

# Consultation on the Proposed Selective Licensing Scheme

Consultation event 18.11.2020

## Questions and Answers

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### Licensing is there to improve the area long term. Will it be third time lucky? Do we get a refund for the past 2 times?

The first two Selective Licensing schemes in these areas were made on the grounds of Low Demand. Reviews of these schemes have shown that the licensing schemes were successful in making improvements in these areas.

The new proposed designations are being made on the grounds of Anti-Social behaviour.

### What are the legalities to have two schemes under one consultation?

The Housing Act 2004 advises that 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. There is nothing in statute to prevent the Local Authority from consulting on two separate designations at the same time.

### How do you explain the noncompliance rate, if there are good landlords?

Some landlords are compliant and proactive. However, some tenants and landlords do require additional support, regulation or enforcement to act in an appropriate manner or in accordance with legal requirements linked to private rented accommodation.

The new proposed designation is being made on the grounds of Anti-Social behaviour.

### Why intelligence rather than inspections and demanding conditions improved?

The new proposed designation is being made on the grounds of Anti-Social behaviour rather than low demand (as in previous designations). This scheme will therefore have a different focus for compliance and enforcement.

Although the scheme will continue to ensure compliance with wider housing management standards and requirements, the focus of this designation will be working with partners to tackle Anti-social behaviour. Intelligence led activities allows resources to be focused and tailored to deal with the complex issues related to Anti-Social behaviour and allow for early interventions.

## **What circumstances allow somebody to not comply with the license and law yet still get a 1-year license? What about the tenant who has been living in poor conditions?**

Each application for a licence is determined on a case by case basis. We look at all of the evidence and mitigation in relation to that property and the wider housing portfolio of the landlord or managing agent. This can include; previous non-compliance and housing related convictions, historic interventions by the Council to tackle issues of housing and tenancy management, extenuating circumstances and mitigation.

Tenants living in poor housing conditions is a factor taken into consideration, as is how quickly the landlord or managing agent responded and the action taken to remedy the issue once it had been brought to their attention.

## **Will measures be taken to make sure these licensing costs are not passed on to tenants?**

Previous licensing schemes in Newcastle and nationally have not seen significant rent increases as a direct result of licensing fees. Wider market factors have a greater impact of rent levels.

The licensing scheme is unable to restrict rent levels in the designated area.

## **Doesn't directly mentioning a light touch on professional landlords allow them to effectively not worry about the license if you don't enforce it properly, especially if they get a year license if they break the rules anyway?**

All licensable properties will have their application assessed and compliance checks will be undertaken. The light touch principle relates to no further action being taken beyond the standard compliance requirements. Property owners, managing agents and licence holders who breach licensing conditions will be investigated and a full review of management and property standards may be undertaken across their whole portfolio. This could result in licensing and housing management issues being identified and addressed through enforcement action.

There will be a light touch approach for complaint landlords and managing agents. This is not the same as an individual or company having a good financial business model and professional appearance. If we are aware that landlords are non-complaint and failing to manage their property or tenancy licensing tools and powers will be used to address the issue.

**Given that a landlord will be entitled to a year's grace re non-compliant behaviour; what steps will be taken to support tenants who may be struggling with issues which incentivise ASB before this becomes an enforcement issue?**

The Greater High Cross area will be unlicensed unless the proposed designation is implemented. Whilst no licensing designation is in place properties in the area will receive the same standard reactive services available across the city.

**How confident are you that increased scrutiny of 'problem tenants' won't reduce information relating to OCGs? If tenants who experience addiction, or are having problems with their immigration status, feel that they are being policed by the LA it appears likely that they will be much less likely to feed vital data to you about serious crime in their community?**

Some private rented tenants are reluctant to engage with us due to fear of retribution from their landlord or the Organised Crime Group (OCG). We will work closely with the police and support services to support vulnerable and exploited tenants while addressing issues of organised crime and ASB in the private rented sector.

**Why would tenants need to make a complaint if properties are to be inspected?**

Tenants are expected to report property issues through the normal process with their landlord and should report problems to the licensing team where they are not being addressed in a timely manner.

Using intelligence licensing is targeted to the landlords, managing agents and tenants of greatest concern. Complaints made by tenants or any other member of the public allow us to prioritise our resources accordingly.

**How have you linked ASB with housing? If somebody gets rowdy while drunk in another part of the city, how does that affect their housing? Or is it only ASB that relates to their housing/neighbourhood?**

We look at all ASB in the locality of the residential address. This means ASB which occurs in the local area will be taken into account and tackled.

**This scheme is just about the surveillance of tenants?**

No, this is not a scheme about tenant surveillance. The proposed scheme is about tackling and supporting tenants who cause ASB. It is also about supporting landlords to manage that behaviour, or to take action against those who fail to act responsibly.

## Are any of the panel landlords?

The scheme is operated by Newcastle City Council. The Private Rented Service do work with a landlord steering group which that can be brought together to provide feedback and insight into issues that affect private landlords and tenants. The steering group include landlords with small and large portfolios, and who work with a wide range of tenants across the city. Anyone interested in taking part in the steering group should contact the Private Rented Service on [privaterentedservice@newcastle.gov.uk](mailto:privaterentedservice@newcastle.gov.uk)

In addition, we frequently consult with both the NRLA and NEL who represent both local and national landlord opinion.

## What is the link between anti-social behaviour and decisions on tenancy? Could ASB not taking place in the area of property be considered in decisions over tenancy?

When we ask landlords to carry out a pre tenancy reference check we would expect landlords to consider all aspects of a tenant previous housing history and in some cases, this could include incident that occurred not in the area of the tenancy. With that in mind we would not expect a landlord to refuse to offer a tenancy if they felt that the tenant had addressed the issues that had led to the previous behaviour or were working with appropriate support to ensure that problem will not

## If there are no inspections, then are you going to make it a requirement for landlords under the scheme to provide tenants with details on the anonymous report form?

Property inspections will be undertaken on a risk-based approach.

We would require landlords to have processes in place to manage Anti-Social Behaviour issues related to the tenancy and also support tenants being impacted by Anti-Social Behaviour. They could include how to report ASB through the relevant agency which can be done anonymously.

Complaint of ASB or property disrepair can be made to [psr@newcastle.gov.uk](mailto:psr@newcastle.gov.uk). All complaints are treated confidentially.

## Aren't poor housings conditions linked to ASB? Why not make fixing poor housing conditions a focus, with the hope that this focus reduces ASB?

The previous licensing schemes for these areas has focused on property conditions and has seen significant improvement property standards. Along with improvements in management standards we have seen ASB improve in both areas, but still remains higher than similar areas of the city.

As part of the proposed licensing designation we will continue to ensure property standards are maintained through the wider tools and legislative powers available to us. However, the cause of ASB is often complex, just as the definition of ASB is very wide. We believe we will be more successful in addressing ASB by focusing on the cause of ASB and by focusing on tackling cases directly.

## Do you think it's fair to shift responsibilities away from landlords and onto tenants in this way?

Tenants, landlords and managing agents all have a responsibility to act in an appropriate manner. This includes

- \* not causing Anti-Social Behaviour,
- \* taking responsibility for those in your household, and
- \* managing ASB in properties you own or manage.

## Who is speaking?

The speakers at this event are

Ed Foster – Head of Service, Public Safety and Regulation

Colin White – Housing Renewal Specialist, Fairer Housing Unit

Gwen Smith – Team Manager, Public Protection and Neighbourhoods

Emma Knowles - Senior Project Officer, Private Rented Service

Danielle McNulty – Project Officer, Private Rented Service