

APPENDIX D.

E-mail and Telephone Objections, Questions and Responses to Newport 2 SLL Consultation

Please note: The SLL e-mail inbox had the following automated response: Thank you for your comments/response to the Selective Landlord Licensing consultation, we will not respond to individual responses. All responses will be fully considered before the Council makes a final decision on Selective Landlord Licensing.

Please note that the consultation period closes on Monday 30th January 2023, 12 Noon and any responses received after this date will not be taken into consideration.

Ref No /Type of response	<u>Summary of Response</u>	<u>Response from the Selective Licensing Team</u>
1/response from landlord	Rang to say wouldn't be objecting to this scheme as there's no point as the council does what it wants anyway, also to clarify what proposed cost per property would be.	£836 per Single Occupancy Household Unit £20 per Fit and Proper Person Check – in respect of the proposed Licence Holder and the proposed manager (if a different person from the Licence Holder)
2/response from tenant	Wanted to know if he needed to do anything about the letter	Advised of the consultation.
3/response from tenant	Wanted to know if he needed to do anything about the letter	Advised of the consultation.
4/response from owner occupier (Also e-mailed)	Said the scheme is 'music to my ears' she supports it whole heartedly and thinks it's definitely what the area needs	Advised to email comments.
5/response from landlord (Also completed online questionnaire and attended face to face meeting)	Thinks the scheme is a waste of time, hasn't helped other side of Newport, has 11 properties and wanted to know if there was a discount for multiple as he had been told that there was. Other landlords have told him it doesn't work. Going to consult with his solicitor to block this	Informed that improvements had been made in other SLL scheme areas, told he'd been misinformed about discount for multiple properties. Said he was within his right to consult a solicitor.

6/response from tenant	Before the Council start looking at Landlords Middlesbrough town needs looking at, we need land reclamation, the pavements are sinking, houses need knocking down, big changes need to be made, and the town needs a fortune spending on it. Middlesbrough is in a very bad way and this is the opinion of a lot of people in the area. Tenant lives in social housing.	Comment noted, asked resident to complete the online questionnaire.
7/response from owner occupier	Said has received letter and did she need to do anything, also she has reported a girl who is drug dealing to the police.	Advised as an owner/occupier she didn't need to do anything but that she could give her views on the scheme by filling in the questionnaire.
8/response from landlord	She has a house that she rents to her son, she gets £430 a month from it and paid £139 in insurance and £900 for a new roof recently, keeps the house in good order and doesn't see why as a good landlady she should have to pay for this, that it hasn't improved Gresham area so doesn't see why she should have to do it. Wanted to get this information logged.	Informed the call would be logged and that she can also fill in the online questionnaire and email regarding the consultation. As immediate family lived in the property it would be exempt under the Housing Act 2004, exemptions.
9/response from unknown	Has received 5 letters at his address xxxxxxxx for C and T M, who own houses in the proposed scheme area, they no longer live at that address and haven't for 12 years. He doesn't want his address used for them anymore.	Informed that the address would be crossed off the contact sheet and that it was from info received from the land registry. Team will carry out further checks.
10/response from landlord (Also e-mailed)	Owns several properties within the consultation area, this has been tried 3 times and each time it doesn't work, I paid a huge amount for 2 lots and got one letter, it was of no benefit to me or my tenants, a complete waste of money, if my tenants have problems they come to me. SLL is a complete waste of time im a good landlord, my tenants are all international students, i pay the	Thanked him for his input, advised to also fill in the questionnaire. An evaluation of the North Ormesby scheme has been completed which shows the success of such schemes.

	<p>gas/electric/water/Wi-Fi for them and this is just another unnecessary cost on top which I will have to levy onto them now. I might as well sell all my properties as I hardly make anything to start with, I can't handle another cost and I wanted to register a complaint. It's a silly idea, this is Middlesbrough not London. I've already emailed and told my tenants to complain too.</p>	
11/response from owner occupier	<p>Received a letter but is letting us know that she owns her own home, also welcomes the idea as the area is not what it used to be.</p>	Directed to complete the online questionnaire.
12/ response from owner occupier	<p>It's a marvelous idea, landlords should have rules so they can't just put anyone in and bring the standards of the area up</p>	Directed to complete the online questionnaire.
13/response from tenant (not in proposed area)	<p>Dear Officers, New Licensing Scheme Consultation. I am a tenant in Wylam Street Middlesbrough. I used to live on Essex Street which will be effected by the latest intention. Indeed, I see now the Council are going to licence this area to obtain more money for things they should be doing through the Council tax already. I would make the following points: the inspection programme I have suffered is intrusive and unnecessary, I will never consent to it again. - licensing has not solved any of the problems in the current zone. - Rents rise because landlords pass the cost onto tenants. So in reality we end up paying for it. The Council think it is a great idea; but don't want to pay for it themselves. The Landlords pay the Council, and the tenants end up reimbursing them. You say that Selective landlord licensing would make sure your landlord is properly</p>	Received via letter. Comments noted.

	<p>managing and maintaining your home. When my landlord already acts in a responsible manner I (and many like me) don't receive any additional benefit. I object to the new scheme but know very well that you will go ahead with it to increase your funds. Yours sincerely P H</p>	
14/response unknown	<p>Of the 4 stated aims of the scheme, the first three are already legal requirements and the prevention of anti-social behaviour is a job for local authorities and landlords have almost no power with regards to enforcement of this. This is a blatant "stealth tax" on landlords which will prevent investment in the area and has insignificant upsides.</p>	<p>Comments noted.</p> <p>Landlords do have power to deal with antisocial tenants by serving the relevant eviction notice, It is also a condition of their Selective Landlord Licence. 'The Licence holder shall take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes'.</p>
15/response from landlord	<p>Pure waste of time, the council will implement regardless as it is a further revenue stream. Has it improved N Ormesby, clearly not?!</p>	<p>Comment Noted. North Ormesby evaluation shows improvements.</p>
16/response landlord in one of the SLL areas	<p>Would be interested to know what this has got to do with me?</p>	<p>Comments noted.</p>
17/response from landlord (also sent letter)	<p>We have received your consultation email. Please could you clarify why the proposed area to be licenced (coloured blue) is shown differently on the :- - Selective Landlord Licensing Licensing Extension Map; and the - Proposal by Middlesbrough Council to designate the area identified as Newport 2 for Selective Landlord Licensing document, and explain the reason for the differentiation. Please would you clarify which area is the correct extent of the proposed additional designation upon which consultation is being sought?</p>	<p>The consultation page (link below) 'which streets will be included section', has a list of streets included in the proposed designation.</p> <p>www.middlesbrough.gov.uk/SLLconsultation</p> <p>The confusion was around a small area highlighted that does not contain any properties.</p>

18/response cllr	Thank you Judith. I'm happy for it! Cllr Storey	Comments noted.
19/response from tenant (Also telephoned)	As a person who is currently buying my house. I really could not be happier that this may be something that is put into place. It's not fair that I just have to just wait and see what I am going to be living next too, or over the road from. Something has got to be done to stop just anyone getting a houses and been able to just cause anti-social behaviour where ever they rent. Middlesbrough is awash with anti-social behaviour. The council need all the help they can get in been able to stamp out, landlords snapping up cheap properties and sticking who ever in them . While good residents have to live in fear of who has just moved in. I know the council is trying to do their best with this area. I for one am extremely supportive of this idea.	Comments noted.
20/response from landlord	I am sending this email to say that I no longer own my property at Newport ward. I sold it in 2020 . Kind regards	Comments noted.
21/response unknown	Blank e-mail	No response.
22/response unknown	Hi there, Could you e mail me a copy of the questionnaire or send me a link that works as I have tried using the one provided in your letter. Could you also define the streets that you are currently considering to fall into the licensing process?.	Website link e-mailed with list of streets and online questionnaire.
23/response from landlord (Also telephoned)	I know you won't listen to my voice and I realise I'm whistling in the wind, but remember rents are already being increased due to higher mortgage rates and higher energy bills(as I pay this for my students) another bill is not welcome, and certainly	Comments noted. University accommodation is exempt under the Housing Act 2004 - If a property is occupied solely by students undertaking a full-time course of further or higher education,

	<p>one that doesn't serve any purpose. Your comments would be much appreciated, even though I know I won't get any. I hope you get the message that I'm very very angry about the whole suggestion of this once again, like many other landlords will also be I would imagine. Why can't you leave people alone to provide a service as were trying to do in trying circumstances. This is not the time to try introduce such irrelevant initiatives. I also see that if this goes ahead that if the University provides accommodation in this area then they don't have to pay this charge. Why are the exempt ?????</p>	<p>and where the person managing or in control of it is the educational establishment.</p>
24/response from landlord	<p>Hi I thought all properties in New Port area are under selective licensing since Year ?</p>	<p>A map of the proposed area is included in the proposal document and a full list of streets for each of the Selective licensing areas including the proposed area are available on the Middlesbrough Council website.</p>
25/ response from Policy and Campaigns Officer	<p>Good afternoon, PropertyMark is the UK's leading professional body representing property agents in sales and lettings. I am hoping to respond to your selective licensing scheme consultation to extend the scheme into a larger area of the Newport ward. To help me with the consultation, have you got a wider private rented sector strategy, evidence base for starting the consultation or an evaluation of the current Newport or North Ormesby ward schemes. I would be extremely grateful for any assistance, and I would equally be happy to meet on teams to discuss the consultation or any other ways we could work together.</p>	<p>E-mailed the link below which takes you through to the consultation page on Middlesbrough Council website. There you will find the proposal document, appendices and the evaluation of the North Ormesby Selective Licensing Scheme.</p> <p>https://www.middlesbrough.gov.uk/selective-landlord-licensing-consultation</p>
26/response from landlord	<p>I am private landlord with houses in Middlesbrough. I have been responsible for purchasing and</p>	<p>Comments noted.</p>

	<p>renovating several derelict properties in your area. They are all now managed by reputed estate agents within Middlesbrough. All my properties fully comply with the laws regarding EPC, EICR, Gas Safety Cert, CO2 alarms etc. This is further reinforced by having an independent estate agent managing my properties. I am totally against Selective Landlord Licensing. In my humble opinion it's just another way of local government making money from hardworking private landlords. In fact as parts of Newport are under the SLL catchment I have refrained from purchasing in those areas. This decision is echoed amongst all other private landlords looking to purchase in Middlesbrough. You should be encouraging people like ourselves to buy in your areas rather than put us off it, which is usually the result of SLL. All that is required is that any rented house in Middlesbrough should be managed by an estate agent who will ensure the protection of tenants.</p>	
27/response from unknown	<p>Dear team, please note my address has changed from xxxxxxxxxxxx to xxxxxxxxxxxx I would be grateful if you could update your records</p>	Comments noted.
28/response from landlord (online questionnaire completed)	<p>Please note my change of address from xxxxxx to xxxxxx Thank you</p>	Comments noted.
29/response from landlord	<p>I am a landlord to a number of properties in the proposed licensing area. I think all of my properties would be covered in the new area.</p>	Comments noted.

	<p>I am not really for or against the new area as I think and increased in living standards for students is a good thing. I have viewed lots of properties that are far below the standard I would expect and so have insisted that all of our properties are of a high standard.</p> <p>However, I do think that I should let you know that a policy like this drives out lots of local people from the area. I experienced this during my time living in Loughborough. Essentially what happens is the landlord who rent out to local people are having to experience the higher fees associated with having the licence. So they either sell the house to student landlords who can afford the new fees, or renovate it and rent out to students. The local people who lived there before then have to move to another area.</p> <p>As I say, I don't feel strongly either way about the licence personally. But I do feel that the above should be taken into consideration.</p>	
<p>30/response from owner/managing agent</p>	<p>As a property owner/ Manager of multiple properties in the Middlesbrough area, I am extremely concerned to have read your proposal to licence an additional area of the Newport ward.</p> <p>It is my opinion that selective licensing is driving out decent landlords as the excessive fee of over £800 for a licence is disproportionate to rental values and discourage investment.</p>	<p>Comments noted.</p>

	<p>It is clear that Middlesbrough council sees selective licensing as a way of obtaining funds for services which should already be paid for within existing budgets.</p> <p>I am concerned that this negative impact will further undermine confidence in the Newport ward and lead to greater social problems for the community.</p> <p>I therefore formally object this proposal.</p>	
<p>31/response from landlord and managing agent (E-mailed twice)</p>	<p>Proposed Newport 2 Selective Licensing Zone. I am a selective licence holder in Newport and North Ormesby. I am shocked to see that you intend to expand this money making scheme yet further. If the current schemes have not achieved their objectives then why expand the existing scheme further. The whole business of selective licensing is simply revenue generation for the authority. Landlords are fed up of being "taxed" in this way. I have see no tangible benefits to selective licensing, only downsides (principal cost). In terms of your suggestions that reported crime and ASB is down, that is mainly because people no longer bother reporting most crimes like criminal damage and burglarly as the police rarely attend and all you get is a crime number. If the figures have improved in this regard it is down to apathy and despondency, not progress. No doubt the scheme will be approved; that has already been decided I imagine. I object to the proposed designation and hope it will be formally challenged.</p>	<p>Comment Noted. North Ormesby evaluation shows a breakdown of results against each objective.</p>

32/response unknown	To whom this may concern. In my opinion selective licensing should be funded by Middlesbrough Council. Why should landlords have to pay to purchase a licence why don't the council part-fund this, I think this will increase rents as landlords will pass this cost on to tenants. Selective licensing moves people to other areas. What will the council do if people decide not to rent the houses? What will the council do if enough licences are not bought? I therefore object this proposal.	<p>Tenancy referencing is a mandatory condition of a licence to try and prevent the moving of anti-social tenants between areas.</p> <p>Once an area has been designated for Selective landlord licensing it is a legal requirement that all privately rented properties within that are licensed, unless they are an exemption under the Housing Act 2004.</p>
33/response from landlord	I object to the new proposed licenced area of Newport 2. The proposed fee of £836 is unbelievable. The Council may not have any spare money to put into the scheme, but neither have landlords. This fee is nearly double the original fee for North Ormesby scheme 1 and has shocked a lot of people.	Comments noted.
34/response from unknown	I object to the new proposed licenced area of Newport II. Why can the Council not part fund the scheme? Why does the landlord have to pay for it all? Whilst licences are not transferable under the Housing Act 2004, you could reduce the fee as the scheme proceeds. Who is going to pay £834 for a 9 month licence? The second North Ormesby scheme proposes a half fee for the last 6 months - that is hardly likely to appeal either. Selective licensing moves people to other areas. People who couldn't get a house in the original gresham licensing area have got houses in the area that may now also be licenced. How can the Council justify such a high cost just to move the problem round? What will the council do if people decide	<p>The calculation of the costs for delivering Newport 2 SLL scheme is consistent with both current SLL schemes (with an inflationary rise) and taking into account the expected number of properties which will require a licence. This proposed fee enables the scheme to be self-financing, it is calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.</p> <p>The fee does not reduce as the fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.</p>

	<p>not to rent the houses? What will the council do if enough licences are not bought? The people who seem to support schemes like this are home owners. People who do not have to pay anything. It is no surprise that they encourage it. Why do the Council not also seek contributions from non landlords for projects like this through the Council tax? This is utterly disgusting for the council Charging this amount. The proposed fee of £836 is unbelievable. The Council may not have any spare money to put into the scheme, but neither have landlords. This fee is nearly double the original fee for North Ormesby scheme 1 and has shocked a lot of people.</p>	<p>Once an area has been designated for Selective landlord licensing it is a legal requirement that all privately rented properties within that are licensed, unless they are an exemption under the Housing Act 2004.</p>
35/response unknown	<p>Dear middlesbrough council. Our view is there is no need for selective landlord licensing at all.</p>	<p>Comments noted.</p>
36/response from Policy & Campaigns Officer (Second e-mail)	<p>Good evening, Please find attached a consultation response from Propertymark regarding the selective licensing scheme consultation in the Victoria and North Ormesby wards of Middlesborough.</p> <p>Middlesborough Council proposals to increase the selective licensing scheme to the whole of the Newport ward</p> <p>Response from Propertymark December 2022 Background</p> <p>1. Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional</p>	<p>21/12/2022 - Telephone call to advise some of the information in his response is incorrect and gave an overview of what area's already have a Selective licensing scheme and which area we are consulting on. This was followed up with the below e-mail:</p> <p>As discussed the consultation is solely around the proposed designation of part of Newport ward in Middlesbrough. Victoria ward does not exist and North Ormesby ward has already been designated for a scheme. The link below has all the information around the proposal including the correct proposed fees.</p> <p>https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/selective-landlord-licensing-consultation</p>

standards through regulation, accredited and recognised qualifications, an industry leading training programme and mandatory Continuing Professional Development.

Overview

2. Middlesborough Council are consulting on a proposal to extend a selective licensing scheme in the whole of the Newport ward.

3. Thank you for the opportunity to respond to the consultation on the proposal for Middlesborough Council to extend the selective licensing scheme in the Newport ward of the borough. Propertymark is supportive of efforts made by local authorities to improve housing stock within the Private Rented Sector (PRS.) However, we do not believe that licensing is the best method to achieve this aim. Accordingly, we object to your proposal.

4. Propertymark would prefer a regulatory framework, which seeks to educate landlords in improving their stock rather than punitive measures that are difficult to enforce and only punish compliant landlords letting those that require improvements to go undetected. We oppose this proposal on several grounds which are headed below.

Licensing structure

5. Fees - The council are proposing a flat fee of £836. This is quite a high fee and comes at a time when landlords are experiencing increased costs and considering exiting the market. Compare these proposed charges to £650 in Newcastle¹, £640 in Brent in London² and £550 in Liverpool.³

	<p>6. Impact on supply of homes - Exiting the market is especially a concern for smaller landlords who are more likely to sell their properties and further shrink the supply of PRS properties leaving remaining private tenants with higher rents. Our research on the shrinkage of the PRS4 found 53% of buy to let properties sold in March 2022 left the PRS and that there were 49% less PRS properties to let in March 2022 compared with 2019. In addition to these concerns,</p> <ul style="list-style-type: none">1 Fees and Charges.pdf (newcastle.gov.uk)2 Project • Consultation on Selective Licensing of Private ... (brent.gov.uk)3 Fees, discounts and exemptions - Liverpool City Council4 A shrinking private rented sector Propertymark <p>2</p> <p>those landlords who remain in the market, often have less money to improve conditions from increased costs.</p> <p>7. Better integration is needed - The proposal to extend the scheme is based on previous licensing schemes in part of the Newport ward and the North Ormesby ward. Although the consultation document references the Council's Strategic Plan, the scheme does not appear to have been integrated into part of a wider strategy to improve the PRS specifically. Schemes have more success when they are embedded into wider efforts to educate landlords on their responsibilities, tackle homelessness and deal with anti-social behaviour with the support of partners.</p>	
--	--	--

8. No engagement with landlords and letting agents - For most cases of substandard accommodation, it is often down to landlord's lack of understanding rather than any intent to provide poor standards. Judging from the evidence provided, there does not appear to have been any landlord engagement on supporting them in understanding their responsibilities as landlords. A licensing scheme is a very reactive mechanism, and it is far more beneficial to have a programme of education to engage with landlords on helping them improve before a situation gets worse. The licensing conditions state that licence holders will have to attend property management courses when stipulated by the council, but details of this training is vague and there is no data supplied on previous training completed. There is evidence of efforts to engage via the landlord's forum, produce an accredited scheme and a specific forum for landlords operating within the scheme area. However, engagement is more credible over a longer more embedded period. Propertymark has a network of Regional Executives and a series of Regional Conferences that take place throughout the year.⁵ We would be very happy to work with the council to engage with local agents over a virtual roundtable discussion on how standards can be improved.

Evidence from previous scheme

9. If the proposal is to increase the selective licensing scheme to the whole of the Newport ward, the justification for doing so is weak. The

	<p>newsletter for the Newport ward in 2020 stated that it was too early for any prosecutions as the scheme was in its infancy. However, there was still no mention of the number of prosecutions for the following year. The consultation document also suggests the number of prosecutions has been low because landlords have paid for their licence retrospectively with no indication of prosecutions for poor standards. We would be grateful for clarification if the full evaluation of the North Ormesby selective licensing scheme has been conducted and if it hasn't then the scheme should be delayed until it is produced and used as part of the justification.</p> <p>10. The North Ormesby scheme is in its final year. During the final year of the scheme, the data within the newsletter reveals that activity to deter anti-social behaviour remains high. For example, there were 2,486 low level interventions, 955 medium interventions and 33 high interventions. It is not clear whether these statistics relate to the PRS or the area itself,</p> <p>5 https://www.propertymark.co.uk/about-us/board-and-governance.html</p> <p>3</p> <p>besides the relatively high numbers indicate that the selective licensing is not achieving its aim of reducing anti-social behaviour and other methods that are more collegiate towards landlords should be adopted.</p> <p>Aims and objectives of the scheme</p>	
--	---	--

	<p>11. Middlesbrough Council have identified several aims and objectives they wish to achieve from the scheme. Firstly, we welcome the opportunities for landlords and tenants to have access to Tenancy Relations Officers and would like clarity on how many officers will be resourced to occupy this potentially important role. Secondly, we are supportive of the council's commitment to give free advertising to empty properties. We would like further clarity if the council would consider signposting vulnerable tenants at risk of homelessness to these properties as part of their discharge of homelessness duties.</p> <p>12. The council has stated that selective licensing is a useful tool to reduce the number of empty homes within the proposed wards and is presumably an aim of the scheme. While we welcome free advertising of properties, the statement on empty properties lacks clarity. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Management Dwelling Orders, loans or grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken to reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing.</p> <p>13. The council have also identified reducing levels of anti-social behaviour and support for landlords dealing with anti-social tenants. Landlords are not</p>	
--	---	--

	<p>the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse. As one example, if a landlord or their agent had a tenant that was causing anti-social behaviour, the only tool that the landlord or agent could use would be to seek possession from the tenant under a Section 8 notice. While this would remedy the problem in the short-term, the tenant is likely to still occupy this behaviour and all that has been achieved is that the anti-social behaviour has moved from one part of Middlesbrough to another. In this context, it should be noted that with regards to reducing anti-social behaviour, landlords and their agents can only tackle behaviour within their properties. Effectively, they are managing a contract and not behaviour. Landlords and their agents are not responsible in any form for anti-social behaviour occurring outside the property. Nevertheless, we would be interested to learn about any partnership work the council are proposing with stakeholders such as Teesside Police in reducing anti-social behaviour within communities.</p> <p>Encouraging landlords not to take tenants with poor references</p> <p>14. Propertymark would like clarification on the council's proposal to encourage landlords not to let to tenants with poor references. As a point of clarity, what steps will the council take to support landlords in this regard. It would be useful if the council were to put a guidance</p>	
--	--	--

	<p>4</p> <p>document before introducing the scheme to outline its position on tenants with poor references. If landlords operating in the PRS do not let to these people, where will they be accommodated. This is contrary to the council's aims in tackling 'tenancy hopping' for those at most risk and would likely put them at the mercy of criminal landlords. Surely a more positive approach would be to support landlords and their agents with any tenants with deep rooted complex issues rather than encouraging them to exclude them from housing options.</p> <p>Conclusions and alternatives</p> <p>15. Propertymark believes that local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of both residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.</p> <p>16. If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of</p>	
--	--	--

	<p>licensing on the designated area over the scheme's lifetime. This would improve transparency overall. Propertymark has a shared interest with Middlesborough Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of selective licensing is the most effective approach to achieve this aim both in the short term and long term.</p> <p>17. We would welcome the opportunity to work with Middlesborough council to further engage with our members in the local area.</p>	
<p>37/response from Policy & Campaigns Officer (Third e-mail)</p>	<p>Middlesborough Council proposals to increase the selective licensing scheme to the whole of the Newport ward</p> <p>Response from Propertymark December 2022</p> <p>Background</p> <p>1. Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry leading training programme and mandatory Continuing Professional Development.</p> <p>Overview</p> <p>2. Middlesborough Council are consulting on a proposal to extend a selective licensing scheme in the whole of the Newport ward.</p> <p>3. Thank you for the opportunity to respond to the consultation on the proposal for Middlesborough</p>	<p>Comments noted</p>

Council to extend the selective licensing scheme in the Newport ward of the borough. Propertymark is supportive of efforts made by local authorities to improve housing stock within the Private Rented Sector (PRS.) However, we do not believe that licensing is the best method to achieve this aim. Accordingly, we object to your proposal.

4. Propertymark would prefer a regulatory framework, which seeks to educate landlords in improving their stock rather than punitive measures that are difficult to enforce and only punish compliant landlords letting those that require improvements to go undetected. We oppose this proposal on several grounds which are headed below.

Licensing structure

5. Fees - The council are proposing a flat fee of £836. This is quite a high fee and comes at a time when landlords are experiencing increased costs and considering exiting the market. Compare these proposed charges to £650 in Newcastle¹, £640 in Brent in London² and £550 in Liverpool.³

6. Impact on supply of homes - Exiting the market is especially a concern for smaller landlords who are more likely to sell their properties and further shrink the supply of PRS properties leaving remaining private tenants with higher rents. Our research on the shrinkage of the PRS⁴ found 53% of buy to let properties sold in March 2022 left the PRS and that there were 49% less PRS properties to let in March 2022 compared with 2019. In addition to these concerns,

	<p>1 Fees and Charges.pdf (newcastle.gov.uk)</p> <p>2 Project • Consultation on Selective Licensing of Private ... (brent.gov.uk)</p> <p>3 Fees, discounts and exemptions - Liverpool City Council</p> <p>4 A shrinking private rented sector Propertymark</p> <p>2</p> <p>those landlords who remain in the market, often have less money to improve conditions from increased costs.</p> <p>7. Better integration is needed - The proposal to extend the scheme is based on previous licensing schemes in part of the Newport ward and the North Ormesby ward. Although the consultation document references the Council's Strategic Plan, the scheme does not appear to have been integrated into part of a wider strategy to improve the PRS specifically. Schemes have more success when they are embedded into wider efforts to educate landlords on their responsibilities, tackle homelessness and deal with anti-social behaviour with the support of partners.</p> <p>8. No engagement with landlords and letting agents - For most cases of substandard accommodation, it is often down to landlord's lack of understanding rather than any intent to provide poor standards. Judging from the evidence provided, there does not appear to have been any landlord engagement on supporting them in understanding their responsibilities as landlords. A licensing scheme is a very reactive mechanism, and it is far more beneficial to have a programme</p>	
--	---	--

	<p>of education to engage with landlords on helping them improve before a situation gets worse. The licensing conditions state that licence holders will have to attend property management courses when stipulated by the council, but details of this training is vague and there is no data supplied on previous training completed. There is evidence of efforts to engage via the landlord's forum, produce an accredited scheme and a specific forum for landlords operating within the scheme area. However, engagement is more credible over a longer more embedded period. Propertymark has a network of Regional Executives and a series of Regional Conferences that take place throughout the year.⁵ We would be very happy to work with the council to engage with local agents over a virtual roundtable discussion on how standards can be improved.</p> <p>Evidence from previous scheme</p> <p>9. If the proposal is to increase the selective licensing scheme to the whole of the Newport ward, the justification for doing so is weak. The newsletter for the Newport ward in 2020 stated that it was too early for any prosecutions as the scheme was in its infancy. However, there was still no mention of the number of prosecutions for the following year. The consultation document also suggests the number of prosecutions has been low because landlords have paid for their licence retrospectively with no indication of prosecutions for poor standards. We would be grateful for clarification if the full evaluation of the North</p>	<p>Training in relation to Anti-social behavior powers and Housing Health & Safety Rating (HHSRS) has been offered with little to no take up.</p>
--	---	---

	<p>Ormesby selective licensing scheme has been conducted and if it hasn't then the scheme should be delayed until it is produced and used as part of the justification.</p> <p>10. The North Ormesby scheme is in its final year. During the final year of the scheme, the data within the newsletter reveals that activity to deter anti-social behaviour remains high. For example, there were 2,486 low level interventions, 955 medium interventions and 33 high interventions. It is not clear whether these statistics relate to the PRS or the area itself, besides the relatively high numbers indicate that the selective licensing is not achieving its aim of reducing anti-social behaviour and other methods that are more collegiate towards landlords should be adopted.</p> <p>Aims and objectives of the scheme</p> <p>11. Middlesbrough Council have identified several aims and objectives they wish to achieve from the scheme. Firstly, we welcome the opportunities for landlords and tenants to have access to Tenancy Relations Officers and would like clarity on how many officers will be resourced to occupy this potentially important role. Secondly, we are supportive of the council's commitment to give free advertising to empty properties. We would like further clarity if the council would consider signposting vulnerable tenants at risk of homelessness to these properties as part of their discharge of homelessness duties.</p>	<p>A full evaluation of the North Ormesby scheme was completed before Executive agreed to its re-designation in 2021.</p>
--	---	---

	<p>12. The council has stated that selective licensing is a useful tool to reduce the number of empty homes within the proposed wards and is presumably an aim of the scheme. While we welcome free advertising of properties, the statement on empty properties lacks clarity. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Management Dwelling Orders, loans or grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken to reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing.</p> <p>13. The council have also identified reducing levels of anti-social behaviour and support for landlords dealing with anti-social tenants. Landlords are not the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse. As one example, if a landlord or their agent had a tenant that was causing anti-social behaviour, the only tool that the landlord or agent could use would be to seek possession from the tenant under a Section 8 notice. While this would remedy the problem in the short-term, the tenant is likely to still occupy this behaviour and all that has been achieved is that the anti-social behaviour has moved from one part of Middlesbrough to another. In this context, it</p>	<p>Each scheme has one full time equivalent Tenancy Relations Officer.</p> <p>The property adverts are shared with internal and external partners including the Council's homeless team.</p> <p>The Council offered the Rent and Refurb scheme which was a match funding scheme to help landlords with bringing empty properties back into use.</p> <p>We have found that by having the scheme and the licence condition (see below), landlords and enforcement officers</p>
--	--	--

	<p>should be noted that with regards to reducing anti-social behaviour, landlords and their agents can only tackle behaviour within their properties. Effectively, they are managing a contract and not behaviour. Landlords and their agents are not responsible in any form for anti-social behaviour occurring outside the property. Nevertheless, we would be interested to learn about any partnership work the council are proposing with stakeholders such as Teesside Police in reducing anti-social behaviour within communities.</p> <p>Encouraging landlords not to take tenants with poor references</p> <p>14. PropertyMark would like clarification on the council's proposal to encourage landlords not to let to tenants with poor references. As a point of clarity, what steps will the council take to support landlords in this regard? It would be useful if the council were to put a guidance document before introducing the scheme to outline its position on tenants with poor references. If landlords operating in the PRS do not let to these people, where will they be accommodated. This is contrary to the council's aims in tackling 'tenancy hopping' for those at most risk and would likely put them at the mercy of criminal landlords. Surely a more positive approach would be to support landlords and their agents with any tenants with deep rooted complex issues rather than encouraging them to exclude them from housing options.</p> <p>Conclusions and alternatives</p>	<p>work jointly in relation to anti-social behaviour issues identified this has a quicker and more pro-active response to the issues identified.</p> <p>c) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request.</p> <p>Tenancy referencing is a mandatory condition of a licence to try and prevent the moving of antisocial tenants between areas.</p> <p>The Neighbourhood Safety Officers work in partnership with police to tackle crime and antisocial behavior in the designated areas. Officers attend daily police briefing meetings, carry out joint home visit and joint walkabouts. They work together with NSO, Street wardens and residents to gather and submit intelligence in relation to drug dealing and anti-social behaviour in the local area which has resulted in House Closures and also several landlords serving notice on problematic tenants.</p> <p>Mandatory licence condition: The licence holder must demand and obtain references for all prospective occupiers before they are offered a tenancy</p>
--	--	---

	<p>15. Propertymark believes that local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of both residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.</p> <p>16. If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall. Propertymark has a shared interest with Middlesbrough Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of selective licensing is the most effective approach to achieve this aim both in the short term and long term.</p> <p>17. We would welcome the opportunity to work with Middlesbrough council to further engage with our members in the local area.</p>	<p>of the house to enable the licence holder to make an informed decision regarding occupancy of the property.</p> <p>Middlesbrough Council website in regard to tenancy referencing states: In a Selective Licensing area, the Tenancy Relations Officers will continue to provide support to both landlords and tenants as below.</p> <p>While we acknowledge that people need somewhere to live, the Tenancy Referencing Service would advise that a package of support be put in place if landlords are going to rehouse a 'red' client. This is to prevent any repetition of previous issues and assist in sustaining the new tenancy. Tenancy Relations Officers can recommend various support agencies to landlords seeking advice regarding their tenants.</p> <p>If there are any complaints of anti-social behaviour, Neighbourhood Safety Officers will support the landlord to resolve the issues. The landlord will be contacted by a Neighbourhood Safety Officer who will discuss the concerns and conduct joint visits, and provide copies of any warning letters sent to the tenant(s). The landlord will also be invited to any interviews where necessary. Should issues of anti-social behaviour persist then help can be given with preparing and serving a notice of seeking possession if appropriate. More information about anti-social behaviour can be found on the anti-social behaviour page.</p> <p>Comment noted</p>
--	---	---

<p>38/response from managing agent</p>	<p>I have managed property in Middlesbrough for over 45 years during which time the quality of the vast quantity of properties has improved significantly.</p> <p>I have previously responded (negatively) to consultations in respect of the first and second North Ormesby and the initial Newport selective licensing schemes both by correspondence and by attending consultation meetings.</p> <p>It will therefore not surprise you to learn that I remain to be convinced on the effectiveness of selective licensing schemes seeing them simply as a fund-raising initiative for Middlesbrough Council at the expense of private sector landlords.</p> <p>In my opinion Middlesbrough Council should finish the jobs that they have started with the existing schemes before attempting to extend the area of the Newport Scheme. As managing agents, we manage a substantial number of properties within the existing Newport area and are aware that inspections on many have still to take place. We manage another 19 in the proposed extended area. Where inspections have taken place in the majority of cases only relatively minor items have been brought to our attention e.g. fitting plastic film to the glass above internal doors and remedial work on any more significant issues e.g. damp was already in hand. This sort of thing could far more easily (and more importantly more cheaply) be</p>	<p>Discount on Selective Licensing Fees is not offered to landlords who are NRLA members or use agents who are members of quality assurance schemes due to the fact that the fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.</p>
--	---	---

addressed by a simple 'round robin' email drawing it to our attention.

Every pound spent by landlords in licensing fees is a pound that they can't spend on their properties. Fees for 19 properties at say £750 each takes over £14,000 out of potential maintenance... Despite what Middlesbrough Council and others may think landlords are not bottomless money pits! Times are already hard in the private sector and changes imposed by central government over recent years coupled with interest rate rises and utility prices (where all inclusive rents are offered) mean that some landlords have loss making properties. The result will be increased rents for tenants, vacant properties and landlords selling their properties which will reduce the available stock of affordable rented properties in Middlesbrough. Selective licensing in my opinion will only increase any existing problems not solve them.

Middlesbrough Council has sufficient powers available to it under existing legislation to pursue 'rogue' landlords where they are a problem without penalising good and conscientious landlords who either manage properties well themselves e.g. NRLA members or use agents like ourselves who are members of quality schemes such as SafeAgent and the NRLA. To date no discount on Selective Licensing Fees has ever been offered to landlords who are NRLA members or use agents who are members of quality assurance schemes.

This confirms my belief regarding selective licensing being a simple fund-raising scheme. Further, Middlesbrough Council seem to believe that they are the only people capable of identifying issues. It is very frustrating for us to see our landlords must pay for licences when we know they already work to keep their properties in good condition, as inspections under the present Newport scheme have shown, and money spent on fees could be used to improve properties that are being kept empty awaiting refurbishment, where punitive (200% & 300%) Council Tax rates for empty properties are adding insult to injury.

Some time ago I attended a meeting of landlords with the (then recently elected) mayor Andy Preston at which he said that he could do nothing about the first Newport selective licensing scheme as it had already been 'voted through' but understood landlords' concerns. I am sure the concerns expressed then remain and are enhanced by the additional difficulties (identified above) that private sector landlords find themselves in at present. I would be interested to learn the mayor's views.

I am therefore, in conclusion, strongly against any extension of the existing Newport Scheme until the aims and objectives of the present scheme can be demonstrated objectively to have been a success.

<p>39/response from face to face meeting</p>	<p>Landlord meeting 20th January 2023</p> <p>This meeting was requested by landlords. Five landlords turned up and met with the Selective licensing manager and Head of Public Protection.</p> <p>Discussions/Questions below:</p> <p>Seen area change from good to bad - area deteriorating/drug dealing - tenant 7yrs, overnight changed.</p> <p>Money wasted - on locality office</p> <p>Phone lines - not answered.</p> <p>Vulnerable person in a property</p> <p>Application was made on a property no documents provided since the time of application.</p>	<p>Within each scheme there is a designated Neighbourhood Safety Officer who deals with anti-social behavior and works closely with police partners and Wardens.</p> <p>The fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed. The fee does not pay for Council offices/buildings.</p> <p>The phone lines are on a pick up system that circulates through all team, however officers are often out and about in the area carrying out inspections, property checks etc. so not always office based. Officers will e-mail all licensees with officer's mobile numbers and there is also the option to e-mail the team and an officer will make contact.</p> <p>Officers are aware of the property and an officer is currently dealing with the issue.</p> <p>Documents were provided at the time of the application in 2019. Licence conditions state that: If gas is supplied to the</p>
--	--	--

	<p>Why are Thirteen and social housing not included in the licensing.</p> <p>Is this the best time to bring in SLL, due to the cost of living and mortgage increases? Wrong time to put licensing in, postpone it</p> <p>HHSRS - i.e. window restrictor. With 60yr old.</p> <p>Where is the current scheme?</p>	<p>house, the Licence holder shall provide to Middlesbrough Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually. Documents are also requested and checked at the time of inspection.</p> <p>S79 HA 2004 (3)A tenancy or licence is an exempt tenancy or licence if[F1— (a)it is granted by a non-profit registered provider of social housing, (b)it is granted by a profit-making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or (c)]it is granted by a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52).</p> <p>Comments noted.</p> <p>When we inspect a property the Housing Health and Safety Rating System (HHSRS) is applied. When local authority officers inspect a dwelling they will look for any risk of harm to an actual or potential occupier of a dwelling, which results from any deficiency that can give rise to a hazard. They will judge the severity of the risk by thinking about the likelihood of an occurrence that could cause harm over the next twelve months, and the range of harms that could result. The local authority officer will make these judgements by reference to those who, mostly based on age, would be most vulnerable</p>
--	---	---

	<p>Why again is the Gresham area been licensed when there was a scheme previously.</p> <p>Don't think we get value for money. We are paying you a licence to keep team in a job.</p> <p>What do you think will work - No SLL at all.</p> <p>We will have to pass the cost onto tenants, in April</p> <p>Can we stagger a payment and fees annually</p> <p>Where is the justification for the costs compared to other licensing areas. Liverpool £550 - discount for</p>	<p>to the hazard, even if people in these age groups may not actually be living in the property at the time.</p> <p>Link to the SLL website which can provide all the current schemes information including list of streets. https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/selective-landlord-licensing-scheme</p> <p>Designations only last 5 years and the previous scheme ran its course; however, the major lessons learned were that it needed a dedicated team to ensure its success; closer liaison with the stakeholder agencies; closer working with landlords and more robust action for landlord illegality.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>The fee is paid in two parts and it is proposed that Instalment arrangements could only be applied to the second part of the fee, the initial payment covers the cost of administering the application process. It is proposed that fees could be paid over a term of between 6 and 12 months depending on the number of properties to be licensed. Terms would be applied and to cover the cost of</p>
--	---	--

	<p>new builds, up to date EPC and landlord accreditation scheme</p> <p>Landlord forum/meeting can this be brought in. Talked about central pro-active inspections - difficulty getting landlords/tenants involved.</p> <p>Expectations - Team/Landlords</p> <p>Discussed the timing of implementation.</p> <p>E-mail 6 weekly update of facts to licence holders</p>	<p>administering this a fee of £100 is proposed. Any landlord who defaults on payments would not be offered payment by instalments for subsequent licenses.</p> <p>Discount on Selective Licensing Fees is not offered to landlords who are NRLA members or use agents who are members of quality assurance schemes due to the fact that the fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.</p> <p>Yes we have tried to implement this in previous schemes but had no take up from landlords. We are happy to try and implement again.</p> <p>Discussion.</p> <p>Timescales are dependent on reports getting to Executive meeting for approval. There is a potential impact of Purdah which may delay the Executive decision for several months.</p> <p>This will be implemented into both current schemes and if approval is given any future schemes.</p>
40/response from NRLA	<p>Middlesbrough Selective Licensing Proposals</p> <p>The NRLA is an association following the National Landlords Association's and the Residential Landlords Association completed merger. Our membership represents over 100,000 landlords and agents, the largest organisation in the sector.</p>	

	<p>Members own and manage around 10% of the PRS, equating to half a million properties.</p> <p>The NRLA would like to thank the council for the opportunity to respond to the selective licensing consultation and submit our comments to the proposals.</p> <p>While we appreciate the points raised in the consultation document, and though we understand the council's issues and their effect on tenants, landlords, and the housing market in the areas proposed, the NRLA is opposed to the proposed licensing scheme.</p> <p>Main Objections</p> <p>Licence conditions</p> <p>"The Licence holder shall ensure that: a) the tenants are instructed in their responsibilities in respect of refuse storage and disposal, to include details of what day refuse collections take place and what type of receptacle to use for household waste and recycling."</p> <p>When tenants are nearing the end of their contract/tenancy and are moving out, they will dispose of excess household waste through various methods. These include but are not limited to putting waste out on the street for the council to collect. This was hoping to get their deposit back</p>	<p>Comments noted</p>
--	---	-----------------------

	<p>and worsened when the council needed to allow landlords access to municipal waste collection points. Local authorities with many privately rented properties need to consider a strategy for collecting excess waste at the end of a tenancy in place of selective licensing.</p> <p>Additional fee for DBS Checks</p> <p>The council proposes a £20 DBS check fee, which is potentially unlawful as it would be classed as an additional fee. The power to charge a fee is set out in s63(3) and s87(3) of the Housing Act 2004, with the fee-charging power being limited by s63(7) or s87(7). These state that a fee must reflect the cost of running a scheme, with the local authority not being permitted to make a profit. The fee can be used for the scheme's operation, necessary inspections, promoting education and all enforcement activity to ensure the scheme is effective. Also, fees are only chargeable in respect of the application itself and not in respect of ancillary matters.</p> <p>No other charges can be implemented under the licensing regime, a point confirmed by the RPT (as was) in <i>Crompton v Oxford City Council</i> [2013]. Because of this, Oxford amended its fee structure to reflect this ruling. While we appreciate the need for local authorities to use their resources efficiently, this only extends to the charging of fees that are lawfully permitted.</p>	<p>This is not a DBS check. Under S88 (3) of the Housing Act 2004, for the we have a legal duty to determine:</p> <p>(a)that the proposed licence holder—</p> <p>(i)is a fit and proper person to be the licence holder, and</p> <p>(ii)is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder;</p> <p>Under S89 (1) of the Housing Act 2004 In deciding for the purposes of section 88(3)(a) or (c) whether a person (“P”) is a fit and proper person to be the licence holder or (as the case may be) the manager of the house, the local housing authority must have regard (among other things) to any evidence within subsection (2) or (3).</p> <p>The fee charged is for administering the checks for each applicant and is separated as it is per applicant and not per property.</p>
--	--	---

	<p>Should the scheme move forward and be approved, the council should not proceed with the DBS check fee.</p> <p>Antisocial Behaviour</p> <p>Landlords are usually not experienced in managing antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or substance dependency. If there are allegations about a tenant causing problems, a landlord ends the tenancy. In that case, the landlord will have dispatched their obligations under the selective licensing scheme, even if the tenant suffers from any of the above issues.</p> <p>At the commencement of a tenancy, the landlord outlines the tenant's obligations concerning noise (and other matters such as waste disposal, compliance with relevant legislation, and consideration for surrounding neighbours). The landlord can manage a tenant only to the extent of their mutually signed and agreed contract for living in the property- not for a tenant's activities beyond this.</p> <p>Conclusions</p> <p>The NRLA believes local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of residents</p>	<p>We have found that by having the scheme and the licence condition (see below), landlords and enforcement officers work jointly in relation to anti-social behaviour issues identified this has a quicker and more pro-active response to the issues identified.</p> <p>c) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request.</p>
--	---	--

	<p>and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.</p> <p>If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate improvements to tenants' and landlords' behaviour and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall.</p> <p>The NRLA has a shared interest with Middlesbrough Council in ensuring a high-quality private rented sector but strongly disagrees that introducing selective licensing is the most effective approach to achieve this aim both in the short term and long term.</p>	<p>Comments noted</p>
--	---	-----------------------

41/response unknown	<p>Hi I don't agree to the selective licensing at the Newport because it's hasn't worked in Gresham ward, It's a High cost to the landlord in the current situation There is a high rental demand and will put landlord off investing in the ward.</p> <p>I hope you understand</p>	Comments noted.
42/response from Landlord	<p>SELECTIVE LICENSING CONSULTATION FOR "NEWPORT 2"</p> <p>I own multiple properties across the existing licensing zones.</p> <p>I do not own any in the proposed "Newport 2", and I doubt I will be buying any given your indication that it is to be subject to selective licensing. I have read the minutes of the meeting of the Executive on Tuesday 18th October, 2022 - 11.00 am (Item 22/43), authorising this consultation.</p> <p>OBJECTION</p> <p>I formally object to the proposed designation. Whilst I object to the proposed Newport 2 designation I accept, in reality, that you have already decided it will be going ahead, and this 10 week consultation is nothing more than a disingenuous PR exercise required in order to "tick the necessary boxes" in an attempt to avoid legal challenge (in respect of this designation, at least) and avoid requiring the approval of the Secretary of State for your revenue generating "extension" of the existing scheme. I consider the Authority to be rapacious and opportunist.</p> <p>CONSULTATION RELEVANCE</p> <p>The starting point is to say that I have no confidence, at all, in the Authority taking any notice</p>	Comments noted.

of objections to the proposal. You may ask how I feel able to make such a bold statement? In the Report of the Director for Adult Social Care and Health Integration - Erik Scollay, submitted to the Executive Member for Regeneration - Councillor Ashley Waters on 16 February 2021 entitled "Re-designation of North Ormesby Selective Landlord Licensing - Consultation Responses and Approval to Proceed with the Redesignation" the perceived arrogance of the Authority is ultimately laid bare where it is stated at paragraph 74:- *"In summary, there has been a low number of responses to the consultation. There are 816 private rented properties in the current Selective Landlord Licensing scheme, and 427 landlords. There have been 36 responses from landlords, which represents 8% of the landlords in the North Ormesby Selective Landlord Licensing area. **It could be assumed that the 92% who did not respond to the consultation do not have any strong views or do not object to the proposals for re-designating the Selective Landlord Licensing scheme in North Ormesby.**"* Could it really? How convenient.

The Authority has absolutely no right or justifiable basis to assume, or proffer that it *could be assumed*, that those who did not comment did not have strong views, or did not object. Indeed, I know a number of landlords in North Ormesby who did not object, and I have asked them why they did not respond and the reasons given included:-

(1) what is the point? The Council don't listen.

The consultation process is to gather views and to allow everyone to respond.

	<p>(2) do not want to be named publically in a consultation - privacy. (3) fear of being targeted by the Council as a complainer. (4) the decision had already been taken in reality - predetermination. (5) mistrust, suspicion and dislike of the Authority. (6) forgot / didn't find the time. (7) unable to use IT/email to reply. (8) didn't want to spend money on a stamp.</p> <p>The Council cannot assert or proclaim a viewpoint being taken by acquiescence of anyone, let alone 92% of possible respondents. This statement is quite frankly a disgrace. As such, I fear I am wasting my time writing to you, since you will likely (in similar terms) choose to prefer the larger percentage of <i>non-responses</i> to this consultation when (conveniently) assuming that a majority therefore do not object.</p> <p>The consultation is, in essence, a waste of time.</p> <p>PROCEDURAL ERRORS</p> <p>The consultation is, itself, procedurally deficient. It is embarrassing to the Authority that they seem incapable of correctly delineating the proposed Newport 2 scheme consistently in documents. In an email on Monday 21 November 2022 my licensing manager and I jointly wrote to the Authority in the following terms:- <i>"We have received your consultation email. Please could you clarify why the proposed area to be licensed (coloured blue) is shown differently on the :- - Selective Landlord Licensing Licensing Extension</i></p>	<p>Identifying factors are removed from the public consultation report. Telephone feedback can be anonymous.</p> <p>This is not an officer's decision. Any designation is required to go through an approval process. As the private rented stock in Middlesbrough is less than 20%, the designation requires Executive approval.</p> <p>Telephone feedback is given as an option.</p> <p>Responded during the consultation and legal advice sought.</p>
--	--	---

Map; and the - document, Proposal by Middlesbrough Council to designate the area identified as Newport 2 for Selective Landlord Licensing and explain the reason for the differentiation. Please would you clarify which area is the correct extent of the proposed additional designation upon which consultation is being sought." The prompt, but unsatisfactory, response to this email on Tuesday 22 November 2022 stated:- *"The consultation page (link below) ' which streets will be included section', has a list of streets included in the proposed designation."*

This is hardly of assistance when the additional area delineated would include newly designated streets upon completion of the development, some of which will be part privately owned and potentially capable of being rented to tenants thereby requiring selective licensing, or possibly, student accommodation. The fact that these two documents show a different area in each case is unacceptable and a material misdirection to interested parties.

Further, the fee to be charged in referred to as £760 in some places, e.g on the proposals to extend notification at:- <https://www.middlesbrough.gov.uk/news/proposals-extend-private-landlord-licensing> where it is stated:- *Middlesbrough Council's Executive met this week to discuss the proposals. They agreed the cost to private landlords would be £760 with a £20 fit and proper person test for a five-year licence. and £836 in the "Licensing Fees"*

At the same Executive meeting as the Selective Landlord Licensing report was presented Executive also approved a subsequent report for a 10% increase in fees and charges which is applicable to the SLL fee. The impact of this is a £76 increase in the SLL fee.

	<p>section of the formal proposals document. Why is this? I would suggest that the consultation has not been undertaken in a procedurally correct manner in light of this and that the Authority should re-consult for a further 10 week period with consistent documents that do not mislead those who may wish to make representations.</p> <p>I wish to formally record that I do not accept the validity of the consultation, premised on this procedural inaccuracy.</p> <p>SUBSTANTIVE CONCERNS</p> <p>I summarise my main concerns to avoid writing a letter which could span multiple pages:- (a) <i>predetermination</i> You refer to Newport 2 as an "extension" of Newport 1, yet Newport 1 will (mercifully) come to an end in 2024 (subject, however, to your re-designation). The predetermined "Newport 2" extension will run for 5 years from 2023-28, with a cross-over of around one year in respect of Newport 1 therefore. Accordingly, it seems that you are predetermining the re-designation of Newport 1, because otherwise you will be left with Newport 2 alone for four years of its designation. It is clear you intend the overall jointly licensed areas to last longer than one year. The language used in the relevant documentation (referring to the new proposed scheme being an extension of the existing) tacitly reveals the Authority's wider intentions. I consider the intention to designate Newport 2 is a mechanism to seek to secure the redesignation of</p>	<p>This is not an extension to an existing scheme. The proposal is to designate a further part of Newport Ward for Selective landlord licensing.</p> <p>Future designations are not predetermined. An evaluation of the Newport 1 scheme will be carried out. Based on the findings this may be presented to Executive for their decision whether to proceed with a proposal and period of consultation.</p>
--	---	--

Newport 1. The judicial review ground of "improper purpose" comes to mind.
(b) conduct of the licensing scheme and officers
Whilst there are some benefits to selective licensing, there are **considerable** downsides for landlords, including excessive and unreasonable bureaucracy and arrogance by certain council officials, unnecessary stipulations and requirements and a growing sense of a lack of detachment from real life in how they operate. Indeed, it is the conduct of some officers of the Authority, and one in particular, that has totally transformed my view of selective licensing. My licensing manager has faced unacceptable arrogance and abuse from one officer purporting to give a "formal" warning which had no such status in relation to an alleged breach of a mandatory condition, thereby imputing a criminal offence, only for that officer to withdraw the warning but, with cowardice, fail to concede that no such warning was ever justified. The officer claimed that XXX and I should have waited to receive a formal written response to the reference request, yet none was ever received or required because a written emailed response had been provided by an email from an officer. The Authority later conceded in response to Freedom of Information Act requests that such warnings, even if correctly given, were only an "informal" means of seeking to manage the scheme, contrary to the false statement made by the officer in email correspondence to xxxxx that he was being "formally" warned. xxxxx still awaits a

Referencing is a mandatory condition of a Selective Licence:

Tenant references

The licence holder must demand and obtain references for all prospective occupiers of the house to enable the licence holder to make an informed decision regarding occupancy of the property.

All references shall be obtained by the licence holder via the FREE Middlesbrough Council, tenant referencing service. The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Middlesbrough Council, upon demand and within 14 days of that demand, a copy of pre-let reference checks along with full names and dates of birth of each occupant.

	<p>"formal" written apology, but doesn't hold his breath. I have recently challenged the Authority on its ridiculous intention to require photographic ID without exceptions in respect of reference applications, ignoring national "right to rent" guidance - perhaps someone has now managed to actually read these rules more carefully. I am yet to receive a formal response however.</p> <p><i>(c) fitness for purpose</i> One must question whether the service provided will be fit for purpose. For example, the Council wardens only operate from 6am to 10pm - how possibly can you justify charging landlords for this service when, at the very time it is needed (ie overnight) no-one is operational? Claire Williams King informed me that between 10pm and 6am it is left to PCs and PCSOs - perhaps it would be better to leave it to them in the day and use the wardens overnight when they are really needed? This is one aspect of the current schemes that really irritates landlords.</p> <p><i>(d) failure to properly consider funding alternatives</i> We all know very well that Selective Licensing is income generating and a good money spinner for the Council. However, a point comes when those having to pay for the service have had enough. The rapacious nature of the Authority is, in my opinion, disgusting. You state:-</p>	<p>Council wardens are not funded from Selective Licensing fees.</p>
--	--	--

from previous documents is also *defacto* evidence of a more general predetermined intention.
(e) lack of tangible benefit
The alleged benefits and improvements cited do not justify the expense that the Authority seeks to place on landlords. Indeed, it is interesting that your comments in relation to Newport 1 reluctantly concede that Selective Licensing has only led to a "modest" increase in house prices. It is clear that Selective Licensing leads to decline when landlords cease investment in scheme zone properties. I have withdrawn my interest in 2 properties in Newport 2 when I received this terrible news and I am simply fed up of having the same conversation with other landlords, over and over again, who are either selling up or bemoaning the existence of the current Newport 1 Scheme. When one looks at National House price trends for the period, and house price trends in other TS postcodes, house price rises are generally higher than in Newport, and the TS1 data also includes non-licenced properties in the Central Ward and the currently unlicensed part (for now) of Newport. Selective Licensing *discourages* investment and thereby flattens house price growth, as these comparable figures evidence.
You state on your frequently asked questions:-
"There is no evidence that implementing a selective landlord licensing scheme has had a negative impact on the private rented sector"
There is no direct evidence of the converse position.

The benefits of Selective licensing can be found in both the proposal document and the North Ormesby evaluation.

House Prices

Prior to the introduction of SLL:

With average sales prices in North Ormesby at £48,000 (Land Registry sold prices between August 2013 and July 2014), they were amongst the lowest in the town. (The average house price for Middlesbrough at this time was £124,000). Performance baseline figures the year prior to the scheme (2015) using Land Registry sold prices show house prices at £41,000.

Prices ranged from £25k-£30k up to £55k dependent on the location within the ward. Those purchasing properties in North Ormesby were predominantly investors looking to buy to rent.

After the introduction of SLL over the 5 year period: It clearly showed that house prices in North Ormesby had started to increase. During the designation period

	<p>Further, if the existing scheme has been successful, why do we need an extension. In turn, if it hasn't achieved its purposes, what is the point of extending an ineffectual undertaking any further?</p> <p>The existing scheme has not achieved anything that the Authority has not similarly achieved in non-licensed areas where NSOs are paid for directly via the Authority's existing budgets (eg central ward), and not pursuant to a separate money making scheme. Indeed, the conduct of the Central Ward NSO (xxxxxx) is a shining example of competence and diligence, and something licencing scheme NSOs would do well to emulate.</p> <p><i>(f) displacement</i></p> <p>People are entitled to have somewhere to live. The Newport 1 scheme has prevented many people living in the scheme area. As one would expect, they move to the nearest similar area - the other side of Parliament Road. And now, surprise surprise, that area is in need of licensing. The term "self fulfilling prophesy" comes to mind. Selective licensing moves problem people around. Many have been displaced to the proposed new scheme zone, which now will be licensed.</p> <p>Next, you will seek to licence another contiguous area - perhaps in central ward? I see that a "survey" is being carried out at this time for the ward. I wonder why?</p> <p>Selective licensing fails to provide "real" solutions to the issues which an area may face, and simply disperses problems to a wider local area, thereby</p>	<p>observations indicated that there had also been an increase in the number of renovations of properties.</p> <p>Turnover of tenants:</p> <p>Prior to the SLL scheme North Ormesby had a more transient population typically housed in privately rented accommodation which can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment and affect school performance negatively.</p> <p>Council Tax records provide a guide as to the proportion of properties experiencing turnover in occupancy in the North Ormesby ward. Of the 1,791 Council Tax accounts in 2013/14 a change occurred in 72.8% of them, requiring a new account to be created, affecting 705 properties (39%). In the preceding year a change requiring a new account to be created occurred on 85.8% of accounts, affecting 870 properties (50%).</p> <p>Following the designation of the SLL scheme it can be seen that the turnover of properties had decreased each year</p>
--	--	--

facilitating the Authority's intention to licence more and more areas for financial benefit.

CONCLUSION

The consultation being undertaken has failed to properly delineate the proposed new licensed area and is procedurally deficient.

I and many other landlords are watching closely given we are preparing for a formal legal challenge to your clearly intended re-designation of Newport 1 in 2024, which this is clearly a precursor to. It will be interesting to see whether you allow the current Newport 1 scheme to actually end before you re-consult on the re-designation (you didn't in the case of North Ormesby).

I object to the proposed Newport 2 designation but accept, in reality, that you have already decided it will be going ahead and this 10 week consultation is nothing more than a disingenuous PR exercise to tick the necessary boxes in an attempt to avoid legal challenge and avoid requiring the approval of the Secretary of State.

The arrogance of a rapacious Authority seems to grow in a comparable manner to the licensing fees that you intend to charge "Newport 2" landlords.

I consider the conduct of the Authority to be a disgrace. I sincerely hope that "Newport 2" is challenged and the Authority is exposed for its disingenuous duplicity, and is consequently shamed and humiliated.

See response above.