

Talk to us about making renting better

Lewisham Council consultation into extending
additional licensing for HMOs and introducing a
selective licensing scheme

Consultation Report

Autumn 2019

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1. Methodology

1.1. Section 80 (9) of the Housing Act 2004 states that when considering designating an area the local housing authority must:

- take reasonable steps to consult persons who are likely to be affected by the designation, and,
- consider any representations made in accordance with the consultation.

1.2. A public consultation considering both the additional and selective licensing schemes ran for just over 12 weeks, from 28th May to 21st August 2019. The consultation was hosted on Lewisham's website using Citizens Space, the online consultation portal, and required respondents to answer a series of questions online. Letters and emails submitted via the dedicated email address within the consultation timeframe were also considered.

1.3. The consultation was promoted widely:

- **Social Media:** Promotions via the Lewisham Council website and social media (Facebook, Twitter and Instagram); sponsored posts on Facebook; emails sent direct to residents and landlords. A banner was placed on the South London Press & Mercury website, a feature was added to Housing staff email signatures and the consultation was promoted in the Mayor's Labour newsletter and Council Homeseach newsletters.
- **Printed materials:** Including flyers, posters, coasters, roll-up banners and t-shirts worn by councillors and members of staff; advertising was placed on billboards and buses in and outside of the borough; adverts in Lewisham Life magazine delivered to every Lewisham household; flyers distributed at local libraries, children's centres, Youth First centres, cafes, leisure centres and displayed roll-up banners and flyers at our customer service desk at Laurence House.
- **Media coverage:** Coverage of the consultation was included in the following: News Shopper, London Property Licensing, The Negotiator, National Landlords Association (NLA), The Landlord Law Blog, Ladywell Live, Lewisham Homes, Residential Landlord Association, PainSmith Solicitors, Renters' Rights London, Love Catford, Lewisham/Blackheath Knoll Residents and Boyne Road Neighbourhood Watch resident groups, Lewisham Ledger, GetRentr, Voluntary Action Lewisham, Optivo and Phoenix Community Housing newsletters.
- **Events:** Consultation information events were held in libraries, parks, Lewisham Shopping Centre, busy train stations, markets, local assemblies and at festivals across the borough. A presentation was delivered at an NLA landlord event and the Safer Lewisham Partnership, and flyers were distributed at the Interfaith Forum
- **Support from Partners:** Throughout the consultation period, support was received from the Mayor, MPs, councillors, housing associations, local businesses, charities and tenants' and landlords' organisations. Flyers were displayed at Lewisham Hospital, Lewisham Foodbank, Lewisham College, Lewisham Homes reception and residents' events.

1.4. Paper consultations and translations in other languages were available upon request. Those whose first language was not English and who wanted to input their views were able to send a request via email with their details and their chosen language. Residents would then be contacted and their views gathered in their chosen language. This was communicated to residents throughout the consultation. A flyer was produced in Turkish

to reflect the large Turkish speaking population of the borough. This was distributed to Turkish shops, meeting points and cafes in the area.

1.5. To ensure widespread engagement across Lewisham, groups including older residents, disabled people, BAME and LGBTQ+ communities, young people and residents from various faiths were engaged with specifically. Following engagement with various places of worship across the borough, several churches shared information about the consultation to their members via email and displaying flyers, as well as flyers and face-to-face discussion with residents from a local mosque.

1.6. Early in the consultation period it was noted there were comparably limited responses from the following groups – residents in Downham, the BAME communities and people between the ages of 21 and 25. The following efforts were then made to reach out to these communities:

- The following organisations were approached: Voluntary Action Lewisham (who included our consultation in their e-newsletter, sent to 850 people); Stephen Lawrence Charitable Trust; Lewisham BME Network; Community Connections; Lewisham Indochinese Community Centre; Goldsmiths University and University of Greenwich.
- 77 places of worship from Christian, Islamic, Hindu and Judaist religions and Buddhist belief system were approached. These included: Catford Synagogue, Long Chen Foundation, London Sivan Koli, Ahmadiyya Muslim Community UK, Lewisham Islamic Centre as well as a number of Christian churches. These included: Forest Hill Christadelphians (who included our consultation in their emails and displayed the flyer on their notice board); Burnt Ash Methodist Church (who displayed our flyers); Olivet Deptford Baptist Church; Mountain of Fire and Miracles Ministries Deptford; Deptford Methodist Church and Mission; New Testament Church of God; The Bear Church; St Nicholas C Of E Church; Catholic Church of Our Lady of The Assumption; Deptford Salvation Army Centre; Elim Pentecostal Church Brockley; Emmanuel Church; and Kings Church Catford.

2. Summary of findings

2.1. 1,831 people responded to the consultation. In comparison to similar consultations by 21 other boroughs this is significantly higher than the average response of 910 and it is the fifth highest response overall (Newham, Waltham Forest and Croydon received 4,080, 2,400 and 2,309 respectively, although these boroughs were renewing their schemes; Hammersmith and Fulham received 2,018).

2.2. Of these of responses:

- 88% (1,619) of respondents live in Lewisham borough;
- 26% (473) were private housing tenants;
- 22% (411) were private landlords of one or more Lewisham properties;
- 21% (88) of the landlords who responded were HMO landlords.

2.3. Analysis of the responses shows there was general support for the boroughs proposals to extend additional HMO licensing and introduce borough-wide selective licensing.

- 53% (962) of respondents support proposals to introduce selective licensing to cover all privately rented properties across the borough whilst 30% (558) do not. Of these:

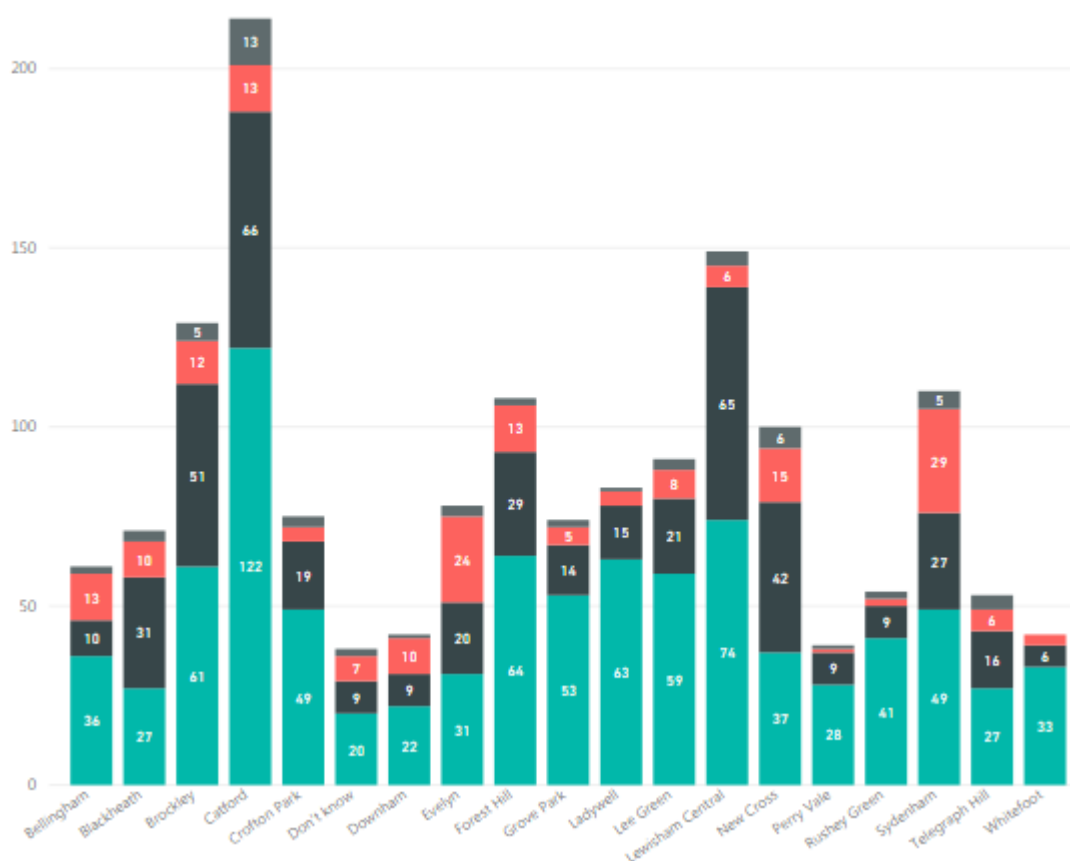
- 10% (43) of landlords support the proposal; 75% do not.
 - 65% (919) of other respondents support the proposal; 18% (251) do not.
 - 61% (1,111) of respondents support proposals to extend HMO licensing to cover all HMOs across the borough; 21% (379) do not. Of these:
 - 26% (108) of landlords support the proposal; 47% (195) of landlords do not.
 - 71% (1003) of respondents who are not landlords support the proposal; 13% (184) do not.
- 2.4. 50% of all respondents found the licence conditions to be clear and understandable, compared with 18% who did not. 37% of landlords and 55% of tenants found them to be clear and understandable.
- 2.5. There were a range of responses to the fee levels.
- 43% of respondents believe the proposed fee levels for the proposed extension to the HMO scheme to be 'about right', or 'too low'. 32% thought the fees were 'too high' or that 'the Council should not be charging this fee at all'.
 - In response to the proposed selective scheme, 40% believe 'the Council should not be charging this fee at all' or that the fee is 'too high'. 39% thought the fee to be 'about right' or 'too low'.
 - The majority of respondents believe the proposed early bird discount, the HMO fees based on lettable units and accreditation reduction to be fair.
- 2.6. Whilst many respondents (39%) think the selective licensing fee proposal is fair, there were a notable number (29%) who think basing the selective licensing fees on council tax bands is not fair. The Council has reconsidered the fee structure based on comments received and instead propose the use of a fixed fee for all selective licences. Further details on this point are available at section 9 below and in the Mayor and Cabinet report at section 8.

3. **Consultation participants**

- 3.1. 88% of respondents live in Lewisham borough. Of these, 56% were homeowners, 29% were private housing tenants and 11% were social housing tenants.
- 3.2. The chart below shows the distribution of responses by Ward and tenure type. A large number of responses were received from residents in Catford whereas fewer responses were received from those in Downham, Perry Vale and Whitefoot. At an early stage, officers identified that fewer responses were coming in from certain wards and addressed this as detailed in section 1.6.

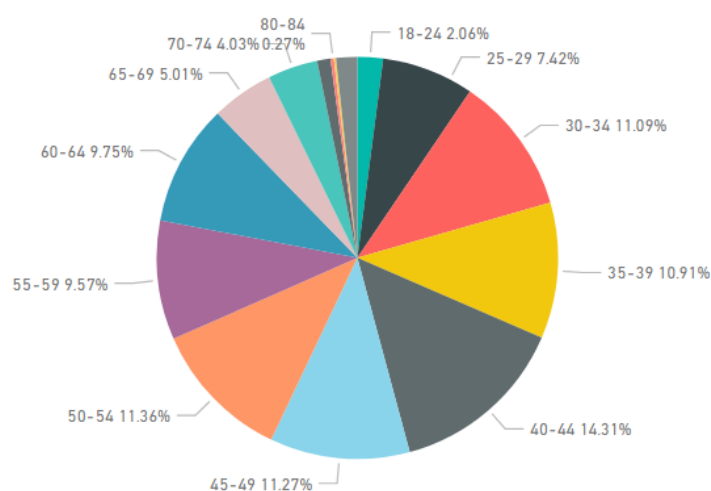
Ward for borough residents

If you live in the London Borough of Lewis... ■ I am a homeowner ■ I am a private housing tenant ■ I am a social housing tenant ■ Other



3.3. Where respondents gave consent, analysis has been undertaken based on the age, sex, ethnicity and sexual orientation of respondents.

3.4. The age of respondents was broadly evenly spread across the age groups. During the consultation officers identified that there were fewer responses from the 18-24 age group and addressed this as detailed in section 1.6.



3.5. 75% of respondents who gave consent to analyse their ethnicity data recorded their ethnicity as White British, White Irish or White Other. During the consultation period it was

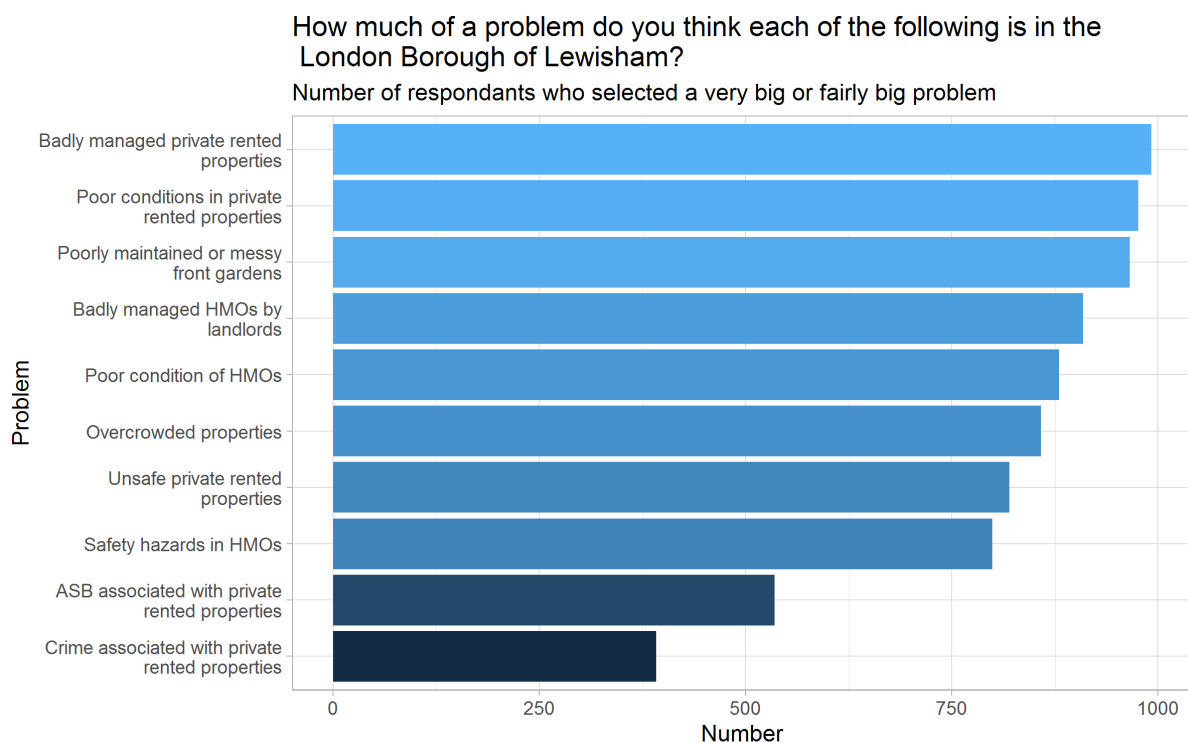
observed that fewer responses were being received from BAME residents and officers addressed this as outlined in point 1.6.

3.6. 54% of respondents identified as female, 43% as male, 3% preferred not to say and 1% selected other.

3.7. 76% of respondents stated their sexual orientation was straight, with 8% responding gay/lesbian and 4% responding bisexual. 10% preferred not to say.

4. **Private renting in Lewisham**

4.1. The below chart show the extent to which respondents thought particular issues affected privately rented properties in Lewisham:



4.2. A large number of respondents thought that bad management, poor conditions, poorly maintained gardens and overcrowding or unsafe properties were a problem in Lewisham. Fewer respondents thought ASB and crime associated with private rental properties to be a problem.

4.3. Officers have analysed the responses around ASB and Crime in more detail to understand the areas where fewer respondents thought this to be a problem.

4.4. The below chart shows the percentage of respondents living in each ward who thought ASB was either a very big or fairly big problem and those who thought it was not a problem or a fairly small problem.

Response to ASB associated with private rented properties, by Ward



4.5. Wards where a greater number of people thought there was an issue with ASB include: Bellingham, Catford, Downham, Grove Park, Rushey Green and Whitefoot. In a number of other wards a similar proportion of respondents that it to be a problem as those that did not.

4.6. The below chart show the percentage of respondents living in each ward who thought crime was either a very big or fairly big problem and those who thought it was not a problem or a fairly small problem.

Response to Crime associated with private rented properties, by Ward



4.7. Wards where a greater number of people thought there was a problem with crime include: Bellingham, Downham, Rushey Green and Whitefoot. In a number of other wards a similar proportion of respondents that it to be a problem as those that did not.

4.8. Analysis of the free text comments provided to the question ‘What measures could be put in place to support landlords to address nuisance and antisocial behaviour connected to their privately rented properties?’ has been undertaken and the comments grouped into commonly occurring themes. Example comments from these themes are shown below.

Are landlords doing enough to address nuisance and antisocial behaviour connected to their privately rented properties? - If you selected 'No', what measures could be put in place to support landlords to address nuisance and antisocial behaviour connected to their privately rented properties?	
Theme	Example comment(s)
Penalise the landlord	<p><i>“Final responsibility must lie with the landlord. If they are given warnings, landlords should be fined if antisocial behaviour in their property continues.</i></p> <p><i>It must be possible for landlords to evict tenants that have had a specific number of council warnings”</i></p>
Penalise the tenants	<p><i>“Put clauses in their written tenancy agreements that outline the consequences of such behaviour e.g. no deposit return or eviction”</i></p>
More council support	<p><i>“There should be legally enforceable guidelines that are the same for every landlord so they can deal with tenants in this situation knowing they have the full support of the council and the law. This also means</i></p>

	<i>tenants causing this problem will know of what will happen to them as a result of their actions."</i>
Not the landlord's responsibility	<i>"It is up to Lewisham council and the police to deal with antisocial behaviour."</i>
Landlords need to enable good behaviour – e.g. communicate what needs to be done and provide enough bins	<i>"Make sure the properties are looked after and in good repair. Make sure tenants have what they need to live as a good member of the community. Bins, etc."</i>
Better communication channels across the community	<i>"Co-ordinated responses from local authority, police and landlords."</i>
Improved noise abatement service	<i>"I selected yes, referring to my own situation, where I have in the past issued a notice to past tenants who were being too noisy. However, I do think more support needs to be available from council noise abatement units both in terms of numbers of staff available and hours at which they can be contacted or called out."</i>
A more thorough referencing system	<i>"Check the tenants record. DBS and real references (working references as well)"</i>
A public database of landlord contact details in order to report issues	<i>"Landlords should be on a public register so they can be contacted about problems caused by their tenants, and be legally accountable of possible."</i>
More efficient process of eviction for problem tenants	<i>"Landlords need the ability to easily evict problem tenants. The current direction of regulations is making this more difficult. Landlords do not needlessly evict good tenants but we need to be able to get rid of bad ones."</i>

What else can we do to make sure landlords are held accountable for their properties and treatment of tenants? - What else can Lewisham Council do?	
Theme	Comments
Impose penalties on landlords who mistreat tenants	<i>"Heavy fines are probably the best way to make sure landlords maintain their properties properly and treat their tenants fairly."</i>
Carry out regular inspections of properties	<i>"Carrying out unannounced / spot checks on licences property to ensure they are up to the standards required in their licensing agreement"</i>
Ensure there is a clear reporting line for tenants and any complaints are followed up	<i>"Provide support and guidance for tenants e.g. standard contracts, a website with details of tenants rights (in plain English) or walk-in clinics (perhaps run with support from local law firms or Citizens Advice)"</i>
Support landlords too	<i>"The question is also what additional support can landlords get if they get bad tenants who destroy their properties and give bad attitude etc."</i>
Impose a cap on rental payments	<i>"Why should you have to support landlords in providing decent accommodation. They should do that anyway. The rents are so high. You have not mentioned a rent cap system. The pressure out there to survive is horrendous and the rents are too high"</i>

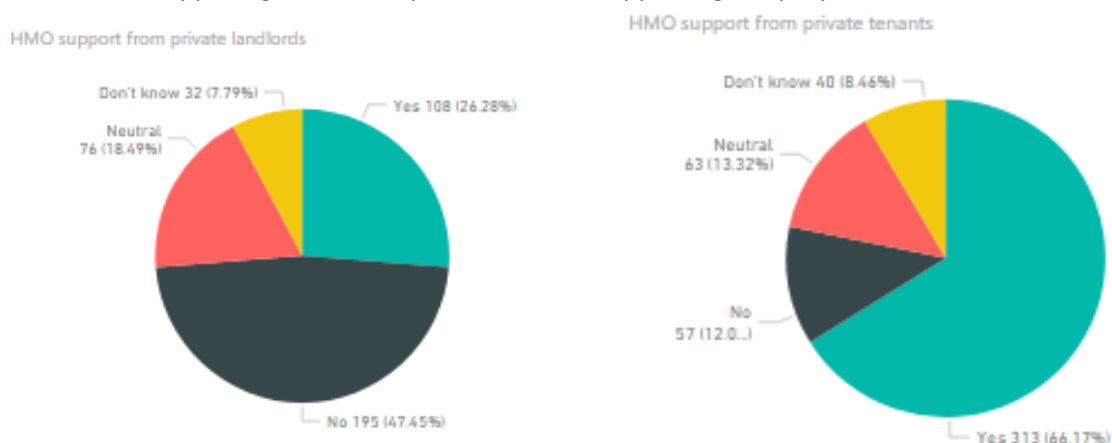
Increased resources for the enforcement of the current rules	<i>"It seems to me that your housing enforcement teams require larger budgets to carry out more inspections and be able to be more proactive. I see no evidence between charging licensing fees and increased budgets for enforcement teams."</i>
Public register/rating system of landlords	<i>"Having a list that landlords go in with a rating, if Lewisham council gives the landlord a five star rating, people know that the landlord can be trusted & this will help bad landlords improve"</i>

4.9. These comments and suggestions have been taken into consideration as the proposed additional and selective licensing schemes are finalised. Responses are provided in section 9 below.

5. Additional licensing – detailed findings

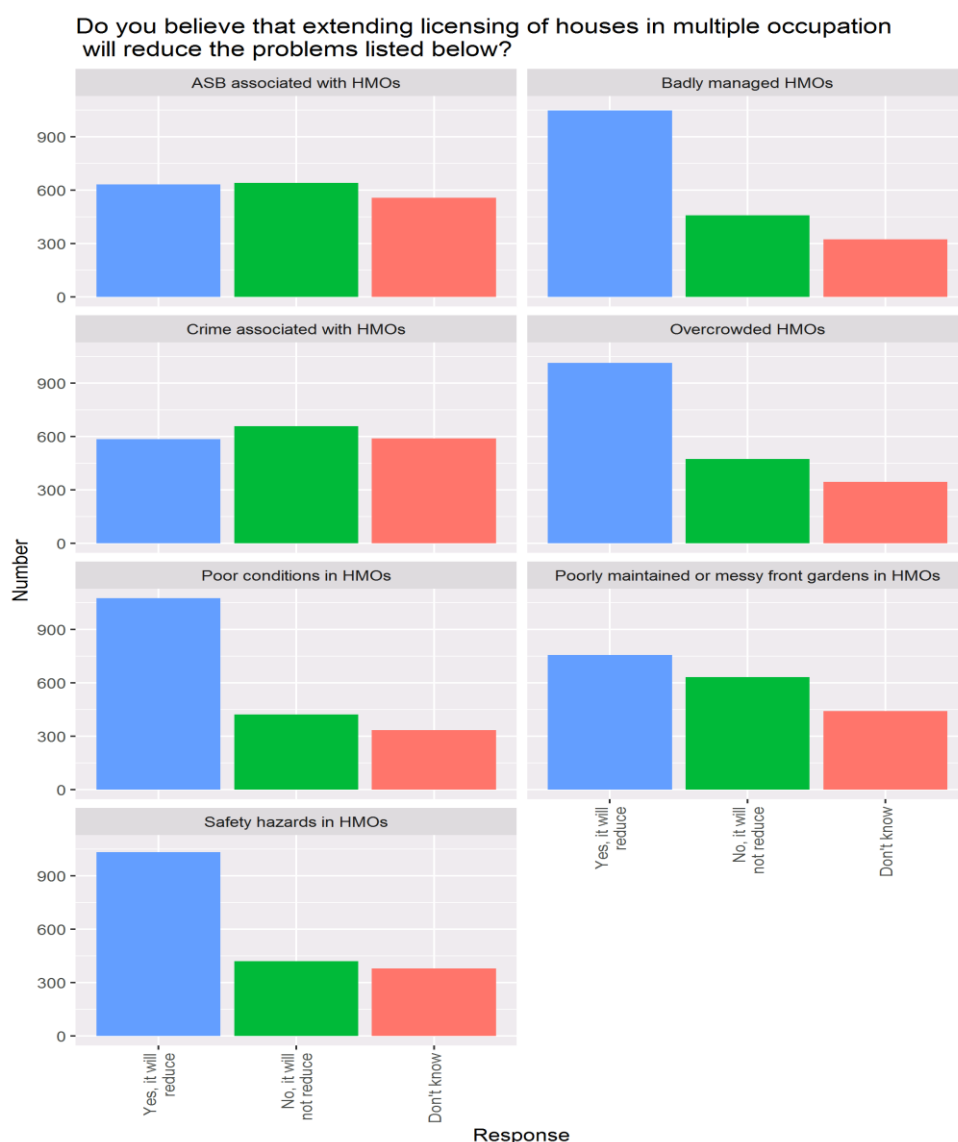
5.1. There was significant support amongst respondents for extending additional HMO licensing, with 61% of all respondents supporting the proposals, and 63% of borough residents in support.

5.2. The below charts show how the support differs for those who are private landlords (26% supporting and 47% opposing) and those who are private tenants (66% supporting and 12% opposing), with many more tenants supporting the proposals than landlords.



5.3. 63% of borough residents across all wards were supportive of extending additional HMO licensing. All wards showed more than 50% of respondents supporting the proposals and some wards had as many as 79% of respondents in support.

	Yes	No	Neutral	Don't know
Bellingham	64%	15%	5%	16%
Blackheath	62%	18%	13%	7%
Brockley	61%	19%	16%	5%
Catford	53%	25%	11%	10%
Crofton Park	79%	9%	4%	8%
Don't know	63%	16%	11%	11%
Downham	57%	31%	10%	2%
Evelyn	56%	24%	12%	8%



5.6. Officers have analysed the responses around ASB and Crime in more detail to understand the areas where fewer respondents thought this to be a problem.

5.7. The below chart show the percentage of respondents living in each ward who thought ASB would or would not reduce as a result of the additional licensing scheme.

Response to reduction of ASB through extended licensing, by Ward



5.8. Wards where a greater number of people thought ASB would be reduced were Bellingham, Crofton Park, Grove Park, Ladywell, Lewisham Central, Perry Vale, Sydenham, Telegraph Hill and Whitefoot. In New Cross, the same percentage of respondents thought ASB would be reduced as those who thought it would not be.

5.9. The below chart show the percentage of respondents living in each ward who thought crime would or would not reduce as a result of the additional licensing scheme.

Response to reduction of Crime through extended licensing, by Ward



5.10. Wards where a greater number of people thought crime would be reduced were Crofton Park, Grove Park, Ladywell, Lewisham Central, New Cross, Perry Vale, Telegraph Hill and Whitefoot.

5.11. Analysis of the free text comments provided to the question ‘Do you support proposals to extend HMO licensing to cover all HMOs across the borough? - What are your reasons for this choice?’ has been undertaken and the comments grouped into commonly occurring themes. Example comments from these themes are shown below.

Do you support proposals to extend HMO licensing to cover all HMOs across the borough? - What are your reasons for this choice?	
Theme	Example comment(s)
Comments in support	
It will make landlords responsible and hold them to account	<i>“Private landlords need to be accountable to someone. The condition and safety of their properties needs to be monitored. Private renters need the protection that a licensing scheme would bring.”</i>
	<i>“The more the regulations and checks - provided these can be enforced - the more that owners/landlords will understand their responsibilities and not just the financial gains. Whilst some tenants can be accused of anti-social behaviour etc, they are often subject to high rents, short term leases and less than adequate conditions. They are not encouraged to feel that they are part of the community and are not advised how refuse is</i>

	<i>collected etc. All too frequently, owners/landlords are unaware of these provisions themselves as they live/work far away."</i>
It will have a positive impact to the local area (e.g. better maintained houses and gardens)	<i>"I think that there are many properties that are badly maintained on the outside and look poorly maintained on the inside. There looks to be overcrowding and tenants are unfairly served by unscrupulous landlords which tarnishes the image of responsible landlords."</i>
It will deter bad landlords and promote better living standards (e.g. regarding safety and overcrowding)	<i>"Experience of living near some makes me think that poor housing stock leased to people who have people who have no choice but to rent from poor quality landlords makes for a solution unsatisfactory for all, whether that is risks to the tenants themselves or the level of nuisance/ crime to their neighbours."</i>
	<i>"I'm a landlord at the moment. It is very easy to start to rent out a property and very easy to provide a property that isn't up to fire or basic living standards. So I'd support an improvement in this area through licensing. I'd prefer it to be nationwide rather than borough by borough though."</i>
Licensing will help tenants who are too scared to report issues	<i>"I work as a community nurse and visit lots of HMOs in Lewisham- the majority I visit are poorly maintained and converted in an unsafe way. A licence will enable monitoring and enforcement of good conditions. I often report poor home conditions to environmental health but tenants are too scared to let them in for fear of being evicted. Compulsory licensing will enable monitoring and enforcement of good conditions."</i>
Licensing will bring benefits to everyone	<i>"There is evidence that landlords of HMOs do not always maintain their properties to a decent standard and that there are other problems associated with the HMO sector, such as overcrowding, antisocial behaviour, health and safety issues etc. By licensing HMOs the Council has a means to enforce standards, i.e. failure to comply with the terms of the licence can mean the licence is revoked. If landlords are licensed they are more easily traceable, as traceability of landlords can be an issue when it comes to enforcement. The revenue from the licences would presumably go towards the cost of enforcement and administration. As homelessness and bad housing are a cost to us all (e.g. the link between poor housing and poor health is well-established) improving standards in the HMO sector this way would not only be socially and morally right for the Council, it would demonstrate value for money to everyone else in the Borough."</i>
Positive experience in other boroughs	<i>"I saw a very positive benefit in the London Borough of Newham, although initially resisted by private landlords, they were eventually won around as they saw the positive benefits for themselves as well as residents. The knock on benefits are felt by neighbours and the Borough as a whole."</i>
Licensing will improve living conditions for vulnerable residents	<i>"HMOs are an important part of the overall rental market, providing essential lower cost private rented accommodation to those for whom that is appropriate, however they are also the most vulnerable to poor, abusive or criminal landlords. Further, the dereliction of the properties allowed by such landlords worsens the overall environment for all other residents in the</i>

	<i>area (rubbish in gardens etc etc) and contributes to an atmosphere that encourages fly-tipping, anti-social behaviour etc. Introducing proper licensing will go a long way to improving the living conditions for some of Lewisham's most vulnerable residents - so long as it is effectively enforced."</i>
Comments in opposition	
It will deter/penalise good landlords, reduce stock and increase rents	<i>"The additional licensing cost will deter landlords from renting out their properties causing the housing shortage a bigger problem. Rents will increase due to loss of additional tenant income."</i>
There are already adequate regulations in place which need to be enforced	<i>"The council already has enforcement powers granted to them under the Housing and Planning Act 2016, and so should make full use of these powers rather than introducing a licensing scheme on top of these powers."</i>
This is an exercise for the Council to get more money	<i>"I feel it is another money making scheme for the council"</i>
The Council should focus on their own stock first	<i>"I think Lewisham Council need to really set a standard for their own rented accommodations in all of categories listed in the survey I stead of pointing fingers elsewhere. Once this is done and has effectively been done, then licensing may be considered for HMOs."</i>
The problems are a result of the shortages of social housing	<i>"HMO gets a bad rap. If there wasn't a shortage of social housing there wouldn't be a need for it. Had the councils not sold off their assets we wouldn't be in this position. If the government and councils did what they claimed and built affordable social housing, there wouldn't be a reliance on the private sector. Sort out social housing and make them safe before coming after the private sector landlords as a way of making money!"</i>
Evidence base is not strong enough	<i>"The lack of evidence in the supporting documentation, and my wider knowledge of these schemes in other parts of the country. They tend to be bureaucratic exercises that do not focus on selective enforcement which is the key to dealing with the small number of non-compliant landlords. While the supporting consultation documents set out some interesting analysis, the evidence is neither robust nor conclusive. The documents identify some correlations and strong relationships - that is not the same as cause AND effect."</i>
Licensing will reduce the availability of low cost housing	<i>"People who live in HMOs are at the bottom-end of the housing market, doing the most poorly-paid jobs. Increasing rent and reducing supply isn't helping them. If they can't afford to live here, they will move out of London. Then there will be no-one doing those bottom-end of the market - the bin men, the hospital porters, the sales assistants, the catering workers - or they'll be doing it, but not in London."</i>
Licensing will result in properties being left empty	<i>"If you make it harder for landlords to rent properties they will stop letting properties and sell to someone else or leave them empty until the value goes up - I know because I am a landlord in another borough and the rules and regulations are now so tight and compliance so expensive and some (not all) tenants cause so much damage that its often cheaper leaving them empty than letting them."</i>

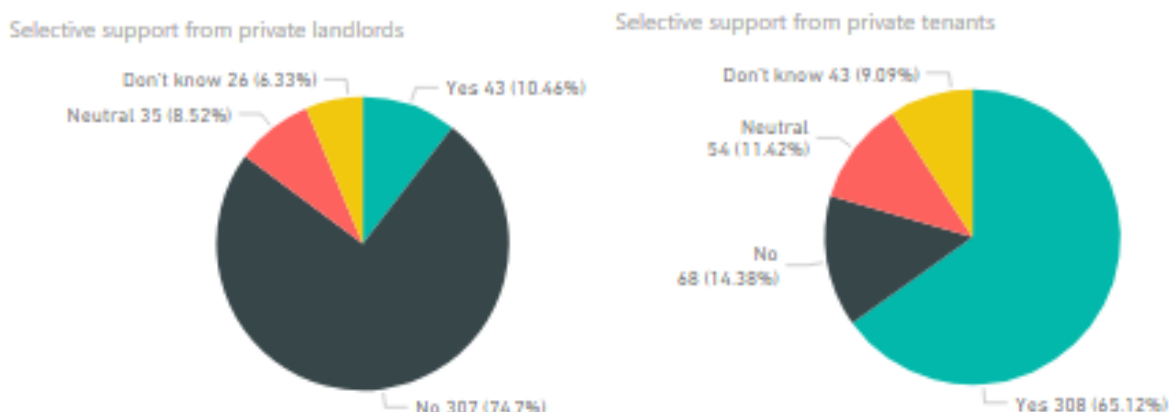
How will the Council target the bad landlords?	<i>"Learnt from my own direct experience of the extension of HMOs in Oct 2018 what will happen is that the good landlords such as myself who provide good accommodation will get licensed, the bad ones of which I know some just won't bother. Lewisham council does not proactively seek out unlicensed HMOs so the risk of getting caught if you don't license is negligible."</i>
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5.12. These comments and suggestions have been taken into consideration as the proposed additional and selective licensing schemes are finalised. Responses are provided in section 9 below.

6. **Selective licensing – detailed findings**

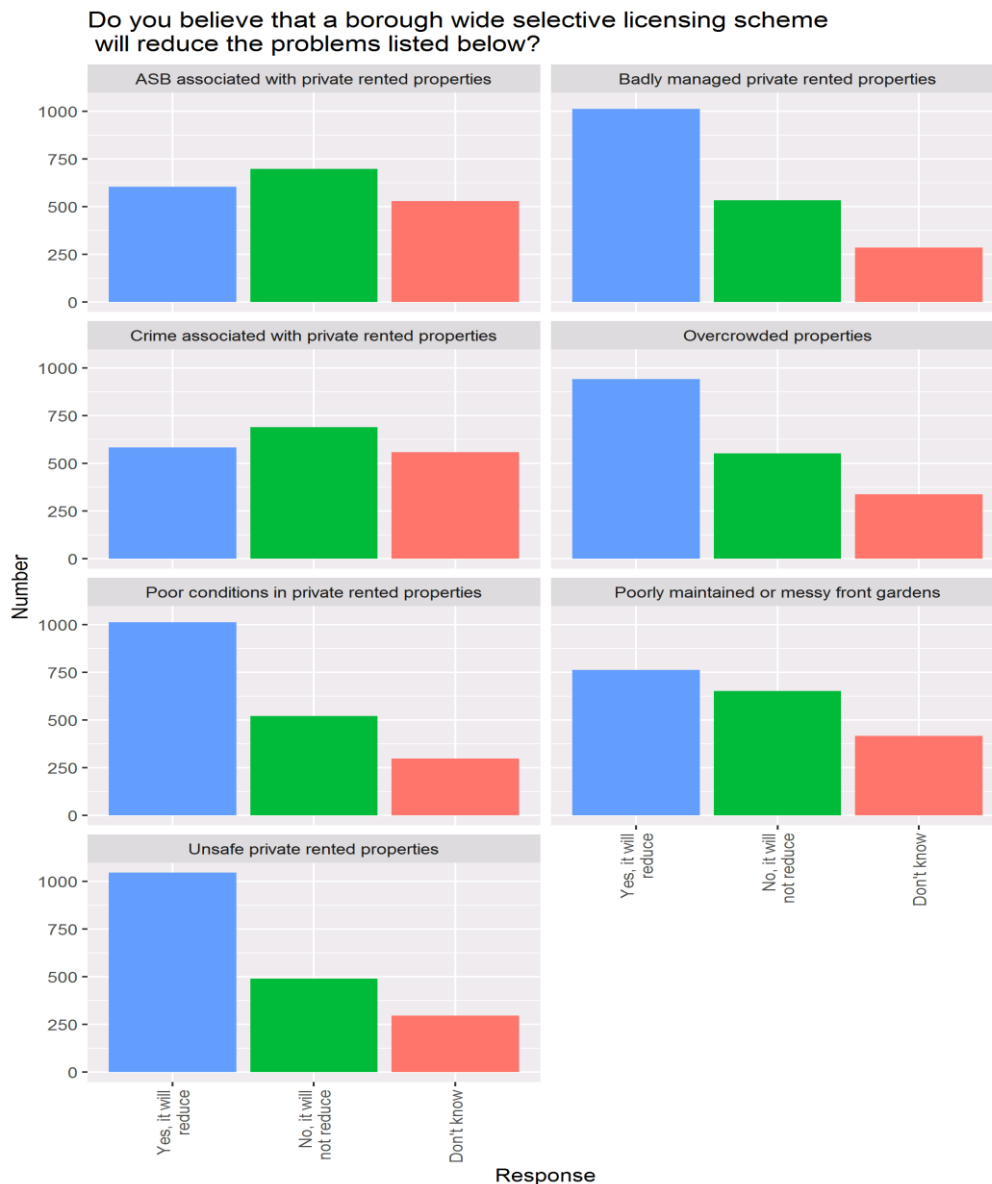
6.1. The majority of respondents support the introduction of selective licensing, with 53% of all respondents supporting the proposals, and 55% of borough residents in support.

6.2. The below charts show how the support differs for those who are private landlords and those who are private tenants, with many more tenants supporting the proposals than landlords.



6.3. 55% of borough residents were supportive of introducing selective licensing. The majority of wards showed support with more than 50% of respondents supporting the proposals, with the remainder not supporting, being neutral or didn't know. The wards with less than 50% support for selective licensing were Forest Hill and Lee Green, although more residents in these wards supported selective licensing than did not or were neutral.

	Yes	No	Neutral	Don't know
Bellingham	54%	25%	10%	11%
Blackheath	61%	30%	3%	7%
Brockley	59%	26%	9%	7%
Catford	54%	28%	9%	9%
Crofton Park	59%	21%	9%	11%
Don't know	50%	32%	8%	11%
Downham	55%	33%	7%	5%
Evelyn	53%	32%	5%	10%



6.6. Officers have analysed the responses around ASB and Crime in more detail to understand the areas where fewer respondents thought this to be a problem.

6.7. The below chart show the percentage of respondents living in each ward who thought ASB would or would not reduce as a result of the selective licensing scheme.

Response to reduction of ASB through selective licensing, by Ward



6.8. Wards where a greater number of people thought ASB would be reduced were Brockley, Crofton Park, Perry Vale, Rushey Green, Sydenham, Telegraph Hill and Whitefoot. In a number of other wards a similar proportion of respondents that it to be a problem as those that did not.

6.9. The below chart show the percentage of respondents living in each ward who thought crime would or would not reduce as a result of the selective licensing scheme.



6.10. Wards where a greater number of people thought crime would be reduced were Brockley, Crofton Park, Perry Vale, Rushey Green, Sydenham, Telegraph Hill and Whitefoot. In a number of other wards a similar proportion of respondents that it to be a problem as those that did not.

6.11. Analysis of the free text comments provided to the question ‘Do you support proposals to introduce selective licensing to cover all privately rented properties across the borough? - What are your reasons for this choice?’ has been undertaken and the comments grouped into commonly occurring themes. Example comments from these themes are shown below.

Do you support proposals to introduce selective licensing to cover all privately rented properties across the borough? - What are your reasons for this choice?	
Theme	Example comment(s)
Comments in support	
There will be better regulation of landlords and help for renters	<i>"I have met many neighbours who have been treated appallingly by landlords — who leave families in horrific conditions and usually too afraid to complain for fear of being made homeless. It would be wonderful to have a licensing scheme that protects vulnerable renters and allows rogue landlords to be prosecuted and held to account."</i>
	<i>"I have experienced a 'rogue' landlord. Ready to take the money from the poor tenants subjected to living in sub-standard conditions, being dictated to by his every whim, thereby creating</i>

	<i>yet more anxiety in these people's lives. Because he doesn't live in that property, he shows total utter contempt to neighbours who have to stand by and watch a "rogue" landlord getting rich on the misery of so many."</i>
It will improve conditions and prevent poor health for tenants	<i>"Although less pressing than HMO licensing, I believe that a proper system of private rental licensing is vital. For too long landlords have been getting away with poor quality housing and poor service and this will help to rebalance the situation."</i>
	<i>"Landlords should be regulated closely to ensure accommodation is suitable, particularly when there are babies and children sleeping in bedrooms with black damp across the walls. The children get ill, parents become depressed. They don't feel part of a community and feel nobody cares about them. It is difficult to feel valued and make a positive contribution when you live in very poor conditions."</i>
It will help improve local neighbourhoods	<i>"I think it will improve anti-social behaviour such as poorly maintained front gardens and not sorting rubbish. I used to rent out my property and would not mind paying this."</i>
Fair to treat rented properties consistently	<i>"While HMOs are most in need of intervention of this kind, it makes sense to extend the regime to all rented properties to prevent unscrupulous landlords attempting to bypass the HMO licensing scheme. It also makes sense that we should be thinking about all rental property in the same way and treating them consistently in terms of safety, tenant behaviour, landlord obligations etc whether they are six people living separately or a family of six."</i>
Need to address absentee landlords	<i>"This should address to the issue of 'absentee landlords', which can be individuals as well as companies: having an offshore based company as a landlord can be a be a nightmare. In such cases, the license should be granted only if the absentee landlord can show he has given the management to a reputable estate agent or management company, based in the UK and preferably locally."</i>
Need to ensure enforcement activities are carried out	<i>"I would be 100% in favour of improving conditions for people in private rental properties. I am well aware of how it can be run by ruthless landlords. But I would equally hate to see the legislation being ignored because people know it can't be enforced."</i>
Comments in opposition	
It will not deter bad landlords	<i>"I believe that introducing this would not alleviate the problem. Bad Landlords will find ways/loopholes to get around what they are required to do."</i>
This is money making exercise	<i>"This appears to be another money making scheme in the downloads no mention of more employees to deal with this new coverage or funds going into social housing stock."</i>
This is only necessary for HMOs, there is already too much regulation	<i>"There is no justifiable reason to extend this scheme to all privately rented properties. The extension of this scheme is focusing on a part of the renting sector that has no problems. HMOs are particularly bad because of the number of people in one residence and the potential vulnerability of those people, but non-HMOs do not have this problem. Imposing these costs on every other private rented property is unjustified and over the top."</i>

	<i>"Most small privately rented properties are well done by small landlords. These landlords want to maintain their properties well and assist their tenants. The council need to concentrate on the worst HMOs in the area and tackle this problem. We have small enough resources as it is without spreading them to cover all rented properties. Stick with uncovering and correcting the worst HMOs."</i>
It will deter/penalise good landlords, reduce stock and increase rents	<i>"Majority of privately rented properties are not in poor or unsafe condition. Selective licensing should be targeted in certain areas of the borough where there is proven a greater incidence of housing problems. With other legislative changes more landlords will either leave the market or increase rents to cover the costs of licence fees."</i>
	<i>"As a landlord it is already becoming impossible to make a profit from renting properties due to increased fees and taxation. Adding more fees and paperwork to this will just push more landlords away and leave less houses available for private rental. I have always been a good and diligent landlord and this additional administration would probably trigger the end to my role as a landlord."</i>
The Council should focus on their own stock first	<i>"I believe that looking at the standard of privately rented properties alone and not looking at council and housing association properties is not fair. The standards of these other rented properties and the associated antisocial behaviour and criminality are often far worse."</i>
The Council should not be involved in short term letting arrangements	<i>"I rent out a room in my house occasionally and don't see a need to pay for a licence or for the borough to get involved. I have had no problems with my tenants and my tenants have caused no problems to anyone while renting."</i>
Query the evidence and the Council's motivations	<i>"LBL have not provided the research that this consultation has been based on. It seems that this be an exercise in getting rid of undesirable, instead of offering some sort of help. I need to see why this consultation came about in the first place, I mean, how many in the Borough have complained and what was the outcome of the complaints investigated, as the questions that have been asked seem to be based on complaints and not the outcome of investigations. There needs to be some balance."</i>
Landlords will not rent to families with children	<i>"This is highly discriminating to tenants. If I live in a block of flats of owner occupiers- if my family make a noise (normal behaviour of children playing etc.) my neighbours could make a complaint about the noise, (they have done so in the past) which my landlord would have to be shown to be "doing something", while I would not have this recourse to my neighbours noise who are owner occupiers. We would be considered as second class citizens. This would increase prejudice to renting out to families, especially families with teenagers and young children. This will also fuel letting agents/ landlords prejudice against already disadvantaged groups BAME, working class professionals and families."</i>
	<i>"I am aware of schemes in other boroughs that are merely administrative and fine landlords for failing to register as opposed</i>

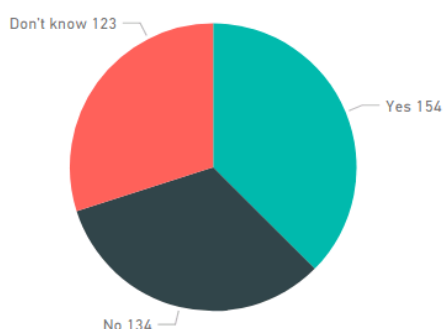
Will not be successful without well-resourced enforcement measures	<i>to actually inspecting properties to look at the individual hazards and getting the properties improved."</i>
	<i>"None of the above will work because it would take too many officers to enforce the laws. Needs more officers to make a significant difference as you need to be on the case regularly to have any affect."</i>

6.12. These comments and suggestions have been taken into consideration as the proposed additional and selective licensing schemes are finalised. Responses are provided in section 9 below.

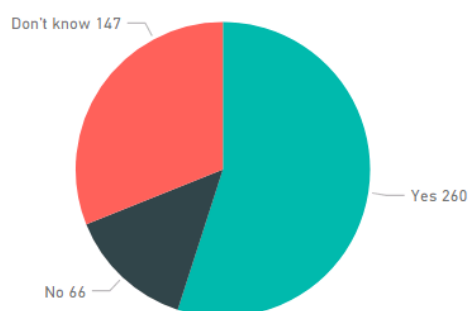
7. Licence conditions

7.1. 50% of all respondents found the licence conditions to be clear and understandable, compared with 18% who did not. The charts below show the results split by Lewisham landlords and tenants. 37% of landlords and 55% of tenants found them to be clear and understandable.

Landlord response to clear and understandable conditions



Private tenant response to clear and understandable conditions



7.2. Analysis of the free text comments provided to the question 'Do you think that the proposed licence conditions are sufficiently clear and understandable? - If you selected 'No', please state which conditions are not clear, and why?' has been undertaken and the comments grouped into commonly occurring themes. Example comments from these themes are shown below.

Do you think that the proposed licence conditions are sufficiently clear and understandable? - If you selected 'No', please state which conditions are not clear, and why?	
Theme	Example comments
Clarity needed for different types of rental.	<i>"Not clear if this would apply to people with lodgers."</i>
Property rented out for less than five years?	<i>"What if someone only wants to rent their home for a year or two? working abroad for example. They shouldn't have to pay for 5 years."</i>
Impact of tenants behaviour	<i>"It does not make clear how a licence enables a landlord to deal with unruly tenants."</i>
Dealing with ASB	<i>"How would landlords be expected to deal with anti-social behaviour without putting themselves at risk and/or breaking rules around evictions?"</i>

Use of fees	<i>"You have not listed where the money will go in clear detail. It should be specific and to the £1.00 what everyone licence will cover and what it will be used for and there needs to be accountability if not done as stated."</i>
Clarification	<i>"Restrictions or prohibition on the use or occupation of particular parts of the house."</i>
Definition of fit and proper person	<i>"'Fit and proper person' - Who is to judge? A local magistrate?"</i>
Unclear what is meant by selective licensing	<i>"To be honest, I was quite confused by the 'selective' licensing wording. What exactly is meant by that? Seems to be the opposite of what it suggests. 'Selective' to me indicates less rigorous monitoring, whereas this scheme seems to be proposing to be more rigorous."</i>
The proposals contain too much jargon	<i>"I think the whole thing should be explained in simple words (avoiding jargons) so anyone can understand what this is about."</i>

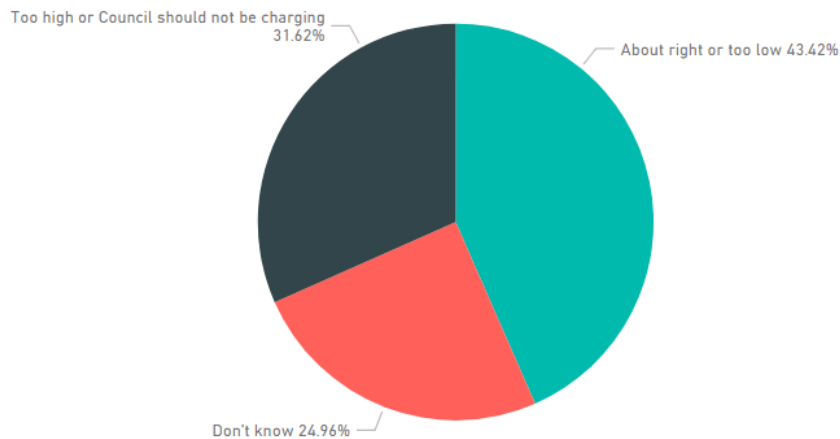
Do you think that any of the proposed licence conditions should not be included? - If you selected 'Yes', please state which conditions should not be included and why?	
Theme	Example comments
References	<i>"A requirement that the licence holder gets references from persons wishing to occupy the house" - this unfairly punishes a whole range of people, who are nearly always going to be at the low-income end of the housing market, such as students, first-time renters, immigrants, ex-offenders."</i>
A requirement for the landlord to take reasonable steps to prevent antisocial behaviour by occupiers or visitors.	<i>"Landlords should not be wholly responsible for antisocial behaviour of their tenants. Landlords do not generally live on the premises and they are "prisoners" to their tenant's honesty regarding how they behave and any visitors to the premises. Tenants generally agree to behave within reason and be respectful of their neighbours. If they do not do this then Landlords should have recourse to give a warning and if this warning is not adhered to then they should be helped to remove that tenant from causing a nuisance to others."</i>
Safety checks	<i>"Landlords already have legal obligations concerning gas-safety, electrical safety, provision of EPCs, referencing (right to rent checks) and the like. Unless Lewisham proposes to actively inspect all rented properties annually, then the proposed licence is merely an additional cost for competent landlords, while less the competent will still get away with being non-compliant for periods of time. I would suggest that if the council feels compelled to enforce the above (which are already enforceable without a licensing scheme), an easy portal where all landlords can upload and display these would be appropriate."</i>
People renting rooms in their own homes should not be included	<i>"I would like the caveat of the rooms in owners houses excluded from the licensing"</i>
Scheme 2 as a whole shouldn't be included	<i>"Categorical 'No' to scheme 2. Just money making for the council."</i>

7.3. These comments and suggestions have been taken into consideration when formulating the Council's proposals for the licensing conditions. The Council's response is included in section 9 of this report.

8. Licensing fees

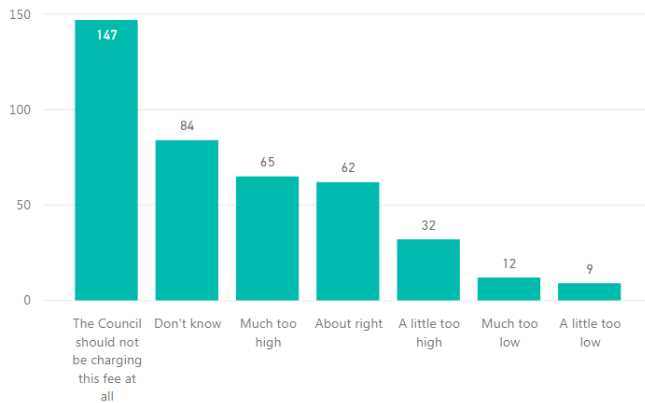
8.1. In general, respondents were supportive of the fees proposed by the Council for granting HMO licences. More respondents indicated that the fees are about right or too low than those who indicated they are too high or that the Council should not be charging a fee.

HMO fees - all respondents

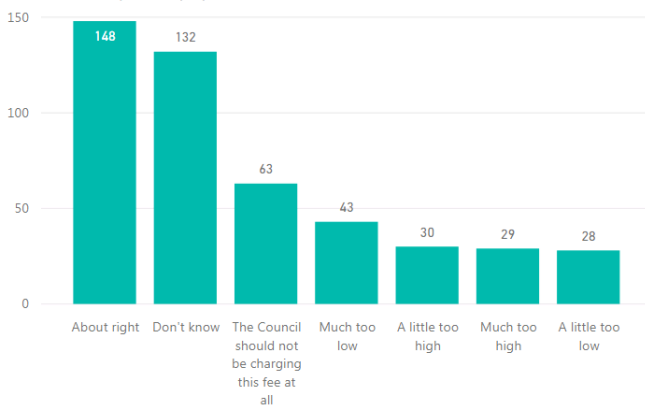


8.2. The below charts show the responses split by landlord and tenant. Most landlords thought the Council should not be charging a fee at all while most private tenants thought it was about right.

Landlord response to proposed fee levels for HMO licenses

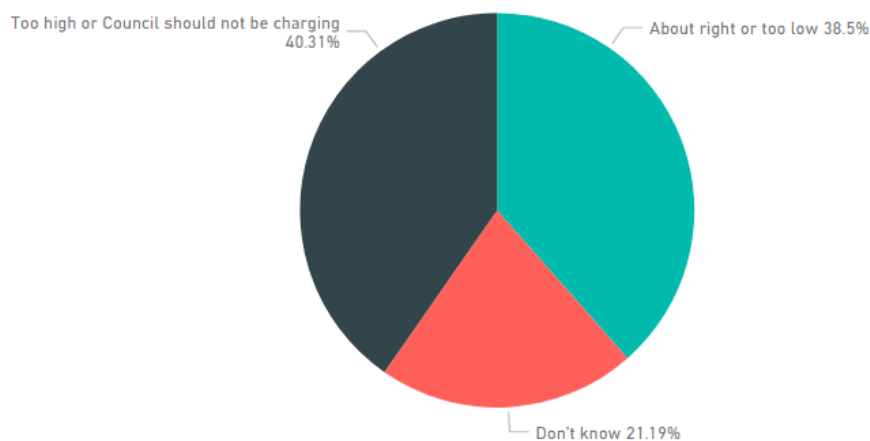


Private tenant response to proposed fee levels for HMO licenses



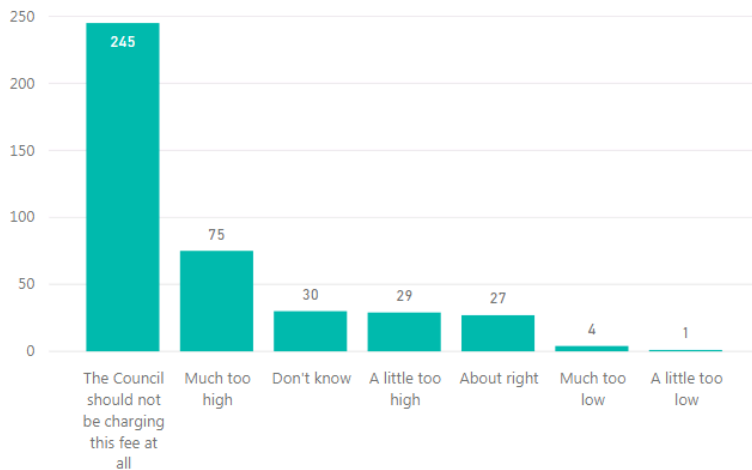
8.3. Slightly fewer respondents thought the proposed selective licensing fees were about right or too low than those who thought it was too high or that the Council should not be charging this at all.

Selective fees - all respondents

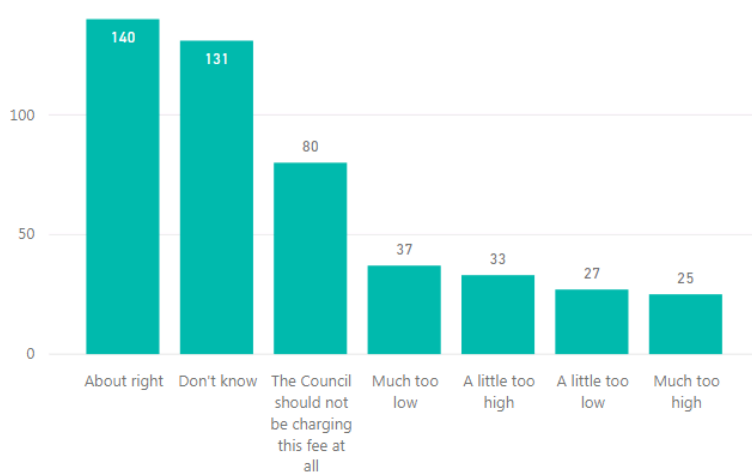


8.4. The below charts display the responses split by landlord and tenant. The majority of landlords thought the Council should not be charging a fee at all while most private tenants thought it was about right.

Landlord response to proposed fee levels for selective licensing



Private tenant response to proposed fee levels for selective licensing



8.5. Analysis of the free text comments provided to the question 'What do you think about the proposed fee levels? - If you have selected 'too low' or 'too high', what are your reasons?' has been undertaken and the comments grouped into commonly occurring themes. Example comments from these themes are shown below.

What do you think about the proposed fee levels? - If you have selected 'too low' or 'too high', what are your reasons?	
Theme	Example comments
Too low, the licence needs to be enforced well	<i>"Providing a home for tenants is a serious responsibility, and proper enforcement, that involves frequent inspections will have a cost. It is essential the fees are high enough to cover this enforcement."</i>
Too low, the income generated from renting is very high	<i>"Disproportionate to the profit margins landlords are gaining from the service they provide, which in many cases is unsatisfactory."</i>
Too low, should be incentive based with 'bad' landlords being charged more and reductions for good practice	<i>"Should be an incentive scheme. Tenants should know about their right to contact the council if repairs are not done satisfactorily or the landlord is behaving badly. On the other hand, some landlords are really good. If there have been no complaints, the licence fee should be reduced after the first five years."</i>

Too low, should be based on the rent charged rather than council tax	<i>"Fees should be based on the proposed rental value of the dwelling rather than council tax band"</i>
Too low, HMO landlords should be charged more as this is where most issues arise	<i>"It seems to me that the proposed fees for HMO landlords are too low as they appear to be the main culprits and the ones who need to be encouraged to 'raise their game' rather than participating in a race to the bottom."</i>
Too low, should be incentive based with 'bad' landlords being charged more and reductions for good practice	<i>"Should be an incentive scheme. Tenants should know about their right to contact the council if repairs are not done satisfactorily or the landlord is behaving badly. On the other hand, some landlords are really good. If there have been no complaints, the licence fee should be reduced after the first five years."</i>
Too low, should be based on the rent charged rather than council tax	<i>"Fees should be based on the proposed rental value of the dwelling rather than council tax band"</i>
Too low, HMO landlords should be charged more as this is where most issues arise	<i>"It seems to me that the proposed fees for HMO landlords are too low as they appear to be the main culprits and the ones who need to be encouraged to 'raise their game' rather than participating in a race to the bottom."</i>
Too high, the cost will be passed on to tenants	<i>"Costs will inevitably be passed on to tenants by most landlords increasing problems of affordability"</i>
Too high, the fee is not in line with other boroughs and needs to be justified	<i>"It is not comparable with other boroughs and is disproportionately high."</i>
Too high, the cost will deter landlords and decrease stock	<i>"Increasing costs for landlords will reduce the number of properties and landlords in the borough"</i>
Too high, it is a way for the Council to supplement their budget	<i>"It's seen by many as an easy fund raiser for the council at a time when the council is strapped for cash."</i>
Too high, the fees will stop landlords declaring that they are renting out rooms	<i>"Fees, should be set to encourage landlords and not discourage them so much so they go underground."</i>

8.6. These comments and suggestions have been taken into consideration when formulating the Council's proposals for the licensing conditions. The Council's response is included in section 9 of this report.

8.7. Respondents were also consulted on how the HMO and selective fees were set, whether this methodology was fair and whether there should be discounts for landlords in certain instances.

8.8. The Council proposed calculating the HMO fees based on the number of lettable units and basing the selective licensing fees on council tax bands, where more expensive properties would be charged higher fees. This reflects the fact that larger properties are more likely to obtain a higher rent. Respondents were asked if these proposals were fair. The responses were as below.

- HMO fees based on lettable units:
 - 55% of all respondents thought this was fair, with 17% stating it was unfair;

- Amongst private landlords, 30% thought it was fair and 36% thought it was unfair.
- Selective licensing fees based on council tax bands:
 - 39% of all respondents thought this was fair, with 29% stating it was unfair;
 - Amongst private landlords, 18% thought it was fair and 56% thought it was unfair.

8.9. Respondents were asked for their thoughts on where the Council might offer discounts to landlords on the fees. A discount for those who applied for a license early was proposed, as was a discount for accredited landlords. Respondents were asked if these proposals were fair. The responses were as below.

- Early applicant discount:
 - 42% of all respondents thought this was fair, with 20% stating it was unfair;
 - Amongst private landlords, 31% thought it was fair and 30% thought it was unfair.
- Discount for accredited landlords:
 - 50% of all respondents thought this was fair, with 18% stating it was unfair;
 - Amongst private landlords, 30% thought it was fair and 36% thought it was unfair.

8.10. Analysis of the free text comments provided to the question 'Do you think that the proposals are fair? - If you have selected 'Unfair' then what are your reasons?' has been undertaken and the comments grouped into commonly occurring themes. Example comments from these themes are shown below. The Council's response is included in section 9 of this report.

Do you think that the proposals detailed below are fair? - If you have selected 'Unfair' then what are your reasons?	
Theme	Example comments
Unfair to penalise good landlords who do not belong to a landlord accreditation scheme (e.g. those with one property)	<i>"Why should being a membership of another scheme be an advantage for some landlords over others who may not see the benefits of being in that group?"</i>
	<i>"An accredited landlord doesn't need to be licensed as they are already committed to operating at a high standard. This shoots down the Council's rationale of licensing to ensure high standards."</i>
Unfair to base fee on outdated council tax bands	<i>"Council tax bands were set many years ago, so there is a question as to whether or not they provide a helpful baseline."</i>
Unfair to offer an early bird discount	<i>"I don't see why landlords should get a 20% reduction for applying early. I don't get a 20% reduction in my rent for paying it early to my landlord."</i>
Unfair to implement a fee	<i>"A fee should not be charged as this could lead to private landlords selling up, leaving more of a housing short fall and more illegal HMO's"</i>
	<i>"The whole scheme and in particular the fee is simply another tax on investment, business and landlords in the"</i>

	<i>borough. It is structured as a wealth tax and it will result in less investment in the borough. it is a disincentive to invest and operate a property letting business in the borough."</i>
Unfair as merely replicates existing accreditation	<i>"An accredited landlord doesn't need to be licensed as they are already committed to operating at a high standard. This shoots down the Council's rationale of licensing to ensure high standards."</i>
Unfair as only protects tenants and doesn't make bad tenants accountable	<i>"Licensing is not going to address the problems of anti social behaviour or crime or environmental anti social behaviour as these are carried out by tenants and outside the control of landlords. So charging landlords for a licensing scheme aimed at changing tenants behaviour is bizarre and unfair."</i>
Unfair as just another tax on investment and business in the borough	<i>"The whole scheme and in particular the fee is simply another tax on investment, business and landlords in the borough. It is structured as a wealth tax and it will result in less investment in the borough. it is a disincentive to invest and operate a property letting business in the borough."</i>

8.11. These comments and suggestions have been taken into consideration when formulating the Council's proposals for the licensing conditions. The Council's response is included in section 9 of this report.

8.12. These comments and suggestions have been taken into consideration when formulating the Council's proposals for the licensing fees. There was substantial objection to the proposals to base selective licensing fees on council tax bands, both from all respondents and particularly from landlords. The Council have therefore reconsidered this position and instead propose to charge a fix fee for all properties licensed under the selective licensing scheme, as detailed in the Mayor and Cabinet report at section 8.