antisocial behaviour (ASB) was considered to be a problem. The scheme needed to be enforced with regular inspections and also that the money should be used in Chalvey/Central.

Other residents’ concerns expressed were: - problems with sheds with beds, rough sleepers, ASB and landlords being slow to carry out repairs. A specific issue was raised in respect to whether if you had a lodger would this require a licence?

The landlords were generally against the scheme, stating council already had powers to deal with rogue landlord behaviour, concerns with sub-letting, discounts should be offered to landlords and the Council should stop giving permission to high density residential buildings.

3.6 Written Submissions

During the formal consultation process, organisations and individuals provided written submissions to SBC. The contributors were:

- Letee Limited;
- Focus Residential
- A Landlord/Managing Agent claiming to be representing Slough Landlords Forum (SBC do not have any knowledge of this Forum)
- Chalvey Residents Association
- Generation Rent

- National Landlords Association
- Residential Landlords Association
- 30-38 Park Street Management Ltd
- Cllrs Mohammed Sharif, Atiq Sandhu and Safdar Ali
- Royal Berkshire Fire and Rescue Service
- Thames Valley Police
- Shelter Thames Valley and Shelter National

All the written submissions have been carefully read and summarised below in main themes. Letters from organisations have also been included in the Appendix 2 in full.

3.6.1 Supportive of the schemes

Resident and tenancy organisations are supportive of the additional and selective licensing schemes as well as statutory bodies including the Fire Brigade and Thames Valley Police Service. Many express the view that the selective scheme should cover more of the borough.

Royal Berkshire Fire and Rescue Service's (RBFRS) support both proposals.

'RBFRS state that they already conduct dual inspections of known Houses of Multiple Occupation (HMOs) with SBC providing critical fire safety advice and guidance to residents... Due to the increased level of risk associated with HMOs this is extremely valuable work and an area that RBFRS is keen to develop further.'

'RBFRS look forward to continuing to work in close partnership with SBC in order to achieve our shared aims of improving the safety and wellbeing of people living in Slough and believe that the proposals will contribute to these objectives'

Thames Valley Police have also written a letter supporting the initiative.

Shelter Thames Valley and Shelter National support HMO licensing and licensing of the wider private rented sector. Shelter see selective licensing as one of the best tools councils have to understand and tackle poor conditions and rogue landlords in their local private rented sector. Effective proactive enforcement is almost inconceivable without it.

Generation Rent clearly supports an additional scheme and also sets out why it supports selective licensing.

Chalvey residents Association report:

'We have seen a trend every time a new tenant (excludes professional category) moves into a house they move the old furniture like beds and fridges out and go and dump them at the end of their street corner or on a typical hot spot like the Chalvey Road East/Ragstone Road corner, this spot is notorious for fly tipping.'

3.6.2 Oppose the scheme

Both the National Landlords Association (NLA) and Residential Landlords Association (RLA) suggested that the consultation should pause while the review of selective licensing is completed.

The NLA stated:

'that the scheme will lead to a further displacement of problem landlords and tenants in Slough'.

The NLA also raised a concern that:

'one of the growing challenges in the private rented sector is sub-letting/rent to rent. This can result in landlords being victims of crimes.'

The RLA is opposed to the scheme and has many objections to licensing overall

Those opposing the scheme asked that the council make better use of existing enforcement powers as there is already a scheme in place to deal with rogue landlords.

Slough landlords' forum stated that:

'ASB in Slough is not associated with private rented properties/tenants but tends to come from social housing tenants' they also state that 'this is a revenue generating exercise in order to fund Slough Borough Council's spending spree as a property investment company.'

3.6.3 Fees

Shelter, Generation Rent, the Police and Fire Brigade made no specific mention of fee levels.

The RLA wrote that the fee:

'is an unnecessary financial burden to put on landlords...likely, pass the cost on to tenants in the form of increased rents'.

The fear that the licensing fee would be passed onto tenants was expressed a number of times by residents, tenants and landlords.

3.6.4 Conditions

Shelter, Generation Rent, the Police and Fire Brigade made no specific mention of conditions however; Generation Rent believed that licensing could address disrepair, specifically disrepair not reported by tenants for reasons including frequent turn over and intimidation.

There was a very detailed response from a landlord on the conditions and accommodation standards relating to kitchen sizes, bedroom sizes, fire alarm systems, heating and lighting.

Landlord groups also stated that landlords have very limited authority to deal with ASB

3.6.5 Enforcement

There is support from both landlords and tenant organisations that the scheme should be enforced, especially activities that find unlicensed properties and identifying rogue landlord behaviour.

Landlord groups stated that no details on the operational approach had been provided and asked whether it was joined up and co-ordinated with the Police service.

Landlords also commented that the council did not have the resources to even manage the current situation and asked whether it had the manpower to follow up on cases.

In addition, the proposal did not take into account subletting and there was no provision for landlords who have legally rented out a property that is then illegally sublet by the tenant.

Chalvey residents' association stressed the need for enforcement:

'We believe the Council has a vital role to play in this strategy if we are going to be successful because there has been very little or no enforcement hence why things have been allowed to spiral out of control for the past 15 years.'

3.6.6 Displacement

A scheme will lead to the displacement of problem landlords and tenants.

3.6.7 Further views and alternatives

The RLA stated that they:

'support 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'

NLA stated that *'Councils should provide access to municipal waste collection points. Would be willing to work with the Council to help develop waste strategies for landlords in the Borough'*

An individual landlord *'The council has recently restricted the number of times people can visit the tip and will not collect additional rubbish if provided in non-council bins. Also type of bins for recycling encourage fly tipping'*.

'Better education for tenants on what is acceptable tenant behaviour/responsibilities when renting a property (cleanliness/hygiene)'

'Remove homeless people from the area'

'Stop increasing over-development and over population in Slough '

'A managing agent asked 'Why are new modern purpose-built flats included'

'Provide financial incentives enabling landlords to sell in Slough and move away'

'Should give council tax holiday for landlords between lets so that they can carry necessary maintenance work'

Generation Rent also provided information on why opposition to selective licensing is unconvincing:

‘Selective licensing has been criticised for raising landlords’ costs and distracting enforcement resources towards good landlords rather than the worst ones.

In fact there is no evidence that the costs of licensing has raised rents where it has been introduced. The proposed £650 works out at only £10.83 a month.

And standards in the private rented sector are generally poor – previous selective licensing schemes have uncovered pervasive non-compliance. In Newcastle just 7% of properties inspected under the selective scheme in the Byker area were fully compliant at first, but this rate increased over the course of the scheme. Licensing is therefore likely to raise standards across the majority of the rental market. ‘

1 Conclusion

This report describes the consultation exercise undertaken by Slough Borough Council between November 2018 and January 2019 about the possible introduction of a borough wide additional scheme and a selective licensing scheme in two wards in the borough. The report contains information about the methods used and a detailed presentation of the findings from a wide range of stakeholders.

Annex 1 – Independent facilitators’ reports

Annex 2 – Written submissions from organisations

Annex 1:

Independent Facilitators' Reports

Slough Borough Council:

Licensing private rented homes – workshop/drop-in sessions with landlords and property professionals

Thursday 6th December 2018

Summary of discussions



www.publicperspectives.co.uk

Introduction

- Slough Borough Council conducted consultation about proposals to introduce licensing of private rented homes to tackle anti-social behaviour, overcrowding and sub-standard accommodation.
- There are two proposed licensing schemes - additional licensing of HMOs and selective licensing of non-HMO private rented homes in Chalvey and Central wards.
- The consultation took place between the 7th November 2018 and 31st January 2019 – a 12-week consultation period.
- As part of the consultation the Council held two workshops/drop-in sessions on Thursday 6th December 2018 with stakeholders operating in the private rented homes sector – landlords, agents, solicitors and representatives of interested organisations.
- The aim of the sessions was to provide an opportunity for interested parties to find out about and discuss the proposals with key Council officers, allowing for interactive and informed discussions.
- The sessions were promoted directly to agents and landlords (including 170 direct letters to landlords), in local papers, via social media, advertised on the Council website, and through posters at Council locations.
- The sessions were held at different times to facilitate participation – the first session was held at 12.30pm to 2.30pm and attended by 18 participants. The second session was held at 6pm to 8pm and attended by 6 participants, totalling 24 participants overall across the two sessions.
- Both sessions were held at: MyCouncil, Landmark Place, High Street, Slough, SL1 1JL.
- The sessions were independently facilitated on behalf of the Council by Mark Yeadon, Director of Research and Engagement, Public Perspectives – an independent, specialist research and consultation organisation working with the Public sector.¹
- The sessions began with a presentation by Amir Salarkia, Housing Regulation Manager, Slough Borough Council, followed by facilitated Q&A and discussion.
- This report has been drafted by Mark Yeadon, Public Perspectives on behalf of the Council.
- The report summarises the key comments and discussions at both of sessions. The report should not be considered in isolation. It should be considered as part of the consultation evidence base, which includes an on-line consultation questionnaire and other mechanisms to gather the views of interested parties, including landlords, agents, residents and tenants. Similarly, the consultation evidence base should be considered alongside the wider evidence base justifying the introduction of licensing.
- The report tries to identify the volume and strength of opinion. Due to the discursive nature of the sessions, the level of opinion is presented textually rather than quantitatively.

Summary of discussions

General comments

- Some participants said that they felt the proposals were disproportionate to the issues and like a 'sledgehammer to crack a nut', and that the costs of the schemes would outweigh the benefits of what they were aiming to achieve.
- Several participants said that they wanted more help from the Council to deal with bad tenants, and that the licensing proposals seem to be placing all the responsibility and burden on landlords.

¹ The consultation approach and process was designed and managed by Slough Borough Council. Public Perspectives' role has been limited to supporting the facilitation of the landlord/property professional sessions and reporting the discussions.

- Some participants said that the proposals represent an additional and unnecessary burden upon landlords, increasing costs, and making it less attractive to operate in the borough, which in turn could affect the supply of private rented housing locally.
- A small number of participants said that the proposals are a revenue raising activity by the Council.
- A small number of participants said that licensing will need to be accompanied by notable enforcement resources and activity to lead to positive change.
- A small number of participants asked why the proposals have been put forward and who in the Council is responsible for conceiving them.
- One participant said that the Council and Housing Associations are responsible for importing bad tenants from London, who are causing anti-social behaviour.
- One or two participants said that not many landlords knew about the consultation and proposals and asked for more promotion. They also asked for another session to be held towards the end of the consultation period (Please note the methods used to promote the consultation highlighted in the introduction. In addition, the Council subsequently organised further drop-in sessions).

Objectives of licensing schemes

- Whilst participants did not challenge that it is important to tackle anti-social behaviour, over-crowding and poor housing conditions, some said that licensing will not deal effectively with these issues, especially anti-social behaviour. They argued that the licensing proposals will only place an extra cost and burden on good landlords and will not change the practice of bad landlords or bad tenants and/or that landlords are not responsible for anti-social behaviour.
- Upon discussion, some participants did appreciate that licensing could help increase resources and generate intelligence to target bad landlords and conduct inspection and enforcement activity.
- Some participants questioned why the selective licensing proposal is only targeting two wards, when the issues of anti-social behaviour, overcrowding and sub-standard conditions are a boroughwide issue (although this should not necessarily be read as a request to extend the scheme across the borough).
- A small number of participants said that introducing licensing, especially selective licensing in Chalvey and Central Wards, is targeting poor people and ethnic minorities who represent a high proportion of residents/tenants and landlords in those wards. There was a consequent request to review an equalities impact assessment on the proposals. These participants were concerned that licensing would increase living costs for tenants in those wards (as landlords will pass on the costs to their tenants) and would have a detrimental and disproportionate impact on tenants and landlords in those areas. They said they would prefer for there not to be licensing at all, but if there was for it to be equitable across all of the borough.
- One participant questioned why the two town centre wards are being targeted when there is a large number of high-end new builds being developed in those areas and the issues that licensing is trying to target will not be problems on these new developments.

Evidence base

- Some participants said that they did not accept the link between private sector housing and anti-social behaviour, that the issues/causes are complex and that landlords are not responsible or do not play a part in creating or tackling anti-social behaviour.

Fees

- Some participants said that the fees themselves are not an issue in their own right, although they do add to the increasing costs faced by landlords as a result of various tax and legislative changes. Instead they said the issue is more about the cost of implementing the licencing conditions.
- A small number of participants asked how the fees have been costed and asked to see calculations.
- Most participants supported the concept of a discount. They also tended to support the breakdown of the fee into two parts – administration and enforcement- and welcomed that compliant landlords that apply early will only pay the administrative (discounted) rate. They encouraged the Council to widely promote the early bird discount to encourage landlords to sign-up, if the proposals were to be implemented.
- One participant said that discounts should be offered to ARLA registered agents or landlords working with ARLA registered agents.
- A small number of participants said that they felt the fee discount was a gimmick and not serious.
- Participants did not challenge the proposal to offer shorter licenses to non-compliant landlords.

Licensing conditions

- Some participants said that the conditions should be in line with the mandatory/regulatory standards and not place additional requirements or burden on landlords.
- Some participants raised concerns about the amenity standards relating to the proposal for additional licensing of HMOs. For example, some participants said that requirements to provide communal space and/or stipulated room sizes were going above the government minimum requirements. They said that this would impose high costs on landlords to meet these standards and that the requirements will not deal with issues of poor accommodation.
- One participant asked why details of anti-social behaviour needed to be held for three years.
- One participant asked why it is stipulated that the EICR should be renewed every five years.

Alternatives

- Some participants said that licensing will not deal effectively with anti-social behaviour or bad landlords, instead imposing additional costs and burden on landlords.
- Some participants said that there is already sufficient legislation in place for the Council to deal with anti-social behaviour or bad landlords (such as the recently implemented Housing Act).
- A small number of participants said that they should not be penalised for the Council's failings to deal with anti-social behaviour or bad landlords and make effective use of the existing resources and legislation at its disposal. They said that the Council is responsible for dealing with these issues.
- Some participants said the Council should provide more support to landlords to deal with bad tenants, including background checks on social housing tenants and support to evict bad tenants.

Licensing process

- There were some questions raised about the licensing process, such as:
 - How long will it take, and how easy will it be, to apply?
 - How long will it take to receive the licence?
 - How will properties be selected for inspection and how will the inspection be conducted?
 - Will the licence be transferable upon selling the property?

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Research
Evaluation
Community Engagement
Strategy Development



Rented Property Licensing Consultation

January 10th, 2019 Public Consultation Workshops Report

Report by Suzannah Kinsella, Independent Facilitator, Volition Ltd
January 25th 2019

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Executive Summary

Slough Borough Council wants to ensure that private rented properties in their borough offer residents a choice of safe, quality and well managed accommodation.

With this in mind, between November 2018 and January 2019, Slough is consulting on proposals to bring in property licensing schemes for privately rented accommodation.

Two licensing schemes are being proposed:

Proposal 1: Houses of Multiple Occupation (HMOs) with three or more unrelated tenants in the whole of the borough.

Proposal 2: Targeted selective licensing scheme in Chalvey and Central wards for all privately rented properties.

As part of its wider consultation, Slough held two workshops on January 10th 2019 in the Chalvey Community Centre. The workshops were targeted at local residents but most participants were landlords with property in the Slough area. There were 11 participants at the first workshop and 29 at the second workshop.

Top level summary of participant's responses to the licensing proposals:

- Widespread agreement that the residential environment in Slough is in need of improvement: recognition that rubbish and antisocial behaviour are significant problems in some areas.
- Acknowledgement from several participants that a register of landlords, part of the licensing proposal, would be beneficial to identify landlords whose properties are below standard.
- Opposition from many landlord participants to the proposed fee for both schemes, because they saw it as penalising compliant landlords by making them pay for the misdemeanours of rogue landlords.
- Support from most residents and some landlords for the licensing schemes if the funds raised were guaranteed to be used to act on rubbish and antisocial behaviour problems in the area. The same participants thought the fee levels were reasonable and supported the early bird discount for compliant landlords.
- Challenge from some landlords that Proposal 2 Selective licensing scheme should be Slough-wide rather than targeted at Chalvey and Central wards or that Chalvey or Central wards plus an outer ward such as Cippenham Green be selected to provide two different pilot areas.

Conclusions based on the workshop findings:

1. Review the licensing fee structure to demonstrate clearly how good landlords might pay less than rogue landlords.
2. Greater reassurance that rogue landlords will be penalised. Provide realistic examples of how rogue landlords would be identified and successfully fined and/or prosecuted if they do not comply to the standards (perhaps drawn from other areas that have implemented these schemes).
3. Explain more clearly why the Council is not proposing to apply the selective licensing of single family/small households throughout the borough.
4. Consider alternative wards to test the selective licensing scheme e.g. one central and one outer ward.
5. Clarify the Council and Police's existing powers and how the additional powers under the proposed licensing schemes will help to address issues such as substandard properties, ASB and rubbish issues.
6. Clarify how funds raised by the licensing fees will be used within the target areas will be used to address ASB, substandard properties and rubbish.

1. Background to the Consultation

Slough Borough Council wants to ensure that private rented properties in their borough offer residents a choice of safe, quality and well managed accommodation.

Recent research has shown that the private rented sector (PRS) in Slough is estimated to be 33% of the total housing stock. There is evidence that shows that the worst housing conditions are in private rented properties, worse than in social housing or owner-occupied properties.

With this in mind, Slough is consulting on proposals to bring in property licensing schemes for privately rented accommodation.

Two licensing schemes are being proposed:

Proposal 1: Houses of Multiple Occupation (HMOs) in the whole of the borough

The introduction of a borough-wide licensing designation for HMOs. This is known as an additional licensing scheme. This would mean that all landlords who let a property occupied by three or more non-related occupiers who share some basic facilities or amenities such as a kitchen or bathroom will be required to have a licence.

Proposal 2: Targeted selective licensing scheme

The introduction of a targeted licensing designation that will require landlords who let all other residential accommodation (housing rented to a single family or household or less than three people) to have a licence. This will be focused on an area (largely the Chalvey & Central Wards) which the council has identified as having particularly high levels of PRS, poor housing conditions and high rates of antisocial behaviour (ASB).

Both licensing schemes will have fees that will be payable by landlords with property in the areas designated.

The consultation was launched on November 7 2018 and closes on January 31 2019. Slough is seeking views from everyone living, working or operating a business in the area. The consultation asks for views on licence fees, the licence conditions (e.g. containing anti-social behaviour clauses in tenant contracts) and views on the licensing schemes overall.

The consultation has been publicised through the following channels:

- Local media: press releases sent to newspapers in Slough and in neighbouring boroughs

- Posters in local libraries and community centres doctors' surgeries, leisure centres, shopping centres, religious organisations, local shops and council buildings
- 8,000 leaflets sent to residents in the Central and Chalvey areas of Slough.
- Slough Borough Council website and intranet
- Facebook and Twitter
- Local housing organisation email/letter notifications sent to: solicitors, estate agents, landlord associations, voluntary organisations, landlords (those that Slough had contact details for), major developers.

2. About this report

This report captures the feedback given at two consultation workshops held at Chalvey Community Centre on January 10th 2019. The workshops were two hours long: 12.30-2.30pm and 6.00-8.00pm.

The workshops advertised in the leaflets distributed in Central and Chalvey wards were targeted at local residents, but open to anyone to attend. Further opportunities to learn about and discuss the consultation have been offered in drop in sessions on January 15th – aimed at residents and January 17th aimed at landlords.

2.1 Workshop attendance

For both workshops, landlords were the majority of participants:

Workshop 1: 11 participants: 7 Landlords and 2 Residents and 2 Councillors
Workshop 2: 29 participants: 23 Landlords and 3 Residents and 3 Councillors¹

Slough staff and some workshop attendees were disappointed by the low number of resident participants, with the latter urging Slough to ensure that they sought out the views of residents to ensure the consultation received feedback from a cross section of the borough.

2.2 Workshop format

The format of the workshops was an initial presentation from Slough Borough Council staff on the licensing proposals, followed by a Q&A session. Participants were then invited to discuss the proposals in more detail in small table discussions. This format was designed to allow as many people as possible to contribute their comments and to continue to ask questions as necessary.

This is the format used for the 12.30-2.30pm workshop. However, for the 6.00-8.00pm workshop the participants did not wish to go into small group discussions, preferring instead to run the discussion as a single large group and pose their

¹ Participants were asked through a show of hands if their primary reason for attending the workshop was as an owner-occupier resident (i.e. living close by privately rented property), landlord or tenant.

questions and comments to the Slough Borough Council representatives in plenary. Both sessions were independently facilitated by Suzannah Kinsella, the author of this report. This report is based on analysis of the feedback, recorded using flipcharts to capture participants questions, note taking by the table facilitators as well as audio recordings. Where we have used quotes, we indicate which workshop they were expressed in W1 = workshop 1, W2= workshop 2.

2.3 Level of awareness of the consultation coming into the workshop

It should be noted, that whilst a small number of participants had read the consultation documents before the workshop, most people had not and therefore some of the comments covered in this report are based on a top level, not a detailed understanding of the proposed licensing schemes. During the workshops, all participants were encouraged to read the consultation documents and provide written responses to the consultation, either online or through the consultation questionnaires handed out at the workshop.

3. Feedback to the consultation

This section of the report focuses on the comments and questions raised by participants to different aspects of the consultation. It starts by looking at the perspectives on the situation in Slough that has prompted the housing licensing proposals. It goes on to cover the reasons raised to either support or oppose the proposals, views on the proposed fees, the area for the selective licensing, the licensing approach, some misconceptions held by participants and alternative suggestions put forward.

3.1 Perspectives on the situation in Slough

Throughout discussions in both workshops, there was a recognition amongst participants that there were problems in the borough that needed addressing. Rubbish blighting the area and anti-social behaviour were the two issues most often raised.

Participants talked of the poor condition of some properties, the prevalence of rubbish around properties and on the streets and the problems with a transient population.

"There's no question that some of the properties and landlords of those properties, they do abuse tenants. I've seen worse than the pictures shown in the presentation." (W1)

"To get those properties to a decent standard is important." (W1)

"Every time someone moves in, we see beds, mattresses dumped. As landlords and everyone else we need to ask ourselves, how can we improve the image of Chalvey so if you are going to take on a tenant, are you asking the right questions or are you just taking the rent and forgetting about them?" (W2)

"Those houses do have serious problems, whether it's gardens or rubbish dumped all over the place. People live for 9/10 months and then move on. Rubbish is the main problem." (W1)

Anti-social behaviour (ASB) was seen as a long-standing issue, with some frustration expressed about a lack of support from the Police and the Council. Examples of ASB included groups of people gathered around shops or in housing areas drinking and smoking and issues with prostitution and drug taking.

"How are they going to tackle ASB in Chalvey? We have a serious problem with that. People hanging around the shops. Kids drinking, smoking, drugs, not attending schools. It's been happening for years and years." (W1)

"We have been talking to the council and the police 'til our heads bang on the walls. For years and years nothing was done at all. Only in the last year something is being done. Police say we have the powers to do this and that, but we need the council to back it, so why don't the council back them to do it?" (W2)

"We have groups of youths from 3.20 to midnight hanging around and they sit on the wall of the council property and annoy the elderly ladies who like to sit outside in the summer. Police won't do anything: 'Dial 111, we'll take your details and get a file out' – waste of time!" (W1)

Whilst there was a common view that Slough was in need of improvement, as we will see in the findings below there were mixed views on whether the proposed housing licensing would be part of a solution or just a costly burden on landlords.

"The facts are we do have the problems, but can we tackle the problems, I don't think so. Is this the way to deal with it to put the burden on landlords how sure are you that you will solve this problem?" (W1)

3.2 Overall responses to the licensing proposals

In this section of the report, we look at the reasons given to support or oppose the licensing proposals. Amongst the landlords, who were the majority of participants, some supported Slough's efforts to create a comprehensive register of landlords but objected to paying a fee if they already complied with the housing and tenancy standards. However, a small number of landlords and most of the resident attendees supported the fee, believing it was a fair price or that as business people, landlords should pay license fees just as other businesses do.

There was a great deal of debate about the areas chosen for the selective licensing of single family rented properties. A small number of participants agreed with the proposal that Chalvey and Central should be targeted first, whilst many others thought the selective scheme should be borough wide or should target either Chalvey OR Central and chose an outer ward such as Cippenham Green.

3.2.1 Reasons to oppose

Good landlords paying for bad landlords

The most commonly cited reason for opposing the licensing proposals was that Slough is asking good landlords to pay for the misdemeanours of rogue landlords, which they felt was unfair and discriminatory. Some felt that rather than charging good landlords, the Council should focus its efforts on rogue landlords and getting them to comply with standards.

The fact is I am paying for you to go in and inspect the rogue landlords, why should I be paying for that? (W2)

"The ones you can't find, you should be targeting them more." (W2)

"Why should we pay the fees, why don't we speak to the landlord properly and say look you've got this property and we'll come and visit your property and make sure it's done correctly, and I think most landlords would cooperate rather than having a license and going through all this palaver." (W2)

Council and the Police already have the necessary powers

Some participants believed that the council and the police already have the powers necessary to tackle issues such as anti-social behaviour and that they are putting the onus on landlords when it is their job to deal with such issues.

"Why don't you use the powers you already have. You haven't told us why other remedies aren't sufficient." (W2)

"The police have the power to deal with brothels so why aren't they doing it, so why are we penalised." (W2)

Driving landlords away

There was also a fear amongst some landlord participants that there was a Council agenda to reduce the number of PRS properties or discourage smaller landlords.

"There is investment coming into Slough and all you are doing is driving investment away – if I have a couple of properties, I'm not going to invest here, I'm going to move out – you are charging the landlord and driving them away." (W2)

During one of the workshops, one landlord (who also acts as a managing agent) made the offer to fellow landlords to introduce them to other London boroughs to take on their properties with better rates and incentives and that this would make their properties exempt from the proposed licensing schemes.

Favouring large institutional investors

Some participants felt that the proposals favoured large property investment organisations for whom the fees would be negligible. They saw this happening as part of Slough's regeneration and the imminent arrival of Cross Rail.

"The institutions are driving this kind of agenda to make sure they can come in and dominate this market." (W2)

License fees passed on to tenants in rent increases leading to more homelessness

The consequence of more homelessness because of rent increases driven by landlords passing on the licensing fees was raised by several participants, both residents and landlords. Some landlords felt they were already performing a social good by keeping rents relatively low to be affordable to tenants who haven't had a pay increase in several years and were already squeezed by increasing costs.

"If the tenants can't afford it, there will be more homeless people. Most tenants are on the border line – they will give the key back to the landlord and go to the council and ask to be re housed." (W1)

"All that's going to happen with these fees is that the landlord will put the rents up to get their money back. We have one tenant in our flats who has threatened to make himself homeless and take all his stuff out of the flat and camp outside the council offices until he's re-housed. We subsidise the council, we keep the rent low to keep him off the street and that's saving Slough thousands of pounds of re-housing costs." (W1)

Increasing the burden on landlords whilst giving little support

These proposals were seen by some participants as being yet another burden placed on the shoulders of landlords. This was seen in the context of a council regime that was not felt to be helping landlords with problem tenants.

"All the landlords say if there were in this situation 20 years ago when they bought the flats, not a single one would do a buy to let anymore, far too much regulation." (W1)

The councils aren't helping us at all. So, if we know there is a problem with the property and we try to deal with it, what happens? You take the side of the tenant. You don't give us help. You don't say serve this tenant notice and we will make sure that he will move out and or he behaves himself." (W2)

A duplication of effort

Some landlords opposed the proposals because they saw it as a duplication of effort. They felt that there were already sufficient powers and resources in place to tackle ASB or rubbish blighting the area, but that Slough wasn't exercising them effectively. Some were also unclear on what they as landlords were expected to do to help address ASB.

"It looks like another extra exercise. Police, council, plumbers, builders, why do we need something extra." (W1)

"Health and Safety regulation gives you sufficient powers to look at that." (W2)

"I understand you are trying to reduce ASB, what other measures apart from what you are doing here? You are charging the landlord instead of taking practical measures against the individuals actually doing the ASB so why are we getting charged to pay for others. You want us to babysit the tenants, what do you expect?" (W2)

3.2.2 Reasons for support

A means to identifying landlords

There was recognition amongst some participants, both landlords and residents, that a benefit of the proposals would be identifying landlords. This would benefit good landlords whose compliant behaviour could be rewarded with lower fees and would enable Slough to target rogue landlords who were creating problems for both their tenants and the wider community. Some said they would be happy to register as part of this identification effort but didn't want to pay the fee if they were compliant.

"The reason for this licensing is for the council to know who the landlords are. At the moment, no one knows who's the landlord and now they will have a list. So if there is a problem or a situation they know who to deal with." (W1)

"Where you have people, who have flats in various parts of Slough and don't live there, that's a totally different situation. Much more difficult to handle. I can see where the council are coming from to do this." (W1)

"My argument is about the fees, no problem with the registration. I will sign up but won't pay a fee." (W2)

Investment in areas in need

Investing the funds raised through these proposed licensing schemes back into Slough, and the proposed areas of Chalvey and Central was seen as essential by many participants. It was seen as a way of helping to significantly improve the communities.

"If the council can put in this plan that the money raised is spent purely on those wards or areas to improve anti-social behaviour, cleanliness etc." (W1)

"With all this money you are going to generate, is the money going to be spent in Chalvey? If that's the case, I'll put my hand up and sign now." (W2)

"The scheme is good in principal providing you reinvest the money back in Chalvey. Our concern is that you will introduce this new fee but because it's the most deprived area in Berkshire and needs help, we will expect those resources to be ploughed back primarily into enforcement because the biggest thing lacking in Chalvey is enforcement and secondly that money should be spent on litter cleaning because when those rogue tenants move in they leave litter round and I am paying for that everyday in my council tax so that is our view as a resident." (W2)

Lead to a better living environment and more investment

Several participants felt that the proposals offered the possibility of improving the living standards in the area. A cleaner, better kept environment would help local residents' well-being and they welcomed this. A more attractive environment would also attract more investment, some believed.

"As a resident if it makes the area better, both the cleaning wise and no rubbish and tidying up and grass is cut it will improve my property value and the living standard." (W1)

"It will encourage good investment!" (W1)

"If you go into the area where bags, fridges, washing machines are dumped, people will say this is crap I'm not moving in in here. If it's nice and tidy and grass is cut properly and improved generally speaking, it will improve not just the property value, but also when people walk out of the house and see nice things, they feel better and happy." (W1)

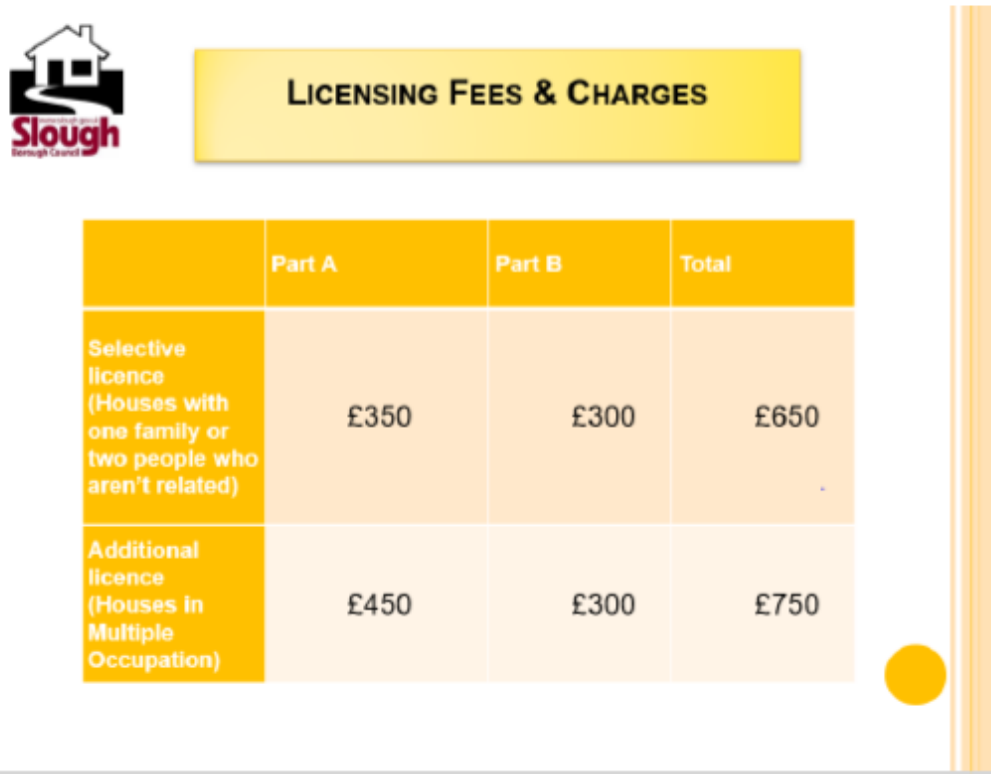
Proposals will work if landlords are supported

Some participants voiced their support for the scheme but caveated it with a need for reassurance that landlords would get the support needed from the local authority and police to prevent or discourage anti-social behaviour and other issues.

"It's a great idea as long as it's all coordinated property and landlords get advice and feel something is happening because at this moment in time, with every individual feels nothing is happening." (W1)

"If you action it, I think it is perfect, there is no reason it shouldn't work. But we need to feel good, if I ring and say there is an issue here, all I get told is oh it's an ongoing situation. If you get through the advice is good, but nothing gets done." (W1)

3.3 Views on Licence Fees



	Part A	Part B	Total
Selective licence (Houses with one family or two people who aren't related)	£350	£300	£650
Additional licence (Houses in Multiple Occupation)	£450	£300	£750

The slide above was shown at the workshop as part of the presentation. It was explained that Part A funded the registration process and Part B funded inspection and enforcement. A proposed feature of the licensing fee was that landlords with a history of compliance who registered before the deadline would only pay the Part A fee (referred to as an Early Bird discount). Both fees would be payable every five years for each property. However, another proposed feature of the license fee was that landlords with a history of poor compliance with standards might only be given a license for one year and therefore would pay higher fees compared to compliant landlords.

Views on fees were largely determined by whether you were participating as a landlord or resident.

Residents and a small number of landlords supported the fees because they saw it as part of doing business as a landlord, that the cost was not excessive, and the funds would be invested in improving the areas, which would benefit both residents

and landlords. For those who supported the fees the Early Bird discount was seen as a helpful recognition that good landlords should pay less than rogue landlords.

"You are getting the benefit – you should pay. Why should I as a council tax payer pay the taxes, so you get a free licence? Like any other business, like a shop selling alcohol, you have to pay a license. What you can argue for is to reduce the amount." (W1)

"It doesn't help your argument – when you say give us something free. The people say why should you get something free. It's your business you pay for it. What does help is reduced fees." (W1)

"If the property gets inspected on a regular basis and the inspector finds that the property is well kept then there should be a discount. I consider myself a great landlord because I don't go into any property that I can't sleep myself. That's the way I do it." (W1)

"As an incentive it is good for the good landlords – it's not a massive discount but something is better than nothing." (W1)

Amongst those who supported the fees, there was agreement with the proposal for the shorter licensing periods for landlords with a previous history of non-compliance with standards. They felt the shorter licenses, paired with more regular inspections would encourage better standards.

"A good thing – keep on their toes to keep their properties up to the required standard." (W1)

Many landlords at the workshops objected to the concept of compliant landlords paying any fee at all. Some said they would happily register for the licenses, so long as the process was simple, but felt the cost for the scheme should be met by fines and fees on non-compliant landlords.

"If the council inspects beforehand, everything is fine, fire alarm, windows etc. Then I should just get the license." (W1)

Those who opposed the fees gave the following reasons:

Good landlords paying for bad landlords

As mentioned earlier in this report, a fundamental objection to the proposals amongst many of the landlord participants was the concept of good landlords paying for the poor behaviour of landlords who did not maintain their properties to a decent standard and did not help to prevent or resolve anti-social behaviour by their tenants. Some landlords said they doubted that Slough could find the rogue landlords to fine them and need more reassurance that they could and would.

"If this is a pilot case and used as an example to try elsewhere, why can't we just have the bad landlords pay a fine and good landlords pay nothing? They pay a fine if they are not providing the standards they should be providing." (W1)

"Why does everyone have to have a license. You should say 'good landlord, good level of property you should not pay at all'. Why should you pay? Or pay a much lower fee?" (W1)

"I've paid you my £300, say I have 10 properties that's £3000. That rogue landlord hasn't paid you a single penny you say you will find out about the rogue landlord and deal with him, but are you going to fine him? What are you going to do with him? You can say you have the power to deal with him, but he might disappear tomorrow morning. How will you find him?" (W2)

Ever increasing costs for landlords

Several landlord participants said that the additional licensing fees would be yet another cost amongst several other cost increases that they were experiencing. All of which was making the buy to let sector less and less profitable.

"Mortgage is high, property price is nearly £400k, stamp duty is second property 3-4% so you pay 12000 pounds. £300 license charge – anybody has a second house – you are driving investors out. They will drop their keys and move out and invest there." (W2)

"Gas safety certification, mortgage relief, it all adds up." (W1)

Pay enough tax already- council should pay

Alongside the argument that the costs they face as landlords are ever increasing, was the belief that they pay enough tax already and that the council should be paying to tackle the issues with rubbish and anti-social behaviour.

"I'm not going to pay the fees for you to employ another 10 people to do a job which you should be doing. If you have only got 4 staff, get another 2 staff. I pay enough in tax." (W2)

"The landlords should not be charged at all for things that are within your own domain to deal with. You are actually asking for a further tax or another cost just to cover your circumstances I think as owners and landlords we pay enough already." (W2)

Costly for landlords with several properties

A few landlord participants were concerned that whilst the per property license fee might be seen as low, when multiplied for landlords with numerous properties this would be a significant cost.

"If I have 100 properties, that's £30,000 pounds council will make from me. I am already paying business rates and council tax on top you will do me for £30,000." (W2)

During the workshops, Slough staff raised the potential for people with multiple properties to receive a discounted fee, but this was not explored in any depth during the discussions.

Duplication of fees

Some landlords, particularly those who paid fees to managing agents, felt that the licensing proposals would be a duplication. They said they already paid for their property to be inspected, for example of a quarterly basis, and they felt that they were probably already meeting the standards set out in the new license conditions.

"Our flats are managed by agents and they already come round three times a year, we don't need the council to come round. They come in, they take a photograph the tenant has one, the landlord has one, the agent has one. Done every three months, if anything changes, if it's wrong it gets sorted straight away, so we don't need the council to come around. There is nothing wrong with our flats." (W1)

3.4 Views on proposed areas for the selective licensing proposal: Chalvey & Central

During the workshops, Slough staff set out their rationale for selecting the Chalvey and Central wards as the locations for their targeted selective licensing scheme for all privately rented properties not covered by the HMO licensing scheme i.e. housing rented to a single family or a property with less than three people. The Council identified these areas as having particularly high levels of PRS, poor housing conditions and high rates of ASB.

Some participants, both landlords and residents agreed with the proposed areas, recognising the data that showed they had high levels of poor housing and ASB in their own lived experience in the area.

"It is understandable what is said in the paper, so we'll pick them off first." (W1)

However, most participants voiced disagreement with targeting the areas of Chalvey and Central for the following reasons:

A Slough wide scheme is needed

Some of those opposing the Chalvey and Central wards said they wanted to see the licensing for single/small households be applied borough wide. They felt that the selective ward approach would allow other areas to get away with poor tenant management and that it would move problems to other wards.

"Treat everyone equally and do it all over the town. Could be bad tenants, in Cippenham Green, Kedemister ward, you are saying you can carry on mate, we only do these two here?" (W1)

"A landlord could move the tenant somewhere else, if you are going to do it, do the whole of Slough." (W1)

"It should be all of Slough not just Chalvey and (re-consult again) you will move people from here to another area – how many times will you implement it, just do it for all of Slough." (W2)

"What are the percentages in Cippenham and Manor Park? If you do all the borough, I have no qualms and I'll sign up tomorrow, but Chalvey and Central is discrimination. It should apply to the borough, it takes away our human rights and you are discriminating against those wards. Dreadful." (W2)

A selective licensing pilot should include different areas

Some participants who opposed the areas of Chalvey and Central did so because they thought the areas were too similar to test out the efficacy of the scheme and wanted to see a ward further out from the centre included alongside Chalvey or Central. Alternatives suggested including Cippenham Green, Britwell, Elliman or Famham. One participant thought that any ward with more than 30% PRS property should be included in the first phase.

"Chalvey and Central are too close together, they should choose one that is further out – Cippenham, so many tenants up there." (W1)

"I have to say they probably are, because of where they are, but they are close together, they are both the same – why not go elsewhere?" (W1)

"Do Central or Chalvey and do Britwell – problems there. I'm a taxi driver, I know the areas. Baylis – mattress all the way round." (W1)

"Famham? Other wards have the same issue. 49 vs 45? Upton 34% Famham – anything over 30% warrants this scheme? Should be included in this first phase." (W1)

Challenging the data that supports the selection of Chalvey and Central wards

Some landlords challenged the data that the Council used to explain their selection of Chalvey and Central wards for the selective licensing scheme. They wanted to know how the number of properties with serious hazards in each ward (Category 1) had been arrived at and felt it would only be valid if it was generated by inspection visits to properties.

3.5 Alternative suggestions

As described at the start of this report, there was widespread agreement that Slough needs to improve the quality of life for residents by tackling the issues of anti-social behaviour, rubbish and poor-quality housing.

Some of those who opposed or had reservations about the two licensing proposals made the following suggestions as either changes to the proposals or as alternative ways of solving the issues in Slough:

- Fund the licensing scheme through fines from rogue landlords
- Report rogue landlords through an easy to use App
- Exempt obviously compliant properties from the scheme. E.g. purpose-built flats less than 20 years old.
- Include council housing properties in the scheme
- Slough to build more council housing
- Investment in the high street (currently dominated by mobile phone and pound shops)
- Free bulk rubbish collection
- Use housing benefit claims to identify HMOs
- Name and shame rogue landlords
- A reliable channel for tenants in poor conditions to report their grievances to the Council.

3.6 Misconceptions

The proposals for the two licensing schemes generated some confusion amongst some participants. During the discussions, Slough staff addressed and corrected these misunderstandings, but it is worth noting what these were so that they are factored in to any future initiatives and communication by the council.

- *Enforcing HMO standards into single family PRS homes?*

- Some participants thought that as part of the selective licensing that they would be required to install HMO standards into single family homes, such as fire doors and linked, electronic smoke alarms.
- *The licensing scheme is about limiting or reducing the number of PRS in wards such as Chalvey and Central*
 - There was a concern amongst a few landlord participants that one of the goals of the licensing scheme was to seek to apply a limit to the number of PRS in an area.
- *The licensing scheme doesn't give Slough any additional powers, the fines are already available*
 - One landlord believed that Slough already had the power to fine landlords £30,000 through civil proceedings and wasn't aware that the proposed licensing scheme gave the Council additional powers.

4.0 Conclusions

This report covers the feedback provided at the two workshops on Thursday 10th January 2019 at the Chalvey Community Centre. Landlords formed the majority of participants and therefore this report focuses on their views and concerns and should not be seen as representing a cross section of Slough society.

Slough may wish to consider the following actions drawn from the feedback received at the workshops:

1. Review the licensing fee structure to demonstrate clearly how good landlords might pay less than rogue landlords.
2. Greater reassurance that rogue landlords will be penalised. Provide realistic examples of how rogue landlords would be identified and successfully fined and/or prosecuted if they do not comply to the standards (perhaps drawn from other areas that have implemented these schemes).
3. Explain more clearly why the Council is not proposing to apply the selective licensing of single family/small households throughout the borough.
4. Consider alternative wards to test the selective licensing scheme e.g. one central and one outer ward.
5. Clarify the Council and Police's existing powers and how the additional powers under the proposed licensing schemes will help to address issues such as substandard properties, ASB and rubbish issues.
6. Clarify how funds raised by the licensing fees will be used within the target areas will be used to address ASB, substandard properties and rubbish.

Appendix 1: Slough Borough Council Presentation at the Workshops

The presentation shown to participants at the January 10th 2019 workshops:





WHAT THE COUNCIL IS CONSULTING ON?

- Targeted Licensing schemes
 - Additional licensing for Houses in Multiple Occupation (HMOs) whole borough
 - Selective licensing in Central and Chalvey wards only
- Proposed fees
- Licensing conditions & property standards



INTRODUCTION

- Slough Borough Council wants to ensure private rented properties offer residents a choice of safe, quality and well managed accommodation.
- The private rented sector (PRS) continues to grow and is now estimated to be 33% of the total housing stock.
- Worst housing conditions are seen in PRS and have higher rates of anti-social behaviour (ASB) than other types of housing
- Acute issues with HMOs
- Some wards, particularly Central and Chalvey are becoming PRS hotspots



SLOUGH'S FIVE YEAR PLAN

- We have ambitious plans for the town....The arrival of Crossrail and the potential third runway at Heathrow will make us even more attractive as a place for business and investment.
- This will regenerate the town and I want to be clear the benefits of this will be shared across the borough.
- Among this growth and change the council's leadership is determined Slough nurtures an environment that keeps it a desirable place to live, work, rest and stay.



SLOUGH'S PRIORITY OUTCOMES

- **Outcome 1:** Slough children will grow up to be happy, healthy and successful
- **Outcome 2:** Our people will be healthier and manage their own care needs
- **Outcome 3:** Slough will be an attractive place where people choose to live, work and stay
- **Outcome 4:** Our residents will live in good quality homes
- **Outcome 5:** Slough will attract, retain and grow businesses and investment to provide opportunities for our residents

**EXAMPLES OF POOR
CONDITIONS IN HMOs**





**QUOTE FROM DAILY MAIL ON
28 NOV 2018**

Top of the list is Slough, in Berkshire, where properties are more than three times as likely to be in need of renovation as in the rest of Britain

https://www.dailymail.co.uk/property/article-6434875/Were-house-Slough-top-heatmap-fixes-uppers.html?ito=email_share_article-top



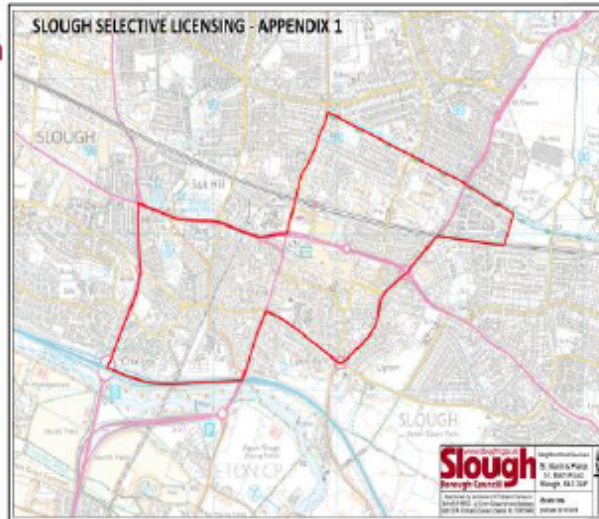
PROPOSAL 1 – ADDITIONAL HMO LICENSING

- Will cover ALL small houses in multiple occupation (HMOs) not covered by mandatory licensing borough wide. This would cover a property forming two or more households with 3 and 4 people sharing facilities or amenities
- There could be up to 3000 HMOs in Slough
- HMOs have higher rates of ASB and require closer management and regulation
- Problems with overcrowding and disrepair



PROPOSAL 2 – TARGETED SELECTIVE LICENSING SCHEME

- Focused on single family household properties in the Central and Chalvey wards, area covered by this proposal is shown in the highlighted map (next slide)
- This area has been chosen due to high levels of PRS
- Has comparatively high levels of ASB and poor housing conditions
- Selective licensing has been successfully used to tackle these issues elsewhere



LICENSING FEES & CHARGES

	Part A	Part B	Total
Selective licence (Houses with one family or two people who aren't related)	£350	£300	£650
Additional licence (Houses in Multiple Occupation)	£450	£300	£750



LICENSING CONDITIONS

- Improving property management
- Ensure tenancy documents and key safety certificates are present
- Maximum permitted numbers per property
- Addressing ASB if it occurs
- See website for full details of conditions



HOW LICENSING MIGHT HELP GOOD LANDLORDS

- Allow the Council to regulate PRS market that has a rogue elements
- Improve the perception of Slough for private investors and future tenants
- Light touch for good landlords, meaningful enforcement for those breaking the rules and putting tenants at risk
- Offer licensing fee discounts for compliant landlords?



HOW LICENSING MIGHT HELP GOOD LANDLORDS

- Introduce simple and easy to use online licensing system
- Many more inspections by the council to help drive property standards up across Slough
- Work with council ASB team and Police to tackle problematic tenants



YOUR OPINION MATTERS

- Proposed license condition and amenity standards is available on Councils consultation website
- Respond to the consultation via our questionnaire:
www.slough.gov.uk/licensingconsultation
- The consultation closes on **31 January 2019**



Annex 2:

Written Submissions from organisations

- 1) Thames Valley Police
- 2) Shelter
- 3) Royal Berkshire Fire and Rescue Service
- 4) Generation Rent
- 5) NLA (National Landlords Association)
- 6) RLA (Residential Landlords Association)



Tracey Smyth
Inspector
South Neighbourhood Team
Slough Police Station
Windsor Road
Slough
SL1 2HH

Tel: 01753 506158
tracey.smyth@thamesvalley.pnn.police.uk
www.thamesvalley.police.uk

30 January 2019

Dear Ian,

I am writing in relation to the views of Thames Valley Police regarding putting regulations in place around privately rented property in Slough.

Having read the proposals, and spoken to you in relation to this, Thames Valley Police would be happy to support this initiative.

Any means which aids to safeguard tenants enabling them to secure safe and suitable accommodation can only be a positive move.

In addition providing support for Landlords, and making them more accountable for ASB and criminality relating to multi occupancy properties will undoubtedly assist in reducing community impact associated with such issues. With plans to build more accommodation within the town centre I believe these licensing regulations will prove invaluable

Kind Regards
Tracey

Inspector 4561 Tracey Smyth

Shelter

29 January 2019

Amir Salarkia
Business Development Manager
Slough Borough Council
Landmark Place
High Street
Slough
SL1 1JL

Dear Amir

Re: Property Licencing Consultation

Shelter Thames Valley and Shelter National would like to offer our support in your endeavour to introduce Licencing of HMO's and the wider private rented sector.

Shelter sees selective licensing as one of the best tools councils have to understand and tackle poor conditions and rogue landlords in their local private rented sector. Effective proactive enforcement is almost inconceivable without it.

We thus support councils making full use of licensing powers to protect their residents from living in poor quality housing, particularly those like Slough with large numbers of private renting residents.

Yours sincerely



Jackqueline Hauxwell
Service Manager
Thames Valley Shelter

Until there's a home for everyone

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Shelter, the National Campaign
for Homeless People Limited

Registered address:
89 Old Street, London EC1Y 9HU
Registered in England and Wales
Company number 1038153
Registered VAT number 626 5056 24
Registered charity in England
and Wales (263710) and in
Scotland (SC002327)

Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading, RG31 7SD

Direct Line 07775716080
Email thomast@rbfrs.co.uk | www.rbfrs.co.uk

Follow us on Twitter @rbfrsofficial



Amir Salarkia
Housing Regulations Manager
Neighbourhood Services
Slough Borough Council

Your Ref:
Our Ref: TT/210219
Ask for: Tregear Thomas
Date: 21 February 2019

Dear Mr Salarkia

Re: Council consultation on proposed private property licensing schemes

In regard to the above consultation currently being considered by Slough Borough Council (SBC) I write to confirm Royal Berkshire Fire and Rescue Service's (RBFRS) support for both Proposals.

Royal Berkshire Fire Authority (RBFA) has a statutory duty under Section 6 of the Fire and Rescue Services Act 2004 to promote fire safety in its area, giving advice concerning means of escape from buildings and other property fires. RBFA is also the enforcing authority in Berkshire for the Regulatory Reform (Fire Safety) Order 2005. RBFA also has the aspiration to enable people residing in Berkshire to live safe and fulfilling lives.

RBFRS continues to work closely with SBC to promote and regulate fire safety of the built environment. RBFRS is acutely aware that fire safety within the home is of critical importance, especially in buildings that incorporate both commercial and residential accommodation and in premises where unrelated occupiers, who live independently from one another, share common areas of the same buildings.

RBFRS and SBC already conduct dual inspections of known Houses of Multiple Occupation (HMOs) providing critical fire safety advice and guidance to residents and where appropriate enforcing fire precautions under the Regulatory Reform (Fire Safety) Order 2005 and the Housing Act 2004 respectively. Due to the increased level of risk associated with HMOs this is extremely valuable work and an area that RBFRS is keen to develop further.

Whilst the majority of premises likely to be licensed under Proposal 2 will not fall under the Regulatory Reform (Fire Safety) Order 2005, RBFRS is supportive of this proposal because it aligns with the RBFA aspiration to enable people residing in Berkshire to live safe and fulfilling lives. RBFRS has identified a number of 'risk factors' that identify people at greatest risk from fire. Where SBC observes these 'risk factors' and gains consent whilst inspecting a licensed rental property then a referral can be made to RBFRS. This would enable RBFRS to provide the resident(s) with a free 'Safe and Well' visit where fire safety advice is provided and other services such as falls prevention signposted as appropriate.

Slough Borough Council

Property Licensing Consultation

Submission by Generation Rent

Generation Rent represents private tenants throughout the UK and works to ensure that they enjoy secure tenancies, safe homes and fair treatment in the housing market.

We welcome Slough Council's proposals for selective and additional licensing schemes.

We believe that selective licensing can help address problems in the private rented sector including:

- Disrepair in homes that isn't reported by the tenants, for reasons including frequent turnover and intimidation
- The difficulty of bringing criminal landlords to justice using basic powers
- A lack of information about how the local private rental market operates and its scale

The case for licensing

Selective licensing will benefit tenants in Slough by:

- Giving the council the means to proactively inspect private rented properties without relying on tenant reports (many tenants will tolerate poor conditions either because they know they will move out soon, or they fear eviction).
- Giving the council extra powers to inspect. Tenants have told us that they reported disrepair but withdrew their complaint because (another) council said it would have to inform the landlord, and the tenant feared reprisals as a result.
- Creating a streamlined enforcement process. Instead of issuing improvement notices and re-inspecting properties before bringing a prosecution, the council can simply withdraw licence – or prosecute a landlord who doesn't have one.
- Creating a process of gathering intelligence about the local rental market. This would help the council to communicate both with landlords and tenants, and help both groups understand their rights and responsibilities.

Why the case against is unconvincing

Selective licensing has been criticised for raising landlords' costs and distracting enforcement resources towards good landlords rather than the worst ones.

In fact there is no evidence that the costs of licensing has raised rents where it has been introduced. The proposed £650 works out at only £10.83 a month.

And standards in the private rented sector are generally poor – previous selective licensing schemes have uncovered pervasive non-compliance. In Newcastle just 7% of properties inspected under the selective scheme in the Byker area were fully compliant at first, but this rate increased over the course of the scheme. Licensing is therefore likely to raise standards across the majority of the rental market.

Recommendations

We do have some concerns that we hope the council will address when finalising and implementing the scheme.

First, we note the risk that landlords who may be driven out of licensed areas will pop up in other areas and create the same problems there. This is why we would favour a boroughwide selective licensing scheme. We recognise the constraints placed on the council by national government, and that just two boroughs comprise more than 20% of the borough's PRS. But given the sheer size of the private renter population in the borough, the council would have a strong case to apply for a larger scheme.

There is a related risk that criminal landlords driven out of Slough could start letting properties in neighbouring boroughs. There should therefore be a procedure put into place where Slough Council notifies counterparts in neighbouring boroughs about any penalties a local landlord incurs (in addition to any steps to place that landlord on the national register).

Second, we are concerned that any tenants whose landlord is prevented from letting out property are put at risk of eviction. The council should commit to making Interim Management Orders for properties whose landlord is unlicensed and where tenants are living. If tenants are forced to move out because of the need for extensive repairs or overcrowding then the council must commit to rehousing the tenants.

Third, the legitimacy of the scheme is important, and this requires resources to enforce licensing effectively. The council must continue to respond to requests from tenants who are living with disrepair (the council has a relatively high 83% inspection-to-complaint ratio for 2017-18). The council must also proactively inspect licensed properties to ensure that landlords cannot simply apply for a licence and then not comply with it. Finally the council must also identify and inspect unlicensed private rented properties to ensure that the worst operators face justice – this would give compliant landlords more faith in the system. We would also recommend that the council publicises any fines it levies on non-compliant landlords, particularly where renters' safety has been put at risk. This would create a deterrent for other landlords who are neglecting their properties.

Fourth, in order to assess the effectiveness of the scheme, properties denied a licence, or whose landlord is prosecuted for not getting a licence, should be monitored to check whether they a) eventually get a licence or b) are sold to an owner occupier.

Fifth, the council should consider identifying tenants whose home is not recognised by any of the deposit protection schemes, and send them information about their rights and the potential for getting compensation from the landlord for an unprotected deposit.

For more information, please contact Dan Wilson Crow

danwilsoncrow@generationrent.org

07753369555

Response to Slough Council's proposal for selective licensing

January 2019

Introduction

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. The NLA represents more than 40,000 individual landlords from around the United Kingdom. We provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
3. We seek a fair legislative and regulatory environment for the private rented sector, while aiming to ensure that landlords are aware of their statutory rights and responsibilities.
4. We thank Slough Council for providing us with the opportunity to comment on the selective licensing proposal.

Summary

5. Having considered the evidence presented, and having undertaken our own evaluation of the circumstances faced by the residents of Slough, our position can be summarised by the following brief points:
 - While the government is reviewing Selective Licensing, we believe that the consultation should be delayed until the results are published. This will allow the council to modify the scheme and consult on the findings and deliver a better outcome.
 - We don't believe that it should be delayed due to the HHSRS (health and housing rating system) review, as property that is not meeting the current legal standard the council should have taken action and should not wait for the introduction of selective licensing.
 - The introduction of selective licensing is not a solution in itself – the support for landlords and to tackle issues in the consultation do not appear in the consultation document. This lack of supporting documentation shows the council is unprepared to introduce selective licensing.
 - The consultation does not take into account the *Hemmings v Westminster Council* or the *Brown v Hyndburn* court cases.
 - Landlords have very limited authority when dealing with matters related to antisocial behaviour, especially if it happens outside the curtilage of the property. Equally they have little powers post the tenancy beginning on the fabric of the building if the tenant does not allow access.
 - The scheme will lead to a further displacement of problem landlords and tenants in Slough; this can be seen from previous schemes around the country. Those that are criminal will move to areas where the local authority is not focussing. The scheme should be above what the council is currently doing.
 - We would look to see an annual summary of outcomes, e.g. improvements of behaviour and fabric of buildings.

- The council has failed to say how it will prevent malicious claims of antisocial behaviour being made, which could result in tenants losing their tenancies. Can this be provided?
 - One of the growing challenges in the private rented sector is sub-letting/rent to rent. This can result in landlords being victims of crimes.
 - The council has not published its strategy for dealing with chaotic and antisocial tenants. This should run in conjunction with the current proposal.
 - The two proposals – to cover the majority of private rented housing unless adequately resourced from the local authority will fail.
 - The council should also publish its targets and annually report against these to show how the scheme is progressing.
6. We contend that the consultation is paused while the review in selective licensing is completed and restarted when this report has concluded*?.

General feedback on proposals

7. We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of the private rented stock and driving out the criminals who act as landlords and blight the sector. These should be the shared objectives of all the parties involved, in order to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. This is not the case here. The approach of targeting all landlords will create animosity and an unwilling by many landlords to work with eth council. This is nota desirable outcome from either side.
8. The proposal does not take into account rent-to-rent or those who exploit people (both tenants and landlords). Criminals will always play the system. For instance, there is no provision for landlords who have legally rented out a property that has later been illegally sublet. We would suggest that the local authority allocates resources to tackle the problems that criminals may cause. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened?
9. Newham reorganised the entire council services to deliver their licensing scheme. A joined-up coordinated approach within the council and police will also be required. The council should look to provide a joined-up approach, this has not been developed. Additional costs in relation to adult social care along with children’s services and housing will undoubtedly be incurred if the council’s goal is to be achieved, this has not been shown in your working.
10. The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord can tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. But beyond that, how is the landlord to manage this matter without interfering with the tenant’s welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and usually are criminals, not true landlords. The council already has the powers necessary to deal with this problem. This should be shared across the local authority and neighbouring authorities, as the problem will not be a Slough issue alone.
11. Landlords are usually not experienced in the management of antisocial behaviour and do not have the professional capacity to resolve tenants’ mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. antisocial behaviour, creating poor property standards) and a landlord then ends the tenancy, the landlord will have dispatched their obligations under the selective licensing scheme, even if the tenant has any of the above issues. This just moves the problems around Slough if the tenant seeks rehousing elsewhere in the area, but does not actually help the tenant, who could even become lost in the system. There is no obligation within selective licensing for the

landlord to resolve an allegation of antisocial behaviour. Rather, a landlord has a tenancy agreement with a tenant and this is the only thing that the landlord can legally enforce.

12. While it is not the majority of cases, there is a minority of tenants looking to exit a property will deliberately damage a property seeking a social property or to not pay rent. This needs to be taken into account in any scheme.
13. Slough Council has many existing powers. Section 57(4) of the Housing Act 2004 implies that a local authority must not make a designation 'unless (a) they have considered whether there are any other courses of action available to them [...] that might provide an effective method [for Slough Council to deal] with the problem or problems in question'. The council already has powers that can be used to rectify the problems and, hence, the ability to tackle many of the issues that it wishes to overcome in all parts of Slough. These include:
 - criminal behaviour orders
 - crime prevention injunctions
 - interim management orders
 - empty dwelling management orders
 - improvement notices (for homes that do not meet the Decent Homes Standard)
 - litter abatement notices (section 92 of the Environmental Protection Act 1990)
 - fixed penalty notices or confiscation of equipment (sections 8 and 10 of the Noise Act 1996)
 - directions regarding the disposal of waste (e.g. section 46 of the Environmental Protection Act 1990)
 - notices to remove rubbish from land (sections 2–4 of the Prevention of Damage by Pests Act 1949).
14. At the commencement of a tenancy, the landlord outlines the tenant's obligations in relation to noise (and other matters, such as waste disposal, compliance with relevant laws and having consideration for neighbours). Throughout the period of a tenancy, the landlord can manage a tenant only to the extent of their mutually agreed contract for living in the rented property – not a tenant's activities in the street outside the property or in neighbouring streets. If a tenant does not allow access to the property, the landlord will also have problems managing the state of the property. We believe that a property should meet the legal minimum at the start of a tenancy. If the property does not, then the landlord should face the full force of the law. The same applies to household refuse and antisocial behaviour issues, these should be explained at the beginning of the tenancy.
15. Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. This includes putting waste out on the street for the council to collect. This is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy. One example is the Leeds Rental Standard, which works with landlords and landlord associations to resolve issues.
16. We would also urge Slough to look at the similar to that of Doncaster when they have introduced licensing. This has delivered better outcomes for landlords and tenants, as well as improving the fabric of the building stock and conditions for tenants. The scheme has pushed criminals out of the sector which has benefited the legal landlords who operate.
17. We would also like to see the council develop a strategy that includes action targeted towards specific issues across Slough, rather than just a specific area within a licensing scheme. As noted in the consultation, specific problems exist in all properties across the borough. This can be through improving energy efficiency, smoke alarms we would also support the approach in Leeds which we supported. We would highlight other schemes around the country that deliver an improved housing stock, while at the same time drive out the criminals.

Slough Borough Council
Landmark Place
High Street
Slough
SL1 1JL

Date
23/01/2019

To whom it may concern,

Additional & Selective Licensing Proposal

Thank you for the opportunity to respond to the above consultation.

We have read through your consultation documents, and though we appreciate the issues that the Council have mentioned and the effect they can have on tenants, landlords and the housing market in areas proposed, the RLA is opposed to the scheme and has many general objections to Licensing overall.

The council has failed in its documents to prove sufficiently that private rented sector houses are the main perpetrators of anti-social behaviour and crime. The council has very similar issues in predominantly council/social housing estates with their highly regulated housing management and property standards. Clearly not solely a landlord issue. It is more about concentrated need. To identify a particular area for the introduction of licensing highlights a belief that the area has numerous issues, potentially blighting the reputation of the area. There is also a danger that the issues that the scheme seeks to address are simply moved elsewhere, as difficult or vulnerable tenants are moved on.

Fees

The proposed fees for Selective & Additional licences, being £650 and £750 respectively, even with the discount of applying early, is an unnecessary financial burden to put on landlords. Good landlords will apply for licences and, likely, pass the cost on to tenants in the form of increased rents, doing nothing to address affordability, while the worst landlords – the criminal operators – will simply ignore the scheme, as they do many other regulations.

Impact of Welfare Reform on the PRS

According to research done by RLA PEARL, 61% of landlords that let to tenants on Universal Credit have experienced their UC tenants going into rent arrears in the past 12 months. This is over double from 27% of landlords in 2016, and a significant increase from the previous year where it was 38% of landlords. PEARL also found out that the amount owed by Universal Credit tenants in rent arrears has increased by 49% in comparison to the previous 12 months. This has increased from £1,600.88 in 2017 to £2,390.19. Rent arrears for Universal Credit tenants are likely to be driving homelessness, with 28% of landlords

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regaining possession of their property from a UC tenant and the primary reason being rent arrears (77% of landlords).

The significant increase in rent arrears for both 'UC' tenants and 'legacy' Housing Benefit tenants also points to much wider issues than just the implementation of Universal Credit. The findings suggest that the freeze to LHA rates since 2016 and that LHA rates had not increased with market rents between 2010 and 2021 is likely to be driving the increase in rent arrears for tenants that claim benefits. More and more landlords are planning to sell properties in the next 12 months. This now stands at 22% and is up three percentage points since 2016. While the proportion of landlords looking to buy properties has continued to decline, and more landlords are planning to sell than buy. This indicates chronic undersupply of privately rented homes in the future.

Raising Standards

There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licences, while prosecutions centre on whether a property is licensed or not, rather than improving management standards and property conditions. Additionally, the decent homes standard is a measure of the standard of housing and has no legal applicability to PRS housing. The Housing Health and Safety Rating System (HHSRS) is the relevant standard for the PRS.

The Council already has the necessary tools to tackle poor housing management and conditions in the PRS. Rather than introduce a bureaucratic licensing scheme that will see scarce resources wasted processing applications, it should continue to direct these limited resources at identifying private rented properties and taking effective enforcement action, where necessary.

Pressure on non-selective licence 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 could mean 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 140 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, rather than rely on Licensing Schemes to regulate landlords in addition to these powers. The Council has also not taken into consideration the amount of informal enforcement activity undertaken between local authorities and private landlords.



Additionally, Slough 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 will also introduce a lead enforcement authority to provide guidance and support to local authorities regarding the enforcement of letting agent requirements, which comes into force later on this year.

Government review on Selective Licensing

On 20th June, the government formally announced that they will be carrying out a review of Selective Licensing to assess its use and effectiveness by a independent commissioner to gather evidence on the effectiveness of the scheme. The results of this review will be published in the Spring. Taking this into consideration, the council should await the outcome of this review.

PEARL Research on Local Authority Enforcement

Our Research Lab PEARL recently published a report on the level of enforcement at local authority level and analysis found that when it comes to complaints and enforcement, data shows that there was no significant difference in the before or after the introduction of the scheme. The criteria for Enforcement include: Improvement Notices served, prosecutions of private landlords commenced, HHSRS Inspections, complaints received, Hazard Awareness Notices served, and Emergency Remedial Action order served. The findings indicate that Selective Licensing schemes do not support local authorities to improve standards or increase enforcement activities against criminal landlords. Rather, we argue that these schemes are to the detriment of good landlords and tenants, and local authorities need to engage in targeted enforcement against the criminals that provide unsafe housing. <https://research.rla.org.uk/wp-content/uploads/post-code-lottery-enforcement-prs.pdf>

Conclusion

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. More information can be supplied if required. 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.

Ti provides local authorities with a new tool to help differentiate between properties which are privately rented, HMO and those that are owner occupied or socially rented. Ti can also be used to pinpoint properties that are likely to have serious hazards. The technology can be used to assist with policy makers and managers to understand the 'make up' and changes in housing stock across a borough and how it relates to other policy areas, such as anti-social behaviour, and provides a vital insight into landlord behaviour and helps prevents crime and fraud, such as council tax evasion. It is developed in partnership with council

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teams to ensure the maximum benefits of J1 are delivered, and to ensure compliance with GDPR, no sensitive data is taken away and all analysis can be completed within the council's digital environment.

Such a scheme can be used as an alternative for Selective & Additional Licensing for Slough Council, as it could be used as more of an effective tool to identify and target properties in bad conditions and act against criminal landlords.

Further information can be found at this link: <https://metastreet.co.uk/blog/tenure-intelligence-to-predict-tenure-and-housing-issues.html>

Should licensing be approved by the council, the option of co-regulation with the RLA could be considered. Liverpool City Council introduced city wide licensing in 2015; as part of this the RLA were allowed to introduce a co-regulation scheme for landlords in the city. Co-regulation involves a full written code of conduct, which details the procedures and processes in place to deal with contractual and other matters as part of the overall scheme. The benefits of co-regulation for a local authority is targeted enforcement making the best use of more limited resources, reduced workload due to reduced number of complaints being managed by the authorities, easier identification of bad/criminal landlords, control over the scheme requirements to suit local needs and stronger links with the landlord community.

Yours faithfully,

Samantha Watkin
Policy Officer
Samantha.Watkin@rla.org.uk

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Collation & Summary of Consultation Responses and SBC Response

The responses to the consultation involving landlord and residents' workshops, comments provided on the online questionnaire and collated in SBCs consultation report February 2019. In addition, this document captures key comments received from landlord and letting group correspondence, as well as letters from other key stakeholders have been included.

Ref Key:	Consultation Representation	Respondent	Consideration	Response
	General proposal			
	Licensing should be introduced immediately; greater laws should regulate landlords	On-line questionnaire	Considered	The consultation only sought the views for selective licensing in 2 wards and a Borough wide additional scheme. If more of the Borough is to be covered further consultation will be required
	More affordable housing is needed to be provided by the Council	On-line questionnaire	Noted	This is outside of the scope of this consultation but the comments will be made available to decision makers
	The scheme is discriminating between wards. There are a greater number of ethnic minority landlords in Chalvey and Central. These wards have been targeted by the Council as they are after certain landlords of ethnic minority	On-line questionnaire	Rejected	A draft equalities impact assessment has been made for this proposal. It will be updated if the proposal goes forward. Any scheme will be applied across the board and will not focus on any particular owner ethnicity of small businesses (as landlords operate as businesses). Targeted enforcement is determined through use of data characteristics and patterns not on individuals

Concerned about licensing as well as Tenant Fee Ban, increase tax burden. This may force landlords to leave professional managing agents and manage the properties themselves driving down standards	On-line questionnaire	Considered and partially agreed	There have been a number of recent changes in legislation reducing tax breaks etc. On the whole however rents have been steadily increasing and the amount of fee proposed is not a significant burden. As the fee levels proposed have been challenged in the consultation, the Council has reviewed the fees again and is proposing to reduce the Part A fee for selective licensing
Why would rogue landlords comply with licensing? This just brings additional cost to decent landlords	On-line questionnaire	Considered	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	Agree	There is a requirement to regularly report on the schemes' outputs and achievements
Need to learn from other schemes in different areas	On-line questionnaire NLA	Agree	Council officer are aware of best practice in London and nationally and will employ these practices locally
Landlords who have spent convictions should not be able to get an HMO licence	On-line questionnaire	Considered	The legislation specifies how to assess if someone is a fit and proper person to hold a licence
By identifying a particular area could blight the reputation of that area	RLA	Considered and rejected	There is a consensus locally that the areas identified in the consultation have serious issues in relation to ASB specifically rubbish and poor housing
Support for landlords and to tackle issues in the consultation document do not appear	NLA	Considered	The council will look at what support for landlords can be put in place if the scheme goes ahead. Options being considered are; Helping landlords with tenant causing ASB Through a regular Landlords forum provide training, update and support

				Assist them to ensure they meet their legal obligations
	Consultation does not take into account Hemmings vs Westminster or Brown v Hyndburn	NLA	Rejected	The fee proposals are in line with the case law quoted
	Landlords have very limited authority to deal with ASB	NLA	Rejected	Some of the ASB relates to how a property is managed, specifically rubbish generated at the end of tenancies. Rubbish being improperly disposed of can also be limited through the provision of information to tenants. Visits and a quality response to complaints can also deal with ASB issues. Some landlord respondents shared some examples of best practice
	A scheme will lead to the displacement of problem landlords and tenants	NLA	Rejected	This can be rejected at 2 levels. If the argument of displacement is accepted then there is good reason for Slough to have something in place to mitigate the displacement from licensing schemes in London which may have displaced problem landlords and tenants. With greater penalties such as FPNs now more widely used it is expected that the worst landlords will be banned. As half of the offences that an FPN can be used for are contraventions of licensing. The more these powers are available the more effective banning orders will be
	Would want to see an annual summary of outcomes	NLA	Agreed	If the scheme is introduced a reporting of key performance indicators will be agreed
	Council fails to say how it will prevent malicious claims of ASB being made	NLA	Considered and rejected	Officers are well trained in dealing with nuisance complaints and the gathering of evidence so will be able to determine between malicious or bona fide complaints
	The council has not published its strategy for dealing with chaotic and anti-social tenants	NLA		Slough Borough Council is a key partner of the Safer Slough Partnership (SSP) which provides strategic oversight across the core agencies responsible for reducing crime, disorder and anti-

				social behaviour in Slough. One of SSP's key priorities relates to complex and chaotic lifestyles. Further information on the SSP's strategy can be found at http://www.slough.gov.uk/council/strategies-plans-and-policies/safer-slough-partnership.aspx
	Consultation should pause while the review of selective licensing is completed	NLA RLA	Rejected	The Council see no reason to pause the consultation
	No details on approach, is it joined up and with the Police	Landlord written submission	Considered	If the schemes approved, we will develop a detailed process map for delivering the schemes and how we will continue our work with partner agencies to be efficient and effective
	Council should improve its own housing first and deal with ASB in council housing	Landlord written submission		SBC has a comprehensive repairs and maintenance contract with Osborne Property Services that deals with reactive repair and maintenance work as well as programmed improvements. SBC employs a number of staff, including Housing Officers, Enforcement Officers and Environmental Health Officers to deal with complaints about ASB. Staff work closely with the Police and other agencies to tackle offenders using a range of legislation, with eviction being the ultimate sanction
	Why are new modern purpose-built flats included?	Landlord written submission Landlord workshops	Considered and rejected	The council has reviewed this proposal and although you would not expect the standard of the accommodation to be poor in new build properties there still may be management issues (e.g. overcrowding and not enough amenities for the number of occupants). However, an option of reducing the licence fee for these properties was considered but rejected as it would not be equal across the 2 wards. A reduction of fee is proposed across the board

	<p>The council does not have the resources to even manage the current situation.</p> <p>Does the Council have the manpower to follow up on cases</p>	Landlord written submission	Rejected	If implemented the Council will reorganise its delivery of service to focus resources on the worst properties, use technology to deliver services efficiently. In addition, all licence fees are ring-fenced to the scheme. Any financial penalty notice receipts are also ring-fenced to be spent on housing enforcement
	<p>Comments on accommodation standards:</p> <p>Amend wording on heating</p> <p>Amend wording on washing and toilet facilities</p> <p>Kitchen sizes unrealistic</p> <p>Remove dining requirement</p> <p>Fire alarms – include wireless</p> <p>Remove some of the precaution specification for 3 storeys</p> <p>Natural lighting – delete</p> <p>Asking for more than 6.5 m2</p>	Landlord written submission	Considered and agreed	<p>As a result of this specific useful feedback our accommodation standards have been reviewed and amended.</p> <p>This was done through a face to face meetings as well as correspondence where we reviewed all the points raised. The final document clearly demonstrate the changes made as a result of the consultation</p>
	Do not accept link between ASB and PRS	Landlords workshop	Rejected	The evidence presented shows a clear link between ASB and the private rented sector
	Widespread agreement that the residential environment in Slough needs improvement	Resident and landlord workshop	Noted	The comments are noted
	Support from residents and some landlords if the funds raised were guaranteed to be used to act on rubbish and ASB in the area	Resident and landlord workshop	Noted	By enforcing licensing conditions these issues can be addressed. Experience in other Councils where this has been used e.g. Newham also makes ASB enforcement (part of the multi-agency response) more effective as responsible persons can be informed of problems early to enable them to be dealt with

	Want to know how rogue landlords will be targeted provide examples	Workshop	Responded	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. This has been used to great effect in some London Boroughs
	Will increase homelessness	Workshop	Rejected	In areas where licensing has been operating for a number of years there is no evidence that licensing increases homelessness
	Alternatives to licensing			
	Better control of HMOs through planning. Converting to HMOs should be refused as remove family accommodation from central housing stock	On-line questionnaire	Agree	We are in discussion with Planning Colleagues to consider developing an appropriate policy under Article 4
	Standards should be based on the age of the House. EPC rating should be higher	On-line questionnaire	Partially agree	Age of the property does impact on standards, especially energy efficiency however often it is about how well maintained a property has been over its life as well
	Exempt those properties from licensing that are managed by estate agents/managing agents. Problems occur more often when landlords manage properties themselves	On-line questionnaire	Reject	This is not an exemption afforded by the legislation
	SBC are part of the problem in creating ASB and parking pressure through your policy on building high rise flats in central ward	On-line questionnaire	Noted	We agree that as most areas in South East (in particular), there are competing priorities, however supply of affordable and decent homes is an acute problem and possibly at crisis point. Therefore Local Authorities are faced with some hard choices. We will forward the comment to our Planning policy team to consider as part of ongoing review of Slough's Local Plan

	More Council house builds for local residents	On-line questionnaire	Noted	Outside the scope of this consultation but comments passed on to decision makers
	Better tenants' rights literature, including employment rights and minimum wage	On-line questionnaire	Agreed	The council will review information and signposting for tenants
	Better education for tenants on what is acceptable tenant behaviour/responsibilities when renting a property (cleanliness/hygiene)	Landlord written submission	Agreed	The council will review information and signposting including tenants' responsibilities and what is expected regarding tenant like behaviour
	Remove homeless people from the area	Landlord written submission	Noted	<p>There is no offence committed by being homeless; therefore there is no power to remove them. However, we acknowledge there are issues in Slough which we working to find an appropriate and sustainable solution. We now have a dedicated team who proactively working to engage with rough sleepers / homeless people to find an appropriate and sustainable solution. They visit every individual wherever they may, provide them with comprehensive advice and sign post them to service that may be able to help them.</p> <p>Members of public can contact the Council's Homeless project team to report the particular area of concerns so that the team can visit them at a right time to begin the engagements</p>
	Stop increasing over-development and over population in Slough	Landlord written submission	Noted	Comments passed onto regeneration and planning
	Removing unofficial campsites	Landlord written submission	Noted	The Council is working with the Churches where a few tents have been erected. Tents from one of the Church yards have already been removed and work is under way with the local persist to remove tents for the Church in Bath Rd

	Provide financial incentives enabling landlords to sell in Slough and move away	Landlord written submission	Considered	The council has purchased some properties for its Housing Company through open market. We suggest if you wish to sell your property to contact the local agent and once in the market you can contact the Council if they are interested to establish if the council would consider buying them. Considering these transactions are paid from the public funds, there is a clear process in place to safeguard public funds and incentivising Landlords to sell their properties cannot be considered to be in the public interest
	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	On-line questionnaire NLA Landlord workshop	Rejected	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
	Aren't most of those proposals already a legal requirement	On-line questionnaire	Considered	Yes they are e.g. smoke detectors, gas safety certificates etc. some of these are required to be in place by the licensing legislation. 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 or even tenants being responsible for different elements or civil remedies. Licensing brings these all under one umbrella and requires the documents to be produced and therefore ensuring all these are in place
	Address the ASB problem through other means, not related to rental properties but people. Extra policing to deal with this	On-line questionnaire	Rejected	Significant resources are already provided for this. Licensing is just one part of our strategy for addressing ASB

	Should concentrate of checking taxes with HMRC not licensing	On-line questionnaire	Considered	There is evidence to suggest that some landlords do not declare their rental income to HMRC. Licensing assists in this collection process as it clearly identifies those in receipt of rent
	The council should offer financial support/grants to landlords	On-line questionnaire	Rejected	<p>The size of the private rented sector in Slough means it is not currently financially viable to offer grants to private landlords. However, the Council has recommended a discounted fee structure for early applications and if the scheme is agreed would continue to advise landlords as much as is practicable on how to comply with their legal obligations.</p> <p>The Council would welcome suggestions on what other non-financial support we could provide to landlords</p>
	The council need to protect landlords from non-paying tenants	On-line questionnaire Landlord workshop	Rejected	<p>This is a business risk for landlords and cannot be a Council responsibility. Tenants are always advised if contacting the Council that they MUST continue to pay the rent in all circumstances.</p> <p>If more practical examples can be provided the Council can consider where it may assist</p>
	The council should carry out random inspections to make sure landlords are complying	On-line questionnaire	Accepted	If a scheme is agreed the Council will carry out random inspections on licensed properties as well as those identified as unlicensed.
	Impact on welfare reforms on the PRS, driving up rent arrears and LHA needs to rise from its current cap	RLA	Noted	The LHA is set centrally
	“The Residential Landlords Association supports a system of self-regulation, whereby compliant landlords join a co-regulation scheme to deal with issues in the first	RLA letter	Rejected	<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>

	instance, while those outside the scheme remain under the scope of local authority enforcement. It also supports the use of council tax registration process to identify landlords, making it harder for criminals to operate under the radar”			
	RLA suggest the use of new technology to identify properties in poor conditions e.g. Ti	RLA	Rejected	The new technology and Data Analysis (Ti) has been used by Slough council to identify at the property level properties that are privately rented and in poor condition. The technology will enable the council to focus resources on the worst landlords. The greatest benefits for this approach and use of IT is to identify unlicensed properties in designated area which often indicate management and other issues. Considering the incremental increase in rented accommodation supplementing Part 2 and Part 3 with Part 1 of the Act will give the Council chance to improve the sector
	RLA is not supportive of licensing schemes because most schemes do not support local authorities to improve standards or increase enforcement activities.	RLA	Rejected	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 intelligence led enforcement to ensure that all landlords are licensed and are complying with licence conditions
	In addition, the proposal does not take into account subletting: there is no provision for landlords who have legally rented out a	Landlord focus group	Rejected	The Council recognises that this is a growing problem and intend to prosecute the head tenant where there is evidence to do so. We have alerted landlords to this problem; regular inspections

	property that is then illegally sublet.	NLA		and taking up references of tenants will help to counter this. As well as using reputable letting agents
	Area to be covered			
	The selective licensing scheme should be everywhere not just Chalvey and Central	On-line questionnaire	Noted and rejected at this time	The council have only consulted on 2 wards, however there may be an opportunity to extend the licensing scheme in the future if evidence criteria are being met
	Selective scheme should also cover Elliman and Farnham	On-line questionnaire	Noted and rejected at this time	See above
	Why is the Town centre included when there are a large number of new build luxury apartments	Resident and landlord individual response	Rejected	The Central ward was selected based on combination of evidence in relation to ASB and Housing Conditions. In relation to the new builds, given that a high proportion of them are investment properties and in rented sector, there are management issues which can lead to ASB, fly tipping etc.
	Why not Farnham and Baylis	Written response	Noted and rejected at this time	The council have only consulted on 2 wards, however there may be an opportunity to extend the licensing scheme in the future if evidence criteria are being met
	Should be Slough wide or include an outer ward such as Cippenham Green	Workshop	Noted and rejected at this time	See above
	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
	Fee a fair price or as business people landlords should pay licence fees just as other businesses do	Workshop	Noted	

	Review of licensing fee structure to demonstrate clearly how good landlords might pay less	Workshop	Accepted	If the proposal is agreed this will be set out clearly
	Why is there such a large discrepancies in fees between council schemes e.g. Waltham Forest £250	On-line questionnaire	Rejected	The fees have been set to reflect the cost of the scheme, a secondary check/challenge has also been made to make sure the costs are not excessive as compared against other licensing schemes
	Part A fee is too high should be at least £100 lower for both schemes. If the process is done on-line then this should be fixed for £200 for both schemes	On-line questionnaire	Noted and rejected	The council will be bringing in efficiencies to its business processes, but this has already been factored into the fee calculations
	Discounted fee structure proposed is welcomed	On-line questionnaire workshops	Accepted	It is recommended that there will be some form of discount to applications made on time
	Can the licence cost be spread over a 12 month standing order?	On-line questionnaire	Considered and rejected	It would not be practical to spread the cost of the Licensing Fee over 12 months as payment of the fee is a precondition of processing and issuing the licence. If the landlords' commitment to pay by standing order was not fulfilled it may cast doubt on the determination of the landlord as 'fit and proper'. The Licences already issued may then need to be revoked and the council would incur significant costs in administering this process which it would not be able to recover
	The cost of the licensing scheme will be put on the tenants and I shall be working with numerous landlords to make sure this happens	On-line questionnaire	Rejected	There is no evidence that licensing increases rents as most rents are set at what tenants can pay
	Discounts should be offered to ARLA registered agents	Landlord workshop	Considered and rejected	Considering the legal position after the recent case and the fact following the consultation, we reduced the fees to the lowest

				possible amount, we believe the final fee structure will be very reasonable and possibly lowest in the Country
There were concerns that landlords would leave the market pushing up rents	On-line questionnaire RLA Landlord workshop	Rejected		There is no evidence to suggest that licensing schemes reduce the supply of rental accommodation. Where schemes have been in place in other areas of the South East the number of properties in the private rental sector has increased
Several landlords thought that licensing is simply a 'money-making scheme' for the Council.	On-line questionnaire Landlord workshop	Rejected		The Council cannot make a profit out of licensing
Fee should be tapered so you pay less per property if you have more properties	On-line questionnaire	Rejected		To administer this type of scheme would add to the processing cost for all
Unnecessary financial burden on good landlords	RLA	Rejected		The level of fee proposed is small and could not be considered a financial burden.
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.
Why aren't the council already checking rentals have gas safety certs and smoke	On line questionnaire	Considered		The council will check these are in place when it is made aware a property is being rented. However other statutory bodies are

	alarms, should also be a tick box on Housing benefit form			responsible for enforcing against landlords if they refuse to comply. Licensing allows the council to enforce this condition. The idea of the tick box has been passed onto the Housing Benefit team
	Several respondents suggested that the proposed fees are too high	Individual submission On –line questionnaire Landlord workshops	Partially agree	We have reviewed the proposed fees across London and nationally. As a result of the consultation the fee level was reviewed again against costs. In consideration with the cabinet and members the fee for an early application for a selective licence has been reduced
	‘Early bird’ discounts were typically welcomed to reward those who are compliant	Individual submission On –line Questionnaire Landlord workshops	Agree	The Council is proposing a discounted fee for those making applications early
	Respondents sought reassurances that licensing fees would not be a ‘money-making exercise’ for the council, or used to cross-subsidise other aspects of the council	Individual submission On –line questionnaire Landlord focus groups	Agree	The licensing fees are ring fenced for the administration of licensing only
	There should be a ‘sliding scale’ of fees to reduce the burden on those with many		Rejected	The licence fee level is the cost of processing the application including validation inspections where necessary. To introduce

	properties			different rates for large portfolio landlords would be unfair on other landlords
	Conditions			
	Conditions should be in line with mandatory/regulatory standards and not place additional requirements on landlords	Landlord workshop	Partially accepted	Accommodation standards have been reviewed as a result of the feedback received from this consultation
	Discrepancy between additional and selective conditions	On-line questionnaire	Rejected	One of the reasons why there is a discrepancy is due to the stipulations in the legislation. E.g. in a selective scheme references are required whereas no mention of references being required for HMO tenancies. There is a requirement to visit HMOs more often because of the higher maintenance required for these types of properties with shared communal amenities
	What will the council do if the tenant decides to cover the fire alarm with silver foil so they can smoke	On-line questionnaire	Noted	This can be an issue; however this can be countered by regular inspections, and/or more regular inspections if a particular property is at risk. Records of visits and/or correspondence with a tenant in this regard will safe-guard the landlord
	Would be good to have a way of alerting the Council of concerns about a property	On-line questionnaire	Accepted	The council will explore ways to make this easier
	Have had first-hand experience of a property let to 2 persons being sublet to 8. I could not prove this as they said they were just visiting, this is because of how the council applies council tax	Landlord written submission	Rejected	It is not accepted that Council tax influences this

	Overcrowding issues added to by the council giving large families hope they will be rehoused because of being overcrowded in private rented accommodation	Landlord written submission	Rejected	This is incorrect. Any tenant found to be in breach of their contractual obligation may be considered intentionally homeless. Needless to say, the Council has to comply with the rules and regulations and is subject to reviews, and legal scrutiny. There is much misconception about Council's intervention/ powers or taking sides. The Council must simply apply the law and discharge its statutory housing
	Should give council tax holiday for landlords between lets so that they can carry necessary maintenance work	Landlord written submission	Noted	This comment has been passed to decision makers to review
	Councils should provide access to municipal waste collection points. Would be willing to work with the Council to help develop waste strategies for landlords in the Borough	NLA	Under consideration	We are looking at various options in this regard. However, if the proposals are approved, we will develop a detailed plan and consider all available options. After the scheme is approved we will be working with our colleagues in Waste Service to discuss and review what might be possible.
	The council has recently restricted the number of times people can visit the tip and will not collect additional rubbish if provided in non-council bins. Also type of bins for recycling encourage fly tipping	Landlord written submission	Under consideration	It is Council Policy not to collect waste which is not contained within a Council bin. This Policy is in line with Waste legislation and is designed to discourage fly-tipping and to ensure householders manage their waste in a manner that is not harmful to the environment. As Council Tax rates are set according to the property band and do not differ between HMOs and single occupancy properties, HMOs receive the same waste collection service as single occupancy properties. If this service is insufficient, it is the responsibility of the Landlord to ensure that alternative arrangements are made for waste to be stored and disposed of correctly.

Fees proposed at Consultation

	Part A	Part B	Total
Selective licence (Houses with one family or two people who aren't related)	£350	£300	£650
Additional licence (HMO)	£450	£300	£750
Mandatory licence	£650	£300	£950

Revised fees re-structure

	Part A	Part B	Total	
Selective licence (Houses with one family or two people who aren't related)	£175 / £200 (TBC)	£300	£475 / £500 (TBC)	
HMO Licensing Fee (additional and mandatory)	£450	£300	£750	For houses that have over 6 rooms: additional charge of £30 per room

Licensing conditions

Additional and mandatory HMOs

1. Permitted occupation

1.1 A new resident must not be permitted to occupy the house or any part of the house if that occupation:

- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
- exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence.

2. Tenancy management

2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the council for inspection within 7 days of demand.

2.2 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 at the time the deposit is taken. This information must be provided to the council within 28 days of demand.

2.3 The licence holder whilst fully meeting his/her obligations; shall also develop and 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 of demand:

- 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.

2.4 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below.

- a) The licence holder must not ignore or fail to take action within a reasonable timescale, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.
- b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.
- c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.
- d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.
- e) The licence holder shall, from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour.
- f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises concerned with a warning letter about the consequences should the anti-social behaviour continue.
- g) 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.
- h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti-social behaviour.
- i) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the council, police or any other agency.
- j) The license holder is expected to co-operate fully and assist any agency that becomes involved in dealing with any matter relating to ASB.

Any correspondence, letters and records referred to in condition 2.4 above must be provided to the council within 28 days of demand.

3. Property management

- 3.1 The licence holder shall ensure all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the council within 28 days of demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives.
- 3.2 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 of demand. (Note: The licence holder must ensure the electrical installation condition report (EICR) is supplied by a competent person, who is appropriately qualified to issue this report.
- 3.3 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the council within 28 days of demand.
- 3.5 The licence holder must take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity to include the carrying out of a fire risk assessment for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005.
- 3.6 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms, in accordance with the LACORS housing fire safety guidance. A copy of the LACORS housing fire safety guidance can be accessed online and downloaded free of charge at:
http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

Please note: Below are some generic conditions. However, for your specific property you must cross reference with SBC's HMO standards in licensable properties which sets out conditions in far more detail and may be more relevant for your property.

- a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (A bathroom or lavatory is to be treated as a room used as living accommodation).
- b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.
- c) The licence holder shall submit to the council, of demand, a declaration by him as to the condition and positioning of any such smoke alarm.

- d) The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance ("room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation).
- e) The licence holder shall ensure any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.
- f) The licence holder must supply the authority, of demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.
- 3.7 The licence holder shall ensure that any fire-fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the council within 28 days of demand.
- 3.8 The licence holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the Council within 28 days of demand.
- 3.9. The license holder shall proactively inspect and identify any disrepairs or maintenance issues and address them as required.

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 of demand.

- Updated log of property inspections for management, repair and maintenance purposes, at least once every 3 months. This should include, date of inspection and actions taken or repairs carried out.
Schedule of routine maintenance and cleaning programme including works undertaken. Schedule of monthly fire testing reports including an evacuation plan.

4. Documents to be displayed

- 4.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy.
- 4.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days of demand.
- 4.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property. Alternatively, copies must be provided to all

tenants/occupiers at the start of their tenancy and provided to the council within 28 days of demand.

- 4.4 If there have been new tenancies issued after 1 October 2008 for the premises, the licence holder must obtain a valid Energy Performance Certificate (EPC). Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days of demand. Where individual rooms in a building are rented out and there are shared facilities (e.g. kitchen and/or bathroom), an EPC is not required.

5. Financial management

- 5.1 No person other than the licence holder or the agent named on the licence may collect and receive rental monies from the occupants of the property. The licence holder and/or agent may pass on the rental monies to any third parties as required.
- 5.2 Where rents are collected or received from occupants, the licence holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

6. General

- 6.1 The licence holder must advise the council's property licensing team in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions. For planning and building regulation queries please refer to the planning pages on the council's website.
- 6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 6.3 The licence holder shall, if required by written notice provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house: The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property and the number of individuals in each household. The particulars shall be provided to the Council within 28 days of demand.
- 6.4 The licence holder shall inform the council of any change in address, ownership or management of the house.
- 6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.
- 6.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

Failure to comply with any licence condition may result in the issue of legal proceedings with a maximum fine of up to £5,000 as well as a loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely, compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any HMO for more than six people will also require planning permission. Please contact the planning team to clarify what planning permissions are already in place for the property and advice on the process. Please note that unlawful HMOs may be subject to planning enforcement action. The council do have powers of enforcement against breaches of planning control and that, upon summary conviction, continued failure to meet the council's enforcement requirements could ultimately result in an unlimited fine.

For planning and building regulation queries, please refer to the planning pages on the council's website.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Selective licensing conditions

1. Permitted occupation

- 1.1 A new resident must not be permitted to occupy the house or any part of the house if that occupation:
- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
 - exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence.

2. Tenancy management

- 2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the council for inspection within 7 days of demand.
- 2.2 The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.

- 2.3 The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the council within 28 days of demand.
- 2.4 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 at the time the deposit is taken. This information must be provided to the council within 28 days of demand.
- 2.5 The licence holder whilst fully meeting his/her obligations; shall also develop and 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 of demand.

- Provision of emergency 24hr contact details (including out of hours response arrangements / procedures).
 - Formal arrangements for the disposal of rubbish and bulky waste.
- 2.6 The licence holder shall effectively address problems of anti-social behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below.
- (a) The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.
- (b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.
- (c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.
- (d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.
- (e) The licence holder shall from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour.
- (f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises and provide the tenant with a warning letter advising them of the possibility of legal proceedings if their behaviour continues.
- (g) 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.

- (h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal eviction proceedings to address the anti-social behaviour.
- (i) Where the licence holder is specifically invited they shall attend any case conferences or multi-agency meetings arranged by the council, police or any other agency.
- (j) The licence holder is expected to co-operate fully and assist any agency that becomes involved in dealing with any matter relating to ASB.

Any correspondence, letters and records referred to in condition 2.6 above must be provided to the council within 28 days of demand.

3. Property management

- 3.1 The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the council within 28 days of demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives.
- 3.2 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 of demand.
- 3.3 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the council within 28 days of demand.
- 3.5 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms.
 - (a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (A bathroom or lavatory is to be treated as a room used as living accommodation).
 - (b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.
 - (c) The licence holder shall submit to the council, of demand, a declaration by him as to the condition and positioning of any such smoke alarm.

- (d) The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance ("room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation).
- (e) The licence holder shall ensure each/any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.
- (f) The licence holder must supply the authority, of demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.
- 3.6 The licence holder shall ensure that any firefighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the council within 28 days of demand.
- 3.7 The licence holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the council within 28 days of demand.
- 3.8 The licence holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the council within 28 days of demand.

4. Documents to be displayed

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- 6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 6.3 The licence holder shall if required by written notice provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house:
 - the names and numbers of individuals/households accommodated specifying the rooms they occupy within the property
 - number of individuals in each household.

The particulars shall be provided to the council within 28 days of demand.

- 6.4 The licence holder shall inform the council of any change in address, ownership or management of the house.
- 6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.
- 6.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

For planning and building regulation queries, please refer to the planning pages on the council's website.

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The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely, compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

HOUSES IN MULTIPLE OCCUPATION

Standards in Licensable Properties

Slough Borough Council is considering introducing licensing for all Houses in Multiple Occupation (HMOs) in Slough over the next 5 years. These standards will therefore be taken into account when requiring works in any HMOs, including those under the current mandatory scheme and forthcoming additional licensing scheme.

These standards have been defined to reflect and where necessary improve on the Council's existing standards currently applied to the HMO stock. Specifically:

- Where there is a clear national standard, this will apply
- Where the national standard requires clarification, this has been provided
- Where no national standard exists, the Slough standard has been applied

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1 HEATING

- 1.1 Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.
- 1.2 All premises should have effective insulation and efficient heating.

- 1.3 All units of living accommodation shall have a heating appliance installed to satisfy the above which shall be of sufficient output so as to adequately heat the room to a temperature of at least 19°C, when the outside temperature is minus 1°C (-1°C).
- 1.4 Where a central heating system is provided to comply with heating requirements, thermostatic radiator valves are to be installed to allow the occupants some control over room temperatures.
- 1.5 The heating should allow for a minimum temperature of 19 degrees Celsius to be maintained as far as is practically achievable.
- 1.6 Heating may be by means of:-
- a) Central heating, OR
 - b) Solid fuel in the form of an authorised smokeless fuel or alternatively solid fuel burnt in an approved appliance. If solid fuel is used proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation, OR
 - c) Gas heaters connected to an approved flue and terminal outlet, OR
 - d) Oil heaters connected to an approved flue and terminal outlet, OR
 - e) Electricity. If electricity is to be used to heat a room, an electric point shall be provided for that exclusive purpose.
- 1.7 Individual heaters must be a fixed installation.
- 1.8 Except for central heating, wherever practicable heaters shall be fixed to an existing chimney breast or otherwise be positioned so as to direct heat towards the centre of the room.
- 1.9 Such heating provision must be capable of being used by the occupants at ALL times.
- 1.10 Due to increased fire risk, condensation and carbon monoxide problems associated with their use portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (Bottled Gas heaters) shall not be acceptable under any circumstances, whether provided by the landlord or the tenant.
- 1.11 All gas appliances should be properly fixed and ventilated; Gas Safe approved and should be certified as safe by a Gas Safe registered engineer on an annual basis. There should be no evidence of the production of carbon monoxide, nitrogen dioxide, sulphur dioxide or un-combusted fuel gas. Copies of their certificates should be provided.

2 WASHING AND TOILET FACILITIES

- 2.1 Where all or some of the units of living accommodation in an HMO do not contain toilet/washing facilities for the exclusive use of each individual household, facilities should be provided as follows:-

Number of occupiers	Facilities	Specifications
1-4	1 x bath/shower room with sink (wash hand basin – WHB) in same room 1 x toilet (water closet - WC)	Standard sized bath/shower and wash hand basin (WHB) with splashback WC can be in same room as bath/shower If WC is in separate compartment, it must have additional WHB with splashback. Both bath/shower and WHB to have constant supply of hot and cold running water
5	1 x bath/shower room with WHB in same room 1 x WC with WHB in separate room.	Standard sized bath/shower and WHB with splashback Both bath/shower and WHB to have constant supply of hot and cold running water
6-10	2 x bath/shower rooms with WHB in each 2 x WCs – one WC must be in separate compartment	Standard sized bath/shower and WHB with splashback WC can be in same room as bath/shower If WC is in separate compartment, it must have additional WHB with splashback. Both bath/shower and WHB to have constant supply of hot and cold running water

- 2.2 Each water closet should have a flushing apparatus and be connected through a suitable trap to a suitable and effective drainage system.
- 2.3 A wash hand basin must be provided in each room containing a water closet or in a room or space giving direct access to the room containing a water closet (provided it is not used for the preparation of food).

- 2.4 Any baths or showers are to be fitted with suitable impermeable splashback to prevent water ingress into floors and walls, e.g. correctly installed tiles with grout.
- 2.5 The splash back to a wash hand basin or bath shall be a minimum 300mm high and extend to at least level with the sides of the fitting and all joints shall be adequately sealed.
- 2.6 Baths and showers should be positioned to prevent falls, and where necessary non-slip surfaces should be provided.
- 2.7 Bathroom facilities should be in good working order and free from defects, and in general should be less than 30 years old.
- 2.8 Hot water may be provided by any of the following methods:-
- a) Piped from storage and boiler
 - b) Immersion heater
 - c) Fixed gas appliance, e.g. multipoint
 - d) Instantaneous heaters (only to wash hand basins and electric showers) shall have a minimum rating of 6KW.
- 2.9 All bathrooms in an HMO must be suitably and adequately heated and ventilated.
- 2.10 All bathrooms and toilets in an HMO must be of an adequate size and layout.
- 2.11 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

3 KITCHENS

- 3.1 The kitchen should be of satisfactory layout and have provision for hygienic storage, preparation and cooking of food, so minimising the risk of infection to occupants.
- 3.2 The occupants should not be exposed by reason of layout, size, design or other feature to risk from hot surfaces or risk from burns or scalds caused by contact with flames or hot liquids.
- 3.3 Kitchen units and appliances should be free from defects and in good working order. In general, kitchen facilities should be less than 20 years old.
- 3.4 Kitchens must be of an adequate size to accommodate the number of sharers:-

Number of sharers	Kitchen size
Up to 4	5 sq. m
5-6	7 sq. m
7-8	9 sq. m
9+	11 sq. m

Sq. m = square metres

3.5 Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food there must be a kitchen, suitably located in relation to the living accommodation, and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food.

3.6 Kitchens must be equipped with the following (as a minimum), which must be fit for purpose:-

Number of sharers	Facilities	Specifications
One (bedsit type accommodation with cooking facilities within room)	1 x cooker with 2 ring hob, oven and grill Sink/drainer Fixed worktop Food storage Refrigerator	Must be permanently and safely attached to a fixed worktop On base unit, with constant supply of hot and cold running water and properly connected to the drainage system 1000x600mm and made of a suitable impervious material One double wall cupboard, or one single base cupboard or equivalent Small fridge/freezer
Two (bedsit type accommodation with cooking facilities within room)	1 x cooker with 3 ring hob, oven and grill Sink/drainer Fixed worktop Food storage Refrigerator	Must be permanently and safely attached to a fixed worktop On base unit, with constant supply of hot and cold running water and properly connected to the drainage system 1000x600mm and made of a suitable impervious material Two double wall cupboards, or two single base cupboards or equivalent Worktop height fridge/freezer
Up to 6	1 x cooker with four ring hob, oven and grill 1 x sink/drainer set Fixed worktop	1000mm set on base unit, provided with a constant supply of hot and cold water, and properly connected to the drainage system 1000mmx600mm. Must be made of a suitable impervious material, with additional space for any extra

	<p>Food storage (per household)</p> <p>2 x refrigerators</p>	<p>appliances, e.g. microwave & dishwasher</p> <p>One double wall cupboard, or one single base cupboard (the base below any sink/drainers are not suitable for food storage)</p> <p>2 x worktop height refrigerators both with freezer compartments, OR 1 x worktop height refrigerator and 1 x worktop height freezer</p>
7-10	<p>2 x cookers each with four ring hob, oven and grill</p> <p>2 x full sink/drainers sets</p> <p>Fixed worktop</p> <p>Food storage (per household)</p> <p>4 x refrigerators</p>	<p>Both on base units, and both provided with a constant supply of hot and cold running water and properly connected to the drainage system</p> <p>2000mmx600mm. Must be made of a suitable impervious material, with additional space for any extra appliances, e.g. microwave & dishwasher</p> <p>One double wall cupboard, or one single base cupboard (the base below any sink/drainers are not suitable for food storage)</p> <p>4 x worktop height refrigerators with freezer compartments, OR 2 x worktop height refrigerators and 2 x worktop height freezers</p>

- 3.7 There must be appropriate refuse disposal facilities (see section 9).
- 3.8 There must be appropriate extractor fans, fire blankets and fire doors (see section 4 for fire precautions).
- 3.9 Waste pipes and taps should be defect free with no leaks or drips. Taps should be easy to operate.
- 3.10 A kitchen must not be the sole access to a room used for sleeping.
- 3.11 Kitchen facilities must not be installed in a hallway.

- 3.12 A humidistat controlled mechanical extractor must be provided where there is inadequate ventilation by means of a window. Newly converted kitchens must have a mechanical extractor regardless of whether there is an openable window.
- 3.13 Kitchen facilities within bedsits should be sited away from the entrance door, and cookers should not be sited below a window.
- 3.14 300mm splashbacks should be provided to all sinks/drainers, worktops and cookers (without integral splashbacks).
- 3.15 One full sized fridge/freezer must be provided for every three occupants.

4 FIRE PRECAUTIONARY FACILITIES

4.1 For all Houses in Multiple Occupation:-

- 4.11 A Notice stating "FIRE DOOR KEEP SHUT" shall be displayed on all fire doors except those to bedrooms.
- 4.12 A Fire Instructional Notice informing residents what to do in the event of fire shall be prominently displayed within the ground floor hallway or adjacent to each break glass call point.
- 4.13 The premises should be provided with an adequate means of fire safety and must ensure that any fire-fighting equipment and fire alarms are maintained in good working order.
- 4.14 One fire blanket to be provided at each set of cooking facilities and sited remote of the cooking appliance.
- 4.15 Thumb turn locks to be installed in all bedroom internal door handles, and all escape routes from building. This is to allow for ease of opening in case of emergency.
- 4.16 Carbon monoxide detector to be installed in any room within which gas boiler is situated.
- 4.17 Any escape routes are to be kept clear of obstructions.

4.2 Automatic Fire Detection

The required level of automatic fire detection will vary according to the property, e.g. the number of floors, amenity locations, type of occupiers and tenancy. For these reasons specific fire safety requirements cannot be provided in this document. It is recommended that any automatic fire detection systems are professionally planned and installed.

The LACORS Housing Fire Safety document is freely available online, and provides the guidance which Slough Borough Council use when advising on fire safety in properties.

In HMOs, the following requirements will be necessary as a **minimum**:

- 4.2.1 An interlinked automatic fire alarm system throughout the property. This may be either mains wired or battery powered, but must be installed in compliance with the current regulations and in accordance with LACORS guidelines.
- 4.2.2 A minimum of 30 minutes fire resistance to be provided through the means of escape at the property

4.3 Note:

Under The Regulatory Reform (Fire Safety) Order 2005, licensed houses in multiple occupation may require a Fire Risk Assessment covering the communal areas, e.g. communal hallways and shared kitchens. Within the Slough Borough this is regulated by the Royal Berkshire Fire and Rescue Service.

5 NATURAL LIGHTING

- 5.3 All habitable rooms should be provided with adequate natural lighting, an area of clear glazing in a window and/or door equivalent in total area to at least 1/10th of the floor area of that room. The window shall be so positioned that the light from the window is able to illuminate most of the room.
- 5.4 All glazing to windows and doors of bath/shower rooms and water closet compartments should be obscured. Where it is not practicable to provide natural light, adequate artificial lighting shall be provided.

6 ARTIFICIAL LIGHTING

- 6.1 All rooms, passageways, staircases and cellars in use shall be adequately lit and have suitable switching, including two way switching to stairs and passageways etc. as necessary.
- 6.2 The lighting should enable the normal activities of individuals and households to be carried out safely and conveniently, and to permit the normal passage of persons in occupation without increasing the risk of accident.
- 6.3 Time switches to common parts shall be of a type that is illuminated for ease of identification.

7 **VENTILATION**

- 7.1 As a general guide, the total size of ventilation openings in habitable rooms and naturally ventilated kitchens, bathrooms and water closet compartments should not be less than 1/20th of the floor area. Some part of the opening(s) should be at least 1.75m above floor level.
- 7.2 The openable parts of a window, a louvre, a progressively openable ventilator or an external door may all contribute to achieve the above requirement. However, an external side-hung door alone would not be acceptable as it provides inadequate control over the amounts of ventilation and prejudices security.
- 7.3 Fixed heat producing combustion appliances, e.g. cookers, boilers and gas fires, taking air from the interior of the building should have provision for suitable and sufficient permanent means of ventilation to ensure complete combustion of fuels and the full discharge of the combustion products.
- 7.4 Continuous or intermittent means of extract ventilation are required in kitchen, utility rooms, bathrooms and sanitary compartments. The levels of ventilation provided should comply with the table below:-

	Minimum intermittent extract	Continuous mechanical extract Minimum high rate
Kitchen	30 l/s (adjacent to hob) or 60 l/s elsewhere	13 l/s
Utility room	30 l/s	8 l/s
Bathroom	15 l/s	8 l/s
Sanitary accommodation	6 l/s	6 l/s

l/s = litres per second

- 7.5 Rooms within a habitable basement, the floor of which is more than 0.9m below the surface should be an unobstructed space immediately outside the window opening which extends at least the entire width of the window and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. The average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room.

8 **DRAINAGE**

- 8.1 The property should have an effective system, both above and below ground, for the draining of foul, waste and surface water, which is designed, installed and in a condition so as not to be prejudicial to the health and safety of the occupants or to the structural fabric of the building.
- 8.2 All new drainage shall comply with the Building Regulations currently in force.

9 **REFUSE, STORAGE AND DISPOSAL**

- 9.1 Refuse containers shall be provided in sufficient numbers for the needs of the house, and an acceptable means of disposal provided.
- 9.2 Containers should be located on a hard, impervious, free draining surface in a position with convenient access to the kitchen door. They should be in the open air away from window and ventilation openings and in shade or in a shelter.
- 9.3 The manager/landlord must ensure that residents are aware of the refuse storage arrangements. Residents must be instructed to take the containers to the appropriate location for collection by the waste collection service.

10 **ELECTRICITY SUPPLY**

- 10.1 Electrical socket outlets shall be provided to the various individual rooms or lettings as follows:-

Location	Number of sockets
Living rooms	4 x sockets
Bedrooms and studies	4 x sockets
Bedrooms within HMOs (without cooking facilities)	2 x sockets
Bedsits containing cooking facilities	3 x sockets in kitchen area (suitably sited to allow use of appliances) 2 x sockets elsewhere in room
Shared kitchens (up to 5 sharers)	1 x suitably sited socket per appliance 4 x sockets above worktop
Shared kitchens (6-10 sharers)	1 x suitably sited socket per appliance x sockets above worktop

- 10.2 All socket outlets shall be located in positions which permit their safe, convenient and proper use at all times, having regard to likely room layout. They shall not be positioned where they are vulnerable to damage, likely to be obstructed or where the resulting appliance cables are likely to pose a safety hazard.
- 10.3 Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.
- 10.4 Fixed electric space or water heating appliances shall be provided with a separate dedicated electric point.
- 10.5 All new electrics shall comply with Building Regulations requirements and shall be suitably certified.

11 **SPACE STANDARDS FOR ROOMS**

- 11.2 All rooms should have a minimum floor to ceiling height of at least 2.14m over at least 75% of the room area. Any floor area where the ceiling height is less than 1.52m shall be disregarded.
- 11.3 The following table should be used to calculate the permitted number of occupants per room:-

Maximum number of occupiers per room based on floor space in HMOs (with shared kitchen facilities in a separate room)	
4.64 sq. m	1 child (under 10 years of age)
6.51 sq. m	1 person (over 10 years of age)
10.22 sq. m	2 persons
Maximum number of occupiers per room based on floor space in HMOs with exclusive kitchen facilities within the room, and self contained studio bedsits/flats with kitchen facilities within the room	
13 sq. m to 17.99 sq. m	1 person (of any age)
18sq m or more	2 persons

Sq. m = Square metres

- 11.4 Lounges, communal space, hallways, corridors, landings, kitchens, W.C's or bathrooms cannot be used as sleeping accommodation
- 11.5 Persons of the opposite sex may sleep in the same room ONLY if they are under the age of 10 years OR they are married to each other or live together as husband and wife (or equivalent relationship).
- 11.6 Any room in a HMO with a floor area of less than 4.64m² must not be used as sleeping accommodation
- 11.7 Any rooms which are undersized for sleeping accommodation must cease to be used as such within a maximum of 18 months from the date of issue of the HMO licence (or as stated on licence). These conditions will be detailed on the licence and supporting documents.
- 11.8 No more than two persons may occupy any one room.

EQUALITY IMPACT ASSESSMENT

The Equality Act 2010 requires all public bodies, including local authorities, to show “due regard” to the impact their policies and procedures have on people from different groups. This includes gender, race, religion, age, disability, sexual orientation and gender identity. We also have a responsibility to foster good community relations. Although they are not a legal requirement, conducting a basic assessment will allow you to look at the possible implications of a policy or procedure, and take any mitigating action if appropriate.

Remember:

- Equality Impact Assessments (EIAs) should be carried out on **relevant** policies and procedures. Not all policies or procedures will require them. If you are unsure if one is required, please contact the Equality and Diversity Manager on 01753 875069 for advice.
- Assess any potential impacts, positive and negative, in a proportionate way and with relevance
- Make decisions that are justified, evidenced, relevant and identify any mitigating proposals
- Prioritise expenditure in an efficient and fair way
- Have a record showing that the potential impacts have been considered and that decisions are based on evidence

It is important the EIA is carried out at the earliest opportunity to ensure that you have the time to undertake any additional work that will inform your decisions, for example community engagement.

All relevant committee reports should include an equalities impact assessment. This will ensure that equalities considerations are available for members to consider as part of the formal decision-making process. If your EIA is part of a Cabinet Report, please forward it to Democratic Services, along with your other committee paperwork. It is usual to publish the EIA with the other public papers in advance of a committee meeting. Please also remember to complete the EIA section of the report checklist and the EIA summary section on the report itself.

If you have any questions or concerns, please contact the Equality and Diversity Manager on 01753 875069.

Equality Impact Assessment

Directorate: Regeneration	
Service: Strategic Housing Services	
Name of Officer/s completing assessment:	
Date of Assessment: February 2019	
Name of service/function or policy being assessed: Discretionary licensing of the private rented sector (PRS)	
1.	<p>What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?</p> <p>Generally the effect of property licensing is to formalise the lightly regulated private rented housing market by imposing the regulatory framework to ensure that the landlords/license holders meet their obligation. It should lead to better quality accommodation and greater community stability / cohesion for groups who are unable to access social housing or homeownership therefore it can assist with community cohesion and tackle exclusion. Better managed PRS properties also improves the quality of life of many other Slough residents not living in the PRS, as they are indirectly impacted by low level neighbourhood anti-social behaviour such as fly tipping and noise.</p> <p>These wards were identified due to the fact:</p> <ul style="list-style-type: none"> ○ It has high levels of PRS – around 50% PRS whereas national average is 19% ○ Has comparatively high levels of ASB ○ Poor housing conditions
2.	<p>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners.</p> <p>Slough Borough Council's Housing Regulation Team which is currently placed within the Resilience and Enforcement Team will be implementing the scheme in conjunction with the Fire Authority as required, should these be approved.</p>

3.	<p>Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc. Please consider all of the Protected Characteristics listed (more information is available in the background information). Bear in mind that people affected by the proposals may well have more than one protected characteristic.</p> <p>The impact will fall on 2 distinct groups:</p> <p>Tenants:</p> <p>The council does not have detailed demographic profiles of tenants; however, Slough has a significantly higher proportion of households in the private rented sector, compared to the national average. The following positive impacts will affect all groups as noted below:</p> <p>Age: The private rented sector is increasingly being used by households with children and these will be directly affected by property licensing. The main age group living in the PRS is 20 - 35 years but this is increasing as families spend longer in rented accommodation before accessing other tenures. The Licensing Scheme however will improve housing conditions therefore health, wellbeing and educational attainment as there is direct correlation between good housing and Social Mobility</p> <p>Disability: The representation of households with a disability in the PRS is no more than that for the total population but the effect of licensing will be positive for these households</p> <p>Gender Reassignment: There is no evidence that the representation of transgender households in the PRS is no more than that for the total population but the effect of licensing will be positive for these households</p> <p>Marriage and Civil Partnership: There is no evidence that this policy will impact on marriage and civil partnership. However for some of those couples their first home is often in the PRS and the effect of licensing will be positive for these households</p> <p>Pregnancy and maternity: There will probably be a number of expectant mothers living in the PRS and the effect of licensing for these households is positive</p> <p>Race: As the PRS is the only accessible housing tenure for new communities to the Borough, various ethnic groups will be disproportionately represented within the rental sector and licensing will have a positive effect for these households.</p> <p>Religion and Belief: As the PRS is often the only accessible housing tenure for new communities to the Borough, and the tenure provides housing for such a large population different faith groups will be well represented and licensing will have a positive effect for these households</p>

	<p>Sex: There is no indication that one gender is in particular represented across the PRS. Although more single males may be found in HMOs. Licensing will have a positive effect for these households</p> <p>Sexual orientation: There is no evidence that the representation of gay and/or bisexual households in the PRS is no more than that for the total population, but the effect of licensing will be positive for these households</p> <p>Landlords: The council does not hold demographic data on the equality characteristics of landlords in the borough, although it has been suggested from the consultation responses that there is a high proportion of landlords in Chalvey and Central may be from an Asian (especially Pakistani) background. Landlords can range from large commercial organisations to a landlord with 1 property. Licencing will give the experienced and inexperience landlord a clear brief of what is required for compliance and therefore will work to assist landlords in what is required to obtain a licence.</p>
4.	<p>What are any likely positive impacts for the group/s identified in (3) above? You may wish to refer to the Equalities Duties detailed in the background information.</p> <ul style="list-style-type: none"> • Reducing overcrowding of substandard living accommodation; every license issued shows the permitted number of occupants that can occupy the property; this is determined by the size of the rooms and amenities (e.g. bathrooms and kitchens). • anti-social behaviour (ASB) – by requiring landlords to take reasonable and practical steps to prevent or reduce ASB • inadequate standards of property management • Where appropriate a landlord may be required, by condition, to go on an accredited training course on how to become a responsible landlord. • A requirement for the landlord to take steps to provide adequate bins and refuse collections for properties to reduce waste in front gardens and fly tips from the properties. • A requirement for the landlord to respond to legitimate complaints from their tenants. <p>Landlords: Licensing will be positive to allow a 'level playing field' for businesses so no unfair competition with criminal landlords, better access to information and requirements as licences clearly set out landlord obligations.</p>

5.	<p>What are the likely negative impacts for the group/s identified in (3) above? If so then are any particular groups affected more than others and why?</p> <p>Landlords (of all equality characteristics) will be negatively impacted by the imposition of additional licensing fees; however, the licensing framework provides another enforcement tool and the management standards are something landlords should already be complying with.</p>
6.	<p>Have the impacts identified in (4) and (5) above been assessed using up to date and reliable evidence and data? Please state evidence sources and conclusions drawn (e.g. survey results, customer complaints, monitoring data etc.)</p> <p>Yes, available data has been reviewed in the Councils strategies and plans</p> <p>The ward profiles for Chalvey and Central can be seen by following the link below:</p> <p>http://www.slough.gov.uk/council/joint-strategic-needs-assessment/slough-ward-profiles.aspx</p>
7.	<p>Have you engaged or consulted with any identified groups or individuals if necessary and what were the results e.g. have the staff forums / unions / community groups been involved?</p> <p>Statutory consultation currently being carried out includes on line survey, focus groups for landlords and focus groups for residents</p>
8.	<p>Have you considered the impact the policy might have on local community relations?</p> <p>Yes, one of the benefits of licensing is to deal with low level ASB which will benefit local communities</p>
9.	<p>What plans do you have in place, or are developing, that will mitigate any likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact?</p> <p>Following consultation, proposed fees have been reconsidered and reduced to the absolutely minimum to cover the cost after managed to find further efficiency savings. There is also a financial incentive for landlords to register early and receive a significant discount . The scheme will be subject to monitoring of impacts on different groups.</p>

	<p>If the scheme is approved we will build and put in place a performance monitoring system which would include impact and outcome of the schemes. This could include</p> <ul style="list-style-type: none"> • Number of property Licensed • Number property improved as a result • Reduction or increase in residents' complaints • Report of ASB incidents • Landlords deciding to discontinue with renting their property • Any other relevant indicator that enable the Council to review and evaluate the impact of the schemes
10.	<p>What plans do you have in place to monitor the impact of the proposals once they have been implemented? (The full impact of the decision may only be known after the proposals have been implemented). Please see action plan below.</p> <p>As set out above, if the scheme is approved, we will be developing performance monitoring report as detailed item 9 and report it to the departmental quarterly management team performance monitoring meeting, followed by an annual report to members. This could be the Cabinet or the Scrutiny and Overview Committee. This we believe monitors the progress as well as reviewing its positive impact or negative unexpected consequence if any materialises.</p>

What course of action does this EIA suggest you take? More than one of the following may apply	✓
Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	✓
Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified? (Complete action plan).	
Outcome 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below). (Complete action plan).	
Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination. (Complete action plan).	

Action Plan and Timetable for Implementation

At this stage a timetabled Action Plan should be developed to address any concerns/issues related to equality in the existing or proposed policy/service or function. This plan will need to be integrated into the appropriate Service/Business Plan.

Action	Target Groups	Lead Responsibility	Outcomes/Success Criteria	Monitoring & Evaluation	Target Date	Progress to Date
Licensing will be beneficial as it will improve standards for all tenants	ALL		90% of properties licensed 100% properties audit checked	Annual report		

			during the life time of the Licensee Number of properties improved due to Licensing A reduction seen over time of ASB related to PRS properties due to Licensing			
Name: Amir Salarkia						
Signed: (Person completing the EIA)						
Name:						
Signed: (Policy Lead if not same as above)						
Date: December 2018						