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Dear Ms Khanum,

Moston and Old Moat Selective Licensing Proposals – Consultation Response

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

The RLA is surprised that the City Council is pursuing selective licensing so adamantly having abandoned it previously and citing it as 'ineffective'. We would disagree that you have made a strong enough case throughout any of your consultations to prove that your original stance on selective licensing was ill-founded.

The RLA believes that the Council is premature on bringing forward proposals. The Housing and Planning Act 2016 gives local authorities substantial new powers to tackle breaches of housing legislation and drive the criminal operators from the sector. The council should wait until the impact of these new powers can be assessed before pressing on with more regulation in the form of selective licensing.

After reviewing the documents supplied on the consultation pages, the RLA is confused as to why the council has taken the effort to set up three separate consultations and only supplied one set of documentation and information. Each proposal is a discrete licensing scheme and each should be subject a full individual consultation, accompanied by easily accessible documentation of evidence pertinent to that proposal. There is no detail, explanations, or justifications for each individual scheme, which is what is expected from a fair and well conducted consultation. The consultations are almost identical, despite them being in different and varied areas of Greater Manchester, which has made responding to them in a way that will benefit the council and its landlords, challenging.

Supplying no details on the proposed standards, fees, or decision making behind this particular scheme, that may differ to your past consultations, does not convince that Moston and Old Moat, specifically, need this licensing. It seems like the City Council is going through the motions giving generic blanket evidence, rather than making cases for each individual area, doing nothing to correct the 'ineffectiveness' of the national selective licensing standards.

It would have been interesting to know how the council came to the decision to band Moston and Old Moat together in one consultation and how these two areas could benefit from the same scheme or relate to each other in terms of PRS.

The RLA is opposed to the scheme and has a number of general objections to Licensing, which are attached as an appendix to this letter. Licensing schemes rarely meet their objectives. Good landlords will apply for licences and, in all likelihood, 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.

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 management standards and property conditions.

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 staff time wasted processing applications, it should continue to direct its limited resources at effective enforcement activity.

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.

Landlords, especially those with properties outside the licence are 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.

Likewise, if licensing costs are passed on to tenants in the form of rent increases, then some tenants may struggle, particularly those on benefits, affected by welfare reform and frozen housing allowances.

Rather than an ineffective licensing scheme, the council should use cross-departmental and multi-agency working and effective use of existing housing legislation to support tenants and landlords in maintaining tenancies, housing condition and management standards.

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.

You will be aware that the association has written to Ms Farrah Ehsan, City Solicitor, over a possible judicial review of Manchester City Council's licensing proposals due to inadequacy of these consultations. This response should not be considered an endorsement of this consultation process.

Yours Sincerely,

India Cocking

Local Government Officer

Residential Landlords Association

Appendix – RLA General Licensing Concerns

The RLA has several areas of concern in regards to selective licensing, namely:

- i. Worrying trends are emerging in the case of discretionary licensing. Licensing entails a huge bureaucracy and much time, effort and expense is taken up in setting up and administering these schemes; rather than spending it on the ground and flushing out criminal landlords.
- ii. Increasingly, discretionary licensing is being misused to fund cash strapped housing enforcement services. The recent Westminster sex shop Court of Appeal (*Hemming (t/a Simply Pleasure) Limited v Westminster City Council*) has brought such funding into question).
- iii. Discretionary licensing is not being used for its intended purpose of a short period of intensive care; rather it is being used by the back door to regulate the PRS.
- iv. The level of fees which are ultimately passed on to tenants to pay is a major worry so far as it affects landlords.
- v. Despite high fee levels local authorities still lack the will and resources to properly implement licensing.
- vi. Little has been done to improve property management. Opportunities to require training have been ignored. As always it has become an obsession with regard to physical standards with very detailed conditions being laid down. No action is taken against criminal landlords.
- vii. We believe that a significant number of landlords are still operating under the radar without being licensed.
- viii. As always it is the compliant landlord who is affected by the schemes. They pay the high fees involved but do not need regulation of this kind.
- ix. Licensing is not being used alongside regeneration or improvement of the relevant areas. Insufficient resources are being employed to improve the areas.
- x. Where areas are designated for selective licensing this highlights that they can be “sink” areas. This could well mean it would be harder to obtain a mortgage to buy a property in these areas.

- xi. Schemes are not laying down clear objectives to enable decisions to be made whether or not these have been achieved. Proper monitoring is not being put into place to see if schemes are successful or not.
- xii. There is little use of “fit and proper person” powers to exclude bad landlords.