



Wirral Council

Proposed Selective Licensing Scheme for four  
designation areas within Wirral Council

Report of Public and Stakeholder Consultation

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## **Executive Summary**

### **Introduction**

Following a growth bid approved by Wirral's Cabinet at the end of 2013, Cabinet gave approval on 6<sup>th</sup> November 2014 for the Council to undertake a 10 week consultation exercise on proposals to introduce a Selective Licensing Scheme in four small areas of Birkenhead and Wallasey which are experiencing low demand. These areas are:

Birkenhead South  
Egerton North  
Seacombe Library and  
Egremont Promenade South

Individual addresses and maps were made available on the Council's website so that landlords and residents were able check whether their property lies within the boundaries of these proposed Scheme areas.

The Housing Act 2004, Section 80 imposes statutory consultation requirements in respect of local authorities designating a licensing Scheme. The Act states the council must take reasonable steps to consult persons who are likely to be affected by the designation and then fully consider any representations made.

The Business Case and associated appendices and Consultation Plan were approved by Cabinet on 6<sup>th</sup> November 2014 as the basis for the consultation exercise. An extensive public consultation with landlords, residents, businesses and stakeholders then commenced on 24<sup>th</sup> November 2014. Following the identification of a computer error regarding the full address list identified within the consultation paperwork, the correction was made and following legal advice the consultation was run for the statutory 10 week period from the date the amendment was made unto 18<sup>th</sup> February 2015. All responses and representations made have been analysed and considered as part of the final Selective Licensing Business Case presented to Members.

The extent of the consultation can be seen by the breadth of channels and consultation methods, bespoke to different stakeholder groups that were employed to ensure all stakeholders were fully engaged and had reasonable opportunities to respond to and participate in the consultation. Evidence of the main consultation methods can be found in appendices 1-13.

Overall over 20,000 stakeholders were directly invited to respond to the consultation exercise via direct e-mails, letters, leaflets & postcards through doors. In addition a bespoke web-page was created, presentations run on a loop on plasma screens in the one-stop shops, posters put up in the proposed selective licensing areas, community drop-in events held, landlords forums and presentations or one-to-one

meetings held with partner organisations, landlord associations, the Public Service Board and local managing agents.

In total 606 people and organisations have responded to the consultation, broken down as follows:

- 507 responses received to the on line survey and hard copy questionnaires
- 31 written submissions (21 emails and 10 letters)
- 7 landlords and agents attended three Selective Landlord meetings
- 44 landlords attended 7 focus groups
- 17 residents attended open forums

Wirral was aware at the outset that there would be strong feelings both for and against these proposals and acknowledges that the critical considerations are the strength of the arguments and evidence submitted by supporters and critics for their respective positions. It is for this reason that in addition to the on-line survey, the Council invested significant resources in face to face consultation and discussion groups where qualitative responses could be recorded.

Officers and Elected Members are invited to review the considerations emerging in the consultation whilst taking account of other relevant evidence including the Evidence Base set out in the Business Case. Any final decision on the introduction of Selective Licensing and the operation of any Scheme will depend on the assessment of the merits of licensing as public policy.

### **Summary of Key Messages from Consultation Findings**

- From the on-line survey, the overwhelming majority (68.19%) of respondents either strongly agreed or agreed with the selective licensing proposals compared to 25.17% who either strongly disagree or disagreed.
- Of the 290 people who said they lived in Wirral (but were not also landlords/letting agents) 83.8% either strongly agreed or agreed with proposals to introduce a Selective Licensing Scheme.
- In total 118 landlords and letting agents responded to the questionnaire of which 60.2% disagreed or strongly disagreed with the proposals to introduce a Selective Licensing Scheme. Although this is a majority, it is still lower than in other Local Authorities' consultations.
- It is encouraging to note that even with an estimated fee set out in the Consultation of £550-£750, 26.3% of landlords either agreed or strongly agreed with the proposals.
- 58 of the respondents to the on-line questionnaire made additional comments in support of the proposal. A common view was that while good landlords were already meeting these requirements, there were unscrupulous landlords

that were neglecting their responsibilities and selective licensing would provide greater protection for tenants.

- There were a significant number of respondents (16) who thought that the Scheme should be applied across Wirral rather than being limited to small areas.
- There were 22 general comments against the proposal for a number of reasons including unnecessary regulation; the proposals penalise good landlords while not addressing the bad; the Council already has existing powers to tackle poor landlords, there are few benefits for landlords and it will increase rents as landlords will have to pass the costs onto tenants.
- A number of landlords against the Scheme suggested that the existing landlord accreditation Scheme operating in Wirral was adequate for good landlords and as they were accredited, they should not have to pay an additional selective licensing fee.
- In addition to the general comments against selective licensing, there were a substantial number (52) of written comments against the Scheme relating specifically to fees. Many of the comments suggested that the Scheme was a 'money making exercise' for the Council and that landlords would sell their properties rather than pay the fee associated with Selective Licensing.
- Another common view from landlords was echoed by the following comment:  
  
*"As a small private landlord, I fully support the proposed Selective Licensing Scheme. A good landlord would not disagree with any of the proposals being put forward, other than the cost of securing a licence which needs to be kept as low as possible".*
- 36 respondents made neutral comments that were neither in support of nor against Selective Licensing but offered wide-ranging suggestions or observations about how the Scheme should operate at a practical level. These suggestions have been considered in the revised fee structure, draft conditions and other operational considerations.
- In addition to the on line questionnaire officers have had regard to the views expressed via the Landlord Forums and also the Landlord Working Group. From these sessions, many landlords actually agree with the Scheme in principle however their biggest concern was the level of the licensing fee. Landlords asked for good landlords to be recognised in the fee structure and for there to be flexibility in payment methods. There was also general agreement that the licensing conditions were not onerous.

## **Overall conclusions**

Opposing opinions on licensing cannot be reconciled in a policy that is equally acceptable to all. Therefore while this document sets out the opposing views it is not set out to make recommendations. All of the above responses have informed the proposals and changes to the Scheme have been incorporated in the final Business Case.

There is a clear mandate for introducing a Selective Licensing Scheme in Wirral. Despite this, many landlords oppose the licensing fee on the basis that they are meeting the requirements already, they consider the existing regulatory powers are adequate, only poor landlords should have to cover the costs of the Scheme and that they have limited resources to be able to pay this additional charge and therefore will pass on additional costs to tenants or they will have difficulty paying for essential repairs if licensing is introduced. Many views were put forward about how a fee structure could reduce the financial burden for good landlords and these views have been reflected in the final proposed fee structure, as well as an intention to introduce a payment plan.

## **Landlords and Agents Views**

### **Forums**

Initially six events were set up; three sessions on Tuesday 16<sup>th</sup> December and three sessions on Wednesday 17<sup>th</sup> December, but due to requests from landlords, a further three sessions were arranged for Monday 12<sup>th</sup> January. The sessions were offered on different days and at a selection of times (morning, afternoon and evening) to give as many landlords as possible to opportunity to attend and have their voice heard. The events organised for the evenings of Tuesday 16<sup>th</sup> December and Monday 12<sup>th</sup> January were cancelled as there was no demand from landlords for either meeting.

Specific notification of the sessions was:

- Placed in the Landlord Link-Up newsletter (a quarterly electronic newsletter sent to 618 accredited landlords, developers and those who have expressed an interest in receiving Landlord information from Wirral Council),
- printed in a letter format and posted out with Housing Benefit information to 6000 landlords who are known to receive Housing Benefit,
- placed on the Council's website ([www.wirral.gov.uk/selectivelicensing](http://www.wirral.gov.uk/selectivelicensing)),
- emailed to approximately 9500 residents in Wirral who have expressed an interest in receiving general mailings on any subject,
- Tweeted to all those who follow Wirral Council's twitter account,
- Placed on Facebook,
- Specific invitation posted through the door.

A total of 44 landlords attended seven events, which were facilitated by staff members from the Councils Housing Strategy, Standards and Renewal Team and notes of the sessions were taken.

The main summary of the issues arising from the sessions with landlords and agents are set out below. This includes objections to the proposed licensing, concerns raised regarding the proposed Scheme, suggestions on what alternatives could be considered and also aspects of the Scheme they felt were positive.

### **Main Objections/Concerns raised**

One of the greatest concerns for landlords and agents were the indicative costs for the licence, and the ability for some landlords with more than one or two properties to pay this. Another cause for concern was the amount of 'policing' landlords felt was being requested of them about their tenants, from the referencing to dealing with anti-social behaviour and the number of people living in the property.

Another concern raised by many landlords was about the recent change in Council Tax on their empty properties, whereby they had previously received a temporary exemption in Council Tax between lets. This exemption has now been removed so they now must pay in full whether tenanted or empty.

Some landlords felt that the areas that have been selected did not suffer from low demand as they did not have long void times for their properties which they said were in good condition.

There was a continued theme where landlords felt that the Council already held the powers to tackle poor housing and landlords, but did not use their enforcement powers enough.

### **Positive Messages**

Many landlords actually agreed with the Scheme in principle, but were not happy to pay the cost for the licence. Some agreed that the Scheme would put all landlords on a level playing field and that poor landlords should be forced to adhere to the same standards which they operated to.

Most of the conditions mentioned in the questionnaire and in the draft Business Case landlords on the whole felt that they already adhered to, and were pleased that they would easily be able to meet these conditions, some of which were covered by existing housing law.

### **Suggestions made**

Key suggestions made by landlords and agents on aspects they would like to see developed if the Scheme was to operate include:-

- the ability to pay the fee over a period of time rather in one lump sum;
- assistance from the Council to deal with their tenants and other elements of renting out properties which they felt they were unsure of;
- training courses to assist them with their tenants and properties.
- a Council Tax reprieve for those who had a licence in one of the selected areas, which would help to offset the cost of the licence.
- a named Council contact to help deal with some of their tenancy issues, and who would be able to support landlords, (and other landlords requested assistance in the form of grants).

### **Overall Opinions from the landlord forum sessions**

Whilst many landlords raised objections to the proposed Scheme this has to be considered and assessed in a balanced way on the reasons to the objections and whether this is justified against the evidence which has been set out within the Business Case.

Across all the seven sessions held with landlords there was a mixed reaction, with most landlords agreeing that a Scheme could be helpful, and bring some poorer properties up to the same standard as their own which would benefit the neighbourhoods proposed for Selective Licensing. They were not happy however that they would have to pay a fee for doing so. However, if the fee can be paid in

instalments and discounts provided to landlords in certain circumstances, many landlords would be more agreeable to the proposals.

### **Landlords Selective Licensing Working Group**

Landlords were invited to participate in a Landlords Selective Licensing Working group via the landlords' newsletter and Wirral's Landlord Forum in March 2014. A reminder e-mail was sent to all landlords with accredited properties in October 2014 inviting them to participate in the Working Group. As a result the first 10 landlords and agents came forward to sit on the Working Group. Representatives ranged from agents with several hundred properties to smaller landlords with just a few of their own properties. Landlords were advised that the minutes of these meetings would be published to ensure that discussions and any decisions were part of a transparent process.

An introductory meeting was held with the Landlords Working Group prior to the Council's Cabinet meeting on 6<sup>th</sup> November 2014 where approval was then given to embark on the statutory consultation. Three meetings were subsequently held during the formal consultation period, the minutes of which were published on the web-site during the consultation period. At the final meeting on February 2015, feedback on consultation so far was given, a summary of responses and main areas for and against the Scheme and an indication of how the Council intended to respond to the consultation.

The minutes of these meetings can be found in appendix 12 and were posted on the website shortly after each meeting once agreed with the Working Group as a true record of the meeting. The licensing conditions, fee structure, payment plans and support offer to landlords and residents were revised following consultation feedback and detailed debate and at the final session on 16<sup>th</sup> February these main aspects of the Scheme were agreed by the group.

If a decision is made to implement a Selective Licensing Scheme in Wirral, the group will continue to meet throughout the duration of the 5 year Selective Licensing Scheme and have agreed to contribute to the review process.

### **Consultation Questionnaire Feedback from Landlords and Managing Agents**

In total 507 questionnaires were received to the online survey of which 54 respondents said that they were private landlords with properties in the selective licensing area; 89 selected the option that they were private landlords with properties elsewhere in Wirral; and 24 selected the letting or managing agent option for Question 2 (*Which of the following apply to you?*). As respondents could select more than one option for Question 2, there is some duplication between the options above.

When the duplication as identified above has been removed, in total 118 landlords and letting/managing agents responded to the questionnaire, and the majority of these (60.2%) strongly disagreed or disagreed with the proposals to introduce a Selective Licensing Scheme, with 26.3% which agreed or strongly agreed with the proposals, 8.48% neither agreed or disagreed, or didn't know, and 5.1% did not answer this question.

*Question 4 Wirral Council proposes to charge a fee estimated at between £550-750 over a 5 year period depending on any discounts that can be applied. To what extent do you agree or disagree that this is a reasonable licence fee for this period?*

Of the 118 landlords and letting/managing agents who responded to the questionnaire, 6.8% did not answer this question, and a further 5.9% neither agreed nor disagreed with the proposed licence fee. The vast majority 77.1% disagreed or strongly disagreed with the proposed licence fee, with just 10.17% of respondents which agreed or strongly agreed with it.

Some landlords completed text for Question 12 *'Are there any other comments that you would like to make about the proposed Selective Licensing Scheme?'* which have been summarised below.

### **Comments against the Selective Licensing Proposal**

There were 22 general comments against the proposal for a number of reasons including unnecessary regulation; it is penalising good landlords while not addressing the bad; the Council already has existing powers to tackle poor landlords, there are few benefits for landlords and it will increase rents as landlords will have to pass the costs on to tenants. Typical comments include:

1. *"We strongly disagree to the proposed licence therefore have answered 'strongly disagree' to all statements. As landlords, we keep our property in very good repair and the property is rented through a reputable agent. Although aware the area certainly has problem properties (which we have contacted the council about), we feel we are being penalised for others lack of responsibility as we ensure the property is looked after and pay to ensure suitable tenants are found".*
2. *"Selective licensing punishes the vast majority of landlords for the sake of the few bad apples. It's like issuing every driver in the UK with a speeding fine just in case they speed in the next 5 years. I strongly disagree with Selective Licensing Schemes and don't believe they solve any problems simply because there are not enough council employees to police the conditions of the licences".*
3. *Most of these questions are pure common sense and, in most cases are already covered by the Legislation Act, and if landlords are not capable of working this out for themselves they should not be landlords. It is our strong*

*opinion a licence is not needed that if you have complaints from tenants, then, and only then should the Council come and intervene. There is sufficient protection under existing legislation for tenants, and this should be adhered to by all appropriate bodies, action taken then if a breach occurs. We feel that your suggestions are purely another means of raising money for the council; there are many other ways of reducing your own Council expenditure without resorting to imposing additional expenses (tax) for landlords; if they adhere to the Legislation, and are reported to the authorities for breaching it, tenants are well protected by the existing laws. If a bad landlord is brought to your attention by anyone, then apply the existing Legislation, and possibly ensure they are either trained or banned from being a landlord until they agree to be trained. Please leave the majority of landlords who are performing a good service by providing decent housing and keeping their tenants happy.*

4. *“It seems to me that the Council already has the power to enforce most of the conditions in the proposed Scheme, but fails to enforce/act on them. My landlord complies with most of them, he's not ideal all of the time, we've had our issues. But I can't really complain when he does things like installs central heating, provides annual safety inspections, has renewed carpet and didn't argue about who should pay when I accidentally put a nail through a gas pipe a couple of years ago. Information like when the bins are collected is easy to find out, and keeping outside areas clean and tidy is surely up to the tenant, (unless it's an antisocial issue) or already up to the Council. I feel that this is just another proposed government team that isn't needed, and one way or another, we'll have to pay for it”.*
5. *I have been a private landlord since 1998 and have never felt the need to be policed and or taxed further by the local council. If the Council exercised it's already considerable Environmental and anti-social behaviour powers and targeted the specific areas that require intervention it would be of more use to the responsible, ethical landlords such as myself than any blanket licensing Scheme. Not only is targeted response a better use of resources the means to enforce it already exists.*
6. *“Wirral Council may well find the Scheme counterproductive as decent property developers may choose to avoid purchasing and renovating a property in an area where they would be obliged to engage in a cumbersome and expensive Scheme which may hold few if any benefits for them”.*
7. *“It should also be noted that the inevitable result of charging for licensing will be to increase rents. Furthermore, it is suggested the whole idea of the system is to improve the selected areas - it is more likely that the areas will become shunned by landlords because of the associated additional workload / costs and will thus be left to fall into further disrepair. Finally, as a reasonable landlord I try to ensure that my properties are in a good state of repair etc - all other landlords I know do the same not least because it makes more business sense to have happy settled tenants than to constantly have to*

*find new tenants and pay Wirral Council's totally unreasonable empty property council tax. If the council wishes to improve conditions in rental properties that are not well maintained there is already legislation in place to do this and I'm sure tenants could be easily advised of their rights to complain to the council which would identify these properties”.*

8. *“Its a waste of time and money”*

### **Landlord Accreditation**

A number of landlords against the Scheme suggested that the existing landlord accreditation Scheme was adequate for good landlords and as they were accredited, they should not have to pay an additional selective licensing fee:

9. *“The Selective Licensing Scheme will do nothing to address the issues we have with unfit landlords. They will simply go below the radar whilst good landlords are expected to spend monies subsidising a Scheme that nobody has asked for. The self certification of a fit and proper licence holder defeats the object of checking out the landlords for any issues. The Council had a perfectly good accreditation Scheme which landlords could their property forward for. The licensing Scheme in my opinion is just a way to get the landlords to pay for the accreditation staff and adds no benefit to the landlord or the tenant”.*

10. *“I agree with working to certain standards and ensuring the properties are safe and up to a decent standard. I do not agree with you charging us for the pleasure, I think it is quite frankly a joke, we have been working with the accreditation Scheme for years to keep our own properties as well as our managed properties up to a certain standard. I do not see why we should have to pay a fee per property, it is a cheap tactic by the council to make more money from landlords, landlords who are already housing and taking the brunt of many LHA tenants (soon to be on universal credit) who do not look after the properties and always default on rent payments in the more deprived areas of the Wirral. You will soon be dealing with a homelessness epidemic in Wirral when Universal Credit fully hits and vast amounts of tenants are evicted for rent arrears, landlords and agents who have dealt with LHA tenants for years are now beginning to reject benefit claimants and only renting to working people. I would suggest spending some money on departments like housing options before the homelessness crisis in Wirral takes effect! For once perhaps realise that landlords with buy to let mortgages in the areas you mention are not always cash rich and are extremely fed up of always taking the brunt of the governments poor decision making!”*

11. *“I think that accredited properties should not be included, I agree to the Scheme only so far as it be applied to landlords who do not keep their properties in fit and proper order but totally disagree that reputable landlords*

*and agents be punished financially when in the case of my company [redacted] and its clients we have been supportive of council Schemes such as The Landlord accreditation Scheme. I am also dismayed that after all the support I have offered the Accreditation Scheme from its very early days that I can no longer be accredited as an agent when my current accreditation expires. I have invested large amounts of my valuable time to council Schemes over the years and money to ensure all properties under my management have met with the accreditation standards and am offended to be stung with any proposed financial penalty as a reward”.*

- 12. “Absolutely disgusted with the Council over this issue. You are using Landlords who have accredited properties and the best Accredited Management Company on the Wirral as a 'cash cow" just to raise money. They should be exempt from this proposal as they already comply with the Councils' dictats. You charge council tax from day one on empty properties unlike some other North West Councils who give some leeway whilst Landlords make good the property for a new tenant. Is this the last straw that breaks the camels' back”.*

## **Fees**

In addition to the general comments against selective licensing, there were a significant number, (52) comments against the Scheme relating specifically to fees. Many of the comments suggested that the Scheme was a money making exercise for the Council and that landlords would sell their properties rather than pay the fee associated with Selective Licensing. Typical comments include:

- 1. “This is mainly a "skimming" exercise to make money from landlords. A tenant is a functioning human being, not a child. If property is in poor condition, the tenant should simply not rent it. It is already an offense to fail to comply with various laws concerning the rental of property and any tenant has the ability to report such transgressions. All this will do, is to remove properties from the rental market, as it will be cheaper to sell the properties to developers (who will sell, not rent) or if the landlord is forced to improve a property to meet some contrived "standard" then the rent charged will increase and such a property will never be let out to tenants on benefits, due to the much higher risk of damage to property. This proposed licence will just reduce the availability of "cheap but reasonable" rental accommodation. If forced onto such a Scheme, I will not comply; I will just sell the properties to redeem the equity. Both my properties are in excellent condition, and I am not going to pay for the council to interfere with my relationship with my two tenants, both of whom will have to find alternative accommodation in a worse area, or pay far more for their rent, which they can ill-afford”.*
- 2. “Having a selective licensing will NOT improve conditions for any tenant, bad landlords will simply find a way round things, they have no intention of signing*

*up, let alone following the rules. Instead honest landlords will be forced to pay yet another revenue generated income for the council. The council have not even stated how they think this will benefit the area or what grants will become available for all the new works to be implemented”.*

3. *“The fee is completely unacceptable -if you wish to forcefully impose a Scheme on others and then ask them to comply with additional regulations above what the law currently asks of landlords then you should not be asking them to pay for the privilege”.*
4. *“My experience is that good landlords put a lot of time and effort into their properties. Under these proposals they would be penalised for the inaction of exploitative landlords, who would probably manage to avoid complying comply with it anyway. The fee is far too high. It would positively make money for the council, on my estimation. I would be happy for all landlords to pay a fee of say, £100 per property, and for errant landlords to be charged the remainder of the cost of running the system”.*
5. *“We are a small business who will be hugely affected by these proposed fees - so much so that it could put us out of business if you intend on charging that per property and not per landlord. Our business owns approx. 30 properties in the Wallasey area and if this Scheme is approved and introduced it may even force us to sell all the properties. Having 30 properties flood the market will surely also reduce the prices in the area? This goes against what the proposed Scheme is all about. In conclusion this Scheme will not improve the area in any way -council investment will”.*
6. *“It ..seems unreasonable to be charging landlords over £100 per year to be given an opportunity to be penalised. What are the proposed penalties for non-compliance - is this another area where the sensible and well-meaning are penalised and the crooks ignored?”*
7. *“This is yet another blatant cash collection Scheme from Wirral Council. Landlords are an easy target as they are obviously a minority group. There is already a legal obligation to have most if not all of the documents / information that are part of the proposed licence - this is just adding another inefficient layer of bureaucracy to the existing system”.*
8. *“The proposed fee is excess and one can only believe it will go towards the Council budget deficit. You are getting at Private Landlords but haven't put your own Public Sector Housing in order. Your questions are also ambiguous as some of them clash with existing legislation such as you are insisting on electrical cert when this only applies to HMO's currently and also removal of signs once a tenant moves in, current legislation allows signs to be in situ for 14 days after tenancy begins to show 'Let By' Like Liverpool City Council you are tarring all Landlords and Agents with the same brush rather than using*

*existing legislation to deal with the rogues. I cannot support your proposal as I already apply all of the legislation to my business activities without excessive charges to Landlords or Tenants. Your Scheme will cause increases in rent as Landlords looks to recoup the fees your Scheme imposes”.*

9. *“The whole idea about a Selective License Scheme is purely a money making process for Councils to squeeze ever more money out of Landlords, Landlords who are not Millionaires with vast empires but those who have inherited or simply looking to provide themselves with a pension income. I personally own a property within the area designated and if this does get forced through then I will look to sell my property at the earliest opportunity as I will not be able to afford the cost of such a Scheme, despite the property being accredited and also working for an Agency which prides itself on working with the Council's Accreditation Department and ensuring all our properties are maintained to the best possible standard. However, the cynic in me knows that despite the level of negative responses you will no doubt receive from Landlords that this Scheme will still be pushed through because it is easy to target these Landlords knowing they will agree to it as the penalties will probably be extremely severe for non-compliance. I do believe that the bigger picture is being missed by Wirral BC in regards to housing and that they should be looking at other ways in which to improve the housing standards across the Borough which work in partnership with Landlords and root out the rogue Landlords rather than punishing the industry on the whole because the severe picture being painted is that the industry would be severely affected and jobs put at risk should this change”.*

Some landlords agreed in principle with the proposal even though their main reservation was the fees. Comments in support of this view included:

1. *I am in agreement in principle to most of the conditions but with the reservation that smaller landlords are not subject to the same costs (& stringent conditions leading to higher costs) as Landlords with a lot of properties. We do not get any money from the government like Housing associations do!*
2. *Good Landlords already comply with all of the above rules and so should not have to pay a licence fee at all. If the Council is able to check properties easily enough they can quickly determine the good from the bad and use existing housing law to go after bad landlords. This fee would inevitably be passed on to the tenants who would then have to claim extra housing benefits and so once again the good old British taxpayer foots yet another bill. Any fees charged to landlord - will be passed on to tenants.*
3. *A licence to operate could improve situation but will be added to rental fees greater cost to tenant? Why can't a licence be free, which would give landlord and tenant some protection and guidelines? If I was a landlord I would be*

*concerned about council increasing fees in the future to unacceptable levels or greater powers*

- 4. As a landlord in a block of flats we employ a management company that undertakes all the requirements to manage and maintain the block ensuring all health, hygiene and safety is kept at a high level. I see no further requirement for a licensing system being operated by the council at a further cost to responsible landlords. Should a licensing system be required to control unscrupulous landlords then such a system should be free and its management cost be charged retrospectively on those offenders.*

While most of the respondents who supported the initiative were residents or tenants, there were also landlords who supported the proposal. Typical comments from landlords include:

- 1. "As a small private landlord, I fully support the proposed Selective Licensing Scheme. A good landlord would not disagree with any of the proposals being put forward, other than the cost of securing a licence which needs to be kept as low as possible".*
- 2. "In theory the licence is a good idea, as a responsible landlord I have procedures in place to cover the all detailed and have no problem in supplying the information. However, licensing should not be the reason the generate revenue for honest landlords who do comply with current legislation, the fee should reflect genuine costs for processing the application and additional costs from landlords who's application takes longer because it does not meet the regulations".*

### **License Conditions**

34 respondents made comments about the proposed **licensing conditions**. Many of the concerns that related to Licensing conditions reflected the discussions at both the Landlords Selective Licensing Working Group and the Landlords forum sessions. Some respondents considered that "These conditions seem to be what is only reasonable and essential for the tenant."

There were a large number of comments that concerned consideration of what was the landlords' responsibility and what was the tenants' responsibility. For example a common response was that the landlord should only be responsible for ensuring a property was clean, tidy and free from any infestations at the start of the tenancy after which point it was the tenant that must take responsibility. Comments include:

- 1. The tenant must be responsible for keeping the property clean and tidy too they should have some responsibility it is not always the person who owns the property that is the cause of problems. In my working life I saw some rough places sometimes the landlord was not repairing things but many times it was the fault of the tenants who did not respect others property.*

2. *More responsibility should rest with the tenant over infestations that occur during tenancy and are related to food waste. eg rats, mice or cockroaches as these can be due to tenant's treatment of waste. Having been provided with bins and details of collection it's up to the tenant to keep the areas around the property clean. Instances in which an infestation pre-dates the tenancy should be the responsibility of the landlord.*
3. *I do all of what is highlighted above anyway. I think pest infestation is tricky as it may be due e.g. to poor hygiene from tenants or from a pet that that is not supposed to be in the property.*
4. *Tenants should be required to notify the landlord of any infestation and then should be told what action to take. Infestations dealt with by the council should be charged in a means-related way. The landlord should provide a clean and tidy exterior at the beginning of the tenancy, and should have the right to stipulate that the tenant must keep it so.*
5. *I suggest that the landlord should ensure that the correct wheelie bins are provided at the start of each new tenancy.*
6. *Refuse collection is the responsibility of the tenant*
7. *"There is a range of information about refuse collection that they should provide - including where the tips are etc.... In addition the landlord MUST: provide a minimum of 1 240l grey wheeled bin and 1 x 240 litre green grey bin AND a suitable place to store the bin that is on their own property. Landlords should be able to deduct the cost of replacing wheeled bins from the tenants deposit if they have gone missing when they move out. In a London Borough, they have specified that a PERMANENT NOTICE regarding waste collection arrangements is displayed in the house - i.e. in a frame screwed to wall. This is an excellent idea that I would like to adopt here. We can provide the frame and poster as part of the licensing fee."*

### **Tenant Checks**

Other common comments about licensing conditions concerned how regularly a landlord should have to check a property without being intrusive. Comments include:

1. *One must consider the rented property as the tenant's home and as such property checks should only be done between tenancies. It is therefore the tenant's responsibility to inform the landlord of anything that needs repair/ check out.*
2. *I think that it should be at the landlord's discretion when to check the property. Also, Council should reciprocate regarding emergency contact details. Clause*

9 - regarding the allowing of more people to live in a specific property; please note that it is difficult to monitor to comings and goings of visitors or extra occupants.

3. *In practical terms it is difficult for landlords to make tenants comply with terms of the agreement without regular inspections which tenants may feel intrusive and may be time consuming if they have several properties. Tenants should be responsible for keeping areas within the boundaries tidy and clean as it is their home and problem tenants who dump rubbish outside should not abdicate their responsibilities on their landlord. If the landlord is to be responsible for keeping washing facilities in good condition then they should be able to remove or charge tenants who damage these facilities.*

Other comments suggested areas that should be included / excluded from the licence conditions, sometime with adverse views, for example there were comments for and against the inclusion of the requirement for electrical safety certificates:

1. Electrical safety certificates are not a legal requirement and should not be a condition of the licence.
2. Electrical safety is heavily ignored, along with general structural integrity of properties.

### **Tenant Behaviour/Anti-Social Behaviour**

This was another popular area for views with 40 comments received. The majority of comments either stated that it was not the landlord's sole responsibility to address the anti-social behaviour of their tenants or landlords suggesting that the Council needed to provide more support for dealing with problem tenants. Comments included:

1. *I think there is sufficient Legislation and Enforcement Powers in place already to be able to deal with Properties in dis repair together with Police & Council Powers of dealing with Tenants who are causing Anti-Social behaviour in these areas. Taxing all the Landlords in these designated areas (and probably the whole of the Wirral before long!) is un necessary and all the additional red tape that goes with it will be a nightmare scenario for Landlords & Managing agents. Landlords cannot be held responsible for the actions of their tenants and these proposed Licence Conditions try to make this the case which is totally un acceptable and probably in contravention of some Laws in European Human Rights? The problems of Anti-Social behaviour and blighted areas lie solely with the Tenants and their behaviour, and just because a house is in better condition it does not mean the tenant's behaviour will change. These bad tenants will just go on and wreck the properties they live in, leaving their rubbish strewn about as they move from one property to the next. This proposed Scheme will not be welcomed by anyone except for the Wirral Council and their coffers.*

2. *Responsibility for anti -social behaviour cannot just be a landlord's responsibility -it may even involve police. It shouldn't be an issue of checks and referencing is done properly. I currently own several properties that are not within the areas proposed but very nearby. I assume that if this phase goes through then other areas will be proposed?*
3. *It is not the Landlord responsibility to deal with anti-social behaviour. He has a limited part to play.*
4. *I'd suggest it is the job of the police / council who already have the necessary powers to deal with anti-social behaviour*
5. *Things like, dealing with antisocial behaviour is part of the council's job, you have a team dedicated to it.*
6. *The tenant must also take some responsibility for care of property or face prosecution.*
7. *Accusations of anti-social behaviour are not always black & white, sometimes it can just be personal or a dislike of tenanted properties.*
8. *Difficult to hold the owner responsible for a tenant's behaviour if there is no easy way for the owner to stop it.*
9. *I agree with the reference but once they are in the property it is impossible for us to monitor them for antisocial behaviour. As per the English dictionary the definition of a landlord is a person who rents out land, a building or accommodation. Not someone who has to start policing the tenants and clearing up the house if they do not wish to do so themselves. Tenants have responsibilities also which should not be lumped onto the landlords existing burden. The laws are already in the tenants favour e.g. not evicting for 8 weeks after termination of rent payments, this is making things harder for landlords and would make less people want to invest in the area.*
10. *It is unreasonable to make landlords responsible for the social behaviour of their tenants. If the police can't deal with it what makes you think a landlord can??? A uniform anti-social behaviour action plan should be drawn up by the council and made available to landlords, who could then guide any complainants to the right channel of complaint.*

Many suggestions considered that the tenants should also have to sign up to a code of standards

1. *So much is placed on the licence holder to comply with directives but there is not much on how the tenant must comply. In that case the licence holder much be allowed to choose as to who will live in his property and the Council be banned from suggesting tenants.*
2. *With these licence holder responsibilities the tenant should also have responsibilities regarding the property, neighbours etc.*

3. *In principle I agree with the Scheme, but in return there should be a reciprocal Scheme for tenants. So many issues are caused by bad tenants, and I don't think the landlord should necessarily be responsible for anything to do with the tenant breaking conditions of the tenancy unless it is made easier to evict tenants. I agree that there are bad landlords, but my belief is that there are far more bad tenants that the law protects. Bad tenants cause bad neighbourhoods. So many people renting property have no respect for the home given to them. You need decent housing, but you also need decent people to occupy those houses, and that is something that can be lacking. Giving someone a nice home does not make them a nice person and vice versa*
4. *It is impossible for the landlord alone to deal with anti-social behaviour of their tenants and they cannot be held responsible alone for this. No 'decent' landlord will knowingly give a tenancy to a tenant they believe will act in this manner. I am an Accredited Landlord with the WBC and there have been times when I have needed assistance from the Council, the Accreditation Team have been helpful in the past but more powers are required at times.*
5. *Be nice if Tenants complied with similar guidelines.*
6. *Most of the above are things that a sensible and responsible landlord would do anyway. I can see that there could be a benefit in removing poor quality operators from the system. However, my concern is that some of the items (eg surrounding area clean and tidy, ensure no nuisance to neighbours) are an attempt to pass responsibility from the tenant causing the problem, and lay it on the landlord.*
7. *It is proposed that landlords are responsible for and 'deal with any complaints of anti-social behaviour' by their tenants - using what powers exactly? Most landlords are only too happy to have a quiet reliable tenant who causes no problems - controlling a tenant who isn't is practically impossible as we have no powers other than eviction (which is difficult enough in itself) and just moves the problem elsewhere in any case.*

References are a licensing condition that is a mandatory requirement of a Selective Licensing Scheme. Wirral cannot therefore remove the requirement for this condition. There were nevertheless a number of opposing comments around this topic including:

1. *To ensure that references are in fact taken up and checked by a responsible person, I have knowledge of tenants falsifying references, only at a later date this comes to light when there is a problem and there is then the difficult task of getting the property vacated and restored to it's original condition.*
2. *The council should have a number that tenants and neighbours could ring, to note that they have approached the police or/and social services about a problem tenant. This list would only note extreme cases of problems, (that*

*have been referred to other services) - thus relieving the council of being approached for continual petty matters. Landlords could then approach the council to discover if a possible tenant is named on the list, and could then make further enquiries with the services involved and maybe past neighbours, (who they would have to search out themselves, from the tenant's past addresses). This would relieve the council of further involvement with problem tenants, and put the responsibility on landlords when they chose a tenant. It would also relieve the council of endless involvement with disputes between landlords and tenants about bad references.*

### **Council Tax**

A small number of comments were received about Wirral Council's existing policy to charge Council Tax as soon as a property becomes empty rather than give a period of time where Council Tax was exempt between re-lets. There was also concern about the Empty Property Premium which charges Council tax at 150% for properties that have been empty over two years.

- 1. Landlords are already being heavily penalised by the withdrawal of council tax exemption for properties which remain empty between tenancies, indeed paying more for an empty property than one which has a tenant in occupation - which is rather cynical. Try as we might, it is not always possible to ensure that as one tenant moves out, another moves in. Since its introduction, this policy has cost me many hundreds of pounds.*
- 2. Wirral Council has already put me deeply in debt by their last two initiatives, ie.1/ - 150% tax on empty properties when I am not in a position to employ workmen to do repairs and improvements and therefore have to do them myself, which is taking four times as long; 2/ - the bedroom tax, I haven't increased the rent for one tenant at all and that is about ten years now, but I cannot now increase the rent because one of the family has moved out. in the meantime the tenant has been getting annual increments in benefits*
- 3. This Scheme smacks of yet another instrument to generate council income just like the totally absurd 100% council tax now levied at empty homes. I am not opposed to be registered as a landlord but I totally object to being taxed to the extent that is proposed to be so. Register the landlord regardless of the number of properties owned, not the property and keep the proposed fine level in place and you may have a little more support. But I fear that would cause a reduction in potential council income and that is I fear is what is really driving this cynical Scheme.*

### **King Street/ Regeneration**

A few comments were received criticising the Council for the recent collapse of two Council properties in King Street and another two comments were received

suggesting the need for further regeneration or other intervention in the area. Comments included:

- 1. The council has houses / flats which are owned by them, these are in such poor repair that the buildings simply fall down. King Street - 3 properties due to be sold off by the council. Its one rule for the council, another for everyone else.*
- 2. Considering the council are bringing in draconian licensing for landlords . They need to bring there own house into order ie derelict properties in king street being owned by the council for a number of years allowing them to fall into disrepair and then collapsing in on themselves it was just fortunate that there was nobody hurt*
- 3. I think it high time such a Scheme is introduced to reduce the level of blight in the areas identified. Perhaps there are other areas that might benefit from the same proposals eg. on either side of both King and Brighton Street.*

### **Consultation process**

Three comments were received about the survey suggesting that it was misleading or that bias was evident. Given that each comment was about a different aspect of the survey, this response is not considered to be statistically significant to warrant repeating any aspect of the survey however the comments are noted.

- 1. The set-up of this survey itself is misleading, since it should specify that it is for tenants as well as landlords, but the initial page states that it is for landlords. It does not mention that it is for tenants. It is therefore not valid as a survey for tenants and landlords*
- 2. your questionnaire is so biased are tenants suddenly brain dead with no thought control are landlords to become police officers and social workers sorting out noisy tenants and anti-social behaviour what the hell do we pay council tax for isn't the police supposed to do this now they have no tax discs to check and you want to charge them a licence fee as well wow anything to make money you won't change the people who live in these areas this is Birkenhead not Caldby money dictates where people live not you using it as an excuse to put money in your coffers*
- 3. When you say 'to what extent do you agree to this reasonable licence fee' you are inferring that it is reasonable. There is no box to tick to say that it is totally unreasonable! The consultation is to decide what is a reasonable fee together with how to implement the licence. I feel that it is a floored question designed to misleads the reader into thinking he/she has no choice on the level of the fee.*

## **Affordable Homes**

There were several comments relating to social housing / affordable homes including:

- 1. I think the Council has got a cheek. It was absolutely disgraceful the way the Council let the social housing become run down in areas selected and basically off loaded their responsibility to what is now Magenta Housing. Social housing is unfairly subsidised by Community rates and general taxes. Social housing tenants should be made to pay the market rate for rents. In consequence Private Landlords rental income is depressed. The income that Private Landlords earn barely matches their costs. This proposal will only turn out to be a huge bureaucratic exercise creating jobs for the Council, increase rents (pre-supposing the licence charges will be passed on from the Landlords to Tenants) and it will deter potential Landlords buying properties in the area which will make the area even more dilapidated. Landlords should not be responsible for Tenants behaviour or issues of tidiness of Tenants.*

## **Monitoring of Scheme**

The comment below suggested that there is a need to put measures in place that can be used to monitor the Schemes success. This has been acknowledged and performance indicators have now been identified within the revised Business case to monitor the Schemes performance.

- 1. "I disagree with the Scheme as it appears to have no measures of success. How will we know whether it is successful after one or two years? The Scheme claims that there will be long term gains but does not give itself a target as to what they will be. It appears that they will introduce another layer of management on top of the other Government Agencies that already exist and does not state what the outcome will be. It would appear that this is another fund raising exercise where everyone pays and the Council will not commit itself to any performance targets. Shame".*

## **Residents Views**

### **Community Drop-In Sessions**

As it is landlords and tenants that will be most affected by the proposed Selective Licensing Scheme, an integral element of the consultation was to engage with members of the community, specifically those who would be directly affected by the proposed Scheme. These stakeholders were all invited to drop-in events where they could discuss the proposals, and make any comments which would be recorded. Paper copies of the on-line questionnaire were printed and made available to those who would prefer paper, or those who could not access the internet.

Five events were set up in various locations to give residents from each of the four areas an opportunity to attend an event in their locality. The events were held in the Lauries Community Venue in the locality of Area one, St Catherine's Community venue; 'The Lodge' which is in the locality of Area two and Wallasey Town Hall, a central venue between Areas three and four.

Specific notification of the sessions was:

- Posted through the door of every property within the proposed four areas and in the surrounding 'buffer zone' in the form of a leaflet,
- Posted through the door of every property within the proposed four areas in the form of an updated post card,
- Provided to Councillors to share with members of the public
- Advertised on the Community Action Wirral website and events page,
- Advertised on the Council's website ([www.wirral.gov.uk/selectivelicensing](http://www.wirral.gov.uk/selectivelicensing))
- Placed on posters which were placed in and around the four areas in shops and local businesses who agreed to display them,
- Tweeted to all those who follow Wirral Council's twitter account,
- Placed on Facebook,

During the drop-in sessions, Council Officers engaged with those who lived and worked in the area, and were able to respond to any issues or questions about the proposals directly.

Whilst at the consultation events, paper copies of the online questionnaire were circulated and completed by a number of people; some completed the questionnaire whilst they were there, and others took it away and returned it at a later date or by post. The date was printed on the paper copy of the questionnaire to ensure those who took copies were aware of the closing date of the consultation.

### **Consultation Questionnaire: Summary of Residents Views**

Overall, 32 paper copies of the questionnaire were returned and entered into the on-line system.

In total, 61 of those who completed the questionnaire lived in the Selective Licensing Area, which represents 12.37% of all respondents who completed the questionnaire.

The questionnaire contains the following question; Question 3 *Wirral Council proposes to introduce a Selective Licensing Scheme in four small neighbourhoods which are experiencing low housing demand. Selective Licensing will require all*

*landlords to have a licence in order to let out houses in these areas. To what extent do you agree or disagree with the Selective Licensing proposal?*

Of these, ten who were living in one of the proposed selective licensing areas were also private landlords or letting agents. As their comments have been included within the landlord comments, for the purposes of gaining the opinions of those who live in a proposed area only, they have been excluded from the following results.

Of the 51 residents within a proposed area (excluding those ten who were also landlords or letting agents), 68.6% (35) strongly agreed or agreed with the proposals outlined in Question 3, 21.6% (11) strongly disagreed or disagreed with the proposals, and one person representing 2% neither agreed or disagreed with the proposals. 7.8% (4) did not answer.

58 of the respondents to the on-line questionnaire made additional comments in support of the proposal. Many held the view that while good landlords were already meeting these requirements, there were unscrupulous landlords that were neglecting their responsibilities; therefore it will help to improve living standards and provide greater protection for tenants. Typical comments include:

- 1. "The poor condition of homes in the above areas is due to bad management by landlords. Certain landlords are exploiting vulnerable people who cannot afford their own homes or rent property in the "better areas of Wirral". Bad housing in run down areas generates a feeling of low self-esteem and depression. A feeling life will always be poor with no hope for the future... Crime is rife because the people who live in the above districts are classed as lesser citizens; they know how other people see them: so why not live up to the way they are perceived. BETTER HOMES and LIVING STANDARDS CREATES A HAPPIER HEALTHIER FUTURE FOR FAMILIES. - WE'LL ALL BENEFIT FROM THIS".*
- 2. "This is an excellent idea. Through volunteering with a local charity helpline, I know that many tenants on the Wirral are forced to put up with substandard housing and irresponsible landlords. I would like to see the changes brought in within a reasonable time frame so that these changes can be made as soon as possible".*
- 3. "Any reasonable landlord/property manager should already be meeting the conditions itemised in the proposed Selective Licensing Scheme. Such a Scheme should apply to all districts as a norm, not merely those areas designated for improvement. It is stating the obvious for me to say, that landlords not already complying with the standards the licence would impose, are contributors to the decline of the areas selected for improvement".*
- 4. "I think this is a much needed initiative in Wirral and something that will help tackle the quality of housing in the private rented sector, particularly for those who live in some of our more deprived communities. It is important that tenants can expect not only a good standard of accommodation but also a*

*good quality landlord and this is why I 'strongly agree' with the majority of proposals put forward in this survey, with regards to checks and balances on the Landlords”.*

5. *“I think this is a good idea and hopefully it will ensure properties are kept in good state of repair and rental houses will look clean and tidy inside and out”.*
6. *“This is a very good idea as tenants are sometimes scared to report issues for fear of being evicted”*
7. *“I do not consider this a big ask of Landlords who have a responsible approach to their business. I firmly believe that it will benchmark responsibility in Housing Lets, creating a better living environment for the Tenants and improve neighbourhoods in deprived areas. Thank you for examining this Scheme. I really do hope it takes flight”*

Several residents even suggested that the introduction of a Scheme was long overdue:

1. *“This is an absolute must and quite frankly I'm amazed it hasn't been done before”*
2. *“Selective licensing is a great idea and should have been in place well before its consideration by the council. I meet tenants every day and private landlords abuse tenants all the time. They don't issue WRITTEN tenancy agreements because they are not regulated and play hide and seek with the tenant to avoid the issue of repairs and maintenance. There is not enough social housing available, so without any regulation landlords exploit the housing issue, charge extortionate fees because they know they can get away with it”.*

16 of the respondents in support of proposals considered that the requirement for landlords to be licenced should be extended to other parts of Wirral or the whole of the Borough as they considered that all landlords should be subject to this regulation. Comments in support of this view include:

1. *This Scheme should apply to ALL rental properties in ALL areas of Wirral, including perceived 'affluent' areas such as West Kirby and Hoylake. There are plenty of examples of property which is sub-standard and in need of regulation/licence.*
2. *This should not be selective, all landlords should be required to comply.*

Other comments concerned the take up of references which most residents supported:

1. *Landlords before letting to new tenants need to require references from previous tenant's landlord. this would curb bad tenants from moving from place to place.*

2. *make sure landlords obtain references and check them before letting property.*
3. *The letting agencies should vet to whom they let to ensuring that they can manage the property and not cause nuisance.*
4. *For the landlord to provide references for tenants that move on...this would completely negate any improvements which could be achieved from the licensing Scheme from the point of view of the tenant. A tenant would not wish to complain if the landlord did not fulfil his obligations, since this would cause the landlord to give him a bad reference. I realise that this item has been included to protect future landlords and neighbours. However, problem families that would get a 'bad' reference would be greatly outnumbered by :- every, every, tenant who would be scared to ask - for a deposit to be returned, or for mould to be removed, because the landlord could always give them a damning reference if they moved on. This section demanding a landlord reference must certainly be removed since it completely shifts the power back to landlords and away from the council and tenants.*

General comments included:

1. *Housing must be provided to those who cannot afford to buy, and there are many, which is suitable and safe for people of all ages, family sizes and ethnicity. There must be an adequate supply of affordable homes.*
2. *council should be providing social housing that way it will have to be of a suitable standard, private landlords are only interested in profits*
3. *As a homeowner in St Brides Road I feel that the state of King Street is an absolute disgrace and a blight on this area. The way in which the council has allowed the former shops to be converted in such an ad hoc way is totally irresponsible. There are only one or two of these conversions (such as the former battery) which are anywhere near acceptable in this day and age. The obvious course should have been for the planning dept to give the 'builders?' a prototype plan for the exteriors and we might have something that looks decent. We also seem to have a need for tenants on King St to be properly vetted.*
4. *I welcome the council tightening up the private rented sector, but fear licence costs will be pushed on to tenants, and in turn tax payers where housing benefit is claimed. Ideally I'd like to see a rigorous enforcement of the council's plans alongside more council owned and run properties, because I believe council houses are the only way to provide affordable homes in a decent state of repair. In the event of landlords failing to meet the council's letting policy, I would welcome some way to stop them leaving properties*

*empty, such as compulsory purchase by the council or some other remedy, as being discussed in Islington London. I am a homeowner and am registered with the council to rent our guest room on a part time B&B basis.*

5. *“I am against my Council Tax money and my other taxes to government being spent on other people`s houses. I struggle to maintain my own property on a pension and fail to see why my money should be so spent. It always gives politicians, local and national, a warm, self-satisfied glow to spend other people`s money on such Schemes. Such is the past history of Wirral Council on financial matters that I have little doubt that this Scheme, which will go ahead regardless of what anyone says, will result in waste, corruption and ultimately more senior council officials scuttling into retirement with generous pensions”.*
6. *As a home owner living in the Seacombe area I would like to know what steps the council are going to take to support landlords and residents where anti-social behaviour is a problem from a resident living in a street. I feel I have been let down by Wirral Council and Merseyside police on numerous occasions, I do not feel it is the sole responsibility of the landlord to keep anti-social behaviour of tenants in check. There should be penalties for tenants who cause disruption to other residents or damage to properties (For example housing benefits suspended), I don't feel punishing a landlord is the answer as the tenant will move on and cause the same issues in another property.*

## **Submission of Representations and Formal Letters received**

### **Formal Letters received**

In total, ten letters were received from landlords, partner agencies, and organisations representing both tenants and landlords. The letters from the five landlords raised issues and concerns including:

- No goals or targets for a Scheme,
- No information on the cost of running a Scheme or the amount it would raise,
- Repetitive monitoring and requests for same information,
- The Scheme does not cover social housing,
- Benefits control rents in this area and keeps them 'depressed',
- Specific landlord has not experienced low demand in the area,
- Landlord thinks the Scheme is a 'heavy handed' approach,
- Concerns about the funding gap and the cost to the Council,
- The Scheme will have a negative impact on the areas,
- The Scheme will damage the landlord's business,
- The Council already has powers to deal with disrepair,
- The landlord disagrees with the data on condition of properties.

There were also positive issues raised by the landlords who wrote letters including:

- The landlord would like to see year on year targets,
- The Council can focus on dealing with empty properties,
- Suggest the Council starts with one area and rolls out the Scheme,
- Would prefer a national, uniform approach,
- Understand selective licensing will stop the decline of the areas and initiate improvements,
- Would like to see a funded Scheme to give houses and boundary walls a 'face-lift',
- Would like the Council to proactively clean alleys in the selective licensing area,
- Reduce the Council tax burden on empty properties for landlords for two months,
- Not fully against regulation if fair, it works and brings value to all,
- Agree that landlords have a responsibility to help and sustain stability within the community.

Letters were also received from the local Citizens Advice Bureau, Generation Rent, the Strategic Housing Partnership, the NHS Clinical Commissioning Group and National Landlord Association.

One pertinent and important representation was that of the National Landlords Association (NLA) which exists to protect and promote the interests of private residential landlords.

With more than 50,000 individual landlords from around the United Kingdom and over 100 Local Authority associates, the NLA provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.

The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

The National Landlords Association (NLA) full letter of representation can be seen in Appendix 13 however the overview which has been taken direct from their letter states:-

*'We would like to thank Wirral Council for providing the opportunity to comment on licensing.*

*The NLA is against the principle of licensing without the council putting in resources to support the Scheme; we do not accept the premise that licensing the private rented sector will improve the demand for private rented sector alone.*

*The council has put in place other polices and is working across departments and services, which shows a strategic approach to licensing.*

*The ability to introduce Licensing is a powerful tool. If used correctly by Wirral council it can resolve specific issues, which will benefit the area. The NLA has supported many Local Authorities when they have proposed the introduction of a licensing Scheme; as it will benefit landlords.*

*We support the council using licensing in a small area, rather than the blanket approach by neighbouring councils. Thus we can support this proposal on the basis that it is a targeted approach. '*

A further indication of the NLA support for Wirral's scheme was evident from the recent article in Lettering Agent Weekly, where Gavin Dix, Policy officer for the NLA wrote:

*"If [Liverpool Council] is serious about addressing anti-social behaviour in the area it should take note of its neighbouring councils, such as Wirral, which only implement licensing in specific problem areas and have allocated funding for targeted enforcement. This approach gains the council the support of the responsible landlord community, rather than completely alienating them" says Dick.*

Other comments received include:

- 1. 'Wirral CAB generally supports the principle of Selective Licensing for landlords, and believe that the proposals should lead to an improvement in standards in the private rented sector.'*
- 2. 'Landlord licensing is a form of regulation for the housing sector that would be expected in any other area of business, particularly one line the private rented sector that has such extreme effects on people's health and social well-being'*
- 3. 'We feel that the current proposal is workable and would be valuable, and landlords will be able to work with it',*

In summary, the letters from those listed above were supportive, and included comments such as:

- Selective licensing has had some impressive results in other areas,
- We are generally supportive of a borough wide Scheme,
- We would like to see a national register of landlords,
- We feel that the proposed fee is a small cost for the regulation of an area of business,
- We welcome the electrical safety certificate and conditions on repair,
- The information pack for new tenants is essential,
- Some tenants outside of the proposed areas are worried about displacement of anti-social tenants,
- It is vital that kitchen and washing facilities are kept in good condition,
- We would like to see Wirral Council present an annual review of progress and an opinion mechanism to change the Scheme as appropriate,
- We support the limited introduction of licensing when supported with joint working by other departments and agencies.

A further indication of the NLA support for Wirral's proposed Scheme is evident in the recent article in Letting Agent Weekly.

### **Formal Emails**

Following press releases and notification of the consultation, the Council received emails from twenty one people via the dedicated e-mail for the consultation period.

Three of the emails did not relate to the selective licensing proposals or consultation, and a further two were sent to indicate that a letter had been sent in response to the consultation.

Four emails were written in support of the proposals, one of which was from a tenant and resident association which represents a number of residents. Specific reasons for support included in the emails were to be able to contact and identify landlords, to assist with dealing with tenants with anti-social behaviour and to be able to deal with the removal of rubbish, and prevent rubbish being left in the alleyways, because of the condition of some private rented properties.

There were four emails against the proposals; objections included some of the following issues: Unsure how the Scheme will help them as a landlord, unhappy about having to pay a licence fee, believe that the introduction of a Selective Licensing Scheme will force them out of business (landlord), informing the Council that if a Scheme were to be introduced, the landlord would sell their property, the information does not make clear what the landlord would get for their money, more bureaucracy is heaped onto landlords, the fee is too high – one landlord would be happy to pay £1 but not more, the Scheme is discriminatory to landlords who would not meet the 'Fit and Proper' test due to a criminal record.

Five further emails received neither agreed nor disagreed with the proposals. The main points were in agreement with the intention but there was uncertainty about the means and criteria by which the improvements will be carried out, to inform the Council that they are a landlord with properties within a proposed area, and to request information about the area selection and low demand.

Three emails were received to ask for further information including to find out whether or not they would need to purchase a licence if the proposals go ahead.

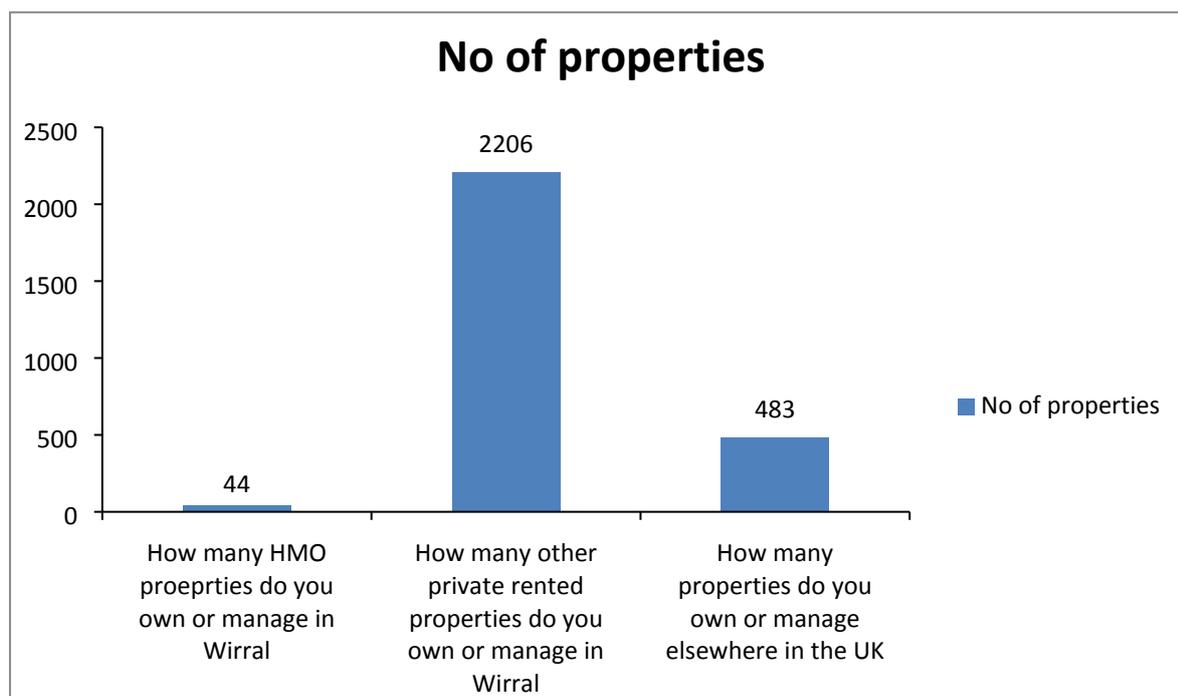
### **Petitions**

No petitions were received as part of the consultation process.

## Graphical Summary

A copy of Wirral's Selective Licensing Survey can be found in Appendix 1. The survey results are summarised in the section below in graphical format. Whilst there were 507 responses to the on-line survey, some respondents did not answer every question and some questions allowed multiple responses per question.

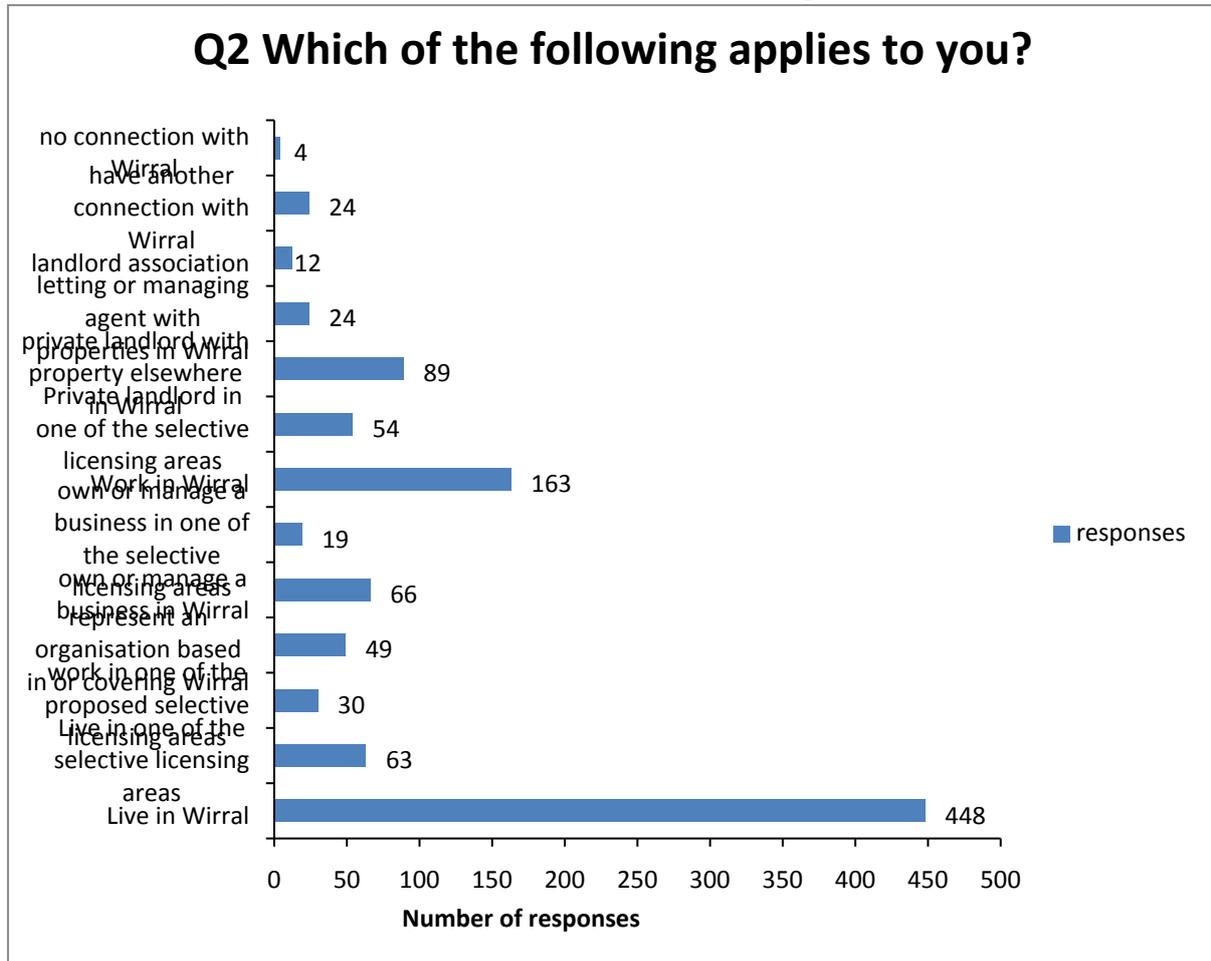
**Q1: If you are responding as a private landlord or letting or managing agent, please answer the three questions below:**



From the responses received, landlords representing 2733 properties overall responded to the consultation questionnaire, with the majority of those properties (2206) in Wirral. These figures represent an average of 22 properties in Wirral per landlord that responded, with an average of 5 properties outside of Wirral.

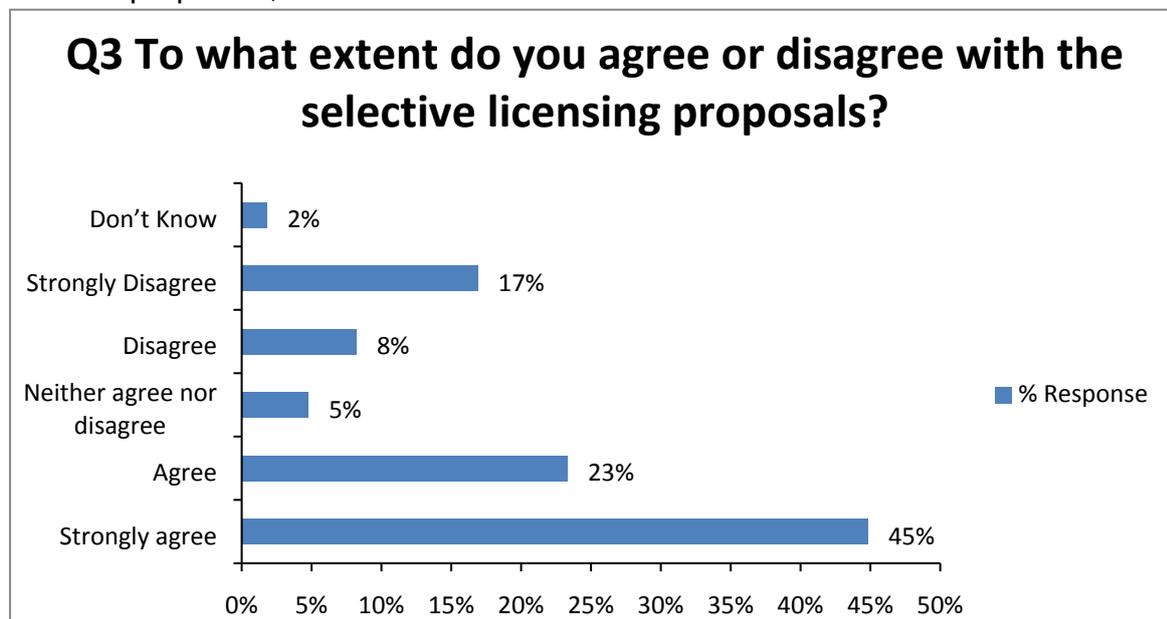
**Q2: Which of the following apply to you? (Please tick all boxes that apply).**

In total, 507 questionnaires were completed. The majority of those who completed the questionnaire 42.87% live in Wirral. 6.03% live in the selective licensing areas and 5.17% are private landlords in the selective licensing area.



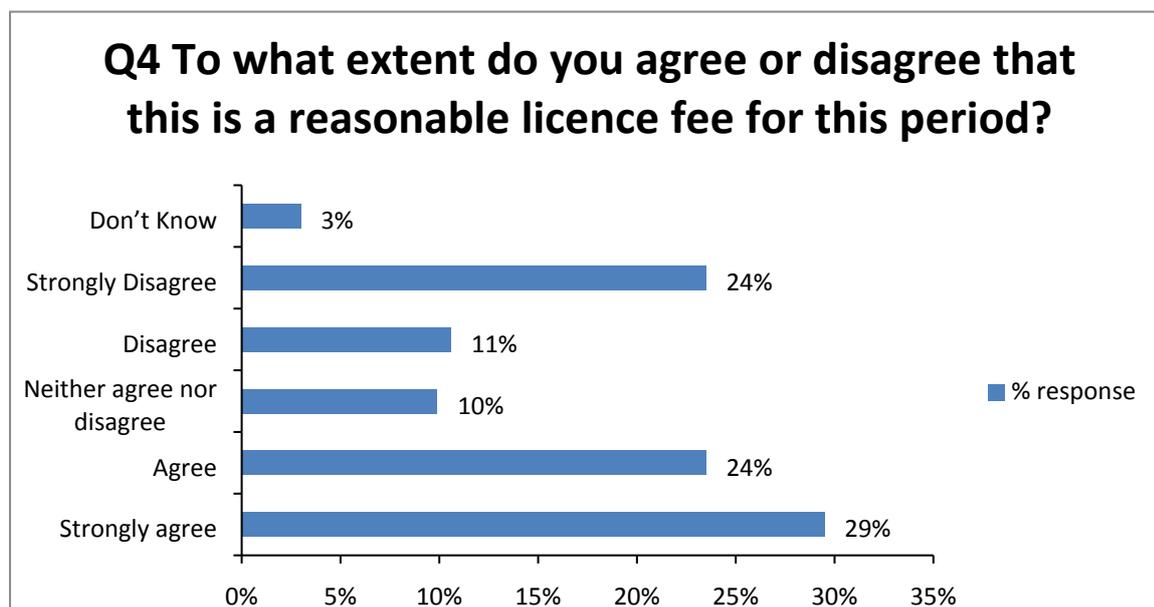
### Q3: To what extent do you agree or disagree with the Selective Licensing proposals?

Of the total 507 respondents overall, 437 respondents answered this question. A total of 68.19% respondents agreed or strongly agreed with the proposals, with 25.17% who disagreed or strongly disagreed. 4.81% neither agreed nor disagreed with the proposals, and 1.83% selected 'don't know'.



### Q4: To what extent do you agree or disagree that this is a reasonable licence fee [estimated between £550 and £750] for this period?

Just over half of the respondents who answered this question (52.99%) felt that the estimated fee of between £550 and £750 was reasonable, with 34.1% of respondents who disagreed or strongly disagreed that this was reasonable, with 9.91% who neither agreed or disagreed, and a further 3% who selected 'don't know'.



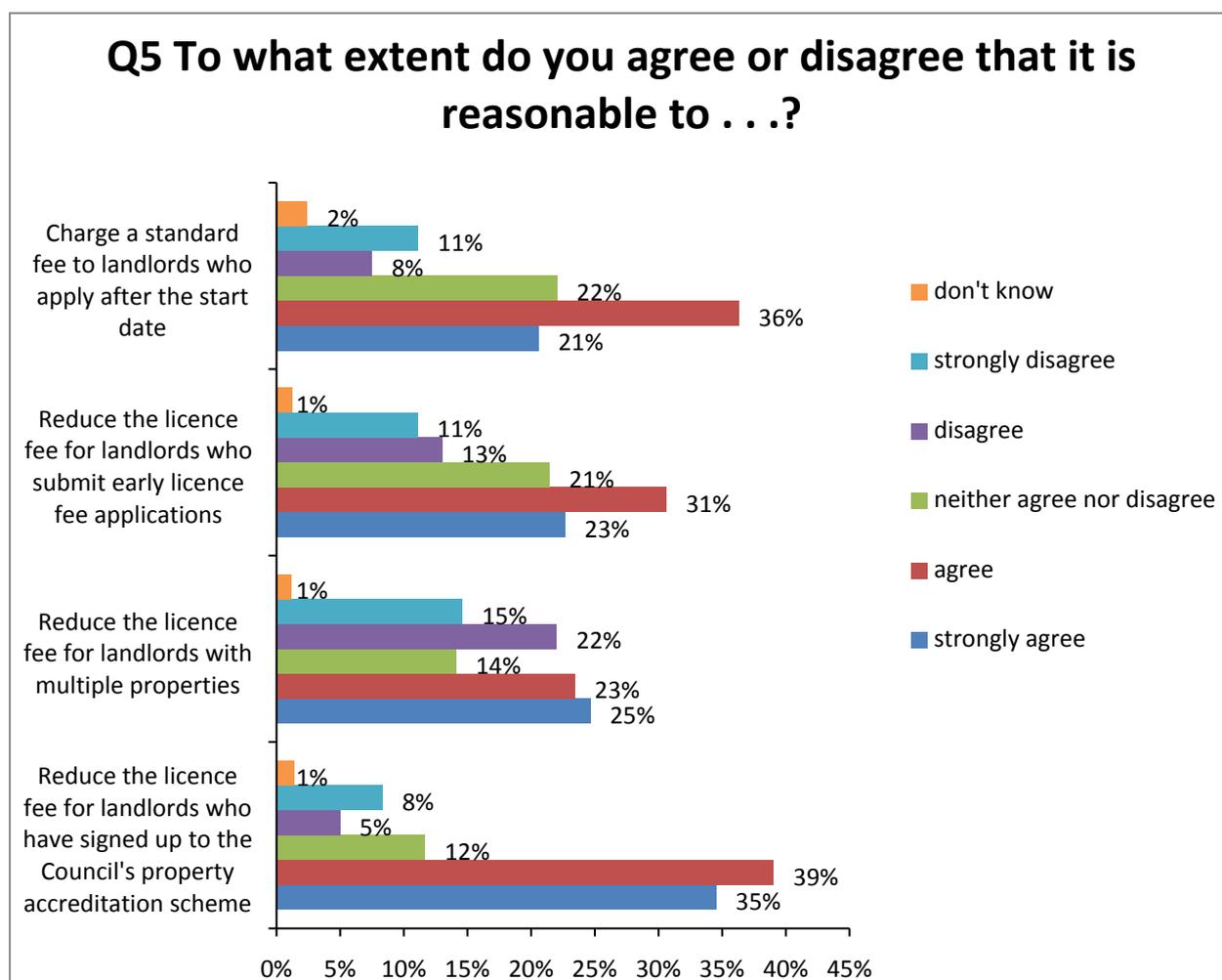
**Q5: To what extent do you agree or disagree that it is reasonable to . . . ?**

420 responded to 5a: reduce the licence fee for landlords who have signed up to the Council's property accreditation Scheme, and the vast majority 71% of those agreed that is reasonable, with just 13% who disagreed that this was reasonable.

418 respondents answered 5b, and of those 48% agreed that it was reasonable to reduce the licence fee for landlords with multiple properties, and 37% disagreed. 15% either didn't know, or did not agree or disagree to this question.

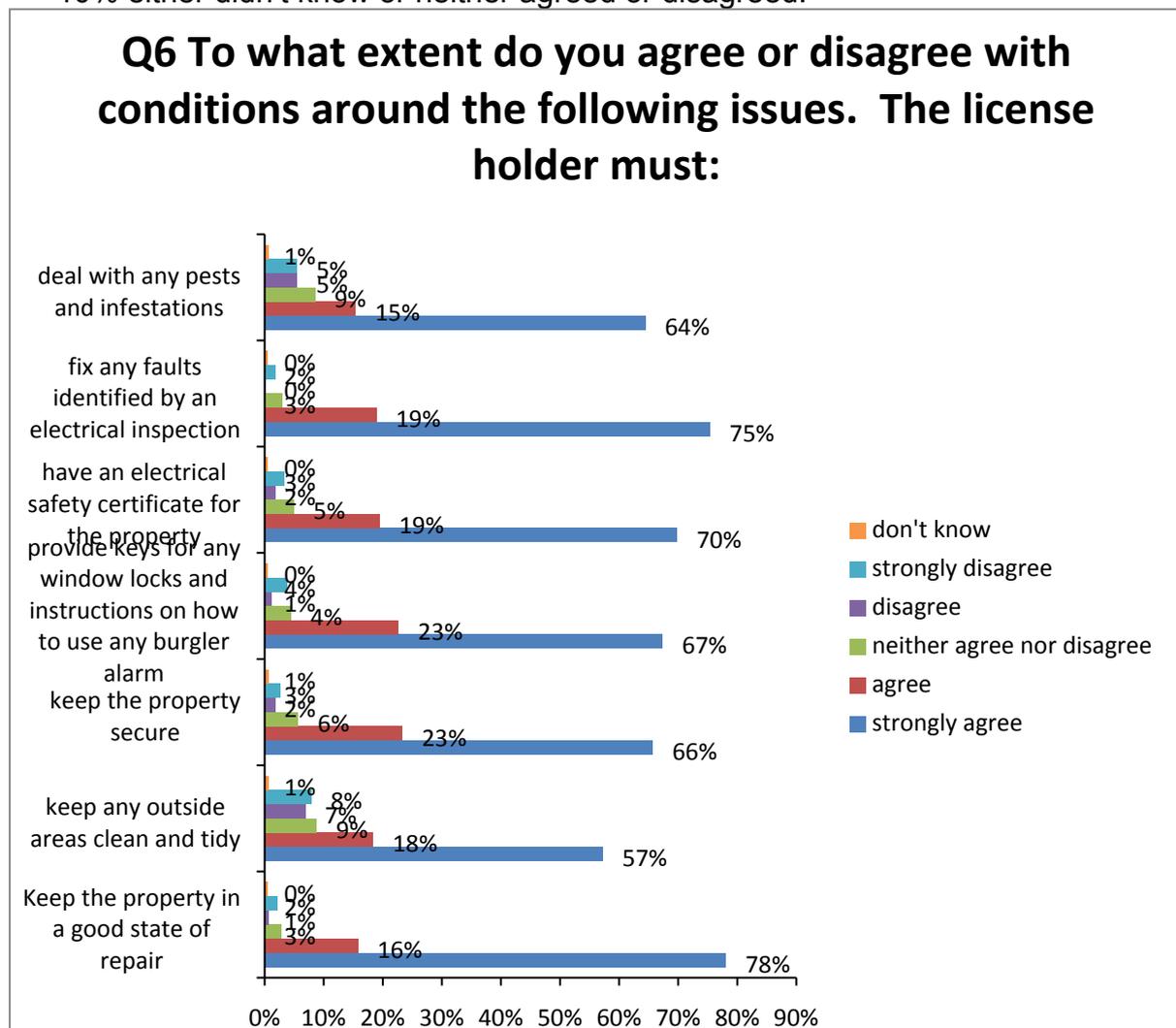
415 respondents answered 5c, and of those, 54% agreed it was reasonable to reduce the licence fee for landlords who submit early licence fee applications, with 24% of those who answered disagreeing. 22% of respondents didn't know or did not agree or disagree with this proposed reduction in the licence fee.

413 respondents answered 5d, and 57% of those agreed it was reasonable to charge a standard fee to landlords who applied for a licence after the start date, with just 19% of those who responded disagreeing with this proposal. 24% of those who responded either did not know or neither agreed or disagreed.



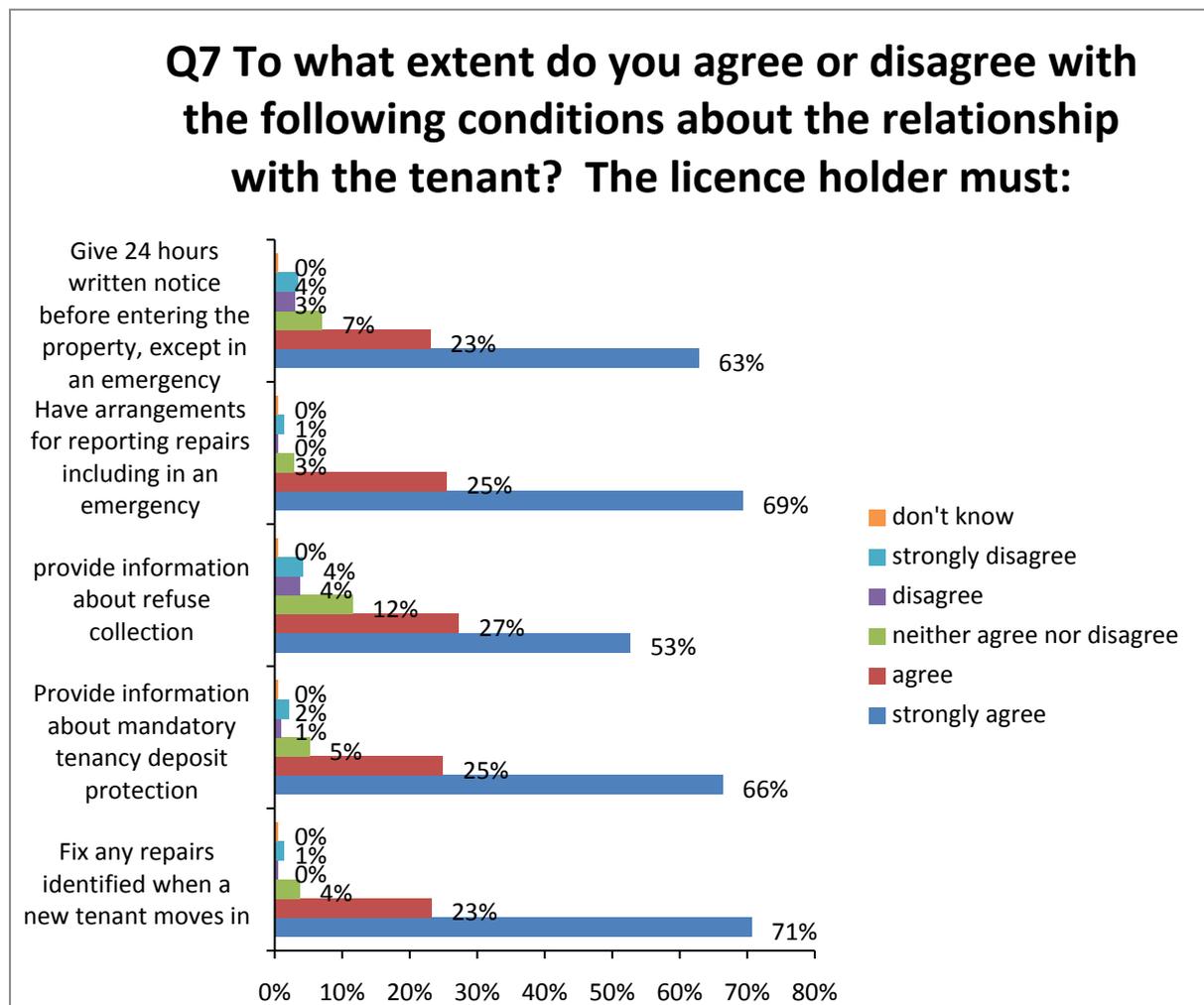
**Q6: To what extent do you agree or disagree with conditions around the following issues and principles about the property? The licence holder must:**

- a) Keep the property in a good state of repair; 424 respondents answered this question and an overwhelming 94% of those who responded agreed or strongly agreed.
- b) keep any outside areas clean and tidy; 419 respondents answered this question, with 75% of those who responded agreed or strongly agreed with the proposed condition, and 15% disagreed or strongly disagreed.
- c) Keep the property secure; 420 respondents answered this question, and of those, 89% agreed or strongly agreed, with just 5% of those who responded to this disagreeing.
- d) Provide keys for any window locks and instructions on how to use any burglar alarm; Of the 423 respondents who answered this question, 90% agreed and just 5% disagreed with this proposed condition.
- e) have an electrical safety certificate for the property; of the 421 people who responded to this question, 89% agreed with the proposed condition and 5% disagreed.
- f) fix any faults identified by an electrical inspection; of the 423 respondents to this question, an overwhelming 94% agreed with this condition, compared with 2% who disagreed.
- g) deal with any pests and infestations; 79% of the 422 responses for this question agreed to this proposed condition, compared to 10% who disagreed. A further 10% either didn't know or neither agreed or disagreed.



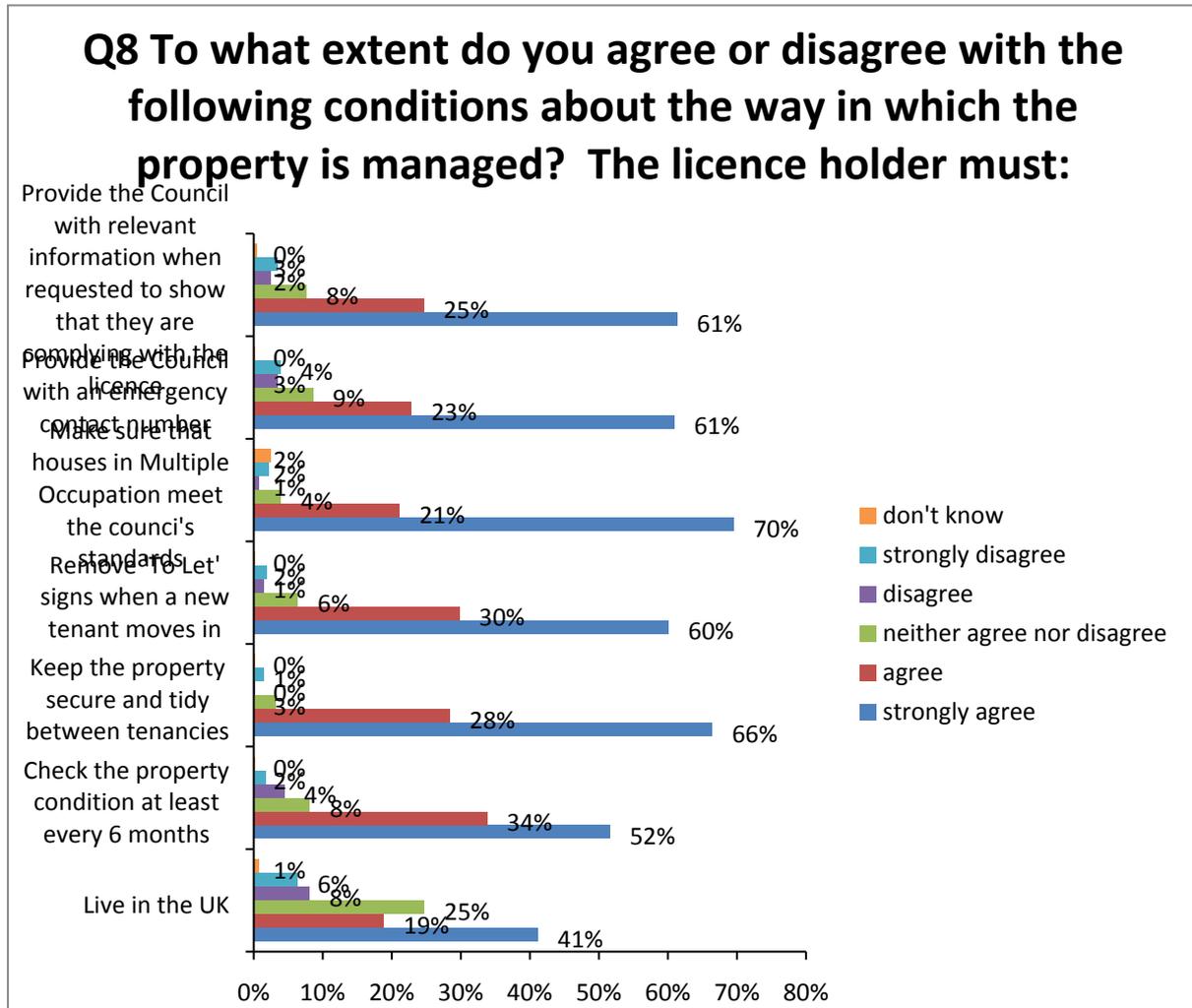
**Q7: To what extent do you agree or disagree with the following conditions about the relationship with the tenant? The licence holder must . . . :**

On the whole, the 426 respondents to this question agreed with the suggested conditions about the relationship with the tenant, as can be seen from the chart below.



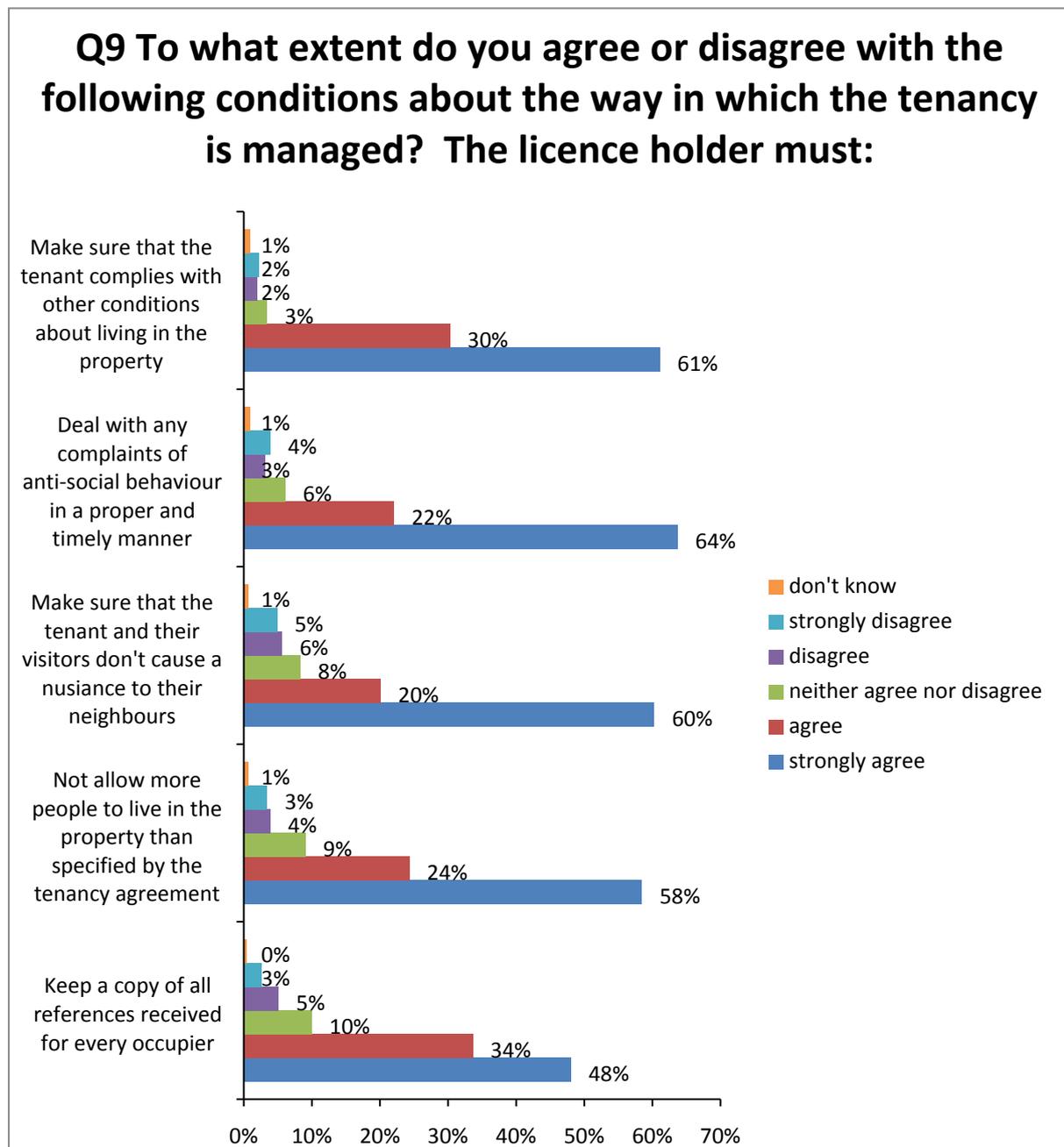
**Q8: To what extent do you agree or disagree with the following conditions about the way in which the property is manager? The licence holder must:**

411 respondents answered this question, and as can be seen from the graph below the vast majority of responses strongly agreed with the proposed conditions.



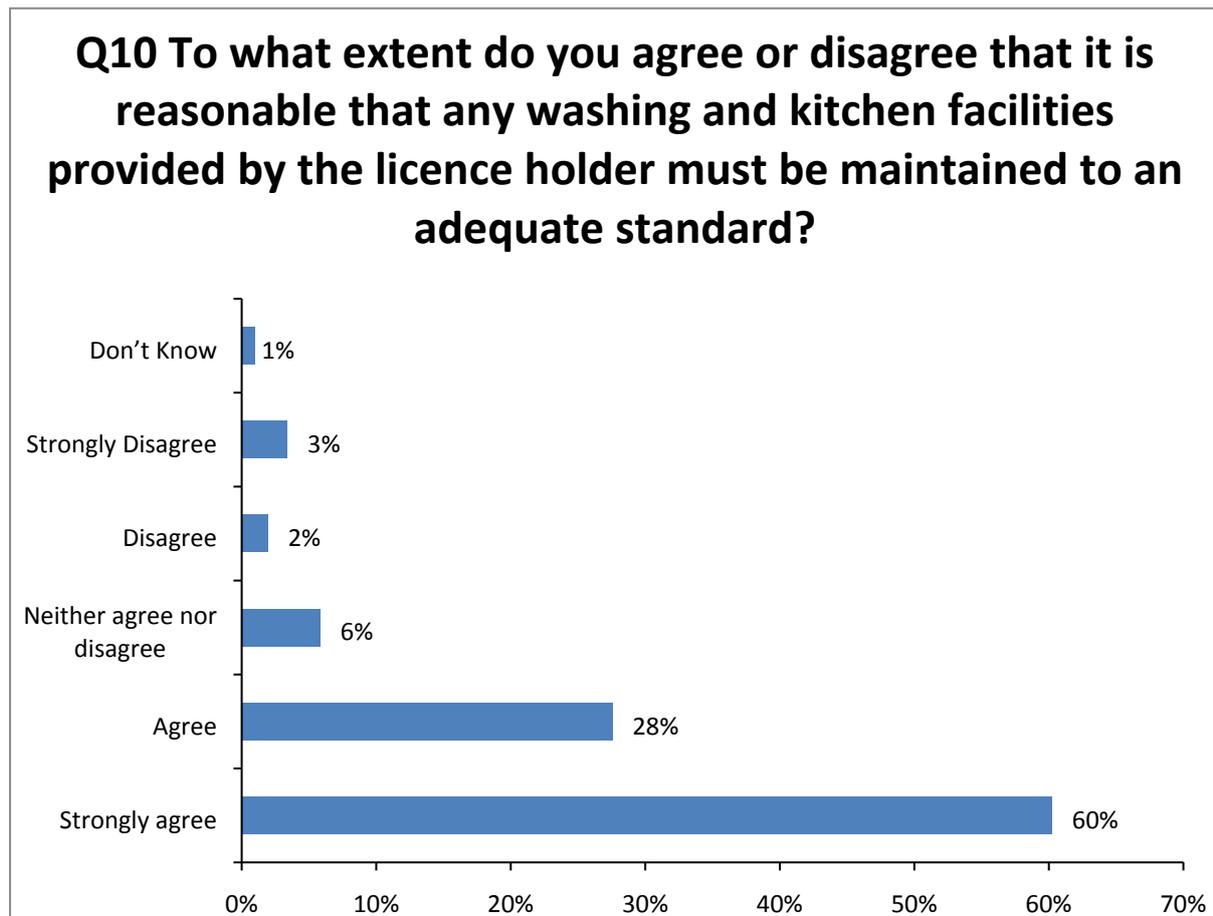
**Q9: To what extent do you agree or disagree with the following conditions about the way in which the tenancy is managed? The licence holder must:**

410 respondents answered this question, and again, it is clear from the graph that on the whole, the majority agreed with the proposed conditions.



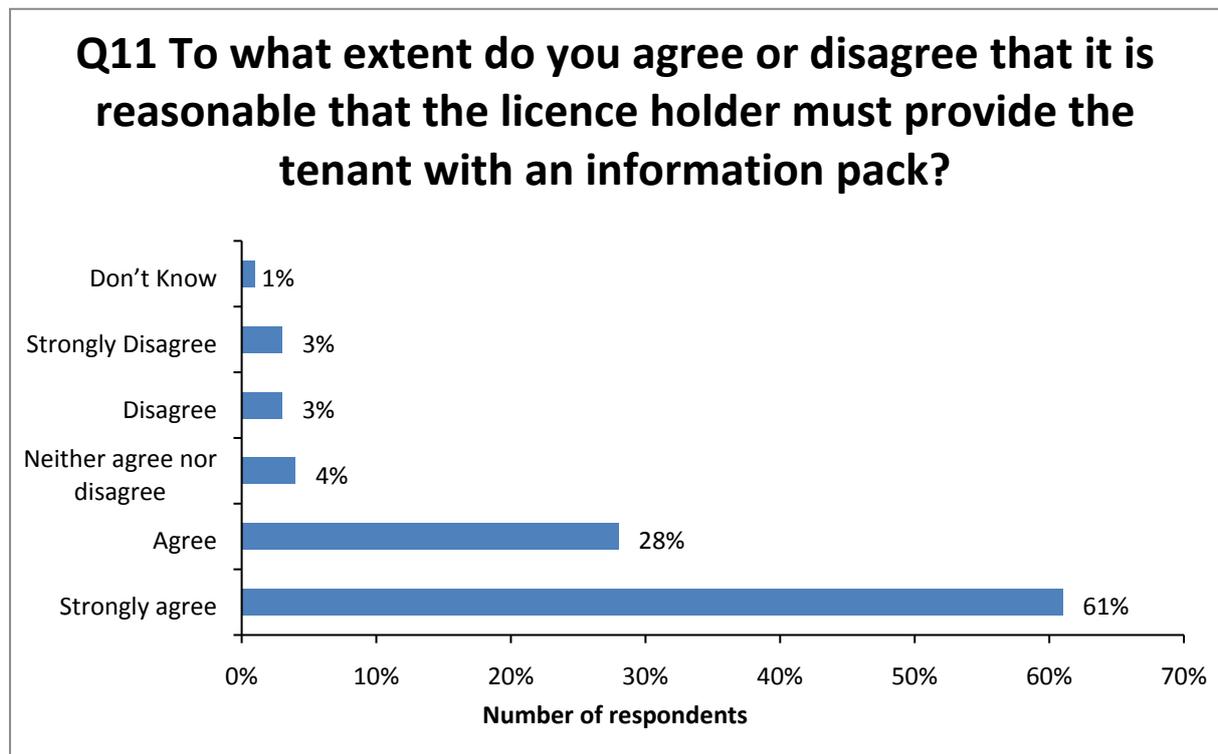
**Q10: Wirral Council is also proposing that the licence holder must keep all washing and kitchen facilities in the premises in a safe condition, in good working order and reasonable repair as far as reasonably practicable. To what extent do you agree or disagree that it is reasonable that any washing and kitchen facilities provided by the licence holder must be maintained to an adequate standard?**

Of the 410 respondents who answered this question, 60.24% strongly agreed with the proposed condition, and a further 27.56% agreed with it.



**Q11: Wirral Council is proposing that the licence holder must provide information to the tenant at the start of the tenancy, for example, a copy of the licence, a notice with the name, address and emergency contact number of the licence holder or managing agent, copies of current gas/electrical safety certificates, energy performance certificate, tenancy agreement and details of the arrangements for waste disposal. To what extent do you agree or disagree that it is reasonable that the licence holder must provide the tenant with an information pack?**

409 respondents answered this question, and the vast majority (89.49%) agreed or strongly agreed with the proposed condition, with just 5.6% disagreeing or strongly disagreeing with it.



## **Appendices**

- Appendix 1 Consultation Questionnaire
- Appendix 2 Letter inviting landlords & agents to forums - All landlords on Housing Benefit database
- Appendix 3 Landlord Linkup - Dec 2014
- Appendix 4 Email to landlords & agents with accredited agents
- Appendix 5 E-mails to Stakeholders notifying of consultation
- Appendix 6 Press Release Selective Licensing Scheme
- Appendix 7 Content of Plasma Screen Messages in Council One Stop Shop
- Appendix 8 Website Consultation
- Appendix 9 Selective Licencing leaflet Distributed to all residents in proposed areas & buffer zones
- Appendix 10 Postcard Distributed to residents in proposed areas
- Appendix 11 Selective Licensing Advert for press
- Appendix 12 Minutes of Landlord Working Group
- Appendix 13 Formal written responses

