

## 1. Background

---

In September 2013 Peterborough City Council, Strategic Housing Department launched its Consultation into the proposal to introduce a Selective Licensing Scheme in the Gladstone, Millfield, New England and Eastfield area of Peterborough.

The Council published its Consultation on Selective Licensing on 27 September 2013 which ran for 13 weeks and closed on 27 December 2013. The original close date was 6 December 2013 but after representation by the local community the closing date was extended by a further three weeks until 27 December 2013

The Council's initial consultation was by way of a Questionnaire posted by Royal Mail to 18,500 interested parties 10,933 of which are dwellings, 3446 are privately rented properties. The questionnaire was made available in English, Hindi, Urdu, Latvian, Lithuanian and Polish. Consultees included local residents, tenants, landlords and managing agents, representative bodies and other members of the community who live or operate a business or service in the proposed designated area. Local residents and businesses in the surrounding area who may also be affected were also consulted.

As part of the process and in addition to the Questionnaire the Housing Enforcement Team hosted a Consultation Programme involving a series of events to encourage interested parties to give their views on the proposal.

The Council received approximately 1900 completed or partially completed responses, not including petition signatures, almost all of which responded to question 9 asking whether they would want Selective Licensing in their area. The response rate was 10.3% (5% is considered an acceptable level). The final results indicated that 32% of respondents agreed that the introduction of a selective licensing scheme would help reduce anti-social behaviour, 37% agreed that Selective Licensing can have a positive impact on private rented housing in the area and 36% of respondents felt the Council should intervene in areas suffering from low demand.

The Council received 523 partially completed questionnaires where the respondent had completed only question 9. This is 27% of the responses received. Of the 523 partially completed questionnaires respondents recorded their tenure as follows; 111 were from tenants, 2 from housing association tenants, 158 from owner occupiers, 5 stated they were landlords, 133 didn't answer the question and 64 stated other. Upon further investigation of the 158 who stated they were owner occupiers 3 did not give their address and 81 owned or had interest in another property within the city showing that they were landlords as well.

The Council also received 164 anonymous responses. This is 8.6% of the responses received.

The council received 2 petitions.

This document is a summary of what respondents to the Consultation have said on the proposals. The Housing Enforcement Team would like to thank all those people who took the time to contribute to the Consultation.

## 2. Consultation Strategy

---

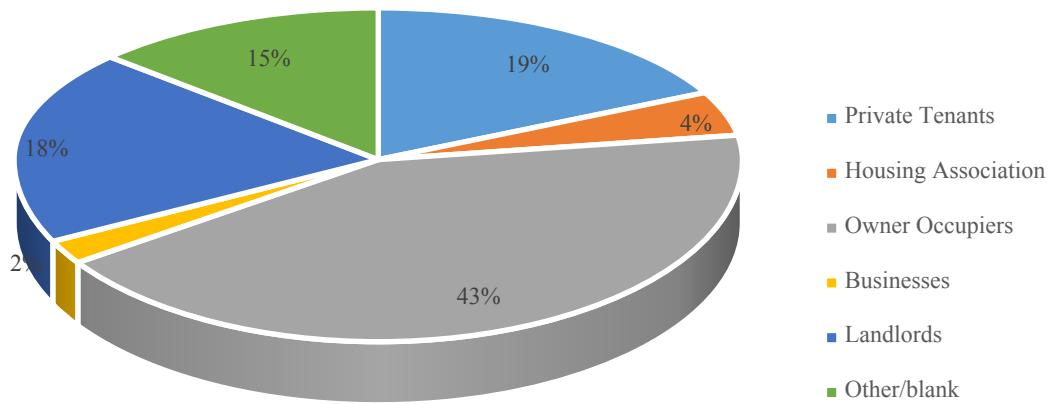
The Housing Enforcement Team worked hard to engage with all sections of the community and employed various methods of consultation. Every respondent to the Questionnaire who commented on the proposals received a letter thanking them for their comments.

It should be taken into consideration that some of the attendees at the public events did not create a forum where supporters of the proposal felt able to attend and if they did attend it did not encourage them to speak. Therefore the Housing Enforcement Team broadened their strategy and made contact with other groups and hard to reach groups by organising events at places of worship, day centres and by translating Posters into commonly spoken languages and placing them in prominent community locations.

Details of the Consultation programme:

- Survey questionnaires were posted to 18,500 homes, business, national and local representative bodies. The questionnaires could be completed and returned electronically or by paper. Questionnaires were also translated into Hindi, Urdu, Latvian, Lithuanian and Polish and made available and distributed in the community.
- Announced on Social Media including Facebook & Twitter.
- Press release given and published in the “Peterborough Telegraph”.
- Public events were reported by the media including the Peterborough Telegraph and BBC Look East on BBC1.
- A dedicated telephone line, email inbox and website page was launched.
- 14 Public meetings were held throughout the 12 week period.
- Meetings were held with local and national bodies including the National Landlords Association and Peterborough Racial Equality Council.
- A poster campaign was launched and placed in the proposed area. Including translated posters into the most commonly spoken languages found in Peterborough.
- Neighbourhood Partnership and forum meetings attended – Op Can-do.
- Questions received during the consultation programme were answered and made public by way of a “Frequently Asked Questions” factsheet available on the Peterborough City Council website
- Round Table Focus Group including a Task and Finish Group

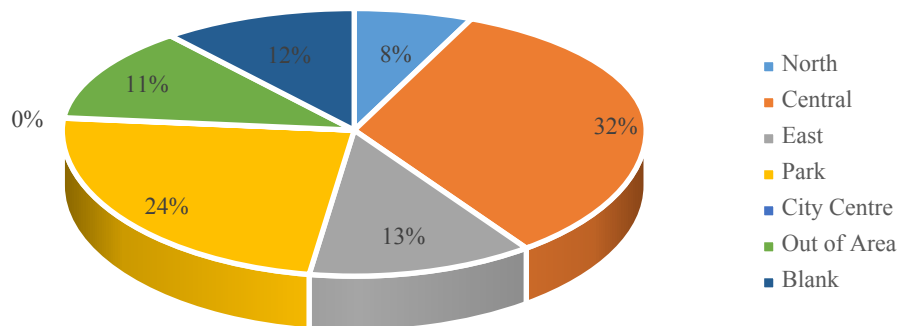
The tenure split of the 1904 residents who returned the completed questionnaire is:



(Other refers to residents who classed themselves in more than one category or did not answer the question)

The responses were also split by ward:

Responses by Ward



### 3. Consultation and Resulting Changes

#### General Themes

As mentioned above a number of respondents provided general comments about Peterborough City Council or suggestions for consideration in other Service areas. Although these comments did not directly relate to questions in the Consultation documents, a brief summary of the most common themes is set out immediately below.

*“Parking is a big problem in this area, grass verges in front of the properties are an eyesore”*

*“I have noticed a significant rise in the amount of alcohol related litter along the roads”*

*“Scrap vehicles in front garden’s, untidy front garden’s, it is an eyesore”*

*“Too many people occupying one property, rubbish dumped outside, neglected gardens as well as buildings.*

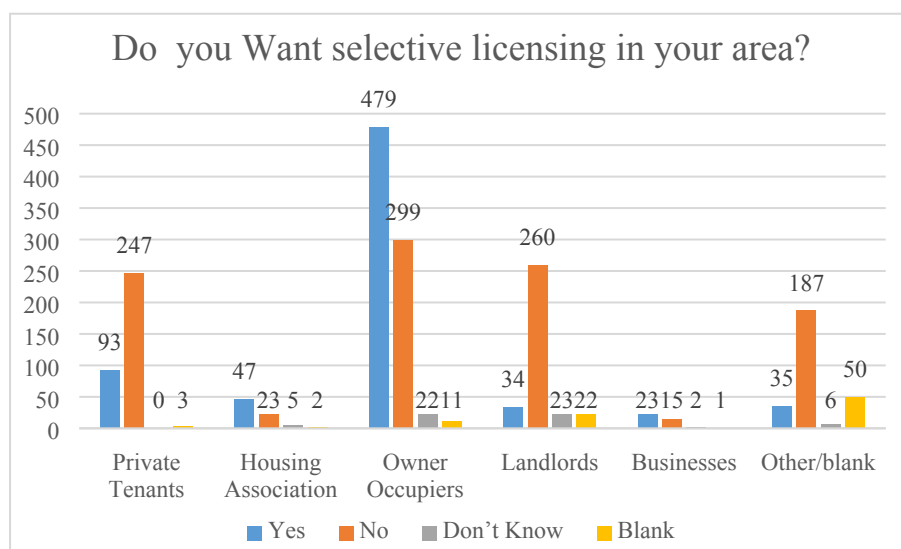
*“Riding bicycles on the footpath is a great danger, this is a regular occurrence outside my house”.*

*“My late husband and I bought this property brand new in 1953 so I have watched with sadness the decline of the area”.*

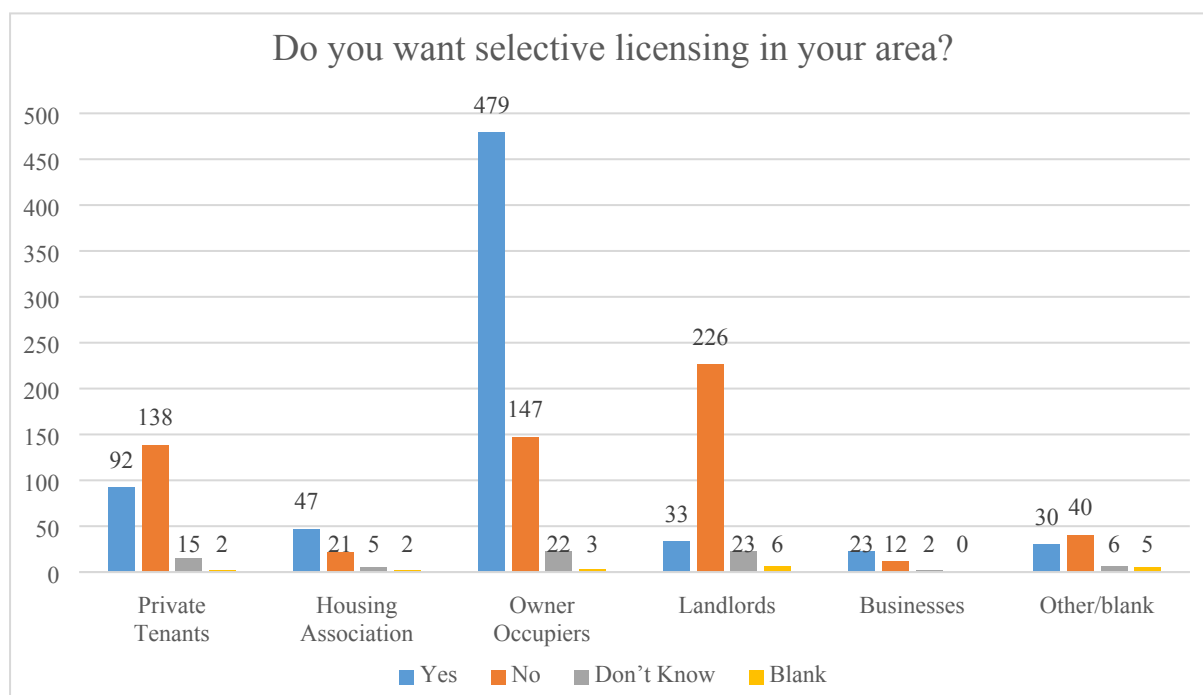
*“A programme to clear up the streets would help. A programme to address alcoholism that is the core of anti-social behaviour”*

#### Summary of Key Findings

In total 1904 responses were received, this is a response rate of 10.3%. A key element of the questionnaire was whether or not the residents, landlords and businesses would support the introduction of Selective Licensing in the Gladstone, Millfield, New England and Eastfield area of Peterborough. The chart below show how each of the three groups responded to this question.



Discounting the 523 partially completed questionnaires the responses showed a significant drop in the number of respondent's that did not want selective licensing introduced but the number of positive responses remained stable.



Each questionnaire asked specific questions about the respondents' views of their area and the impact, positive and negative, of private landlords. Listed below are specific comments and collated responses to the consultation.

28% of the total number of respondents identified anti-social behaviour as an issue within the area, and 25% of the total number of respondents identified that badly managed private rented properties were an issue in the area. The point data map below shows the concentration of reported ASB across the proposed area (green) and the known private rented properties in the Op Can Do Area (purple).



In addition to police recorded ASB, the Safer Peterborough Partnership also routinely monitors 19 Quality of Life indicators, which include noise complaints, flytipping and unattended bins amongst others.

It is important to be aware that the Crime, ASB and Quality of life figures only represent those instances that are reported to the police, local authority and partners. The proposed area is covered by the following wards, Central, East, Park and North. Comparisons of density of population across the City show that with the exception of east ward the other three are far more densely populated than the other wards across the City.

| Ward                   | Number of residents | Density by Hectare |
|------------------------|---------------------|--------------------|
| Central                | 12,013              | 46.8               |
| North                  | 6,101               | 49.9               |
| Park                   | 10,418              | 51.3               |
| East                   | 11,021              | 12.9               |
| Hampton with Orton     | 13,660              | 8.9                |
| Ravensthorpe           | 7,990               | 40.4               |
| Bretton                | 12,445              | 30.2               |
| Peterborough Avg       | 183,631             | 5.3                |
| Peterborough Urban Avg | 161,855             | 20.1               |

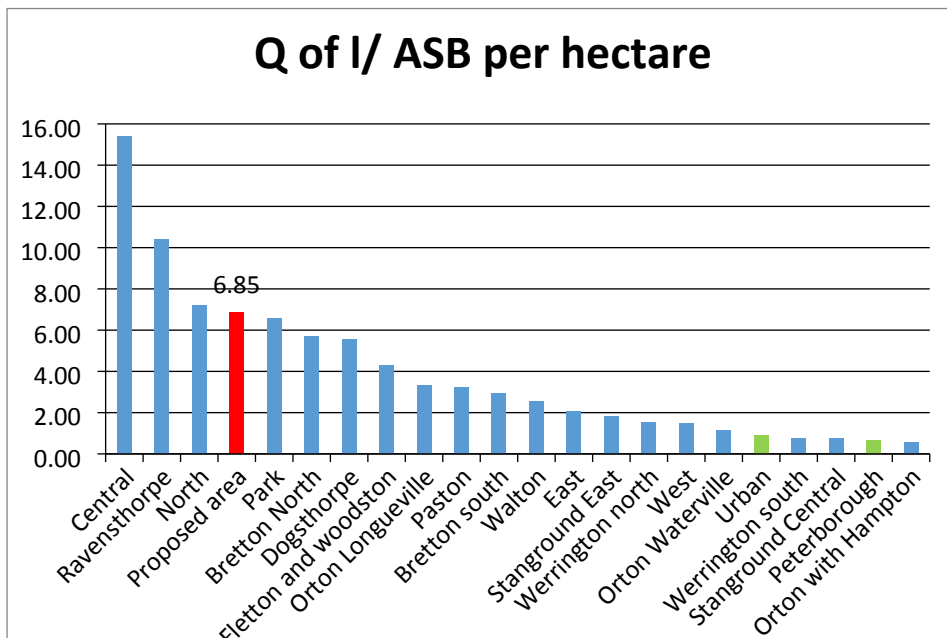
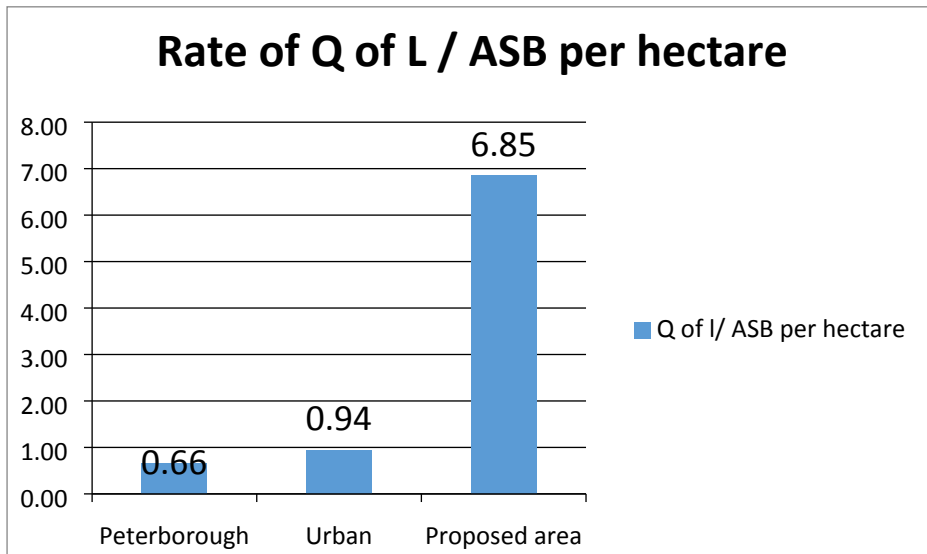


The quality of life issues recorded include: flytipping, rubbish accumulations, noise complaints, littering enforcement, planning enforcement, housing complaints, needle finds, graffiti, damaged play areas, unattended bins, primary fires, unauthorised travellers, smoke and odour complaints.

Due to the high numbers of residents living in the proposed area and the density of the area these issues impact on the quality of residents lives and are felt more keenly.

|               | Hectares | Q of L/ASB records 2013 | Q of I/ ASB per hectare |
|---------------|----------|-------------------------|-------------------------|
| Peterborough  | 34338    | 22630                   | 0.66                    |
| Urban         | 83832    | 76456                   | 0.91                    |
| Proposed area | 228      | 3478                    | 15.25                   |

| Ward/ area name      | Hectares | Q of L/ASB records 2013 | Q of I/ ASB per hectare |
|----------------------|----------|-------------------------|-------------------------|
| Central              | 257      | 3952                    | 15.38                   |
| Proposed area        | 507      | 3478                    | 6.85                    |
| Ravensthorpe         | 198      | 2055                    | 10.38                   |
| North                | 122      | 876                     | 7.18                    |
| Park                 | 203      | 1329                    | 6.55                    |
| Bretton North        | 311      | 1779                    | 5.72                    |
| Dogsthorpe           | 226      | 1254                    | 5.55                    |
| Fletton and woodston | 263      | 1129                    | 4.29                    |
| Orton Longueville    | 455      | 1509                    | 3.32                    |
| Paston               | 321      | 1041                    | 3.24                    |
| Bretton south        | 102      | 299                     | 2.93                    |
| Walton               | 169      | 430                     | 2.54                    |
| East                 | 857      | 1783                    | 2.08                    |
| Stanground East      | 123      | 223                     | 1.81                    |
| Werrington north     | 332      | 500                     | 1.51                    |
| West                 | 590      | 885                     | 1.50                    |
| Orton Waterville     | 669      | 757                     | 1.13                    |
| Urban                | 41916    | 38228                   | 0.91                    |
| Werrington south     | 268      | 200                     | 0.75                    |
| Stanground Central   | 1032     | 768                     | 0.74                    |
| Peterborough         | 34338    | 22630                   | 0.66                    |
| Orton with Hampton   | 1535     | 836                     | 0.54                    |



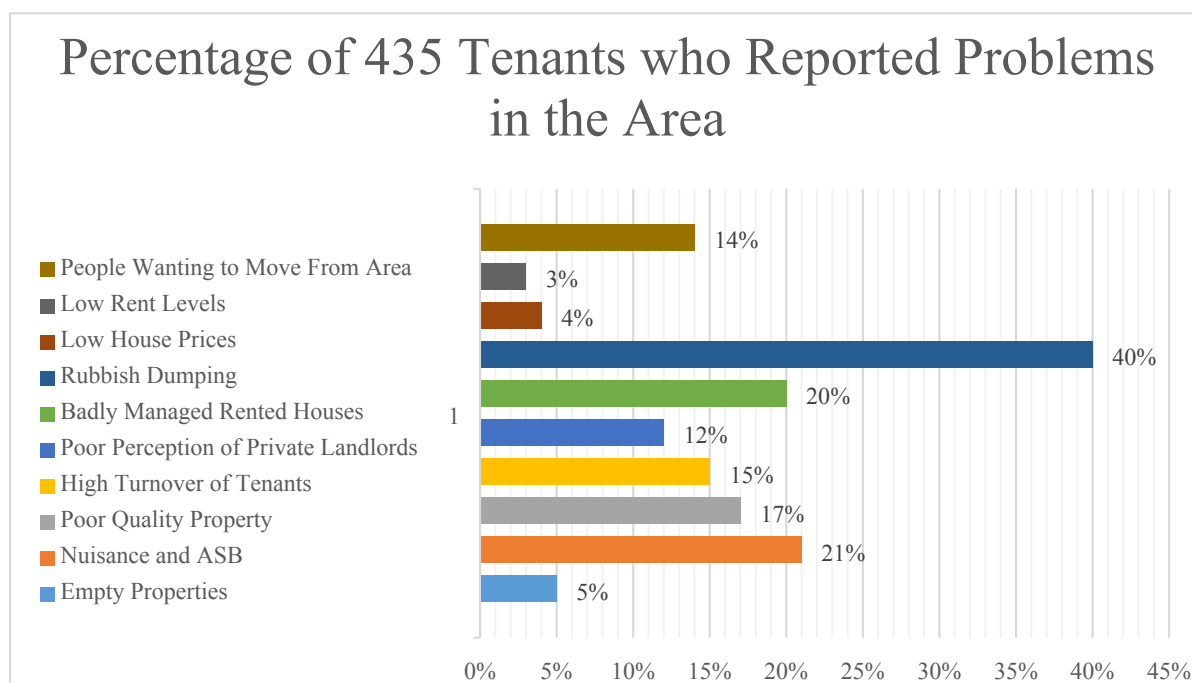
#### Private Tenants and Housing Association Tenants

In total 435 tenants responded to the questionnaire this is 19% of the response received. 358 returned questionnaires were from tenants of the private rented sector and 77 returned questionnaires were from Housing Association tenants.

The main problems highlighted in the area relating to low demand, and ASB are shown in the chart below. The main concerns of tenants in this area are environmental crime such as rubbish dumping, nuisance and anti-social behaviour and badly managed rented houses.



The percentage of respondents who reported that the area suffered these problems is:



When asked the question “do you want **Selective Licensing in your area?**” 32% of tenants were in favour and would be in support of Selective Licensing.

A sample of views expressed during the consultation are below:

*“Rented properties should be inspected to make sure they are maintained as outlined in the questionnaire”.*

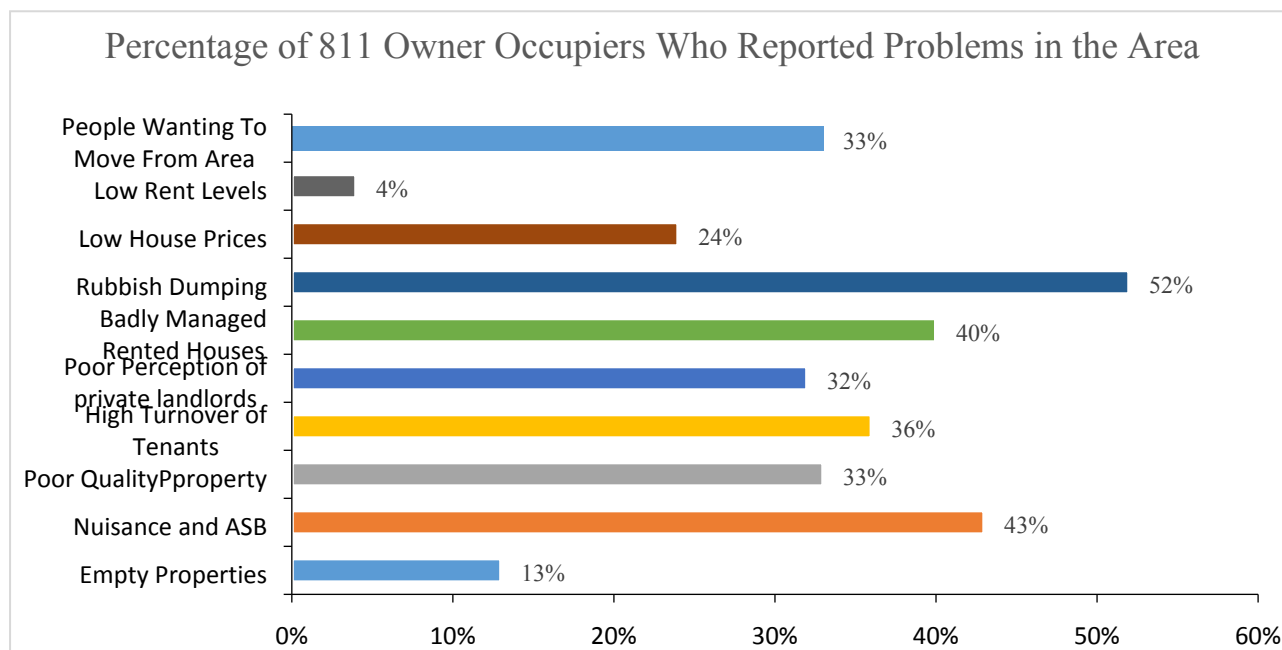
*“Anti-social behaviour will just move to another area. This is what happened to the crime in Central Area. It’s reduced but moved to other places.”*

## Owner Occupier's

811 Owner Occupiers responded to the questionnaire, this is 43% of total responses received.

The main problems highlighted in the area relating to low demand, and ASB are shown in the chart below. The main concerns of owner occupiers in this area are environmental crime such as rubbish dumping, nuisance and anti-social behaviour and badly managed rented houses.

The percentages of respondents who reported that the area suffered these problems is:



When asked the question “do you want Selective Licensing in your area?” 59% of owner occupiers were in favour and would support the introduction of Selective Licensing.

A sample of views expressed during the consultation are below:

*“In my opinion selective licensing is long overdue. It is a good idea which will make massive improvements to the area. We have seen a massive decline in the area, a lot of long standing people moving out”*

*“Agree with the proposal, I live next door to a rented house for 11 years and had constant problems. The landlord does not care who lives there so long as he gets his money. There is a lack of respect, loud music late at night, they all stand outside to have a cigarette and talk very loudly, the front garden is very poorly maintained and is blocking access to my back gate”*

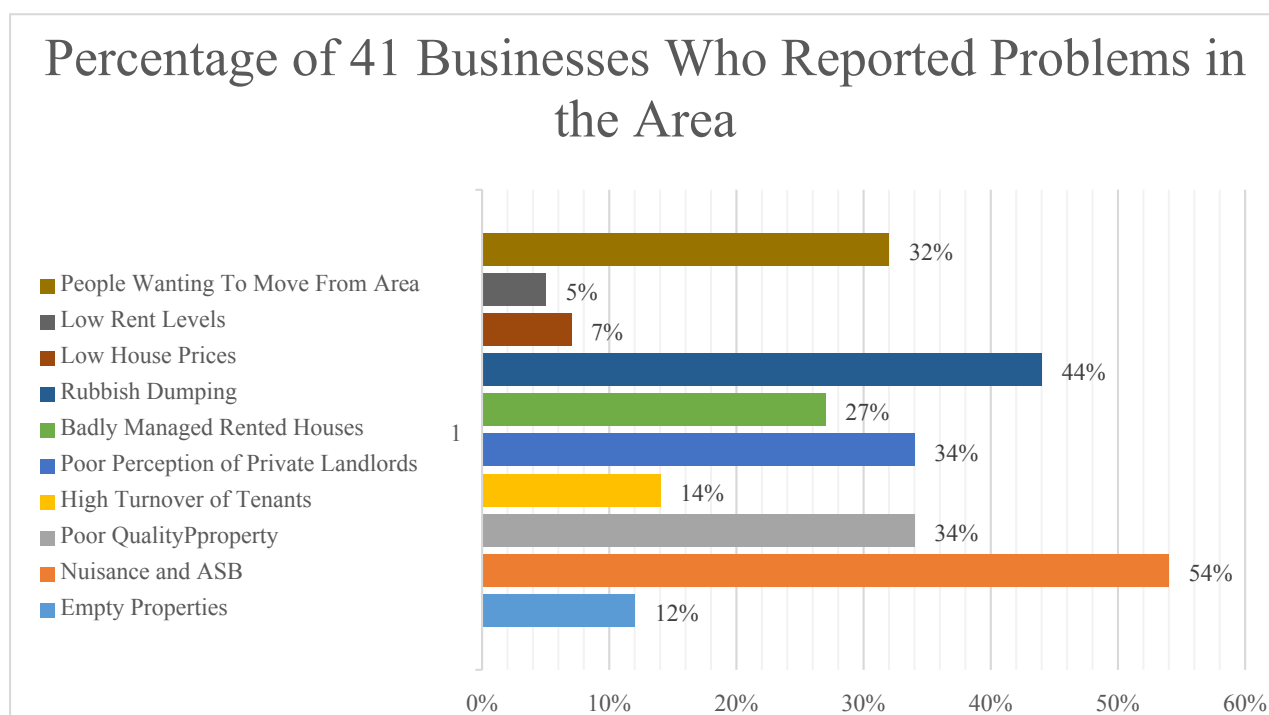
*“I do not believe we have problems with unsightly area or anti-social behaviour in Gildenburgh Ave therefore our street should not be included*

## Businesses

41 Shops / businesses operating in the area responded to the consultation. This is 2% of the responses received.

The main problems highlighted in the area relating to low demand, and ASB are shown in the chart below. The main concerns of businesses in this area are nuisance and anti-social behaviour, environmental crime such as rubbish dumping and poor perception of private landlords.

The percentage of businesses who reported that the area suffered these problems is:



When asked the question “do you want Selective Licensing in your area?” 56% of businesses were in favour and would support the introduction of Selective Licensing.

A sample of views expressed during the consultation are

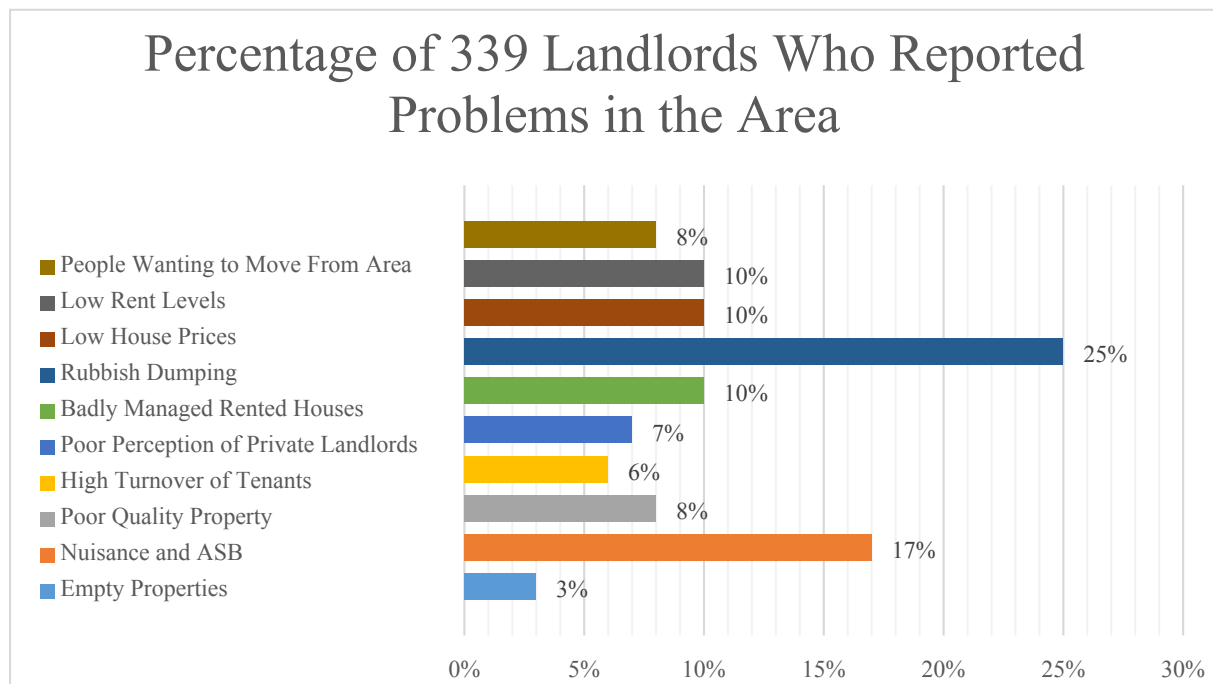
*“This will lead to the removal of all problem landlords, there are already lots of rented properties not being upheld properly in these areas already. Should it not be introduced all over the City?”*

## Landlords

339 Landlords responded to the questionnaire, this is 17.8% of the responses received.

The main problems highlighted in the area relating to low demand, and ASB are shown in the chart below. The main concerns of landlords in this area environmental crime such as rubbish dumping, are nuisance and anti-social behaviour and low rents/low house prices/badly managed rented houses.

The percentages of landlords who reported that the area suffered these problems is:



When asked the question “do you want Selective Licensing in your area?” 10% of landlords were in favour and would support the introduction of Selective Licensing.

Many landlords took advantage of the opportunity to raise concerns and salient points were made about Selective licensing and the implications of it. Below is a selection of comments made by the landlords:

*"I fully support the Council in trying to manage the area in question as I myself have seen its decline over the last five years and much of this is a direct result of bad property management. However, I do feel that I shouldn't suffer financially for other landlord's failings"*

*"Generally the selective licensing appears to reinforce what a responsible landlord and letting agent should already be doing. Cash transactions for deposits and rents should be discouraged, as this provides opportunity for the "black economy" to flourish. Part of tenant references should include credit checks"*

*"As a landlord and a homeowner in PE1 it has become apparent that it has gone downhill in looks and condition of houses. I would like to see it come into force and get rid of rogue landlords and letting agents. My conclusion as a landlord is yes let's pay the council to help monitor and improve the said area and make Peterborough a place to be proud of once more"*

*"I do not believe the scheme is a good idea as it will force responsible landlords who are using competent and honourable management agencies to effectively be burdened with another cost and duplication of services such as tenant referencing that are already in place".*

*"The private rental sector provides essential service in terms of housing provision, care should be taken not to discourage this activity".*

*"I believe rogue landlords will find ways round any legislation while the "fit and proper" landlords will be left dealing with the cost".*

*"For the first couple of years at least it will uproot a number of families due to rent rise, which is the opposite of the Council's intention".*

*"A good landlord in the selected area is penalised, but a rogue landlord say in Orton Malbourne is not?"*

*"As far as we can see the scheme, if introduced, will simply serve to reduce flat prices and make the properties more difficult to sell; we also believe that the unscrupulous landlords who may well have given the area a bad name recently will not comply and will rely on coercion and intimidation to keep cheap unsafe properties overcrowded."*

*"I understand the Council's desire to monitor private housing in Peterborough but I cannot understand why they are unable to do this with the information they already hold. This charge will undoubtedly be passed onto the tenant, thereby increasing rents. Unscrupulous landlords will inevitably not register. Whilst I am favour of steps taken to improve standard of housing in Peterborough and prevention of crime and anti-social behaviour I am not convinced that the proposed Selective Licensing scheme will have much effect."*

## Letting Agents

There are 39 Letting Agents in the proposed area, all Letting Agents in the area received questionnaires and no completed questionnaires were returned.

### *National Landlords Association (NLA)*

The National Landlord's Association responded to the Consultation in December 2013. In brief, the NLA stated that they were in support of many Local Authorities when the introduction of a selective licensing scheme has been introduced, as it will benefit landlords. However, the Peterborough Consultation does raise several new questions. In conclusion The NLA would like to see Peterborough City Council present a matrix on what will be achieved by the introduction of Licensing along with a clear outline of the services that will and will not be introduced along with a timeline. Clarity on what the introduction of licensing will achieve. They would also like to see the Council's plans modified for the introduction of licensing.

In addition they detailed numerous concerns:

- Concern regarding resources. With decisions in Thanet judicial review and Hemming v Westminster Council the NLA would like to know what additional resources have been committed and how they will be paid for;
- At a time of reducing budgets we believe remaining resources should be allocated to targeted enforcement against the worst, criminal landlords.
- The NLA would be willing to work with the Council with provision of resources but this would need to be complemented by resources from the Council.
- The cost of introducing licensing could be passed through to tenants which will increase the cost of living for hard working families.
- How will the Council expect to measure action taken by landlords for anti-social behaviour?
- The proposal from the Council penalises good landlords and encourages them to leave.
- Landlords having to manage anti-social behaviour could result in landlords only letting on 6 month tenancy and serving S21 notices at the start of tenancy. This would create more homelessness which the Council will have to manage. The policy will also encourage six month tenancies.
- The policy needs urgent review in light of Injunctions to prevent nuisance and annoyance (IPNA)
- Tenancy check can lead landlords into indirect racism against people. It could also increase fraud and potential risk. We would like the council to put in place a way for landlords to check those tenants that have been removed from social housing including those who have been evicted due to inappropriate behaviour.
- Develop a strategy that can also include action against any tenants that are persistent offenders.

- Use existing powers.
- Reduce paperwork
- Failure of PCC to have joined standards between departments is a problem for landlords.
- Licensing is not appropriate regulation to address the issue of waste.
- What additional resources will the Council allocate to deal with excessive litter and flytipping due to tenants not understanding the waste service?
- The Council does not have a strategy in place to tackle problem waste from housing.

Many of the concerns raised by the national Landlords Association were addressed a meeting held on 9 December 2013 which was attended by Belinda Child - PCC Strategic Housing Manager, Joanne Hodges – PCC Senior Housing Enforcement Officer and Gavin Dick, and Terry Lucking the Peterborough Chairperson of National Landlords Association.

### **Housing Associations**

There are 1697 Registered Social Landlord properties in the proposed area. Two questionnaires were returned on behalf of Housing Associations. One questionnaire was from a Housing Association located within the City and the other one from outside the area. One agreed with the introduction of a Selective Licensing Scheme and made an additional comment the other one replied “don’t know.”

|  |
|--|
| <p><i>Agree with the Council's proposal to introduce a Selective Licensing, however if consistency is the goal, licencing should be across the city.</i></p> |
|--|

A representative of a Housing Association expressed the view that Selective Licensing was a very positive move and asked for consideration of the effect Selective Licensing would have on Homelessness in the City.

There is concern that the introduction of a Selective Licencing Scheme would have an initial detrimental effect on levels of homelessness in Peterborough. It has been mooted that some landlords/letting agents would have to raise their rents in order to cover any additional cost burden of licencing properties. This may make it more difficult for low income households to maintain their current tenancies and/or to secure alternative suitable affordable accommodation in the private sector.



However, these impacts are likely to be short-term following the inception of any scheme. With the introduction of a Selective Licencing Scheme the council would be better placed to make use of the private sector when discharging its homelessness duties. This is because the requirements for any scheme would ensure that any landlord/lettings agents would meet the requirements for the council to consider their accommodation for use in placing homeless households in accordance with the suitability of accommodation order 2013. This would potentially increase the pool of accommodation available for use by the Housing Needs service.

### **Charities**

The Consultation received 2 responses from Charities. One being a homelessness based Church charity and the other a Veterans Charity, neither supported the Selective Licensing Proposal.

### **Stakeholders and Partner Agencies**

The Consultation received 17 responses from Stakeholders and Partner Agencies with 14 positively supporting the scheme.

When asked the question “**do you agree with the council’s proposal to introduce Selective Licensing?**” 71% of stakeholder and partner agencies were in favour and would be in support of Selective Licensing.

A sample of the views expressed are below;

*The service carry out visits to families in the identified area on a daily basis and the service would like to support the proposal for the licensing of private landlords. There are significant number of people living and residing in one property, children growing up in this environment have limited space for play which will adversely impact on their development. Failure of heating systems leave children susceptible to a variety of illness. Young babies are particularly vulnerable to bronchiolitis which have the potential to be fatal. Frequently properties do not have smoke alarms installed. High levels of damp and mould noted in many properties as a result of inadequate heating, poor ventilation and overcrowding. Damp conditions can lead to respiratory problems in children. A number of hazards in relation to electrical products are frequently noted such as exposed wires and broken sockets, which provide serious risks to young children who are exploring. Having a turn-over of people in one property, that the landlord has not sought any references for, may pose risks for the safety of young children living there.*

*“As a professional I have become increasingly aware and alarmed of the condition of some of the houses. Families do not have the chance to live healthy lifestyles; they end up living in a vicious cycle of need.”*

*“I am writing to support the proposed Selective Licensing scheme. Housing has a considerable influence on the developmental and life outcomes of the vulnerable children in Peterborough. I consider that the Selective Licensing scheme and the associated regulation of landlords in the City would provide greater protection of the Children of Peterborough.”*

*“The impact of some of the privately rented properties in this area is having a considerable negative impact on the families we support and find it very difficult for positive progress to be made and sustained. We fully understand the proposal and support the positive benefits that the scheme will have.”*

## **Elected Members**

The Audit Commission recommends the comments and suggestions made by Elected Representatives are attributed to them and recorded separately and openly within an evaluation report.

Declarations of interest were made to the Strong and supportive Communities Scrutiny Committee on 19 November 2013. Councillor Jamil declared he owned two properties in the proposed Selective Licensing area. Councillor Khan declared that he was a landlord in the proposed Selective Licensing area and he had been given dispensation to contribute to the discussions.

All parish and ward councillors received documentation on the proposed scheme. The consultation received two letters from MP's.

The scheme was discussed at Diversity Forum held on 6 November 2013 and at The Strong and supportive Communities Scrutiny Committee meeting on 19 November 2013.

The **Strong and supportive Communities Scrutiny Committee** observed that they understood the principle of the scheme and the objectives were very good, although evidence should be collected to ensure that Selective Licensing is the best scheme for the city.

This Committee also requested that the Consultation take in to account the perception of racial exploitation that ethnic groups have with regard to the introduction of the Selective Licensing Scheme in the Can Do area and how this can be dispelled.

At the **Diversity Forum** meeting held on 6 November 2013 Members commented as shown below:

- Cllr Fox (Werrington North) – commends the City Council for doing this, he thinks it is a good idea.
- Cllr Ash (Dogsthorpe) – Are we going to come down heavy on the landlords? Are we going to do this for all areas?
- Cllr Walsh (Stanground Central) – Other areas of the city also need attention.
- Cllr Peach (Park Ward)– What impact will this have on the front fences that are in poor condition, gardens that are overgrown and exterior paintwork of properties in the area that are not maintained

The Consultation has also received comment and suggestion has also been received from the following:

| Date                        | Name                                     | Ward/Committee  | Comment  |
|-----------------------------|--|---|--|
| 27/09/2013<br>by email      | Cllr John Knowles                        | Paston  | Well done to all concerned, pity the whole city isn't included.  |
| 27/09/2013<br>by email      | Cllr Adrian Miners                       | Dogsthorpe  | Fully supportive of initiative, only wish more wards. Perhaps, this will be forthcoming in the not too distant future.   |
| 27/09/2013<br>Press comment | Cllr. Cav. Marco Cereste<br>OSSI<br>OMRI | Stanground Central.<br>Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement | This will stop bad landlords & give people somewhere nice to live.   |
| 27/09/2013<br>Press comment | Cllr Irene Walsh                         | Stanground Central.<br>Cabinet member for Community Cohesion, Safety and Public Health  | Support the proposal.  |
| 27/09/2013<br>Press comment | Cllr Nigel North                         | Orton with Hampton.<br>Cabinet Member for Environment Capital and Neighbourhoods  | Support, sad to turn to legislation.   |
| 24/10/2013                  | Cllr Sharp                               | North   | Questionnaire returned in support.   |
| 07/12/2013<br>By email      | Cllr Shearman Secretary – Labour Group   | Park Ward   | The Labour Group understands and accepts the need for a scheme of regulation of the rented sector in Peterborough. However we believe the current consultation to be flawed and urge Council officers to meet with representatives of landlords in order to devise a robust scheme of self-regulation. We would anticipate such a scheme coming into effect within six months and being trialled for one year. In the event of self-regulation being unsuccessful the Council should then undertake meaningful consultation with a view to implementing a scheme across the whole of Peterborough. |

## Anti-Social Behaviour and Low Housing Demand

In 2010 the Department of communities and Local Government published revised guidance on the approval steps for designating areas for selective licensing. As to the factors to be taken into account when deciding whether an area is suffering from, or is likely to become an area of low demand, the guidance suggests that, in addition to the statutory factors in section 80(4), local authorities might consider a lack of mixed communities' in terms of tenure (e.g. a high proportion of rented property, a low proportion of owner occupied properties); a lack of local facilities (e.g., shops closing down); the impact of the rented sector on the local community (e.g., poor property condition, anti-social behaviour); and criminal activity in the area. These are said to be examples of the types of characteristics which an area suffering from low demand could demonstrate. The guidance states that they are clearly not exhaustive characteristics of an area in low demand, neither are the factors mutually exclusive.

The guidance also addresses anti-social behaviour. It explains that an area can be deemed to be suffering from significant and persistent anti-social behaviour if it suffers from crime (tenants not respecting the property in which they live and engaging in vandalism, criminal damage, burglary, robbery/theft and car crime); nuisance neighbours.. intimidation and harassment; noise, rowdy and nuisance behaviour; animal related problems; vehicle related nuisance tenants engaged in begging; anti-social drinking; street prostitution and kerb-crawling; street drugs market within the curtilage of the property); and environmental crime (tenants engaged in graffiti and fly-posting; fly-tipping; litter and waste; nuisance vehicles; drugs paraphernalia; fireworks misuse in and around the curtilage for their property). The guidance contains these passages:

“A landlord has responsibility to ensure persons he has permitted to reside at a property do not cause an annoyance or nuisance to other persons residing in it, or other persons living, working or visiting the immediate neighbourhood. If anti-social behaviour is being carried out within the immediate vicinity of the property and is being caused by the occupiers of it, then it would be reasonable to expect a landlord to ensure that those persons are not conducting themselves in a way that is adversely impacting on the local community. This applies equally to visitors to the property.

Therefore if a local housing authority wishes to make a designation based on anti-social behaviour they will need to establish that the problem is directly attributable to the behaviour of the occupiers of, or visitors to, a property and that these landlords are failing to deal with their tenants' behaviour.

A landlord will not normally have responsibility for the conduct of occupiers of his property, and certainly never visitors to it, if the misconduct is not being carried out within its vicinity (unless, for example, there is reasonable suspicion that the landlord is encouraging the conduct for whatever reason). This is because it will generally be difficult to establish a link between the anti-social behaviour and the letting. Therefore, if an area suffers from general anti-social behaviour that occurs outside the curtilage of certain properties, a local authority should consider whether this is a symptom of low housing demand.

The evidence required for a Selective Licence designation is based around the prevalence of anti-social behaviour and/or a low housing demand. It was identified in the proposal document that the Gladstone, New England and Eastfield area of Peterborough suffers from high levels of anti-social behaviour and is/likely to become an area of low demand.

Anti-social Behaviour - Responses

12% landlords  
21% of tenants  
43% of owner occupiers  
54% of business

Said they had experienced problems with the anti-social and/or nuisance behaviour.

Low Housing Demand - Responses

8% landlords  
14% of tenants  
33% of owner occupiers  
32% of business

Said they had experienced people wanting to move from the area

10% landlords  
4% of tenants  
24% of owner occupiers  
7% of business

Said the area suffered from low house prices.

3% landlords  
5% of tenants  
13% of owner occupiers  
12% of business

Said they had problems with empty properties in the area

8% landlords  
17% of tenants  
33% of owner occupiers  
34% of business

Said they the area suffered from poor quality properties

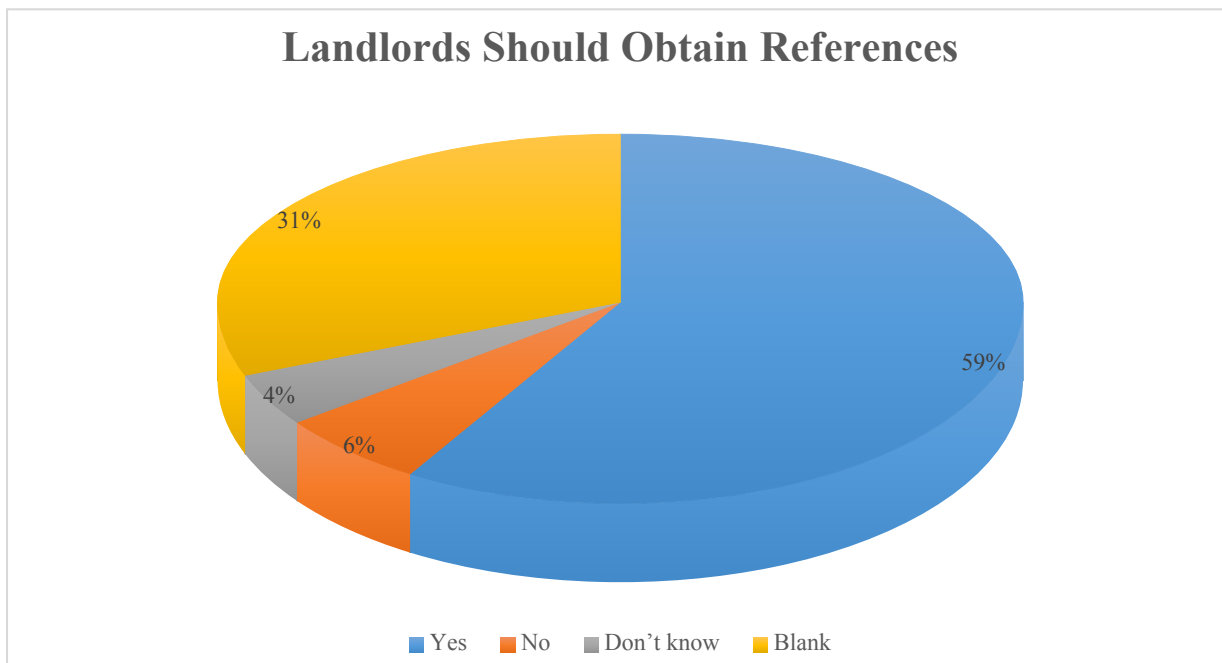
10% landlords  
20% of tenants  
40% of owner occupiers  
27% of business

Said they had problems with badly managed privately rented properties

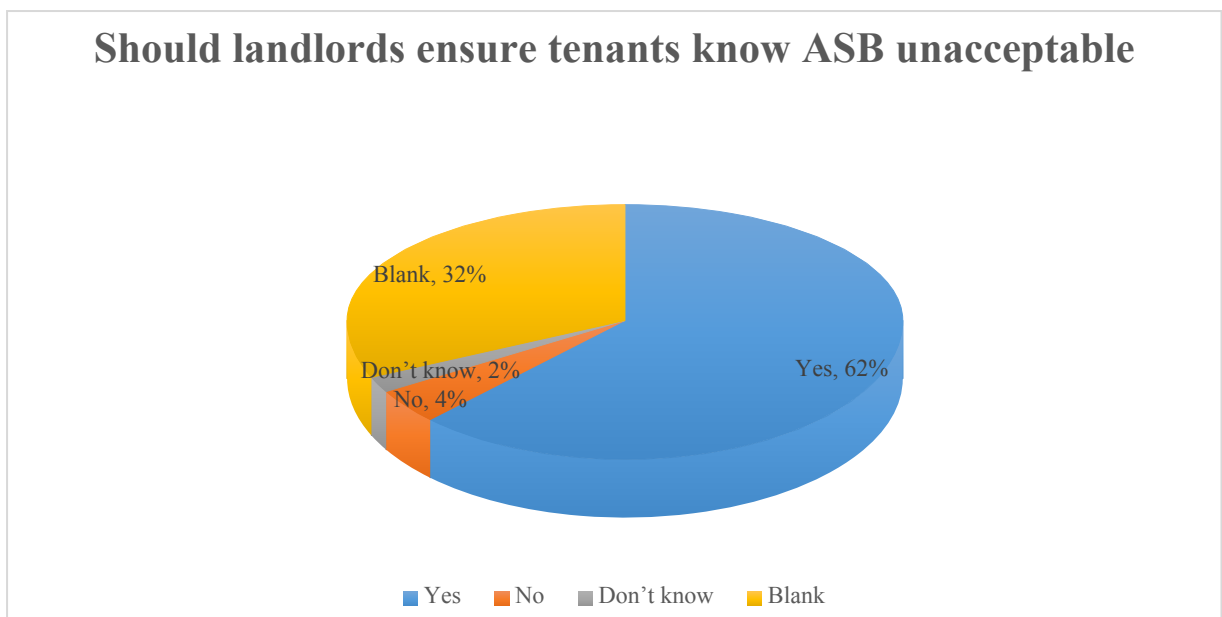
6% landlords  
15% of tenants  
36% of owner occupiers  
14% of business

Said there was a high turnover of tenants in the area

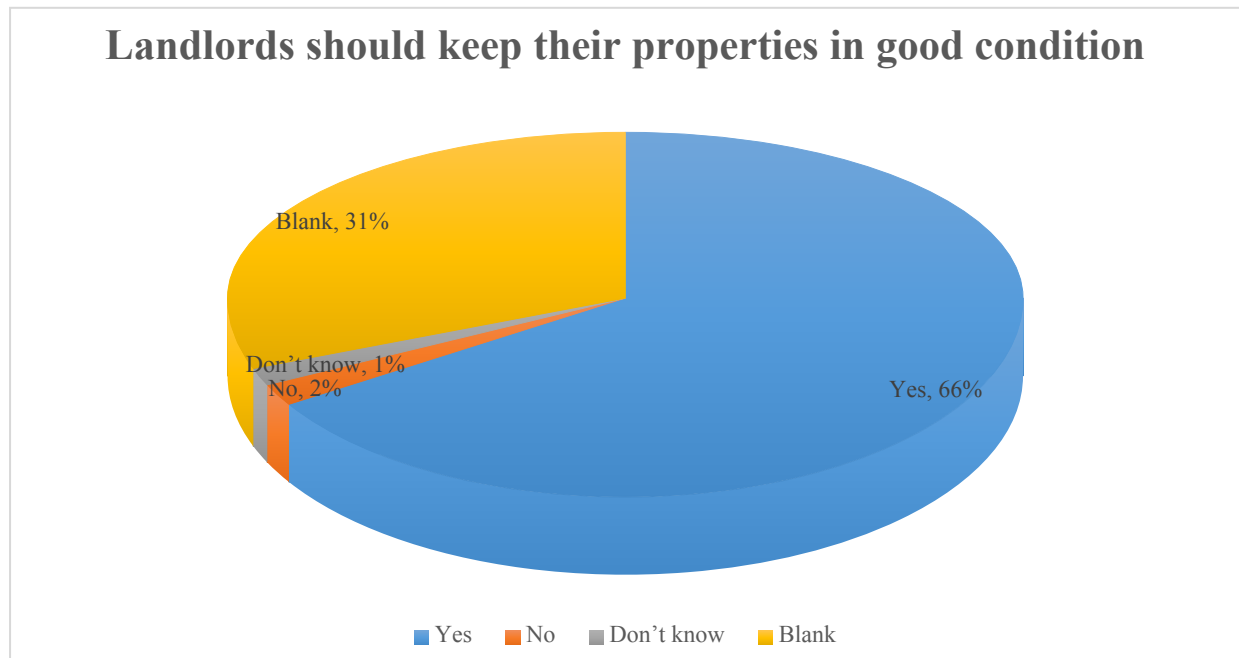
One element of Selective Licensing would be a requirement for the landlord to obtain references for the tenants. When asked the question “Do you agree that landlords should obtain references” Of the 1904 questionnaires returned the overwhelming response showed that responders thought landlords should have to obtain references as part of their management responsibilities. The overall responses were:



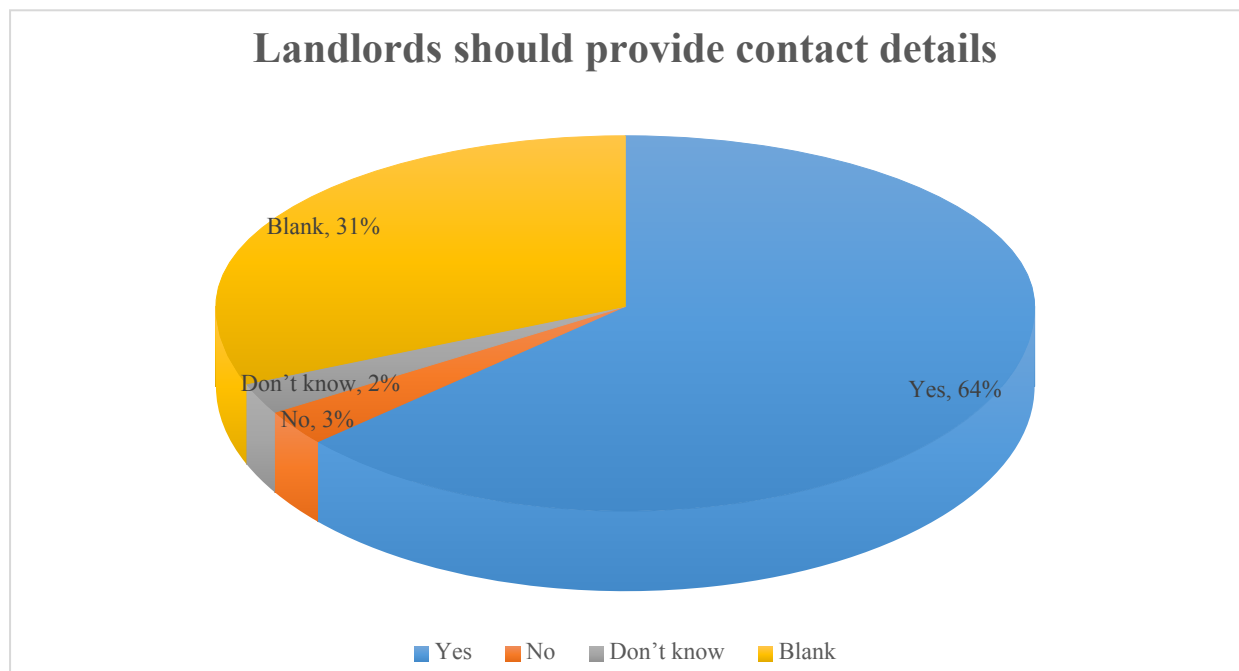
When asked whether landlords should ensure that tenants are made aware that anti-social behaviour is unacceptable, again the overwhelming response was positive with 62% of responders agreeing that landlords had a responsibility to ensure tenants were aware that anti-social behaviour is unacceptable. The overall responses were:



When asked whether landlords should be responsible for keeping their properties in good condition the overwhelming response was positive with 66% of responders agreeing that landlords should keep their properties in good condition. The overall responses were:



The question was also asked whether landlords should have to provide their tenants with their details so they could be contacted if there was an emergency or repairs needed to be carried out at the property. Of the 1904 returned questionnaires 64% of responders agreed that landlords should give tenants their contact details. The overall responses were:





A sample of views expressed during the consultation are below:

*"At last somebody is proposing to help the beleaguered residents of the area concerned. We have lived at \*\* for forty years so feel well qualified to comment on the steady degeneration of our area over the last ten years. Our lives have been blighted by the practices of those living close to us in the street some of their inconsiderate acts too horrific to relate in a letter. We have seen our friends of many years sickened by the actions of their so called neighbours move out and this leading to a further degeneration of the position for those of us left behind. We wish you luck with your scheme.*

*"I fail to see how landlords can be blamed in any way for the anti-social behaviour which must be dealt with by the Police"*

*"Drink causes anti-social behaviour not landlords."*

*"something urgently needs to be done it has become a no go area especially after dark and Millfield during the day it is very intimidating, I have reached the point when I won't go out alone".*

*"They have been leaning up against the front garden fence, when decent weather often spitting on the pavement. There was an arson attack, car was set on fire and was a write-off. I recently again had an egg thrown at my front door. I am 70, a widow and I live alone with my cat."*

*"Urinating in the street in full view of everyone at 8.30 in the morning."*

*"Frequently shot air rifles across the gardens to kill the birds."*

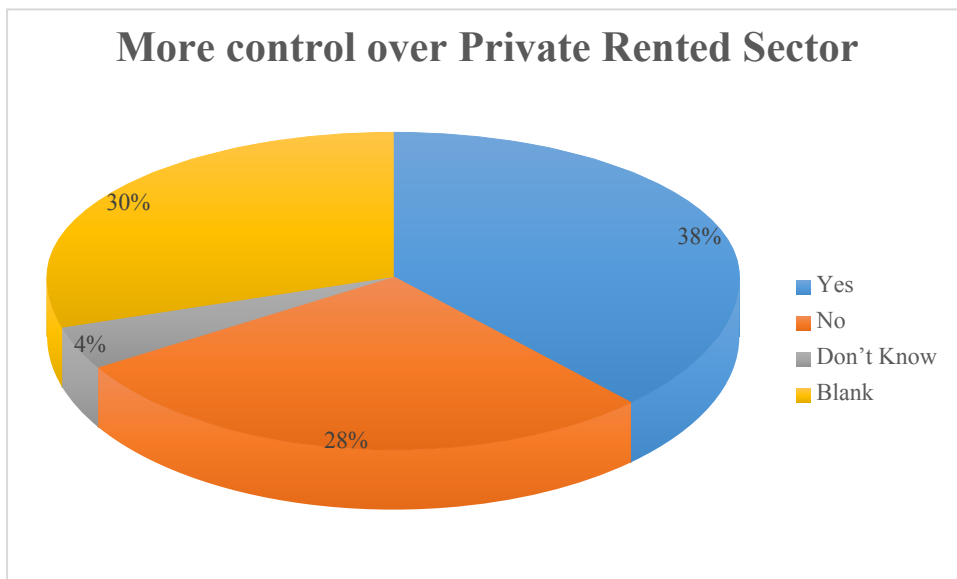
## Management

During the consultation responses were received regarding the actions that landlords should be responsible for within their rented properties. Selective Licensing is intended to ensure that tenancy management is the responsibility of the landlord and the landlord must act upon complaints received about their tenants.

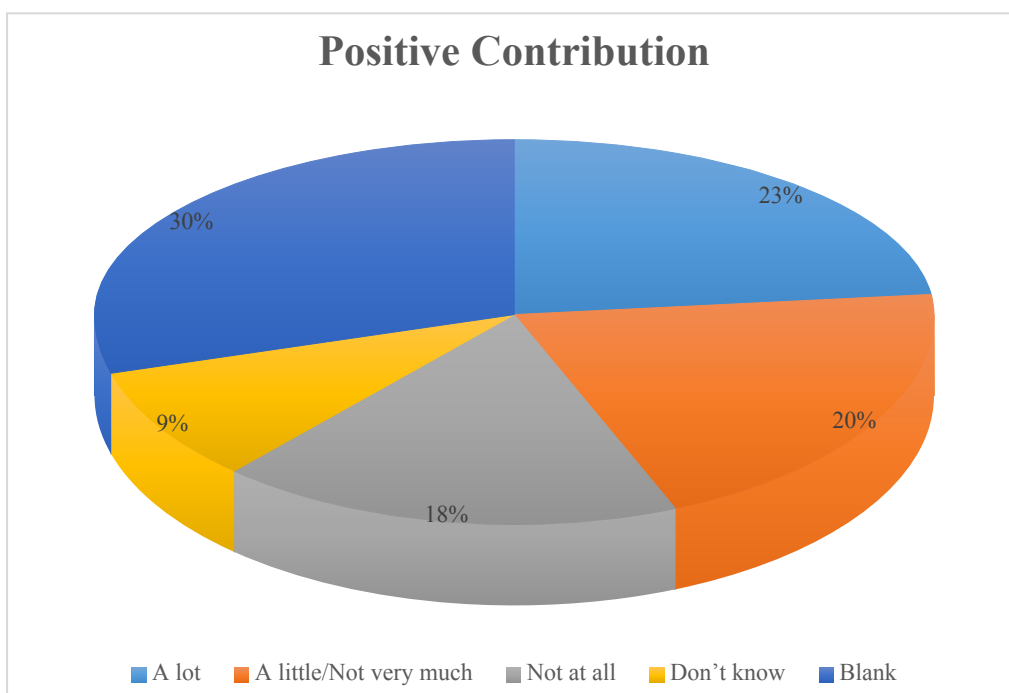
Responses received during the consultation process has highlighted key issues of private landlords failing to provide appropriate tenancy management, including the issue of overcrowding and a clearly defined process of dealing with complaints of nuisance and anti-social behaviour and landlords not taking references for new tenants.

Responses and comments at public meetings from some landlords strongly suggested that the problems in the area were the responsibility of the tenants and that the landlords were not at liberty to control the behaviours of their tenants but the police and the council should have sole responsibility for tackling overcrowding and anti-social behaviour.

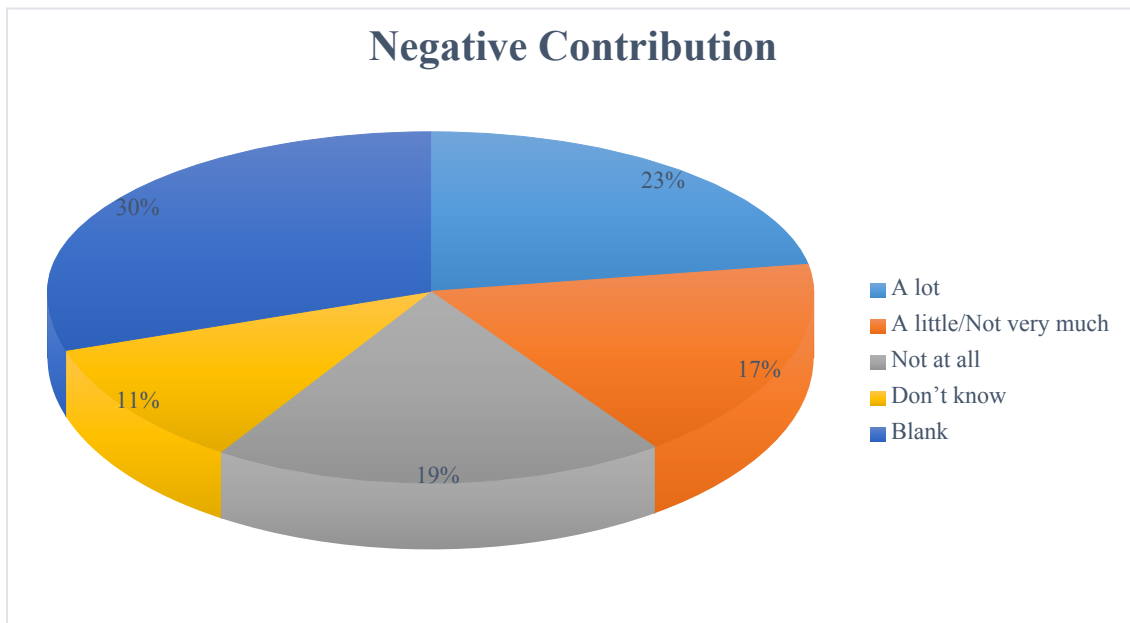
Consultants were asked whether they thought that the Council should have more control over the way that private landlords managed their properties. Of the 1904 completed questionnaires the responses were:



Consultees were also asked to what extent, did they think that private landlords made a positive or negative contribution to the proposed area



## Negative Contribution



A sample of views expressed during the consultation are below:

*“Sick and tired of putting up with overcrowded housing and declining areas of the City. Greedy landlords are the cause of this exploitation”*

*“Multiple occupancy with over 20 people at one time in an extended 3 bed semi. Four people in the garage and regularly defecated in the back garden, some lived in the loft extension.”*

*“I know of several properties where sub-letting practices go on. If those small houses are over-crowded it increases risks to the neighbours even to the extent of fire damage.”*

*“Some tenants are keeping dogs on the fire escapes at the rear of properties.”*

### **Existing Powers**

In keeping with Policy HS 20 of the City Council’s Housing Strategy 2011-15 Officers of Peterborough City Council will continue to utilise all available powers in appropriate cases and make use of the legal remedies that currently exist and those that will become available following the implementation of Anti-Social Behaviour Crime and Policing Bill.

A sample of views expressed during the consultation are below:

*“There are laws not only encompassed in the Housing Act 1996, that the Council are already obliged to enforce without introducing un-thought out and unproven schemes such as this.”*



## **Other potential areas for Selective Licensing**

At the Victoria Park public meeting held on 28 October 2013 and from commentary made through the return of Questionnaires the question was raised as to whether it was the Council's intention to roll out the scheme to the whole City. It has been requested by Cabinet that other areas of the city are to be identified for potential Selective licensing schemes, if the proposed scheme is agreed upon and is successful. However, before any designation is considered, a comprehensive evaluation of evidence must be collected and a full consultation exercise undertaken.

## **Alternative to the Proposal**

Alternative suggestions to the proposed scheme to introduce selective licensing have been welcomed and encouraged throughout the consultation programme. Alternative suggestions to the proposed have included:

*"Why should good landlords be saddled with this bill. The solution is £100 licence fee per property to join. £200 for second inspection after set period until requirements of scheme achieved. Continual charges until requirements of scheme achieved."*

*"Licence private landlords and not properties"*

*"The Northgate delays are very responsible for the state of this area. A solution would be for the Council to create a register for all rented properties and a declaration from the landlord that property is rentable and then conduct a risk based inspection. Then deal with the landlord via monetary penalties. Any landlords falling to declare a rented property also fined."*

*"Accreditation and training – rather than additional or selective licensing identify issues and assist landlords to develop the required knowledge and skills to improve the sector development based accreditation changes the behaviour of landlords in a way that licensing does not consider targeted measures including enforcement notices, management orders rather than blanket licensing schemes that would adversely affect professional landlords whilst still leaving the rogues able to operate under the radar."*

*"All landlords to submit documents from a letting agency say they operate within the law to protect tenants rights and the property is in good order."*

*"Consider the licensed landlord has a disc to put into the front ground floor window to indicate that is a tenanted property so that any nuisance can be addressed via a register held at the Licensing Department."*

*"A simple solution – impose a levy on those landlords that do not use letting agent which is signed up to a recognised trade body code of practice. Other landlords like myself would be required to pay a nominal sum to simply register their properties."*

*"Educating/supporting new/less competent landlords in legislative requirements/community obligations."*

*"More effort should be put into tracing and dealing with the landlords who don't look after their properties and tenants and not blanketing every landlord as being irresponsible."*

*"A blanket £600 per property regardless of whether it is a one bedroom flat or a four bedroom house, is hardly equitable."*

## **Fees**

The Council has the power to charge landlords a fee for administering the selective licensing scheme.

A sample of the views expressed regarding the imposition of a fee are below:

*“The fee you propose is not an insignificant amount. I have always tried to keep my rents reasonable but would have to add this fee to the rent. It will therefore be the tenant that will pay for something that gives them no perceived benefit.”*

*“The suggested fee of £600 per property for the privilege of obtaining a licence and a temporary one at that is exorbitant. Therefore there is a danger of driving away the good landlords from the area, perpetuating the problem that exists.”*

*“£600 for each property will penalise good landlords while failing to be effective against bad ones. It will only be used mainly as an additional source of revenue by the Council.”*

*“Our major concern is the fee of £600 per property, we as a company, already pay more than this fee – called agents commission,”*

*“I will have to pass this cost on. You could end up with a rather large queue of homeless people.”*

*“Will the £600 be ring fenced and used solely to administer the scheme or is it just another money making exercise for the Council?”*

## **Scheme Management & Capacity**

Since July 2009 the council has operated an additional licensing scheme within the Operation Can Do area of the City. Since this date it has been a legal requirement for all landlords operating within the licensing area who let their properties to 3 or more persons forming 2 or more households to apply to the council for a licence. Very few landlords complied with this requirement voluntarily with the majority only applying for a licence at the point of facing prosecution. Landlords have often taken the action of evicting their tenants when their property has been found to be operating as a HMO as an alternative to applying for the required licence. Often these evictions are not lawful and the tenants cannot be traced therefore making evidence for prosecutions very difficult to secure.

The scheme was operated for the major part by two full time staff members who were also responsible for the improvement of housing conditions within the private rented sector throughout the Central and East area as a whole. Throughout the additional licensing scheme a total of 74 properties were licensed and 11 successful prosecutions against landlords for operating a HMO without a licence. It is estimated that there are approximately 500 HMO's operating in the area at any one time.

The burden of proof to show a property is a HMO is extremely high and labour intensive, this must be achieved before any enforcement action can be taken. The nature of HMO's is that they are transient and it often takes months of investigation to gather enough evidence to prosecute a landlord for not licensing a HMO.

One of the main problems with additional licensing is that landlords will illegally evict tenants once the council becomes involved rather than licence a property. This causes whole families to become homeless overnight or they are moved round between houses and between landlords whether they want to or not. This not only creates unsettled communities but unsettled families. Tenants are often required as witnesses when a prosecution takes place and tenants are often afraid to give statements against their landlords for fear of eviction.

A sample of views expressed during the consultation are below:

*“Your officers inform me you are to inspect 4000 houses in this area, doing full reports, follow ups, chasing, court action etc. This is a massive undertaking if you are to do it properly and run a proper scheme. You cannot run the existing HMO scheme because of lack of money, you will have even bigger problems with this ill thought out proposal.”*

*“Problem housing is caused by over-crowding in unlicensed HMO houses. Get your HMO scheme running properly, get people taken to Court and things will improve. If a HMO scheme is run properly you will eliminate most of the problems and selective licensing will not be necessary.”*

## **Conclusion**

The evidence collated in this report is through the active engagement and participation of all consultees to the Selective Licensing consultation and the Selective Licensing Team would like to thank all those people who took the time to respond to the Consultation. The engagement with consultees was wide ranging and robust which was reflected in the significant response the Consultation received.

As a result of the positive engagement a working party was forged between Officers of Peterborough City Council and representatives from the Landlord and Letting Agent Community. The group has utilised the Consultation feedback to develop a scheme that is right for Peterborough.

Throughout the consultation the views and comments made by consultees have been carefully listened to. As a result of the consultation a number of changes have been made to the original proposal, namely:

- The geographical area has been amended to remove a number of streets.
- A large number of professional landlords and agents showed strong resentment that the fee structure did not recognise the 'good' landlord who operate in the area, of which there are many. As a result of that feedback the fee structure has been amended from a flat fee for all licences to a system that does not penalise professional and competent landlords and that does have additional costs for those landlords who deliberately try to avoid licensing or comply with the conditions of a licence.



## Sources of Guidance and Reference

This document has been researched and drafted with due reference to the following sources of guidance and good practice.

- The Department for Communities and Local Government had issued guidance on consultations under the Act in 2006, which was revised in April 2010.
- Approval steps for additional and selective licensing designations in England – published by the Department for Communities and Local Government ISBN: 978 1 4098 2230 1 – Revised edition 2010
- Evaluation of the impact of HMO Licensing and Selective Licensing – published by the Department for Communities and Local Government ISBN: 978 1 409815365
- Selective Licensing for Local Authorities – A good practice guide – published by Shelter 2006 ISBN: 97 1 903595 68 8
- Parliamentary briefing notes. Standard Notes published by House of Commons Library. SN/SP/1012 Anti-Social Neighbours in Private Housing (7 June 2013); SN/SP/4634 Selective Licensing of Privately Rented Housing (16 June 2010, 23 September 2013, 16 December 2013)
- Examples of good practice have been gained from other Local Authorities who have completed a Selective Licensing Consultation and had their designations subject to Judicial Review proceedings.
- Peterborough City Council 2009 Private Sector Stock Conditions Survey.
- Guidance issued by the Department of Communities and Local Government (*“Approval Steps for additional and selective licensing designations in England”* - February 2010)
- Review of Property Conditions in the Private Rented Sector. Department for Communities and Local Government – February 2014