

20th February 2017



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Dear Sir/Madam

Rochdale Borough Council Additional Licensing Proposals – Consultation Response

Firstly, thank you for the opportunity to respond to the above consultation.

The RLA believes that the Council is premature consulting on Additional Licensing for the Borough given that we are still awaiting the outcome of the Government's consultation on extending mandatory licensing to all HMOs. Many of the issues you have mentioned within your proposal documents, including; inadequate space and the increase in two storey HMOs in your borough, will be resolved by the government's intention to expand the mandatory HMO licensing across the country.

A new minimum HMO room size is proposed for properties that have been licensed under a mandatory HMO licensing scheme, with Councils retaining the ability to specify larger sizes where it is deemed appropriate. Therefore it does seem a bit unnecessary to bring in these proposals ahead of national guidance / legislation.

You have failed to mention these government proposals in any of your supplied documentation or how these changes would affect the way you regulate HMOs in your area. These changes may make additional licensing redundant, especially if the majority of your PRS properties house a minimum of 5 people. However, you have not supplied the data regarding the number of houses that would require an additional licence which effects the ability of anyone wishing to reply to the consultation adequately.

Alongside your failure to supply vital information, the information you have supplied is not up to date. Your study covering the Private Rented Market in Rochdale was published in 2013 and the statistics you quoted in your documentation is from 2009 to 2012. You also mention a 2001 census and how since then "*the number of private rented sector dwellings across the Borough of Rochdale has increased from 8,500 to 14,500*", however fail to mention how you have calculated this increase, causing doubt about the validity of the data you do hold about the PRS in Rochdale.

We feel that after running a licensing scheme for the last ten years there should be some figures available that evaluate the scheme and its success. You do not present any of these findings in your report. In fact, it is clear from the consultation document that the previous additional licensing schemes have failed and that the council offer no justification for a further scheme.

You say in your own documents “*it remains difficult to access data about the private rented sector*” and there is a “*dark or hidden side of the rental market in Rochdale where there is a growing number of poor quality landlords offering very poor quality and often illegal properties for rent*”. There is also an admission that you have allowed a (self-diagnosed) theme to occur where overseas students and low paid migrant workers are being abused and forced to live in overcrowded, unsafe houses often sleeping on mattresses on the floor or forced into houses by their employers.

It seems that you have failed to use the tools your previous licensing scheme afforded you. Like many Councils, you have seen funding cut to vital enforcement services that should be pro actively searching and closing down this type of exploitation in the Borough. It is unfair to just blame this social consequence solely on Landlords. The Council, Police and other public services / third sector organisations have a duty to control this sort of illegal activity and exploitation in the area. If housing those not permitted to reside here due to immigration status is a key problem in the area then those landlords found to be doing so are in breach of the Immigration Act 2016 and should be being prosecuted by the Council. We feel that these are huge failings by the Council and existing additional licencing scheme and shows it to be ineffective.

The cost of the licence is also a matter of concern for the RLA. The proposed charges of £839 for a new licence and £43 per habitable room for an inspection fee is almost double the cost of a typical licence in London. This seems excessive. We would like to know how the Council have calculated this to be a fair fee. We would also like to remind the council that these costs should be limited to the costs of administering the licensing scheme but not the cost of enforcing the licence scheme, i.e. investigating and prosecuting those who operate premises without the required licence, and fees must be reasonable and proportionate. We cannot help but notice that this consultation comes at a time of considerable funding challenges to the Council with a further £38.8 million before 2019.

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 so-called rogues to operate under the radar.

If you have any further questions about our submission, please don't hesitate to contact me.

Yours faithfully,

India Cocking