

Nottingham City  
Council  
Loxley House  
Station St  
Nottingham  
NG2 3NG

Date  
20<sup>th</sup> July 2018

Dear Sir or Madam,

Thank you for the opportunity to respond to the Additional Licensing 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 such as Radford and Park, Berridge and Arboretum, licensing is not the way to tackle these issues.

The RLA is opposed to the scheme and has many general objections to Licensing overall.

### **Additional Cost**

As cited in the consultation papers, the Housing Strategy 2018-2021 wants all citizens to be able to access a good quality home irrespective of its tenure.

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. The proposed full standard licensing fee of £1370, even with the discounts, is an unnecessary financial burden to put on landlords. These schemes do little but alienate lawful landlords by burdening them with additional costs, while criminal operators continue to ignore regulations and avoid these additional costs by not applying for licences.

### **Raising standards and tackling rogue landlords**

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, as it identifies any potential hazards an occupier may encounter in a dwelling.

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.

It is not necessary to implement a further additional licensing scheme in order to tackle rogue landlords, as there is already existing legislation in place that local authorities can use to take action against such individuals. The RLA is supportive of persistent rogue landlords and letting agents being prevented from dealing in property, even though currently only a relatively low number of landlords are ever prosecuted. The council should seek to make full use of the new powers granted by the Housing and Planning Act 2016, including banning orders, before considering the extension of licensing.

### **Pressure on non-licence areas**

Landlords, especially those with other 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.

### **Pre-emptive introduction**

Moreover, the Government has already announced and confirmed that the extension of mandatory HMO licensing is due to come into force on 1<sup>st</sup> October 2018, subject to Parliamentary approval. The RLA believes that many of the changes are unnecessary and will put a huge strain on local authorities and that Nottingham City Council introducing a rollout without first seeing the impact the mandatory HMO licensing will have on other areas will burden landlords.

### **Safety of Electrical Appliances requirement**

Concerning points 5.1 & 5.3 that the licence holder needs to abide by to satisfy licensing conditions: The Council's current wording doesn't make it clear what kind of tests are acceptable i.e. PAT testing, leading to possible confusion from landlords.



In conclusion. Rather than expanding 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.

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.

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 on any of the points raised.

Yours faithfully,

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