Open Agenda

Cabinet

Tuesday 19 October 2021
11.00 am
Ground floor meeting rooms, 160 Tooley Street, London SE1 2QH

Appendices – part 1

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9.	**Driving up standards for the Private Rented Sector** Appendices 1 – 14.	1 - 314

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Date: 11 October 2021

Agenda Item 9
Appendix 1

Driving up Standards for the Private rented sector

Mandatory Licensing – Final Proposal

19 October 2021

Southwark Council
southwark.gov.uk

Appendix 1

Properties covered by the scheme

11. All houses let in multiple occupation in the borough, that are occupied by 5 or more people, in 2 or more households require a licence under the mandatory licensing scheme.

12. The legal definition of a House in Multiple Occupation (HMO) is extensive, but a brief definition is: a dwelling that's occupied by three or more people in two or more households (families), who share at least one basic amenity (kitchen, bathroom or toilet). You can read the legislation regarding the definition of a house or flat in multiple occupation here http://www.legislation.gov.uk/ukpga/2004/34/part/7/crossheading/meaning-of-house-in-multiple-occupation

Exemptions

12. Exemptions to the mandatory licensing scheme include:

a) Properties that meet the converted block of flats test (section 257 HMOs), unless the individual flat/s meet the mandatory test, i.e. that the flat is multiply let to 5 or more persons in 2 or more households.

b) Flats in Multiple Occupation in a purpose-built block of flats that houses 3 or more flats.

c) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association.

d) properties already subject to a management order or empty dwelling management order.

e) properties subject to a temporary exemption notice.

f) owners who reside in property they own as their main residence (owner-occupiers).

g) holiday lets; and tenancies under a long lease and business tenancies.

h) an HMO which is managed by a charity registered under the Charities Act 2011 and which—

   i) is a night shelter, or

   ii) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

i) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

j) Student accommodation directly managed by educational institutions, e.g. halls of residence.

k) Single family dwellings where a dwelling is occupied by one household.

l) Homes with up to 2 lodgers.

Appendix 1

Conditions

13. Licence conditions for the Mandatory licence scheme were consulted on. A range of responses were received and subsequent changes to the conditions have taken place as stated below.

    Licence Condition Changes in Response to Consultation:
    Original Licence Condition Numbers:

    3.3, 5.5, 8.8, 9.2, 14, 15 and 16 have been deleted,

    1.2, 1.6, 1.8, 2.1, 3.1, 3.2, 4.1, 5.1, 5.4, 6.3, 11.5, 11.6, 11.7 and 12.1 have been amended

14. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence.
15. There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation, condition and contents of the HMO.
16. These mandatory conditions are prescribed by Schedule 4 Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
17. In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property additional or more specific conditions will be added.
18. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. General

1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants. *(discretionary condition).*

1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that all reasonable steps are taken to collect and act upon any letter, notice or other document sent to that address on a regular basis *(discretionary condition*).

1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).

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1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).

1.5 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 21 days on demand.

1.6 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (discretionary condition).

1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided (*discretionary condition*).

1.8 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions

Register - https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 (*discretionary condition*).

2. Gas Safety

2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, within 7 days, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced

and safety checked within the previous twelve months. Any defects noted on the certificate must be promptly rectified *(mandatory condition)*.

2.2 The Licence Holder is required to ensure that a carbon monoxide detector is installed and kept in working order in any room within the premises where a solid fuel appliance is installed. The Licence Holder must supply to the authority, on demand, a declaration by as the condition and positioning of such alarms *(mandatory condition)*.

3. Electrical Safety

3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).

3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out by a competent person every twelve months as often as recommended for the type of appliance with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (discretionary condition). Any necessary maintenance or repair work required following a failed PAT test must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations.

4. Furniture

The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture *(mandatory condition).* All upholstered furniture and mattresses supplied by the licence holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by the regulations. For guidance see www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation (*discretionary conditions that ensure we are meeting mandatory requirements*).

5. Fire Precautions

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5.1 In compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (http://www.legislation.gov.uk/uksi/2005/1541/contents/made) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. Reference should be made to a qualified fire safety engineer where necessary. The manager shall supply a copy of the risk assessment to London Borough of Southwark within 14 days of a written request. (*discretionary condition*).

Reference must be made to the LACoRs Fire Guidance to ensure that the correct fire precautions are installed at the property appropriate to the size and occupation of the property. Reference should be made to a qualified fire safety engineer for advice where necessary. http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

5.2 Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified (*discretionary condition that ensures we are meeting mandatory requirements*)

5.3 The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of any smoke alarms (*mandatory condition).*

5.4 At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear (*discretionary condition*).

6. Tenancy Matters

6.1 The Licence Holder must ensure that all occupants of the HMO and each of them are provided with a written statement of the terms and conditions on which they occupy it, e.g. a tenancy or licence agreement (*mandatory condition*).

6.2 Details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 14 days upon demand (*discretionary condition*).

6.3 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) creates new tenancies or licences to occupy this property whilst this licence is in force (*discretionary condition*).

Appendix 1

6.4 The Licence Holder shall not knowingly cause or permit any person who has previously applied for a property licence in respect of the property and has either:

(a) been found not to be a Fit and Proper person, or

(b) been made subject to a Banning Order under the Housing and Planning Act 2016

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

7. Anti-Social Behaviour

7.1 The Licence Holder shall take all reasonable and practical steps for preventing and dealing with anti-social behaviour and undertaking a thorough process of reasonable and effective steps to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police, regarding their occupiers. For the purpose of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the neighbouring area of the house (*discretionary condition*).

Waste Disposal

8.1 The Licence Holder must give new occupiers of the property within 7 days of the start of their occupation, the following information on Waste and Recycling, in writing:

- The collection days for the refuse and recycling bins for the property (LINK TO WEBSITE)
- Details on what they can and can't recycle (LINK TO WEBSITE)
- How they can dispose of bulky waste. (LINK TO WEBSITE)
- General waste guidance from the Council's website: (LINK TO WEBSITE).

A copy of the information provided to the occupiers must be kept for 5 years and provided to the Council within 28 days on demand.

8.2 The Licence Holder must ensure that tenants are provided with adequate facilities for the disposal of refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.

8.3 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property.

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8.4 The Licence Holder shall ensure that s checks are carried out, at least every 6 months, and ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling; and that waste such as old furniture, bedding, rubbish or refuse from the property is not left outside the property or in its vicinity.

8.5 The Licence Holder must ensure that there is not old furniture, bedding, rubbish or refuse from the property on the immediately outside the property or private land.

8.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner.

8.7 If the Licence Holder becomes aware that the occupiers of the property or their visitors are not using the waste disposal facilities provided and/or leaving waste outside the property or in its vicinity (for example old furniture, mattresses), they must write a warning letter to the occupiers within 7 days advising them to remove the items immediately. A copy must be kept and must be provided to the Council within 28 days on demand (*discretionary conditions that ensure we are meeting mandatory requirements*).

9. Fit and Proper Person

9.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the HMO Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

10. Changes in the use and layout of the Property

10.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

11. Council Standards for Licensable Houses in Multiple Occupation

11.1 The maximum occupancy for this house in multiple occupation is **X** people in **X** households (*mandatory condition).*

11.2 Table to be inserted stating room, room size, maximum people and maximum households.

11.3 The Licence Holder must ensure that no room is used by more than the number of persons specified in the licence (*mandatory condition).* The table above outlines the maximum number of people and households allowed per room (*discretionary condition*).

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11.5 Licensed properties must comply with Southwark's Standards for HMOs (insert links) within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).

A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO *(discretionary condition)*.

For the purposes of paragraph 11.5 a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes *(discretionary condition)*.

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be considered in determining the floor area of that room for the purposes of this paragraph *(discretionary condition)*.

Please note that room size standards within Southwark's HMO standards are greater than the national prescribed minimum room size standard stated in 11.6 and 11.7 below. The Council has, in accordance with (insert legislation) decided to impose higher standards in accordance with its locally adopted HMO Standards referenced in 11.5 above

11.6 The Licence Holder is required:

a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres *(mandatory condition)*;

b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres *(mandatory condition)*;

c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres *(mandatory condition)*;

d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation *(mandatory condition)*.

11.7 The Licence Holder shall ensure that:

a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence *(mandatory condition)*;

b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence *(mandatory condition)*;

c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum

number of persons aged under 10 years so specified *(mandatory condition).*

A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO *(mandatory condition).*

For the purposes of paragraph's 11.6 and 11.7 a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes *(mandatory condition).*

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be considered in determining the floor area of that room for the purposes of this paragraph *(mandatory condition).*

11.8 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).

11.9 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

12. Access to Utility Meters

12.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. (*discretionary condition*).

13. Flats in Multiple Occupation in a block of flats

13.1 The licence holder shall ensure the tenants of the Flat in Multiple Occupation (FMO) are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:

- Evacuation arrangements, e.g. an all-out or stay-put policy.
- The safest route to safety from the FMO.
- The designated fire assembly area.
- Fire Drill arrangements (if any).
- Fire Warden and/or waking watch arrangements (where provided).
- The nearest manual call point (where provided).

(*discretionary condition*)

Appendix 2

Driving Up Standards for the Private Rented Sector

Additional Licensing – Final Proposal

19 October 2021

Southwark Council
southwark.gov.uk

Appendix 2

Properties covered by the scheme

1. All houses let in multiple occupation in the borough, that are not subject to mandatory licensing under the Housing Act 2004 will require a licence under the proposed additional licensing scheme.
2. The legal definition of a House in Multiple Occupation (HMO) is extensive, but a brief definition is: a dwelling that's occupied by three or more people in two or more households (families), who share at least one basic amenity (kitchen, bathroom or toilet). You can read the legislation regarding the definition of a house or flat in multiple occupation here http://www.legislation.gov.uk/ukpga/2004/34/part/7/crossheading/meaning-of-house-in-multiple-occupation
3. The additional scheme will therefore include All HMOs in converted buildings falling under section 257 of the Housing Act 2004, where the building or part of a building is of three or more storeys that have been converted into three or more self-contained flats and where both the building and self-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control.
4. Some buildings converted into self-contained flats can also be HMOs if they were converted without complying with the 1991 Building Regulations. This is defined in section 257 of the Housing Act 2004. You can read the legislation for the definition of HMOs which are converted blocks of self-contained flats here http://www.legislation.gov.uk/ukpga/2004/34/section/257

Exemptions

5. Exemptions to the proposed additional licensing scheme include:
   a) properties licensable as an HMO under mandatory licensing;
   b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
   c) properties already subject to a management order or empty dwelling management order;
   d) properties subject to a temporary exemption notice.
   e) owners who reside in property they own as their main residence (owner-occupiers).
   f) holiday lets; and tenancies under a long lease and business tenancies.
   g) an HMO which is managed by a charity registered under the Charities Act 2011 and which—
      i) is a night shelter, or
      ii) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.
   h) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

i) Student accommodation directly managed by educational institutions, e.g. halls of residence.

j) Homes let to up to two single people who are unrelated.

k) Single family dwellings where a dwelling is occupied by one household.

l) Homes with up to 2 lodgers.

m) HMOs undersection 257 of the Housing Act 2004, where the building or part of a building is less than three storeys that have been converted into two self-contained flats and where both the building and self-contained flats it contains are under the different ownership or considered by the council to be effectively under the control of different lanldords/agents.

Conditions

6. Licence conditions for the proposed additional licence scheme were consulted on. A range of responses were received and subsequent changes to the conditions have taken place as stated below.

   Licence Condition Changes in Response to Consultation:
   Original Licence Condition Numbers:

   3.3, 5.5, 8.8, 9.2, 14, 15 and 16 have been deleted,

   1.2, 1.6, 1.8, 2.1, 3.1, 3.2, 4.1, 5.1, 5.4, 6.3, 8.4, 11.5, 11.6, 11.7 and 12.1 have been amended

7. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence.
8. There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation, condition and contents of the HMO.
9. These mandatory conditions are prescribed by Schedule 4 Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
10. In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property additional or more specific conditions will be added.
11. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. General

1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants. *(discretionary condition).*

Appendix 2

1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that all reasonable steps are taken to collect and act upon any letter, notice or other document sent to that address on a regular basis *(discretionary condition*).

1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).

1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).

1.5 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 21 days on demand.

1.6 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (discretionary condition).

1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided (*discretionary condition*).

1.8 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions

Register - https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property)

(England and Wales) (Amendment) Regulations 2019 (*discretionary condition*).

2. Gas Safety

2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, within 7 days, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked within the previous twelve months. Any defects noted on the certificate must be promptly rectified *(mandatory condition)*.

2.2 The Licence Holder is required to ensure that a carbon monoxide detector is installed and kept in working order in any room within the premises where a solid fuel appliance is installed. The Licence Holder must supply to the authority, on demand, a declaration by as the condition and positioning of such alarms *(mandatory condition)*.

3. Electrical Safety

3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).

3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out by a competent person every twelve months, or as often as recommended for the type of appliance with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. (discretionary condition).

4. Furniture

The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture *(mandatory condition).* All upholstered furniture and mattresses supplied by the licence holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by the regulations. For guidance see www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation (*discretionary conditions that ensure we are meeting mandatory requirements*).

Appendix 2

5. Fire Precautions

5.1 In compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (http://www.legislation.gov.uk/uksi/2005/1541/contents/made) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. Reference should be made to a qualified fire safety engineer where necessary. The manager shall supply a copy of the risk assessment to London Borough of Southwark within 14 days of a written request. (*discretionary condition*).

Reference must be made to the LACoRs Fire Guidance to ensure that the correct fire precautions are installed at the property appropriate to the size and occupation of the property. Reference should be made to a qualified fire safety engineer for advice where necessary. http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

5.2 Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified (*discretionary condition that ensures we are meeting mandatory requirements*)

5.3 The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of any smoke alarms (*mandatory condition).*

5.4 At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear (*discretionary condition*).

6. Tenancy Matters

6.1 The Licence Holder must ensure that all occupants of the HMO and each of them are provided with a written statement of the terms and conditions on which they occupy it, e.g. a tenancy or licence agreement (*mandatory condition*).

6.2 Details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 14 days upon demand (*discretionary condition*).

6.3 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) creates new tenancies or licences to occupy this property whilst this licence is in force (*discretionary condition*).

6.4 The Licence Holder shall not knowingly cause or permit any person who has previously applied for a property licence in respect of the property and has either:

(a) been found not to be a Fit and Proper person, or

(b) been made subject to a Banning Order under the Housing and Planning Act 2016

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

8. **Waste Disposal**

8.1 The Licence Holder must give new occupiers of the property within 7 days of the start of their occupation, the following information on Waste and Recycling, in writing:

- The collection days for the refuse and recycling bins for the property (LINK TO WEBSITE)
- Details on what they can and can't recycle (LINK TO WEBSITE)
- How they can dispose of bulky waste. (LINK TO WEBSITE)
- General waste guidance from the Council's website: (LINK TO WEBSITE).

A copy of the information provided to the occupiers must be kept for 5 years and provided to the Council within 28 days on demand.

8.2 The Licence Holder must ensure that tenants are provided with adequate facilities for the disposal of refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.

8.3 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property.

8.4 The Licence Holder shall ensure that s checks are carried out, at least every 6 months, and ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling; and that waste such as old furniture, bedding, rubbish or refuse from the property is not left outside the property or in its vicinity.

8.5 The Licence Holder must ensure that there is not old furniture, bedding, rubbish or refuse from the property on the immediately outside the property or private land.

8.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner.

8.7 If the Licence Holder becomes aware that the occupiers of the property or their visitors are not using the waste disposal facilities provided and/or leaving waste outside the property or in its vicinity (for example old furniture, mattresses), they must write a warning letter to the occupiers

within 7 days advising them to remove the items immediately. A copy must be kept and must be provided to the Council within 28 days on demand (*discretionary conditions that ensure we are meeting mandatory requirements*).

9. Fit and Proper Person

9.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the HMO Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

10. Changes in the use and layout of the Property

10.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

11. Council Standards for Licensable Houses in Multiple Occupation

11.1 The maximum occupancy for this house in multiple occupation is **X** people in **X** households (*mandatory condition).*

11.2 Table to be inserted stating room, room size, maximum people and maximum households.

11.3 The Licence Holder must ensure that no room is used by more than the number of persons specified in the licence (*mandatory condition).* The table above outlines the maximum number of people and households allowed per room (*discretionary condition*).

11.5 Licensed properties must comply with Southwark's Standards for HMOs (insert links) within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).

A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO *(discretionary condition)*.

For the purposes of paragraph 11.5 a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes *(discretionary condition)*.

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be considered in determining the floor area of that room for the purposes of this paragraph *(discretionary condition)*.

Please note that room size standards within Southwark's HMO standards are greater than the national prescribed minimum room size standard stated in 11.6 and 11.7 below. The Council has, in accordance with (insert legislation) decided to impose higher standards

in accordance with its locally adopted HMO Standards referenced in 11.5 above

11.6 The Licence Holder is required:

a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres *(mandatory condition)*;

b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres *(mandatory condition)*;

c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres *(mandatory condition)*;

d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation *(mandatory condition)*.

11.7 The Licence Holder shall ensure that:

a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence *(mandatory condition)*;

b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence *(mandatory condition)*;

c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified *(mandatory condition).*

A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO *(mandatory condition).*

For the purposes of paragraph's 11.6 and 11.7 a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes *(mandatory condition).*

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be considered in determining the floor area of that room for the purposes of this paragraph *(mandatory condition).*

11.8 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).

11.9 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

Appendix 2

12. Access to Utility Meters

12.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. (*discretionary condition*).

13. Flats in Multiple Occupation in a block of flats

13.1 The licence holder shall ensure the tenants of the Flat in Multiple Occupation (FMO) are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:

- Evacuation arrangements, e.g. an all-out or stay-put policy.
- The safest route to safety from the FMO.
- The designated fire assembly area.
- Fire Drill arrangements (if any).
- Fire Warden and/or waking watch arrangements (where provided).
- The nearest manual call point (where provided).

(*discretionary condition*)

London Borough of Southwark

Draft Declaration of Additional HMO Licensing Scheme

Designation

Appendix 3

PUBLIC NOTICE

London Borough of Southwark

NOTICE OF DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING

Section 56, Housing Act 2004

1. The London Borough of Southwark ("The Council") in exercise of its powers under section 56 of the Housing Act 2004 ("the Act") hereby designates the entire area of its district, as subject to Additional Licensing as described at paragraph 4. The designation applies to all Houses in Multiple Occupation ("HMOs'') as described at paragraph 5

CITATION, COMMENCEMENT AND DURATION

2. This designation will be known as The London Borough of Southwark Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022 The Designation is made on ** October 2021 and shall come into force on 1 March 2022.
3. The designation shall cease to have effect on 28 February 2027 (not more than five years) or earlier if the Authority revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the entire area of the London Borough of Southwark as delineated in red on the map in annex A below.

APPLICATION OF THE DESIGNATION

5. The designation applies to all Houses in Multiple Occupation ("HMOs'') as defined by section 254 of the Act that are occupied by 3 or more persons comprising 2 or more households as defined in Annex B, within the area described at paragraph 1 unless:
    a. the house is an HMO that falls within the nationally prescribed category of HMO that is required to be licensed as a 'mandatory HMO' under section 55(2)(a) Part 2 of the Act[1] ;
    b. the house is subject to an Interim or Final Management Order under Part 4 of the Act;
    c. the house is subject to a temporary exemption under section 62 of the Act;
    d. The house is an HMO that is a building or part of a building that is not an HMO for the purposes of licensing under Part 2 of the Act[2] as defined in Annex C/ Schedule 14 of the Act; or.
    e. it is a building converted into self-contained flats but does not meet the standards of conversion required by the Building Regulations 1991, and where less than two thirds of the flats are owner occupied to which Section 257 of the Housing Act 2004 applies where: the building or part of a building is of three or more storeys that have been converted into three or more self-contained flats and where both the building and self-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) above, every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.
7. The designation falls within a description of designations in relation to which the Secretary of State has issued a General Approval under section 58 of the Act, namely, The Housing Act 2004: Licensing of Houses of Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 which came into force on 1 April 2015.
8. The London Borough of Southwark will comply with the notification requirements contained in Section 29 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[3]

If you are a landlord, managing agent or a tenant, or if you require information regarding this designation, or to apply for a licence, further information and assistance is available from the Council's Private Rented Property Licensing Team by telephone on 020 7525 4113 or by email to resi@southwark.gov.uk, or by writing to Private Sector Housing Enforcement Service, PO Box 70063, Queens Road, London, SE15 2HP.

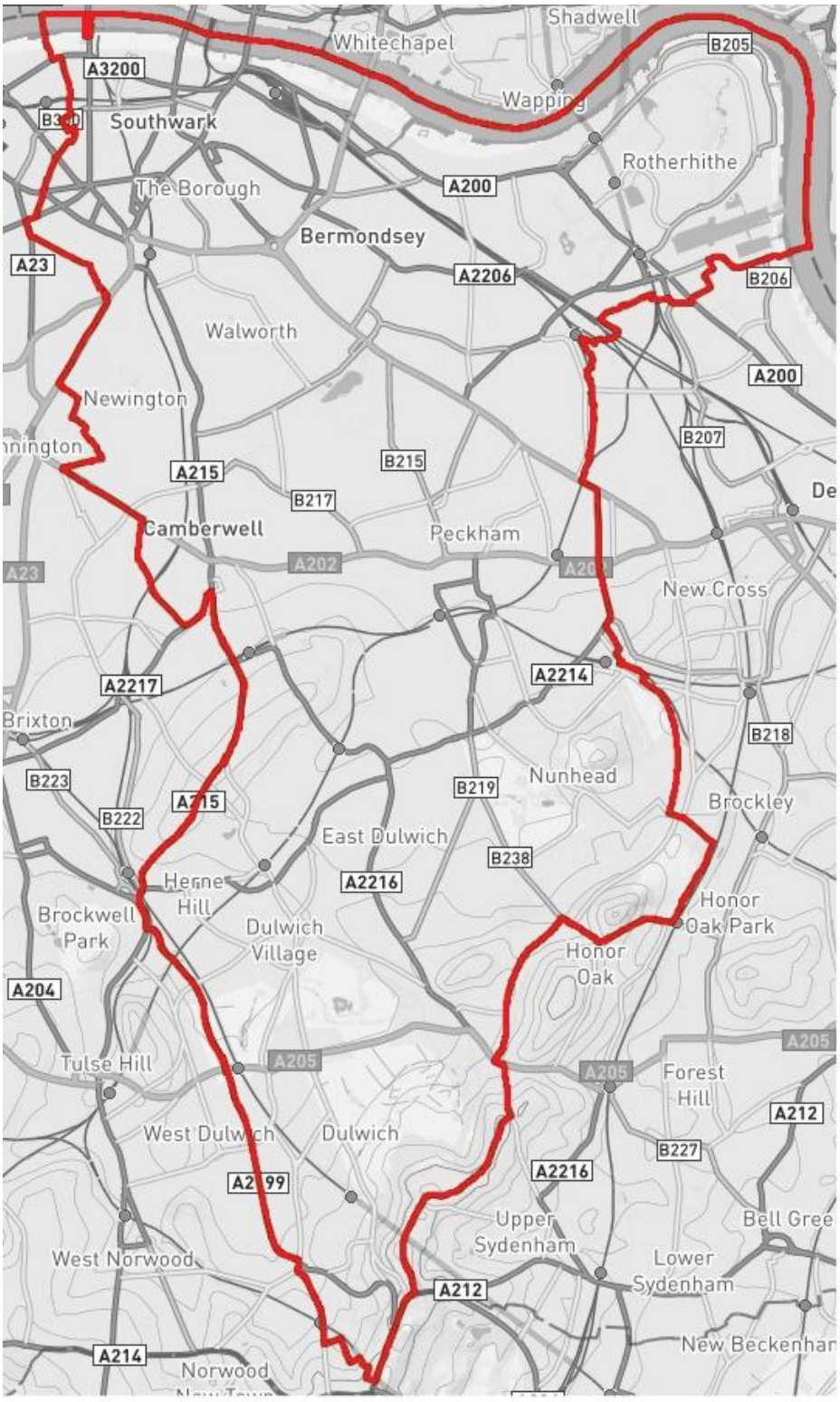
The Designation may be inspected at the above address during office hours. All landlords, managing agents or tenants within the designated area should obtain advice to ascertain whether their property is affected by the Designation by contacting the Council's Private Rented Property Licensing Team.

Any person who operates a licensable property without a licence or allows a licensed property to be occupied by more households or persons other than as authorised by a licence, is liable to prosecution and upon summary conviction is liable to an unlimited fine. A person who breaches a condition of a licence is liable upon summary conviction to a maximum fine of £5,000 per breach.

Signed

[1] Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses.in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)
[2] Schedule 14 Housing Act 2004 describes the buildings that are not HMOs other than for the purpose of Part 1 [HHSRS]
[3] Section 232 of the Act and paragraph 11 of SI 373/2006

Annex A: Map of the borough wide additional licensing designation showing the boundary delineated in red



Annex B: HMOs to which this designation applies [subject to paragraph 5 above]

A building or a part of a building meets the standard test if—

(a) It consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
(b) The living accommodation is occupied by persons who do not form a single household[4];
(c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it[5];
(d) Their occupation of the living accommodation constitutes the only use of that accommodation;
(e) Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
(f) Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

A part of a building meets the self-contained flat test if—

(a) It consists of a self-contained flat; and
(b) Paragraphs (b) to (f) of standard test definition above apply (reading references to the living accommodation concerned as references to the flat).

A building or a part of a building meets the converted building test if—

(a) It is a converted building;
(b) It contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
(c) The living accommodation is occupied by persons who do not form a single household[4];
(d) The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it[5];
(e) Their occupation of the living accommodation constitutes the only use of that accommodation; and
(f) Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

"Basic amenities" means—

(a) A toilet,
(b) Personal washing facilities, or
(c) Cooking facilities

"**Converted building**" means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

"**Enactment**" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30);

"**Self-contained flat**" means a separate set of premises (whether or not on the same floor)—

(a) which forms part of a building;
(b) either the whole or a material part of which lies above or below some other part of the building; and
(c) in which all three basic amenities are available for the exclusive use of its occupants

HMO declarations

If a local housing authority are satisfied that a building or part of a building in their area meets either:

- the standard test; or
- the self-contained flat test; or
- the converted building test

they may serve a notice under section 255 (an "HMO declaration") declaring the building or part to be a house in multiple occupation.

Annex C: Buildings which are not HMOs for purposes of this designation

In the following paragraphs "building" includes a part of a building.

Buildings controlled or managed by public sector bodies etc

A building where the person managing or having control of it is

(a) a local housing authority,
(b) a non-profit registered provider of social housing,
(c) a body which is registered as a social landlord under Part 1 of the Housing Act 1996,
(d) a police and crime commissioner,
(e) the Mayor's Office for Policing and Crime,
(f) a fire and rescue authority, or
(g) a health service body [within the meaning of section 9 of the National Health Service Act 2006].

"fire and rescue authority" means a fire and rescue authority under the Fire and Rescue Services Act 2004

A building—

(a) Which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
(b) Where the person managing or having control of it is a profit-making registered provider of social housing.]

[4] For the definition of "persons not forming a single household" please see Section 258 of the Housing Act 2004
[5] For the definition of "persons treated as occupying premises as main or only residence" please see Section 259 of the Housing Act 2004

Buildings controlled or managed by a co-operative society

(1) A building where—

(a) The person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and

(b) No person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.

(2) The conditions are —

(a) That membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,

(b) That all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,

(c) That each member has equal voting rights at such a meeting, and

(d) That, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

(3) For the purposes of sub-paragraph (a) "co-operative society" means a body that—

(a) Is registered as a co-operative society under the 2014 Act or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, and

(b) Is neither—

(i) A non-profit registered provider of social housing, nor

(ii) Registered as a social landlord under Part 1 of the Housing Act 1996.

(4) In this paragraph—

- "the 2014 Act" means the Co-operative and Community Benefit Societies Act 2014;]
- "assured tenancy" has the same meaning as in Part 1 of the Housing Act 1988;
- "protected tenancy" has the same meaning as in the Rent Act 1977;
- "secure tenancy" has the same meaning as in Part 4 of the Housing Act 1985.]

Buildings regulated otherwise than under this Act

Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the appropriate national authority.

Buildings occupied by students

(1) Any building—

(a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and

(b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

(2) In sub-paragraph (a) "specified" means specified for the purposes of this paragraph in regulations made by the appropriate national authority.

(3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying—

(a) A particular educational establishment, or

(b) A particular description of educational establishments.

(4) The appropriate national authority may have regard to the extent to which, in its opinion—

(a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or

(b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice, as the case may be.

(5) In sub-paragraph (4) "occupied for connected educational purposes", in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

Buildings occupied by owners

Any building which is occupied only by persons within the following paragraphs—

(a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;

(b) any member of the household of such a person or persons;

(c) No more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.[6]

(d) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

Buildings occupied by two persons

Any building which is occupied only by two persons who form two households.

[6] The number of persons specified for the purposes of paragraph (C) under 'buildings occupied by owners' in The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 is two.

Appendix 4

Driving up Standards for the Private rented sector

Selective Licensing Designation 1 – Final Proposal

19 October 2021

Southwark Council
southwark.gov.uk

Appendix 4

Properties covered by the scheme

1. All properties, let in the private rented sector, that are not included in the mandatory scheme, or included in the proposed additional licensing scheme, will be included in the selective licensing scheme if they are located within the designated area.
2. The wards included in Designation 1 are:

Champion Hill
Newington

Exemptions

3. Exemptions to the proposed selective licensing designation 1 includes:
    a) properties licensable as an HMOs under mandatory or the proposed additional licensing;
    b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
    c) properties already subject to a management order or empty dwelling management order;
    d) properties subject to a temporary exemption notice.
    e) owners who reside in property they own as their main residence (owner-occupiers).
    f) holiday lets; and tenancies under a long lease and business tenancies.
    g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
    h) Student accommodation directly managed by educational institutions, e.g. halls of residence.
    i) properties managed by a charity registered under the Charities Act 2011 and which—
        a. is a night shelter, or
        b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Conditions

4. Licence conditions for the proposed selective licensing scheme (Designation 1) were consulted on. A range of responses were received and subsequent changes to the conditions have taken place as stated below.

Licence Condition Changes in Response to Consultation:
Original Licence Condition Numbers:

Appendix 4

1.6, 3.3, 9.2, 11, 14.6, 12 and 13 have been deleted,

1.1, 1.2, 1.7, 1.11, 3.1, 3.2, 4.1, 6.3, 14.2 and 14.3 have been amended

5. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence.
6. There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation, condition and contents of the HMO.
7. These mandatory conditions are prescribed by Schedule 4 Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
8. In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property additional or more specific conditions will be added.
9. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. General

1.1 The Licence Holder must ensure that tenants are given a copy of the licence and that any subsequent tenants are given copies of the licence (discretionary condition).

1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that all reasonable steps are taken to collect and act upon any letter, notice or other document sent to that address on a regular basis (discretionary condition).

1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).

1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).

1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).

1.6 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least

10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided (*discretionary condition*).

1.7 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the property to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions

Register - https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(discretionary condition).

1.8 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.

1.9 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.

1.10 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy.

1.11 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked

within the previous twelve months. Any defects noted on the certificate must be promptly rectified (*mandatory condition*).

2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*discretionary condition*).

3. Electrical Safety

3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (mandatory condition).

3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out by a competent person every twelve months as often as recommended for the type of appliance with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (discretionary condition). Any necessary maintenance or repair work required following a failed PAT test must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations.

4. Furniture

4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture *(mandatory condition).* All upholstered furniture and mattresses supplied by the licence holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by the regulations. For guidance see www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation (*discretionary conditions that ensure we are meeting mandatory requirements*).

5. Fire Precautions

5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder

must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).

6. Tenancy Matters

6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).

6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand (*discretionary condition*).

6.3 The Licence Holder shall not knowingly cause or permit any person who has previously applied for a property licence in respect of the property and has either:

(a) been found not to be a Fit and Proper person, or

(b) been made subject to a Banning Order under the Housing and Planning Act 2016

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*). No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).

(References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check], their ability to pay rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.

6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).

6.6 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).

6.7 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy

deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).

7. Fit and Proper Person

7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. Changes in the use and layout of the Property

8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. Council Standards for Licensable Properties

9.1 The maximum occupancy for this property is **one household OR two people in two households** *(mandatory condition).*

9.2 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).

9.3 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

10. Access to Utility Meters

10.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

14. Anti-Social Behaviour *(discretionary conditions)*

14.1 The Licence Holder shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the flat/ house and to this end shall:

Report all incidences of anti-social behaviour to the appropriate authority, for example the police or the Council.

14.2 Each new tenancy agreement shall include provisions relating to forfeiture of the property in the event of a breach of the tenancy agreement terms in the following circumstances:

"That the tenant or someone living in, or visiting the premises has been guilty of conduct which is, or is likely to cause a nuisance or annoyance to neighbours; or, that a person residing or visiting the premises has been convicted of using the premises, or allowing it to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises."

For the avoidance of doubt conduct causing a nuisance includes noise nuisance.

A further condition shall be added to the tenancy agreement that requires the tenant to obtain written permission to sub-let the property.

The Government have produced a model template for an Assured Shorthold Tenancy which can be found here - https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy

14.3 Following any complaints or incidents of anti-social behaviour (as defined in Housing Act 2004, Section 57(5)) arising from their property and being caused by their tenants or tenants' visitors the Licence Holder shall investigate and take legal advice where necessary. Depending on the severity of the incident or where there are 2 or more corroborated incidents of ASB the license holder shall either send a written warning to the perpetrator or take formal action to evict the tenants in compliance with (whatever the legislation is).

14.4 If the Licence Holder is informed by the Authority, Police or other organisation that any occupiers have entered into a Community Resolution; or have been issued with an Acceptable Behaviour Contract; or a civil injunction has been obtained against the occupiers; or if the occupiers have been prosecuted in relation to ASB, the Licence Holder must either visit the house within 7 days of being notified or ensure that it is visited by the person managing the house. During the visit, the Licence Holder must ensure that the occupiers are provided with a warning letter advising them (amongst other things) that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, and of the consequences of its continuation.

Any letters, emails, legal notices or other documents relating to ASB, which are sent or received by the Licence Holder, or the agent on behalf of the Licence Holder, must be copied and kept for 5 years by the Licence Holder.

14.5 Where the Licence Holder has reasonable grounds to suspect that the ASB involves criminal activity the Licence Holder must ensure that the appropriate authorities are informed.

The Licence Holder shall co-operate with the Police and Authority in resolving ASB in any licensed property under their control. Such cooperation includes attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Authority when requested.

Any correspondence, letters and records kept in accordance with these conditions must be provided by the Licence Holder to the Authority within 28 days on demand.

15. Security *(discretionary conditions)*

15.1 Ensure adequate security arrangements are in place to prevent unauthorised access to the premises. This includes:

- The front door of the dwelling shall be fitted with a ‘peekhole’ to allow the occupant to view who is at the front door.
- A device shall be fitted to the front door to allow for the door to be opened in a restricted manner to prevent access by unauthorised persons, e.g. a door chain.
- The front (and where provided back doors and French doors) door shall as a minimum be fitted with locks that meet BS3621.
- All windows shall be fitted with suitable window locks and the keys provided to the tenants.

15.2 Where previous occupants have not surrendered door keys, the Licence Holder will arrange for a lock change to be undertaken prior to new occupants moving in.

15.3 Where there are outside spaces within the curtilage of the property, movement operated security lights shall be fixed and mounted providing sufficient light to illuminate the outside spaces.

Appendix 5

Driving Up Standards for the Private Rented Sector

Selective Licensing Designation 2 – Final Proposal

19 October 2021

Southwark Council
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Appendix 5

Properties covered by the scheme

1. All properties, let in the private rented sector, that are not included in the mandatory scheme, or included in the proposed additional licensing scheme, will be included in the selective licensing scheme if they are located within the designated area.
2. The wards included in Designation 2 are:

Faraday
Goose Green
St Giles

Exemptions

3. Exemptions to the proposed selective licensing designation 1 includes:
    a) properties licensable as an HMOs under mandatory or the proposed additional licensing;
    b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
    c) properties already subject to a management order or empty dwelling management order;
    d) properties subject to a temporary exemption notice.
    e) owners who reside in property they own as their main residence (owner-occupiers).
    f) holiday lets; and tenancies under a long lease and business tenancies.
    g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
    h) Student accommodation directly managed by educational institutions, e.g. halls of residence.
    i) properties managed by a charity registered under the Charities Act 2011 and which—
        a. is a night shelter, or
        b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Conditions

3. Licence conditions for the proposed selective licensing scheme (Designation 1) were consulted on. A range of responses were received and subsequent changes to the conditions have taken place as stated below.

Licence Condition Changes in Response to Consultation:

Appendix 5

Original Licence Condition Numbers:

1.6, 3.3, 9.2, 11, 12 and 13, 18 have been deleted,

1.1, 1.2, 1.7, 1.11, 3.1, 3.2, 4.1, 5.2, 6.3, and 16.4 have been amended

4. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence.
5. There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation, condition and contents of the HMO.
6. These mandatory conditions are prescribed by Schedule 4 Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
7. In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property additional or more specific conditions will be added.
8. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. General

1.1 The Licence Holder must ensure that tenants are given a copy of the licence and that any subsequent tenants are given copies of the licence (discretionary condition).

1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that all reasonable steps are taken to collect and act upon any letter, notice or other document sent to that address on a regular basis (discretionary condition).

1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).

1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).

1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).

1.6 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least

10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided (*discretionary condition*).

1.7 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions

Register - https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(*discretionary condition*).

1.8 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.

1.9 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.

1.10 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy.

1.11 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked

within the previous twelve months. Any defects noted on the certificate must be promptly rectified (*mandatory condition*).

2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*discretionary condition*).

3. Electrical Safety

3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).

3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out by a competent person every twelve months, or as often as recommended for the type of appliance with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. (discretionary condition).

4. Furniture

4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture *(mandatory condition).* All upholstered furniture and mattresses supplied by the licence holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by the regulations. For guidance see www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation (*discretionary conditions that ensure we are meeting mandatory requirements*).

5. Fire Precautions

5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).

6. Tenancy Matters

6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).

6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand (*discretionary condition*).

6.3 The Licence Holder shall not knowingly cause or permit any person who has previously applied for a property licence in respect of the property and has either:

(a) been found not to be a Fit and Proper person, or

(b) been made subject to a Banning Order under the Housing and Planning Act 2016

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*). No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).

(References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check], their ability to pay rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.

6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).

6.6 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).

6.7 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A

copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).

7. Fit and Proper Person

7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. Changes in the use and layout of the Property

8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. Council Standards for Licensable Properties

9.1 The maximum occupancy for this property is **one household OR two people in two households** *(mandatory condition).*

9.2 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).

9.3 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

10. Access to Utility Meters

10.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

Carbon Monoxide

15.1 Ensure that a carbon monoxide alarm is installed in any room in the house that contains a gas appliance (includes boilers) (*discretionary condition*).

15.2 The Licence Holder must ensure that the carbon monoxide alarms are kept in proper working order (this can be a check of the battery and operation of the alarm). A declaration as to the proper working order of such alarms must be supplied to the London Borough of Southwark on demand (discretionary condition).

16. Property Management and Safety

16.1 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written

response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.

Copies of any such written complaint (including by email) and the response referred to in condition 17 must be provided to the Authority within 21 days on demand.

(*discretionary condition*)

16.2 The Licence Holder shall ensure that any repairs, improvement works or treatments at the house are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Authority within 21 days upon demand (*discretionary condition*).

16.3 The Licence Holder must ensure that regular checks are carried out to ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities (*discretionary condition*).

16.4 The Licence Holder must ensure that 6 monthly checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Authority within 28 days on demand (*discretionary condition*).

16.5 The Licence Holder must ensure that all outhouses, garages and sheds are kept secure, are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation (*discretionary condition*).

16.6 The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly (*discretionary condition*).

16.7 The Licence Holder shall ensure that inspections of the house are carried out at least every 6 months to identify any problems relating to the condition and management of the house. The Authority may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the Authority within 28 days on demand (*discretionary condition*).

17. Homes (Fitness for Human Habitation) Act 2018

17.1 The Homes (Fitness for Human Habitation) Act 2018 modified the Landlord and Tenant Act 1985. The Licence Holder must ensure the property complies with the modification brought about by the Homes (Fitness for Human Habitation) Act 2018. The building must:

- not be neglected or in a bad condition,
- be stable,
- be free from a serious problem with damp,
- have a safe layout,
- have enough natural light,
- have enough ventilation,
- have a satisfactory supply of hot and cold water,
- have satisfactory drainage and lavatories,
- have satisfactory facilities to prepare and cook food or wash up, and
- free from category one hazards set out in the Housing Health and Safety (England) Regulations 2005

(*discretionary condition*)

London Borough of Southwark

Draft Declaration of Selective Licensing Scheme Designations 1 & 2

Appendix 6

PUBLIC NOTICE

London Borough of Southwark

NOTICE OF DESIGNATION OF AN AREAS FOR SELECTIVE LICENSING

Section 80, Housing Act 2004

1. The London Borough of Southwark ("The Council") in exercise of its powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the areas described in paragraph 5

CITATION, COMMENCEMENT AND DURATION

2. These 2 Designations shall be known as the London Borough of Southwark Designations for Areas for Selective Licensing 2022. All privately rented residential accommodation situated within the designated areas must be licensed with the Council unless subject to statutory exemption as set out in paragraph 5.

3. The Designations are made on ** October 2021 and will come into force on 1 March 2022. In line with the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 and the updated guidance issued by the Department for Communities and Local Government in March 2015 (Selective licensing in the private rented sector - A Guide for local authorities), the Designations fall within a description of designations for which, as long as the authority has consulted for at least ten weeks, do not need approval from the Secretary of State for Housing, Communities and Local Government (MHCLG) as the designated areas cover 20% or less than the total geographical area of the London Borough of Southwark's and includes 20% or less than its private rented properties.

4. The Designations shall cease to have effect on 28 February 2027 (not more than 5 years) or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

5. This designations shall apply to the following areas of the London Borough of Southwark. Designation 1 is delineated in red with the area itself coloured yellow on the map and Designation 2 is delineated in red with the area itself coloured orange on the map both in annex A below. The following wards are included in each designation.

Wards included in Designation 1	**Wards included in Designation 2**
Newington	Faraday
Champion Hill	Goose Green
	St. Giles

APPLICATION OF THE DESIGNATION

6. This designation applies to any house[1] which is let or occupied under a tenancy or licence within the area described in paragraph 5 unless:
   a. the house is a house in multiple occupation [HMO] that falls within the nationally prescribed category of HMO that is required to be licensed as a 'mandatory HMO' under section 55(2)(a) Part 2 of the Act[2];
   b. the house is a house in multiple occupation that falls within the prescribed category of HMO that is required to be licensed under the London Borough of Southwark Designation of an Area for Additional Licensing of Houses of Multiple Occupation made on 1 January 2022 under Section 56 of the Housing Act 2004[3];
   c. the tenancy or licence of the house has been granted by a registered social landlord[4];
   d. the house is subject to an Interim or Final Management Order under Part 4 of the Act;
   e. the house is subject to a temporary exemption under section 86 of the Act; or
   f. the house is occupied under a tenancy or licence which is exempt under the Act or the occupation is of a building or part of a building so exempt as defined in Paragraph 5(f): Exempted tenancies or licences, Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 6(a) to (f) every house in the area specified in paragraph 5 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.[6]

7. The London Borough of Southwark will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.[5]

If you are a landlord, managing agent or a tenant, or if you require information regarding this designation, or to apply for a licence, further information and assistance is available from the Council's Private Rented Property Licensing Team by telephone on 020 7525 3114 or by email to resi@southwark.gov.uk, or by writing to Private Sector Housing Enforcement Service, PO Box 70063, Queens Road, London, SE15 2HP.

The Designation may be inspected at the above address during office hours. All landlords, managing agents or tenants within the designated area should obtain advice to ascertain whether their property is affected by the Designation by contacting the Council's Private Rented Property Licensing Team.

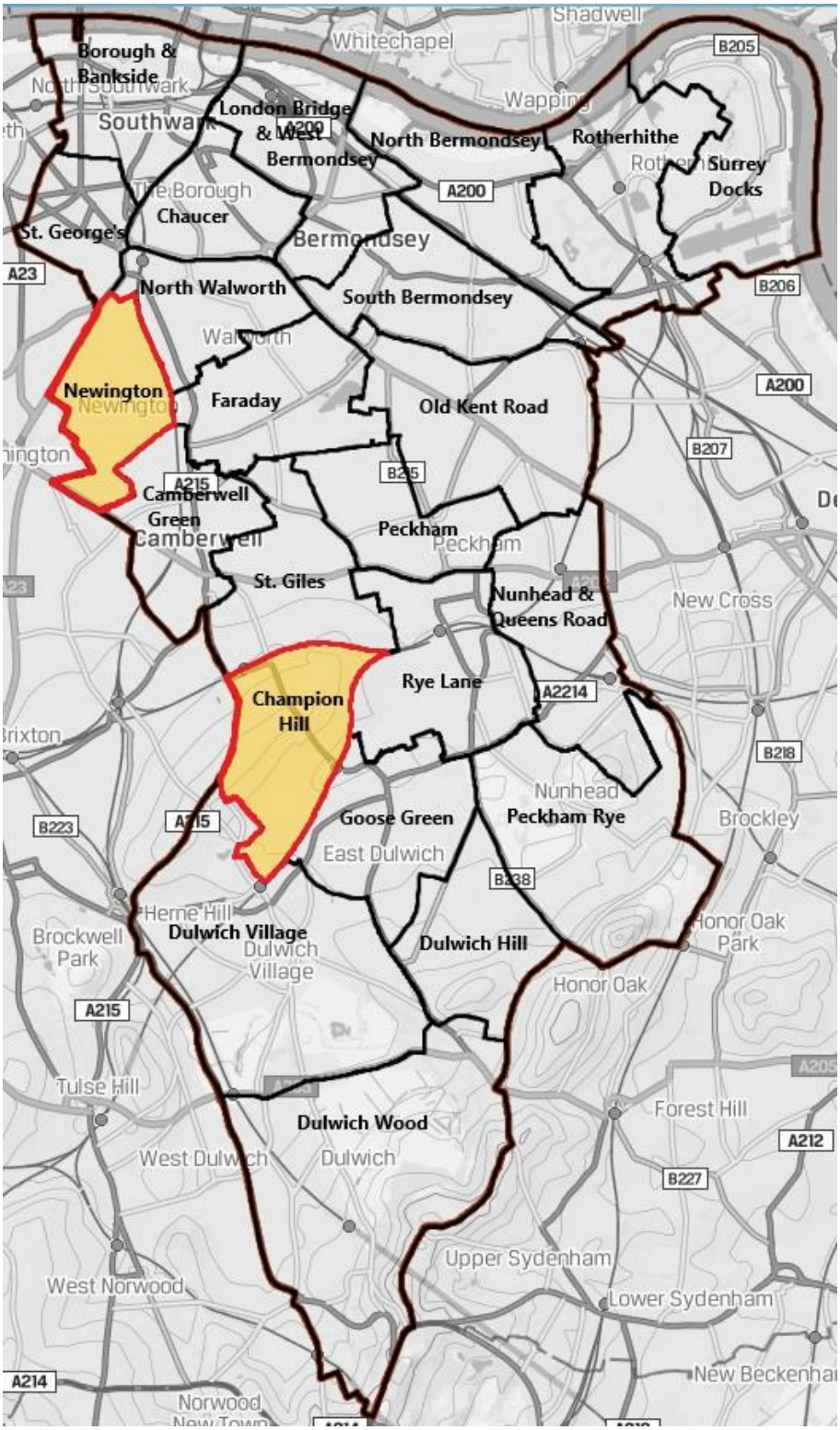
Any person who operates a licensable property without a licence or allows a licensed property to be occupied by more households or persons other than as authorised by a licence, is liable to prosecution and upon summary conviction is liable to an unlimited fine. A person who breaches a condition of a licence is liable upon summary conviction to a maximum fine of £5,000 per breach.

Signed

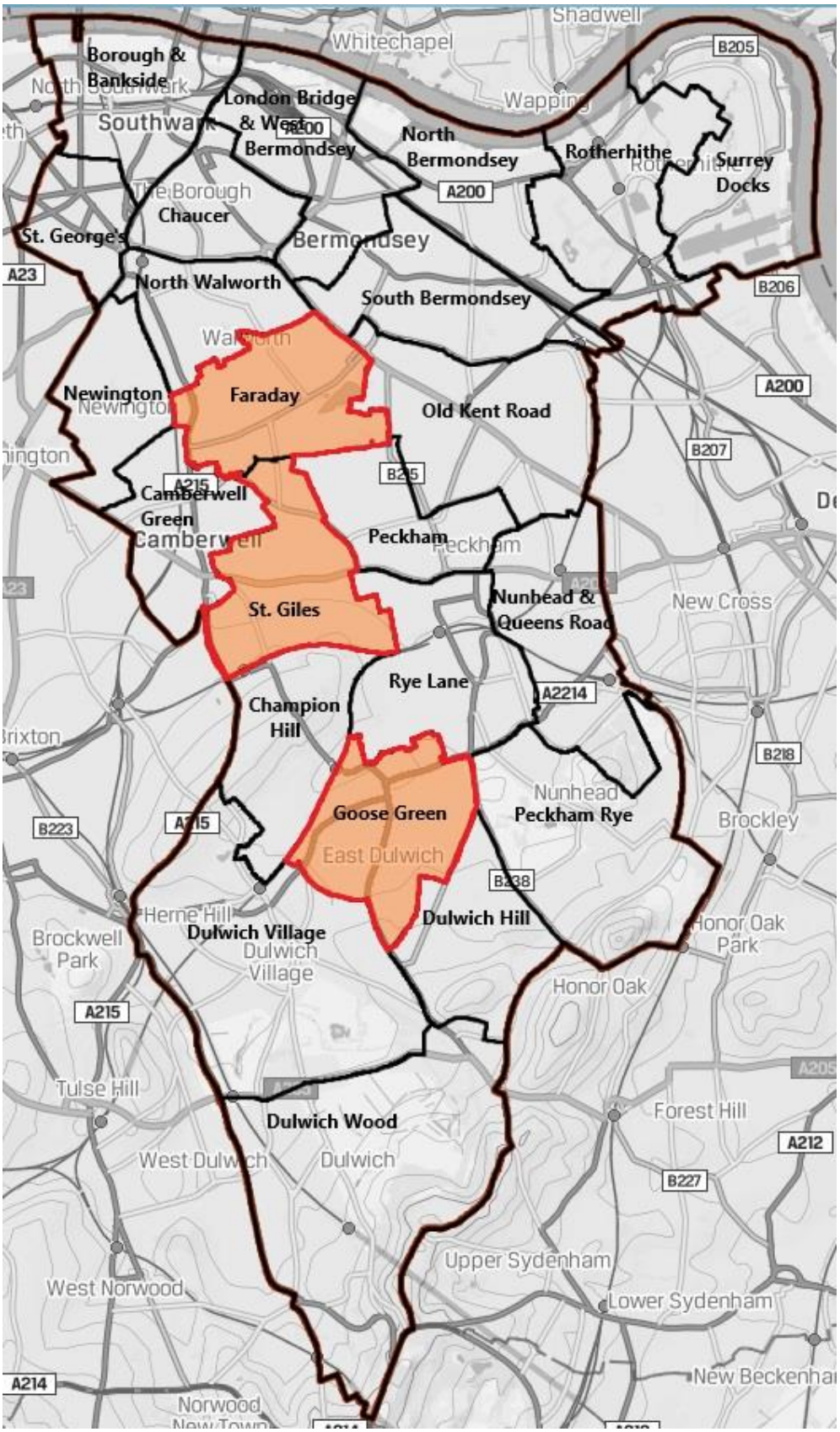
[1] For the definition of "house" see sections 79 and 99 of the Act
[2] Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses.in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)
[3] Additional Licensing covers HMOs that are not within the scope of Mandatory HMO Licensing where tenants share one or more 'basic amenities' i.e. a WC, personal washing facilities or cooking facilities. 'Section 257' HMO buildings would need a selective licence unless; an individual flat was itself multiply occupied which would need an additional or mandatory HMO licence depending on the number of persons accommodated or, where the building or part of a building is of three or more storeys that have been converted into three or more self-contained flats and where both the building and self-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control.
[4] Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996
[5] Section 232 of the Act and paragraph 11 of SI 373/2006
[6] See the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

Annex A: 2 Maps below showing selective licensing designations 1 and 2 with the boundary delineated in red and the areas in yellow for designation 2

Designation 1



Designation 2



Driving Up Standards for the Private Rented Sector

Statement of Fees, Charges and Discounts for Licensing – Final Proposal

Appendix 7

19 October 2021

Southwark Council
southwark.gov.uk

Appendix 7

How the Licence Fees were set

1. Article 13(2) of the EU Services Directive (2006/123/EC) requires that the licence fee paid by the applicant must be reasonable and proportionate to the cost of the authorisation (licensing) procedure and shall not exceed the cost of the authorisation (licensing) procedure. This means that the costs of the proposed licensing schemes must be cost neutral whereby the total licensing fee income does not exceed the expenditure over the five-year duration of the scheme.
2. The licence fees for licence applications were set taking into account all of the Council's costs in administering and carrying out its licensing functions and carrying out its functions under Chapter 1 of Part 4 Housing Act 2004 (where steps are necessary to make Interim and Final Management Orders) so far as they are not recoverable under or by virtue of any provision of Chapter 1 of Part 4. We have not included costs we can recover directly from landlords when undertaking those functions.
3. The proposed fees are underpinned by assumptions about the level of income the fees will generate, based upon the number of properties that we expect to be licensed during the life of the schemes. For example, we have assumed that % of licence applications will be received in the first year, and that % of IT costs will be attributable to the receipt and processing of licence applications (Part A of the fees). A significant proportion of the licence fee income (%) is met from the staffing costs needed to deliver the licensing schemes. Staffing and the other resources necessary to administer, run and enforce the scheme have been split between the two licence types to calculate the proposed fees.

Split fee

4. The fee is levied in two parts. Part A of the fee is for the application for a licence and covers the costs of processing, administration and validation of the application. Part B of the fee comprises the running costs of the scheme and exercising our other licensing functions, such as the inspections and enforcement.
5. Payment of Part A of the fee must be received when the application is made to the Council and, if the licence application is granted, Part B of the fee must be received and cleared before a licence is issued. In the event that we decide to refuse a licence application, only the Part B fee will have been paid.
6. The fees will be reviewed throughout the scheme and the Council may adjust the fees to reflect changes in costs

Proposed Licence Fees

7. The licence fees are set out in the table below.

Appendix 7

Type of Licence	Part A- Processing and determining the application	Part B administration, management and enforcement of the licensing schemes	TOTAL
Mandatory Licence	**£1050 (+ £70 per bedroom above 5)**	**£450 (+ £30 per bedroom above 5)**	**£1500 (+ £100 per bedroom above 5)**
Additional Licence up to 4 bedrooms	**£923**	**£377**	**£1300**
Selective Licensing Designations 1 & 2	**£630**	**£270**	**£900**

Discounts on licensing fees

8. A 30% early bird discount will be applied to the proposed selective and additional schemes, which will operate for a period of 3 months from the point a scheme starts. The early bird discount does not include applications made for mandatory licences.

9. A discount of 50% will be offered on the second part of the fee (enforcement element) for all licensing schemes where the landlord and/or managing agent has signed up to the Council's Gold Standard Charter (see appendix 9 for details on the Charter).

    a. A requirement of the Gold Standard Charter is that a landlord must be accredited. The discount for being an accredited landlord under the existing scheme has therefore been removed under the proposals for the new schemes.

    b. The Gold Standard Charter discount can be applied for a managing agent of a licensable property however, if the Licence Holder and/or landlord has not signed up to the Gold Standard Charter, landlords who change their managing agents during the period of the licence must ensure that any new agent is also signed up to the Gold Standard Charter or repay the discount, pro-rata, for the period of time the property is being managed by an agent not signed up to the Gold Standard Charter.

    c. Discounts will not apply to properties where the council has found it necessary to issue a warning letter requiring the landlord/agent to apply for a licence. This applies to previously unlicensed properties or properties where a previous licence has expired more than 3 months before the renewal application has been received.

    d. A Gold Standard Charter landlord/agent who has not applied for a licence on a licensable property without a warning letter from the council can have their Gold Charter status removed.

    e. If a licensing application is not successful the fee for enforcement will not be charged. Any subsequent applications made for the same property will be

charged the application fee (discount will apply where appropriate) and the further fee for enforcement if a licence is to be issued.

10. A further discount of 50% on the second part (Part B) of the fee (enforcement element) for all licensing schemes, is available where the landlord and/or managing agent, as well as being signed up to the Council's Gold Standard Charter has also signed up to the Council's Finder's Fee scheme (or subsequent iterations). This means that when combined with the Gold Standard Charter Discount the second part (Part B) of the fee (enforcement element) will be free of charge.

Table of discounts showing their effect on fees for each scheme

		Mandatory Licence Part A £1050 (+ £70 per bedroom above 5) Part B £450 (+£30 per bedroom above 5) Total fee - £1500 (+ £100 per bedroom above 5)		**Selective Licence Part A £630 Part B £270 Total fee - £900**		**Additional HMO licence Part A £923 Part B £377 Total fee - £1,300**	
Discount type	**Discount %**	**Total Discount**	**Total Licence fee after discount**	**Discount**	**Total Licence fee after discount**	**Discount**	**Total Licence fee after discount**
Early bird (first 3 months)	30%	n/a	n/a	£270	£630	£390	£910
Gold charter members	50% of Part B	£225 (+£15 per bedroom above 5)	£1275 (+£85 per bedroom above 5)	£135	£765	£190	£1,110
Early Bird & Gold Charter	30% + 50% of Part B	n/a	n/a	£405	£495	£580	£720
Gold Charter members who have signed up to the	100% of Part B	£450 (+£30 per bedroom above 5)	£1050 (+ £70 per bedroom above 5)	£270	£630	£377	£923

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Finder's fee							
Early Bird, Gold Standard & Finder's fee	30% + 100% of Part B	n/a	n/a	£459	£441	£654	£646

Other Fees and Charges:

11. These fees are applicable as appropriate in relation to licensing applications, or where properties are already licensed.

Licensed Premises - Proposed Licence Variation Fees

Variation of licence	**Fee**
1 year licence and renewal: Landlords with previous management contraventions or who are of concern with regards to the 'Fit and Proper' test (eg: a person who has or is being investigated for fraud relating to tenancies or is subject to enforcement action or prosecution relating to contraventions under the Housing Acts and associated regulations) will be charged the full fee for a 1 year licence or renewal.	New Licence Application Fee
Change of mortgagor, owner, freeholder, and leaseholder (unless they are also the licence holder or manager)	No fee
Reduction in the number of maximum occupiers and/or households for licensing purposes	No fee
Variation of licence instigated by the council	No fee
Change of licence holder	New Licence Application Fee
Change of manager (unless they are also the licence holder)	No fee
Increase in the number of maximum occupiers and/or households for licensing purposes, through increasing the	No fee

Appendix 7

number of habitable rooms, change in room sizes, and/or amenity provision	

Other charges	**Fee**
Revocation of licence	No Fee, no refund
Application to licence following revocation of a licence	New Licence Application Fee
Application refused by the council	Part 1 Licence Application fee not refunded
Application withdrawn by the applicant	Part 1 Licence Application fee not refunded
Application made in error and not granted (e.g. duplicate or exempt)	Full refund
Properties that cease to be licensable during the licensing process	No refund of Licence Application Fee
Temporary Exemption Notice (TEN)	No Fee
Printing of lost licence	£5

Income and Expenditure

12. Some assumptions have been made in estimating the income. For example, on application/inspection for additional HMOs it is likely that some properties will actually be found to be either mandatory HMOs or selective licensable properties and so will fall into those regimes, which reduces the total estimated number of additional HMOs. Also, it is assumed in estimating the income that a small number

Appendix 7

of licensable properties might not be found, or be exempt tenancies/properties (i.e. temporary accommodation operated by other Councils in Southwark), or bad debt.

13. The forecast costs and income over the five year period are as follows:

Description	5 year Income and Expenditure Analysis			Annual Average
	Mandatory + Additional HMO Licensing	Selective Licensing Designations 1 & 2	Total HMOs & Selective Licensing	
	£'000	£'000	£'000	£'000
Staffing Costs	2,770	2,360	5,130	1,026
Other running costs	2,396	1,989	4,385	877
Total costs	5,166	4,349	9,515	1,903
Estimated Income	(5,160)	(4,344)	(9,505)	(1,901)
Net Expenditure	6	5	10	2

Driving Up Standards for the Private Rented Sector

Licensing Schemes – Objectives, Measures and Targets - Final Proposals

Appendix 8

19 October 2021

Southwark Council
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Appendix 8

Introduction

The objectives, which formed part of the consultation process have been given measures and targets which will apply to the schemes as set out below.

1. Reduction in ASB and repeat ASB incidents in PRS properties – applies to Selective Licensing Designation 1

1.1. Measure

- Reduction of repeat incidences of ASB in the PRS and over all in borough

1.2. Quantified Measure

- Action taken against 80% of properties with more than 1 ASB incident over 5 years
- 30% of repeat ASB cases resolved over the 5 years
- 5 cases per year
- Ensure compliance with licence conditions in at least 75% of properties

1.3. Baseline

- 755 ASB complaints against 351 PRS properties (over a 3 year period)
- 114 properties with repeat ASB
- 1,790 Selectively Licensable properties in Designation 1

1.4. Actual Target

- Action taken against 91 properties with repeat ASB in PRS over the 5 year scheme 5 repeat ASB cases per year resolved
- Checks and inspections of 1,343 over 5 years

2. Improve property conditions in single family dwellings – applies to Selective Licensing Designation 2

2.1. Measure

- Reduction in housing hazards (cat 1)
- Resolution of Cat 2 hazards
- Number of enforcement activities carried out
- Number of properties inspected annually
- Increase in landlords with inspection programme/insurance/ service repair contracts

2.2. Quantified Measure

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- Designation 2 Reduction in number of Cat 1 hazards in licensable single-family dwellings by 25% over 5 years (in designated areas)
- Ensure compliance with licence conditions and improve property standards in at least 75% of properties
- Inspect 100% of properties over 5 years
- Ensure that at least 80% of licensable properties are licensed over the 5 years

2.3. Baseline

- Predicted 712 properties with Cat 1 hazards in designation 2
- 4,989 SL properties in designation 2

2.4. Actual Target

- 178 properties with Catagory 1 hazards identified and dealt with over 5 years
- Checks and inspections of 3,742 SL properties over the 5 year scheme

3. Improve property conditions in HMOs – applies to Mandatory and Additional licensing schemes

3.1. Measure

- Reduction of Category 1 hazards in HMOs

3.2. Quantified Measure

- Mandatory & Additional HMOs- Reduction in number of Cat 1 hazards in HMOs by 25% over 5 years (in designated areas)
- Check compliance with licence conditions in 100% of properties and improve property standards in at least 75% of properties where improvements are required
- Inspect 100% of properties over 5 years
- Ensure that at least 80% of licensable properties are licensed over the 5 years

3.3. Baseline

- 5,031 HMOs need to be inspected before licences are issued
- 4,342 HMO properties with Cat 1 Hazards

3.4. Actual Target

- 1086 HMO properties with Cat 1 hazards identified and dealt with over 5 years

4. Ensure that the maximum number of licensable properties are licensed – applies to all phase 1 licensing schemes

4.1. Measure

- Increase in licence applications and licences issued
- Monitor compliance against predicted number of licensable addresses

4.2. Quantified Measure

- 80% of licensable properties licensed over 5 years
- Monitor compliance by ward and target communications and enforcement action as required

4.3. Baseline

- Previous schemes: SL 1,305
- Predicted selective licensable properties: add estimate for phase 1
- Current Additional Licensing 2,784
- Predicted additional HMOs 4,531**

4.4. Actual Target

- 5423 selective licences over 5 years
- 3,624 additional licences over 5 years

5. Improve the professionalism of landlords

5.1. Measure

- Number of landlords signed up to the Gold/|Platinum Standard
- Landlord forum programme developed and promoted (50% increase)
- All licenced Landlords invited to sign up for the newsletter during the 5 years

5.2. Quantified Measure

- 90 licensed landlords signed up to Gold /PL over the 5 years
- 4 landlord forums held per year
- 2 renters forums per year
- 6 landlord newsletters per year, sent to 75% of all landlords

Appendix 8

5.3. Baseline

- 2 landlords forums/yr.
- 124 landlords attended consultation event
- 666 landlords signed up for the newsletter
- 20% of landlords signed up actually came to the forum

5.4. Actual Target

- All known landlords invited to sign up for the newsletter over the 5 years
- 4 landlord forums held per year
- 2 renters forums per year

Appendix 9

Gold Standard Charter

Landlord/Managing Agent Commitment

I am:

- A member of (insert name of a recognised landlord's/managing agents association)
- A member of (insert name of accreditation scheme)

I will:

- Take responsibility for the safety of my tenants and my property/properties
- Give clear written tenancy agreements and information packs to my tenants
- Keep my tenants well informed of their rights and available services
- Provide security of tenure for my tenants
- Protect my tenants from illegal or unnecessary eviction
- Charge fair rents and avoid additional charges
- Provide a decent home for my tenants
- Maintain and repair my property/properties to a high standard
- Help tackle climate change by improving the energy efficiency of my property/properties

Gold Standard Charter Plus
(optional Criteria)

- I have signed up to Southwark Council's Finder's Fee scheme to let my property(ies) to prospective tenants identified by the council
  YES/NO (circle as appropriate)

Landlord(s)/Agent Signature:…….....
Date:……
Expiry date ……. (5 Years from date of signature)

Please see the next pages for a full list of the Gold Standard Charter criteria

Appendix 9

Full List of Gold Standard Charter Criteria

As a landlord/agent in the private rented sector operating in Southwark I am/will:

1. Join a recognised landlord's association/representative group or have a housing related professional qualification (landlords) and be a member of an accreditation scheme to help keep up to date with the law and best practice on housing.
2. Have landlords insurance for the building and fixtures, making clear the tenants' need to insure their contents.
3. Advertise my property honestly and in accordance with the law.
4. Place all tenants' deposits in a government-backed tenancy deposit scheme (TDP).
5. Publish any fire risk assessments for my properties online.
6. Accept tenants who are in receipt of Housing Benefits or Universal Credit

For my tenants and their tenancies I will:

7. Provide tenants with a clear written tenancy agreement.
8. Agree meter readings for them to use when the bills are transferred to them.
9. Provide a clear written description of which party is responsible for paying; council tax, utility bills, phone, broadband, satellite TV or other media services and any other regular charges known to affect the letting.
10. Provide information on where the meters are and the location of gas and water valves for emergency purposes as well as details of emergency contacts.
11. Give tenants a pack that includes the following: a copy of the How to Rent: the checklist for renting in England (available from https://www.gov.uk/government/publications/how-to-rent), a schedule of conditions and/or inventory appropriate to the property concerned signed by both parties and including photos, information on local and council services available to the tenant, where to get mediation and tenancy advice, contacts and information regarding the council's Private Renter's Union and information on how to arrange for bulk waste removal.
12. Ensure that tenancy agreements give clear and full information about the responsibilities of both the landlord and the tenant, and of any restrictions.
13. Provide security of tenure by: giving the tenant the choice of a fixed term tenancy of up to five years for security, or a 'periodic tenancy' for flexibility after the initial six or twelve months of the tenancy has ended successfully.
14. Protect tenants against harassment or illegal eviction and not evict tenants without an acceptable reason. For example: *For portfolio landlords:* Tenant's poor conduct, tenant is not occupying the property, tenant has breached the tenancy agreement, rent is in arrears or often late, tenant has a relevant criminal conviction, tenant displays relevant anti-social behaviour, landlord needs to sell or completely refurbish the property, property is to be sold by the lender, where there has been a change in the tenant's status e.g. tenant is no longer an employee of landlord or is no longer a student & property is purpose-built student accommodation, the tenancy cannot legally continue or the landlord has been issued with an over-crowding notice. *For single property landlords (all of the above and the following):* A landlord or family member needs the accommodation for their own use and there are no alternatives (i.e. for financial reasons).

15. Agree to enter into council supported mediation before taking action to terminate tenancies where there are issues with the tenant's behaviour.
16. Increase the notice given for a tenant to leave the property by one month for each year the tenant has lived in the property, up to a maximum of six months.
17. Keep rents and additional costs to a reasonable level by: committing to charging rents which are as reasonable as their financial situation allows (being aware of the effect high rents have on tenants' lives), not using Letting Agents who charge fees to tenants and will not charge any fees to tenants either, ensuring that rent will not be increased more than once every two years, giving three months' notice of any increase in rent, not charging tenants for the renewal of tenancy agreements.
18. Provide the tenant with the chance to carry out a joint inventory inspection at the start and end of the tenancy.

My properties will:

19. Provide a Decent Home (using the Decent Home Standard as a guide) that is: free from Health & Safety Hazards (i.e. Category 1 hazards or significant category 2 hazards under the Housing Health and Safety Rating System, in a good state of repair, has reasonably modern facilities and services, Provided with a reasonable degree of thermal comfort and have an Energy Performance Certificate of D or above
20. Have a planned programme to improve the energy efficiency of the building to achieve and Energy Performance Certificate of B or C, as far as reasonably practicable.
21. Have a planned programme for maintenance and improvements, carried out as far as possible at times which are convenient for the tenant.
22. Have a gas service and repair contract (when there are gas appliances in the property)
23. Have outdoor spaces (where appropriate) that are clean and safe with adequate fencing and paved areas.
24. Have draft proofing to all external doors and windows where necessary.
25. Will be thoroughly cleaned at the beginning of any tenancy, including carpets and flooring, bathrooms and kitchens, and any furnishings and appliances included in the letting.
26. Have walls, floors, ceilings and fixtures which are in a good state of repair, clean and in reasonable decorative order.
27. Have any repairs carried out promptly: emergency repairs - defined as affecting health or safety, e.g. major electrical fault, blocked WC. repair carried out within 24 hours, urgent repairs -defined as affecting material comfort, e.g. Hot water, heating, fridge failure, serious roof leak. Repairs carried out within 5 working days, non-urgent repairs - anything that does not fall into the two former categories that do not affect health and safety or material comfort. Repairs carried out in 20 working days.
28. Landlord's Gold Standard Charter Plus (optional criteria) - I have signed up to the council's Finder's Fee scheme to assist people in housing need in partnership with Southwark's Housing Solutions Department (see website for more details on the schemes at https://www.southwark.gov.uk/home-owners-services/private-home-owners-and-landlords/earn-money-from-your-property)

Appendix 10

Driving Up Standards for the Private Rented Sector

Gold Standard Charter Scheme Process – Final Proposal

19 October 2021

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Appendix 10

Introduction

1. The Gold Standard Charter is aimed at landlords and managing agents letting properties in the private sector. It is a voluntary scheme that rewards landlords and managing agents already providing a good service to tenants and encourages others who provide an acceptable service to improve. We believe the Charter includes standards which provide for a professional level of good practice within the sector above those required by law.

How the Charter will work

2. Landlords and managing agents, who sign up to the Gold Standard Charter and are accepted on to the scheme, will be declaring themselves, publicly, to be responsible and a provider of high standard accommodation and tenancies.

3. Applications to sign up to the Charter will be made online. Checks will then be made by the Council to ensure the applicant is fit and proper (see definition below) and that they are complying with the gold standard charter criteria. The applicant will then be invited to sign two copies of the charter document. The council will keep one copy for its records and the successful applicant will be given a copy and access to the charter logo to use on their documentation.

Note: Fit and Proper test for the purposes of Gold Standard Charter membership - *The council will determine the landlord or managing agents unsuitable to be accepted onto the scheme if :*

(a) a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.
(b) They have committed any offence involving:
- *Fraud or dishonesty (including benefit fraud)*
- *Violence*
- *Drugs*
- *Matters listed in Schedule 3 to the Sexual Offences Act 2003*
- *Or received a caution, informal reprimand or formal warning in respect of any of the above*

(c) Practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in or in connection with the carrying on of any business
(d) Contravened any provision of the law relating to housing or of landlord and tenant law including any civil proceedings in which judgment was made against the proposed member
(e) Acted in contravention of any relevant Approved Code of Practice (including the code of practice issued by the government under section 233 of the Housing Act 2004 relating to the management of HMOs)
(f) Been refused a license under Parts 2 or 3 of the Housing Act 2004 anywhere in England or Wales
(g) Breached the conditions of a licence in England or Wales

(h) Been subject to a HMO Control Order or Management Order in England or Wales. Failed to comply with a housing notice (requiring works etc.) served by a Local Authority in respect of any property currently or previously owned by the proposed member

(i) Been declared bankrupt

4. Members who become 'not fit and proper' during their charter membership will have their membership cancelled and will be barred from applying to the scheme again until such time as they have proved that they have become fit and proper again (at the discretion of the council).

5. Membership would last for 5 years following the date the charter was signed and, upon expiry, members would need to make a new application online to sign up to the charter and renew their membership for a further 5 years.

6. A list of landlords signed up to the charter will be available online and updated regularly. There will also be a reporting tool so that tenants can report their landlord or agent if they are not upholding their charter obligations. Following investigation, if there have been significant breaches, charter status can be removed. The landlord or agent would also be barred from applying to the scheme again until such time as they had provided adequate evidence, to the satisfaction of the council that they were taking all steps to ensure that they could comply with Charter principles in the future.

7. Annual checks will be carried out to ensure members of the scheme are still complying with the Gold Standard Charter Criteria.

8. The council will actively promote the charter through its website, its private sector tenants union, and in partnership with other councils and third sector groups involved with the private rented sector (PRS).

9. The council will provide an information pack for landlords/agents to help them comply with the charter criteria.

10. One of the criteria for achieving the Gold Standard is that members are signed up to a recognised accreditation scheme.

11. Accreditation schemes will only be accepted if;

- The landlord or managing agent can prove that they are current valid members and
- The scheme includes an initial training session and a minimum amount of continuous professional development to remain a member.

12. Example of acceptable schemes include:

- London Landlord Accreditation Scheme (LLAS)
- Private Rented Sector Accreditation Scheme (PRSAS)
- National Landlords Association (NLA)
- Residential Landlords Association (RLA)

- Association of Residential Letting Agents (ARLA)
- National Approved Lettings Scheme (NALS)
- Private Rented Sector Accreditation Scheme (PRSAS)
- UK Association of Letting Agents (UKALA)
- Safeagent

13. One of the main benefits of becoming a Gold Standard Charter member is a discount on any property licensing fees incurred within the borough.

14. Property licensing fees will be split into two payments, Part A and Part B. On application the Part A fee is charged to cover the cost, to the council, of processing the application. If the application is successful a further fee (Part B) will be charged before the full licence is issued. This second fee is to cover the cost, to the council, of enforcing the licence. A discount of 50% on this (Part B) licensing fee will be given to all landlords who have signed up to the Charter. A Gold Standard Charter landlord or managing agent will be providing a higher standard of property and tenancy than they are legally required to and as such are more likely to be compliant with the conditions of their licence. The council therefore considers that the cost of enforcement should be less than that of any other landlord or managing agent. The council may recharge any discount to fees if the landlord or managing agent has their charter status removed following breaches in compliance as mentioned in point 6 above.

15. Gold Standard Charter Landlords who sign up to the Council's Finder's Fee scheme qualify for an additional discount and will not be required to pay Part B of the licensing fee (details given below). This additional discount is in recognition of the assistance the landlord will be providing to the Council in helping people in housing need in partnership with Southwark's Housing Solutions Department. Landlords who sign up to one of the schemes must accept the current Local Housing Allowance rate as the rent for the property. No shortfall of the rent payment is allowed to be made by the tenant.

The finder's fee scheme

16. The finder's fee scheme is a free tenant finding service. The council finds a choice of tenants for the property and offers an incentive payment and rent.

    Scheme includes:
    - cash incentive
    - the possibility to choose the tenant that suits you
    - a fast service - if you are ready to let, we can send tenants to you the same day
    - a no fees or charges service

17. If a landlord or managing agent's membership to the Charter expires, at the end of the 5 year membership period, before the expiry of the licence and they do not apply to renew their membership successfully within three months of expiry of their membership, the council can recharge the discount on a pro rata basis for the time period of the licence that is not covered by the charter membership.

18. The Gold Standard Charter discount can be applied if the licence holder is not a Gold Standard Charter member but the managing agent of the licensable property is. However, if the licence holder changes their managing agent for the property during the period of the licence they must ensure that; the new managing agent is signed up to the Gold Standard Charter or, repay the discount, pro-rata, for the period of time the property is being managed by an agent who is not a Gold Standard Charter member.

19. Discounts will not apply to properties where the council has issued a warning letter regarding an unlicensed licensable property. This also applies where a licence has expired for more than 3 months before a new application has been received. The landlord or managing agent's membership to the Gold Standard Charter will also be reviewed and may be cancelled.

20. Discounts will not apply to landlords who have signed up to the Finder's Fee scheme but not the Gold Standard Charter.

21. The Gold Standard Charter scheme and criteria will be reviewed 18 months after the start date of the scheme and will be reviewed every 18 months thereafter. The review will look at the effectiveness and success of the scheme and make any changes necessary to the criteria, discounts and process.

Other Benefits for the Landlord

22. By complying with the Charter criteria landlords will offer longer tenancies guaranteeing regular rental income, saving on costs of cleaning and advertising the property for rent, and periods of no rental income.

23. Members will also be invited to take their place on a regular forum for consultation on future PRS policy and receive invitations to our landlords' events (which count towards their CPD hours for accreditation).

24. There will be tenancy/legal advice available from the council if they are having issues with a tenant and fast track help for any property licensing issues.

25. When bigger problems arise mediation supported by the council will be available to help resolve issues between landlords and tenants. This will help landlords to avoid costly court proceedings for eviction.

Benefits to the Tenants

26. Protects tenancies with a choice on the length of tenancy agreement to suit their needs.

27. Protects tenancies with mediation supported by the council to help resolve issues between them and their landlord to help prevent eviction.

28. Predictable rents for the duration of their tenancy and more advanced warning should the landlord need to increase the rent.

Appendix 10

29. A safe clean secure home which meets the Decent Homes Standard.

30. Repairs and other issues dealt with appropriately and in a timely manner.

31. A single direct point of contact for housing enforcement and tenancy relations services if they have any concerns about their property or landlord.

32. An insulated home to help escape fuel poverty.

APPENDIX 11

Private Rented Property Licensing in Southwark

Evidence for consultation 2021



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1. Glossary

Term	Meaning
Socially rented	Homes rented from the council or a housing association
Privately rented	Homes rented from a private landlord
Private rented sector (PRS)	The portion of housing in the borough that is rented from private landlords
Category 1 hazard (Cat 1 hazard)	A serious or immediate risk to a person's health and safety that is related to housing
Category 2 hazard	A less serious or less urgent risk that can still be regarded as placing the occupiers' health, safety and welfare at risk
Housing Health and Safety Rating System (HHSRS)	A government prescribed system that rates housing hazards based on their risk to occupiers' health, safety and welfare
Designation	A geographical area chosen for licensing based on evidence
Deprivation	Living on low income and not having the money to pay for some basic requirements.
Indices of Multiple Deprivation	A dataset produced by the government to give a relative value to how deprived an area is, compared to the rest of the country.
Barriers to housing and services	One of the government's measures of deprivation. It combines measures relating to housing affordability, overcrowding and homelessness.
Antisocial behaviour (ASB)	Behaviour related to a rented property that causes annoyance and irritation to neighbours and the community. Most commonly noise, litter and waste.
Selective Licensing	A local scheme which requires landlords to have a licence to legally let their property to a family or two sharers
Additional HMO Licensing	A local scheme which requires landlords to have a licence to legally let their property to three or four sharers
Mandatory HMO Licensing	A national scheme which requires landlords to have a licence to legally let their property to five or more unrelated sharers.

2. Executive Summary

The growth of the private rented sector (PRS) in Southwark has been accompanied by an increase in related housing problems. Rising rents have had a huge impact on affordability and this in turn has led to overcrowding, tenants being made homeless and a deterioration in property conditions. This situation has been made much worse by the pandemic, with overcrowding responsible for increases in the rate of virus transmission and a huge increase in homeless referrals due to financial issues.

The council is committed to improving the management and condition of privately rented properties in the borough. The recently revised Housing Strategy lays out some of the plans the council has to support residents with their housing needs, including those in the PRS. Around 43,000 homes in the borough are privately rented. Whilst the majority of these are well maintained and safe, there is a growing minority that are sub-standard and dangerous. Even well-meaning landlords may not always be up to date with the latest legal and safety requirements. These properties not only endanger the health, safety and wellbeing of tenants, but cause issues with neighbours and end up requiring many interventions from already stretched council teams. The council needs to use all the tools it has to improve the situation for tenants renting properties in this sector. Licensing is a vital part of this.

The council wants to build on the successes of its previous licensing schemes to help as many tenants renting in the private sector as possible. The evidence for these schemes was gathered in late 2019 and the consultation was due to have been carried out in early 2020. Due to the pandemic, this had to be paused. Despite this small delay the evidence is still relevant as it reflects:

- the relative proportions of rented properties; this will not have changed significantly over the period
- the condition of rented properties; this has only been made worse by the pandemic, due in part to landlords not being able to access their properties and also to more people being confined to their homes during lockdowns
- trends in deprivation; these have not got better over this period and have become even more relevant since the pandemic
- incidences of ASB; reports have increased hugely across all wards since the pandemic.

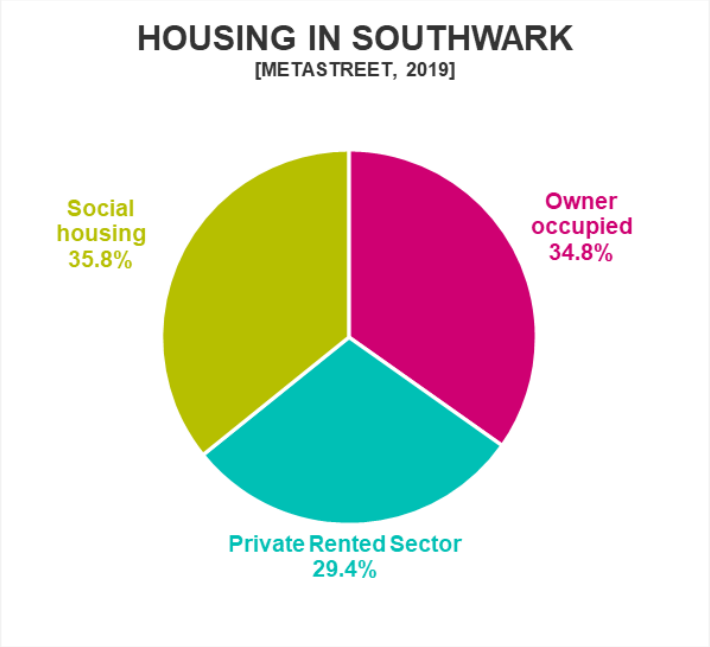
The pause during the first lockdown gave council had the opportunity to reflect on the changing needs of the sector and formulate an approach that will help to target improvements where they are needed across the borough. The best way to do this is by renewing the borough-wide additional HMO scheme and increasing the geographical area of the selective scheme.

The council would first like to introduce selective licensing to two small areas to deal with ASB and poor property conditions. Depending on the feedback from this consultation, these two designations could be implemented later this year and will allow the council to deal with some of the most urgent housing issues in the borough. This first phase will act as a pilot, and, if successful, two further areas could be added. This larger area would need to be confirmed by the Secretary of State at MHCLG as the scheme would then cover over 20% of the privately rented homes in the borough.

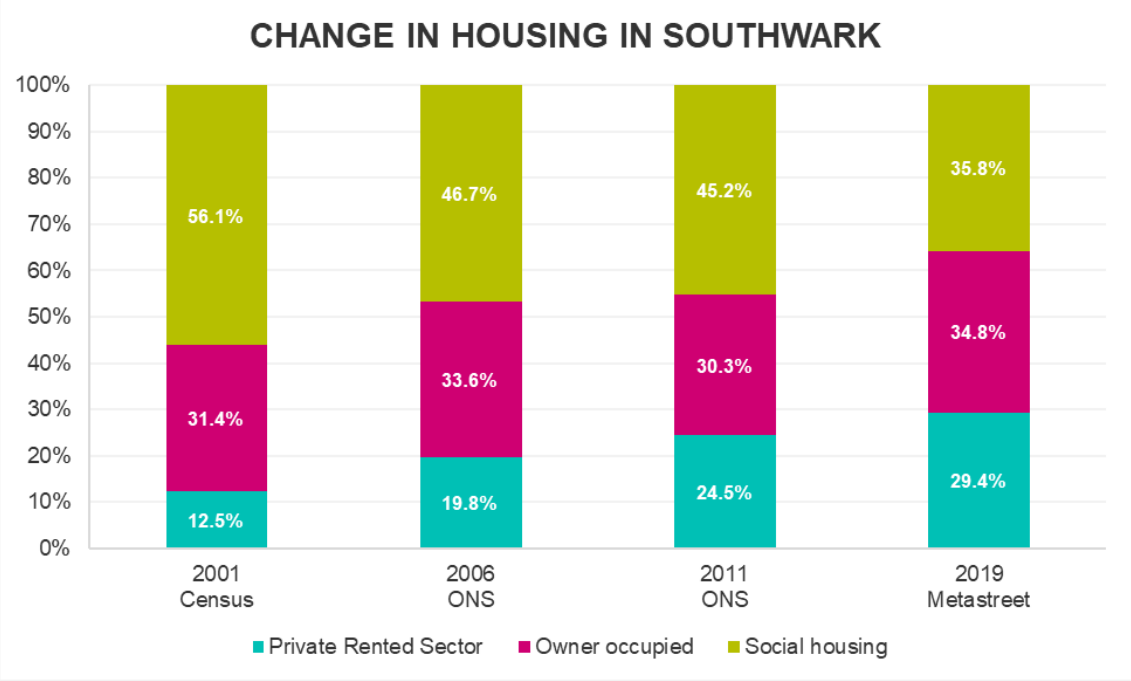
As part of the holistic view of the PRS, the council is also planning to implement a Landlord's Gold and Platinum Standard Charter. It is an opportunity to recognise landlords who already provide a better service than the one required by law, whilst encouraging other landlords to achieve a higher standard. It will also give tenants a better idea of the standard of accommodation that they should be offered. The council also intends to set up a Renters' Union which will provide a collective platform for renters. It will campaign for renters' rights and improved legal protections, ensuring this growing part of the borough's population has a voice.

3. The private rented sector in Southwark

Southwark is a diverse and vibrant borough which has historically provided social housing to many residents. This has changed significantly over the last 20 years and now privately rented properties form nearly a third of all housing in the borough.

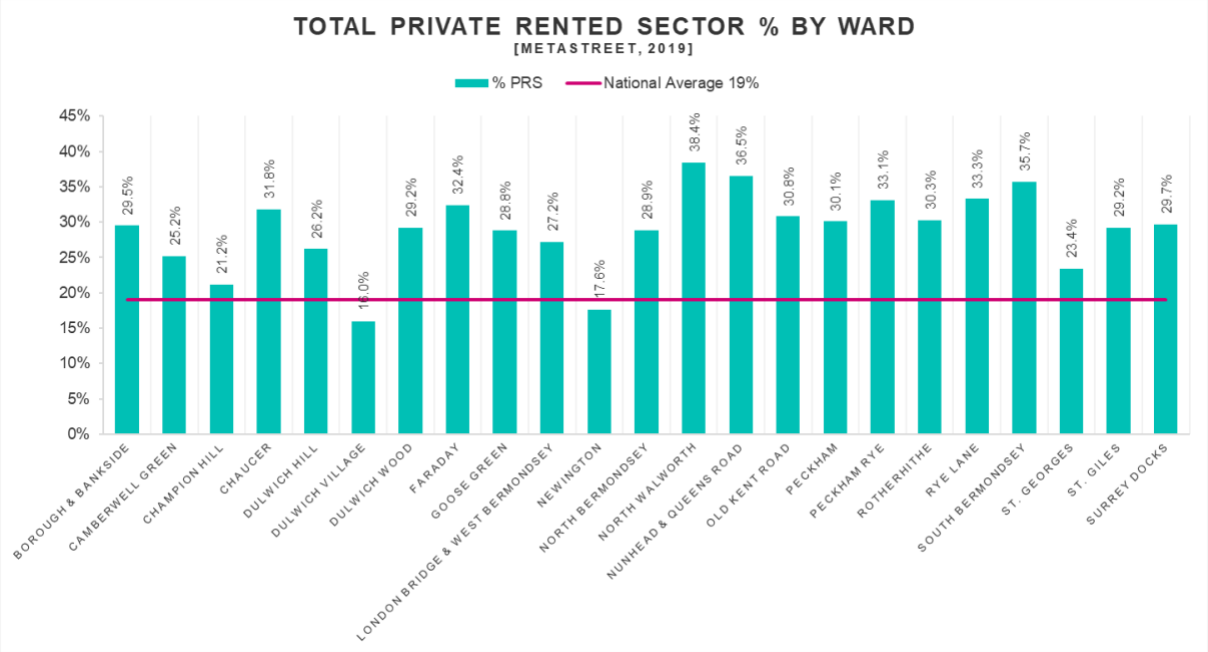


The private rented sector (PRS) in Southwark has grown steadily from 12.5% in 2001[1] to 29.4% in 2019[2].

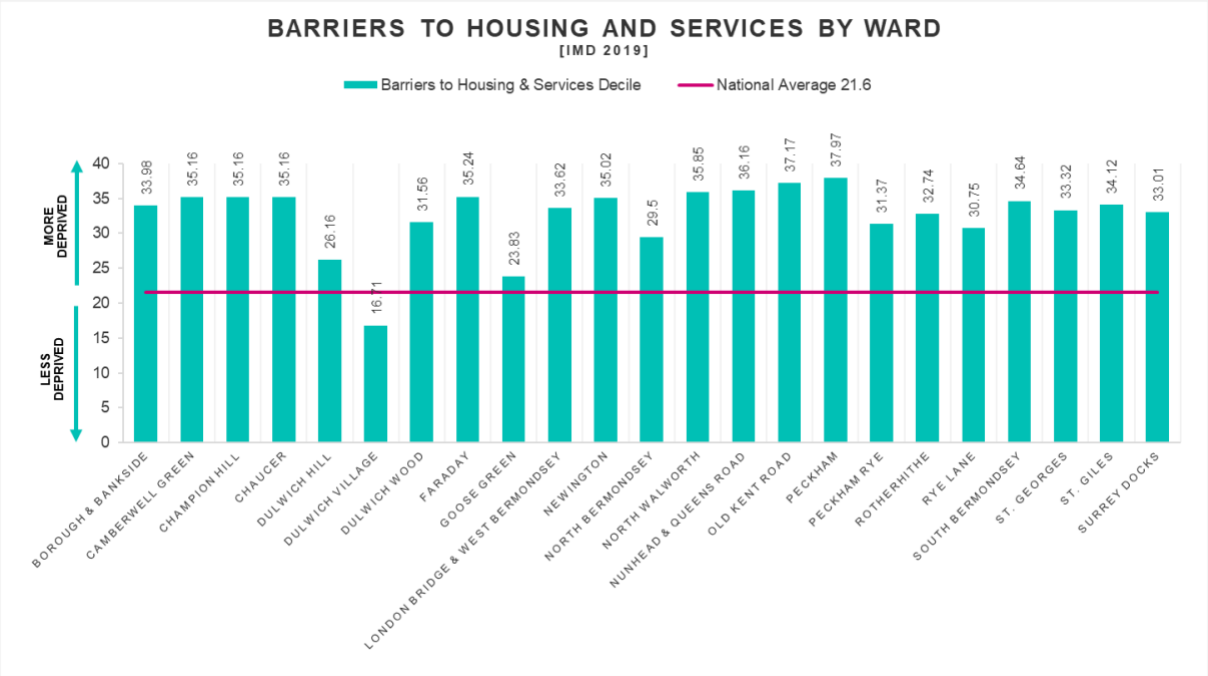


[1] https://data.london.gov.uk/dataset/dwelling-stock-tenure-and-condition-borough
[2] Housing Stock and Stressors Report, Metastreet, 2019

The PRS is spread across all 23 wards in Southwark.



One of the major changes to the PRS across London over the last 20 years has been the increase in rent. This has resulted in problems with residents being able to afford and access decent, affordable housing. This problem is worse in Southwark due to its central location. According to one of the government's measures of deprivation, 'Barriers to Housing', Southwark is now one of the most deprived boroughs in London. This measure relates specifically to housing affordability, overcrowding and homelessness. Every ward in the borough, with the exception of Dulwich Village, is more deprived than the London average.



A recent independent survey has provided insights about the presence and distribution of a range of housing factors in the borough[3]. The main finding was that poor housing conditions are widespread in the PRS. 8,497 privately rented properties in the borough are predicted to have at least one serious housing hazard. Housing hazards are rated by severity. A category 1 hazard is a serious or immediate risk to a person's health and safety. A significant category 2 hazard, although less serious or less urgent, can still be regarded as placing the occupiers' health, safety and welfare at risk. These are defined in the Housing Health and Safety Rating System (HHSRS) in Part 1 of the Housing Act 2004.

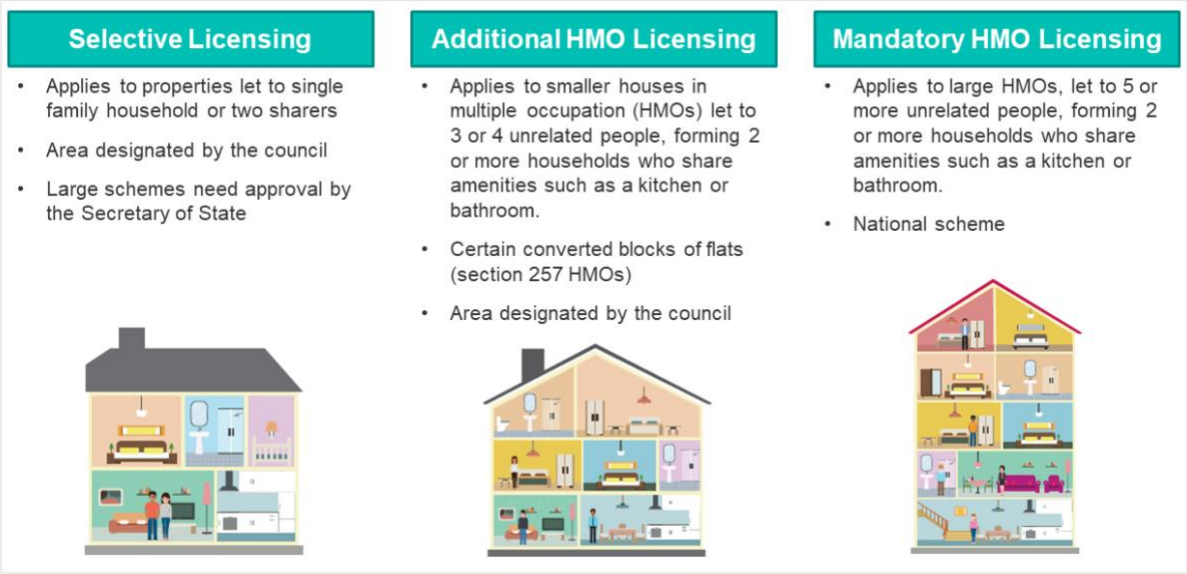
Data from inspections by the council's Housing Enforcement team showed that 47% of the properties inspected had a serious hazard. This is much higher than the national average of 13% and is possibly related to the age of properties in particular wards in the borough. Wards with a majority of older properties tend to have more hazards such as excess cold, fire & electrical issues, damp and mould.

[3] Housing Stock Condition and Stressors Report, Metastreet, 2019

4. Property licensing schemes

Property licensing allows the council to improve the condition and management of privately rented properties. This helps to make renting in the private rented sector safer and fairer for tenants.

There are three types of property licensing schemes operating in England:



5. Licensing schemes in Southwark

London Borough of Southwark's previous selective licensing and borough-wide additional licensing schemes ran for five years from January 2016 to December 2020. The current mandatory HMO licensing scheme has been in operation since April 2006 and the council is required to run it by law.

Licensing schemes required landlords letting privately rented properties in the designated areas to hold a licence and comply with the licence conditions. The council has worked collaboratively with landlords to make sure these requirements are met. The council has carried out enforcement actions when needed to raise standards. Whilst these schemes have enabled the council to begin to make real progress in raising standards in the private rented sector, there is still much more to do.

1.1 Results of the previous licensing schemes

The borough-wide mandatory HMO licensing scheme received 695 applications. These higher risk HMOs are inspected before a licence is issued.

The additional HMO licensing scheme has made significant steps towards improving the condition and management of smaller HMOs in the borough and the council is keen to continue this good work. Applications for licences were received for 3,156 properties. HMOs are inspected before a licence is issued, ensuring the quality and safety of the properties for renters.

The selective licensing scheme covered only a few key trunk roads in the borough. It was a relatively small scheme with 1,940 licence applications received. The experience of running the scheme has highlighted that the issues in single family dwellings are not limited to the streets covered in this scheme but a much broader range of addresses across the borough. This is clearly demonstrated by the fact that of the 8,497 rented properties predicted to have a housing hazard in the borough[4], only 918 (11%) of them are in the streets covered by the previous selective licensing scheme. 3,755 properties predicted to be single family dwellings with a housing hazard would not have been covered by the last selective licence scheme.

All schemes have a set of licence conditions attached to the issuing of the licence. The licence conditions deal with issues such as fire safety, permitted occupancy and other issues that affect the health and welfare of tenants. These conditions were checked as part of the licensing process. Following these initial checks, the council carried out targeted and random inspections during the lifetime of the schemes to ensure ongoing compliance and that landlords were making necessary improvements to property conditions.

[4] Housing Stock Condition and Stressors Report, Metastreet, 2019

Property Licensing	Selective licence applications received	1,940
	Additional licence applications received	3,156
	Mandatory licence applications received	695
Enforcement Activities	Informal notices served for hazards under HHSRS	451
	Formal notices served for hazards under HHSRS	313
	Formal notices under minor provisions (not Housing Act 2004/HHSRS)	227
	Housing offences prosecuted	168
	Number of landlords prosecuted for non-compliance	35
	Civil Penalties (including intentions to serve)	5
	Confiscation order following a prosecution for housing and trading standards under the Proceeds of Crime Act	£55,373

Compliance study

Between January 2016 and May 2018, the council carried out a compliance study into the condition of licensable properties. Inspections were carried out once a licensing application was received. Any issues or hazards found at the property were recorded and measured using the housing health and safety rating system (HHSRS).

The majority of properties assessed in this study were from landlords who came forward voluntarily to apply for a licence. These landlords are some of the most responsible in the borough and, as a result, their properties are of a higher standard than those that are discovered by the council's Housing Enforcement team.

For additional licensing - 1,475 properties were inspected during the study and officers found:

- 19% had no hazards
- 34% had at least one category 1 hazard
- 53% had at least one category 2 hazard

For selective licensing - 476 properties were inspected during the study and officers found:

- 59% had no hazards
- 13% had at least one category 1 hazard
- 32% had at least one category 2 hazard

The results of this study show that licensing allows the council to identify poor and dangerous housing conditions. Despite this group of landlords being some of the most responsible in the borough, they continue to have properties that are hazardous, need improvement or do not meet the current regulations. Over half of additional HMOs, and a third of selective licensing properties have a hazard that would put the occupier's health, safety or welfare at risk.

Inadequate fire safety arrangements accounted for the majority of the hazards found. This ranged from the lack of a smoke alarm in a single-family property to a missing or defective full fire alarm system in an HMO.

Properties owned by landlords who have deliberately evaded the licensing schemes are often doing so in order to operate under the radar. This allows them to cover up evasion in other areas such as unpaid tax on rental income, unpaid Council tax, fraudulent housing benefits claims, illegal immigration and even slavery[5]. Their properties are also much more likely to have hazards. Bringing landlords into the framework of licensing schemes shines a light on these other areas and can bring them into compliance in multiple areas.

It was clear from running these schemes for the past five years that licensing allows the council to work proactively with landlords and tenants. Licensing provides clear conditions for landlords to comply with and promotes an improvement in property conditions through better, effective management. Licence conditions can be enforced against much more effectively and quickly than using other powers available to the council, such as Part 1 of the Housing Act (2004). Formal action under Part 1 is generally a slow process with appeals allowed most types of notices. This can significantly delay the time period for compliance.

Case study: suspected people trafficking and slavery, failure to license, safety issues (Peckham ward)



An immigration officer alerted the Housing Enforcement team after visiting a property to investigate allegations of people trafficking and slavery. The immigration officer was concerned about the conditions in the property and made an immediate referral to the council team.

The council obtained a warrant to enter the two-storey bedsit, which was occupied by at least 14 people. The severe overcrowding and lack of fire precautions (there was only one battery-operated smoke alarm in the entire property) made it extremely dangerous.



The property was unlicensed, and the owner claimed it was not an HMO as the occupiers were all his workers, living at the property for free. However, the council received evidence of rent payment from one occupier and a witness statement from another. This stated that the owner pressured them to lie and say they were an employee and not paying rent. The landlord was pressuring them to pay more rent.

Outcome: The landlord was prosecuted for failing to license and other HMO management offences, including serious fire and electrical safety issues.

[5] Dealing with Rogue Landlords, P6, DCLG, 2012

6. Proposed additional HMO licensing scheme

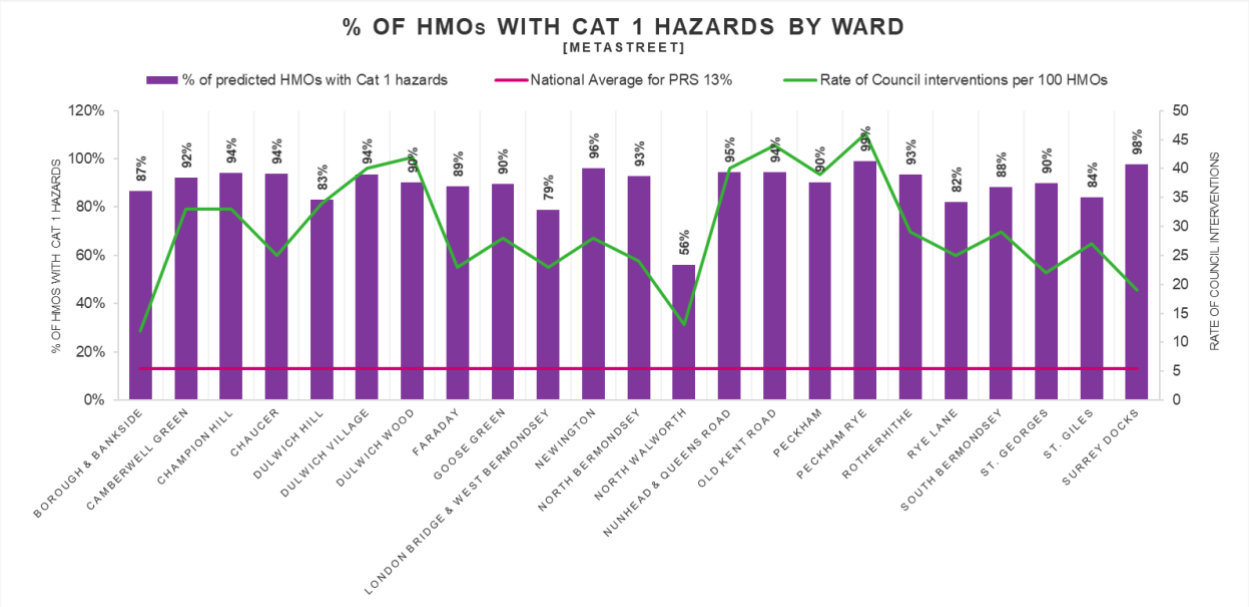
The council is proposing a further five-year additional HMO licensing scheme. It will apply to all HMOs in the borough that aren't currently covered by the government's mandatory HMO scheme. This includes smaller rental properties with three or four unrelated people, forming two or more households who share amenities such as a kitchen or bathroom. It also includes certain converted blocks of flats known as section 257 HMOs.

The reason for this proposed scheme is that the council believes that a significant proportion of these properties are not being managed effectively and they are likely to give rise to problems for those living them. The council has evidence that a significant number (86.3%) of these properties have hazards that could endanger the health, safety and welfare of their inhabitants. HMOs are at a higher risk of the most serious hazards (category 1) and in Southwark these are usually fire, disrepair and overcrowding issues.

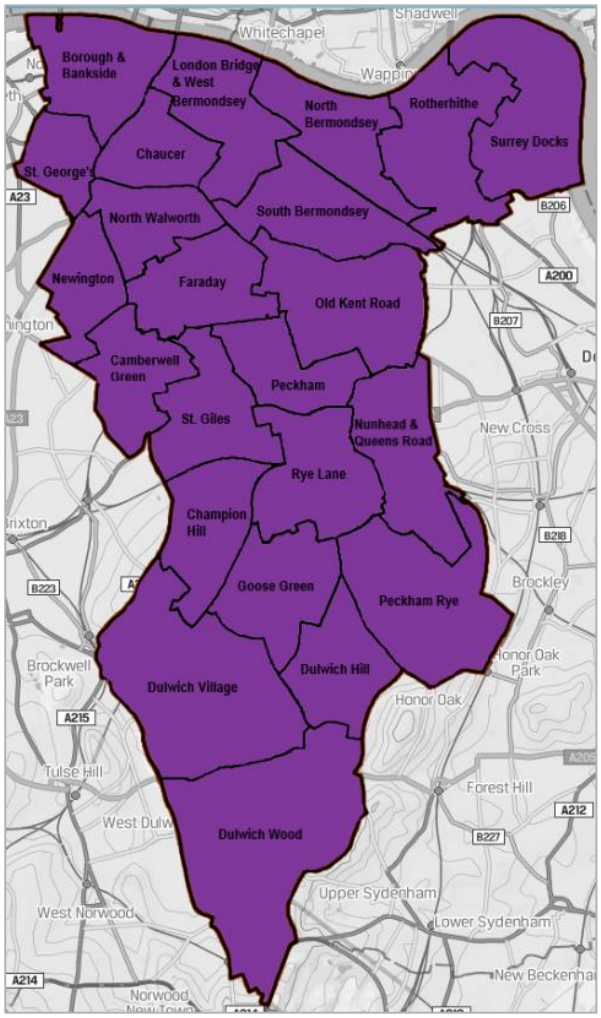
The existence of a hazard indicates that landlords are not regularly inspecting their properties, responding to the complaints of tenants or keeping up to date with the regulations regarding renting out their properties; all indicators of ineffective management.

From the experience of officers, tenants often complain to the council about problems where they are living as they don't know who is responsible for dealing with the issue. This is particularly an issue in HMOs.

During the last scheme there were 2,922 council interventions at properties with an additional licence. These were as a result of a range of issues; from tenants complaining about poor conditions to neighbours complaining about ASB issues. This does not only represent a significant proportion, but the majority of properties that fall under this scheme.



Map of the proposed additional licensing scheme



1.2 Proposed conditions

It is proposed that all of the conditions attached to the additional licensing scheme are the same as those attached to the mandatory licensing scheme. There is one exception; the antisocial behaviour condition, will not apply as this did not form part of the evidence for the scheme.

In some circumstances, where the council believes there are specific issues for a particular property that are not covered in the licence conditions, extra conditions can be added.

The proposed additional HMO licence conditions are on the council's property licensing web page.

1.3 Proposed licence fee

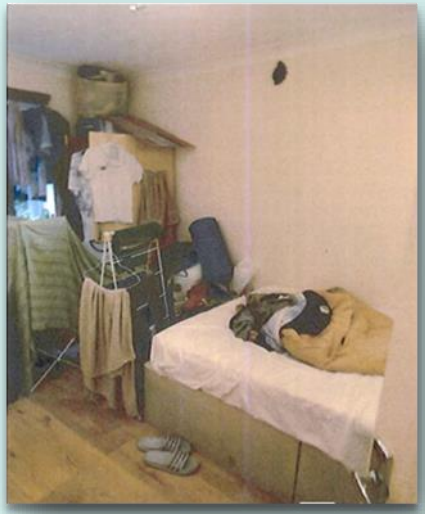
The proposed fee is £1,300. This is a flat fee and is a change from the 'per bedroom fee' under the current scheme.

The council is required to split the fee into two payments. The initial part of the fee is charged to cover the cost of processing of the application. If the application for a licence is successful a further fee will be charged before the full licence is issued. This second fee is a contribution to the other costs incurred by the Council in running the licensing scheme, such as enforcement of licences. The actual split will be determined following the consultation.

Case study: Fire safety issues and failure to license (South Bermondsey ward)

The Housing Enforcement Team found out about this unlicensed property while investigating another house owned by the same landlord. The landlord had previous housing-related convictions for negligence in another London borough.
When officers inspected the property, they found it didn't meet the required fire safety standards for an HMO. There were no smoke detectors, secure fire doors or protected escape routes to help tenants if there was a fire.

Outcome: The landlord was prosecuted for failing to license and other HMO management offences, including serious fire issues.



7. Proposed selective licensing scheme

Southwark is a diverse borough with various housing issues related to the PRS. There is evidence of poor housing in most wards, which often makes other issues worse, such as ASB and deprivation.

The council has been truly selective in proposing the areas for this licensing scheme. Thorough evidence gathering and research has been carefully carried out to ensure that the most severe problems in each ward can be dealt with. All properties in the designated areas that are rented to single families (or two sharers) will need to have a licence to be legally let.

The council is proposing a five-year scheme made up of four proposed designations to be implemented in, potentially, two phases. The first phase has two small designations (designations 1 and 2) covering a total of five wards. The size of these designations, which affect less than 20% of the geographical area of Southwark and less than 20% of its privately rented housing, means they can be agreed locally by the council's cabinet and could be brought in by the end of 2021. This phase allows the council to deal with the worst ASB and poor property conditions as soon as possible.

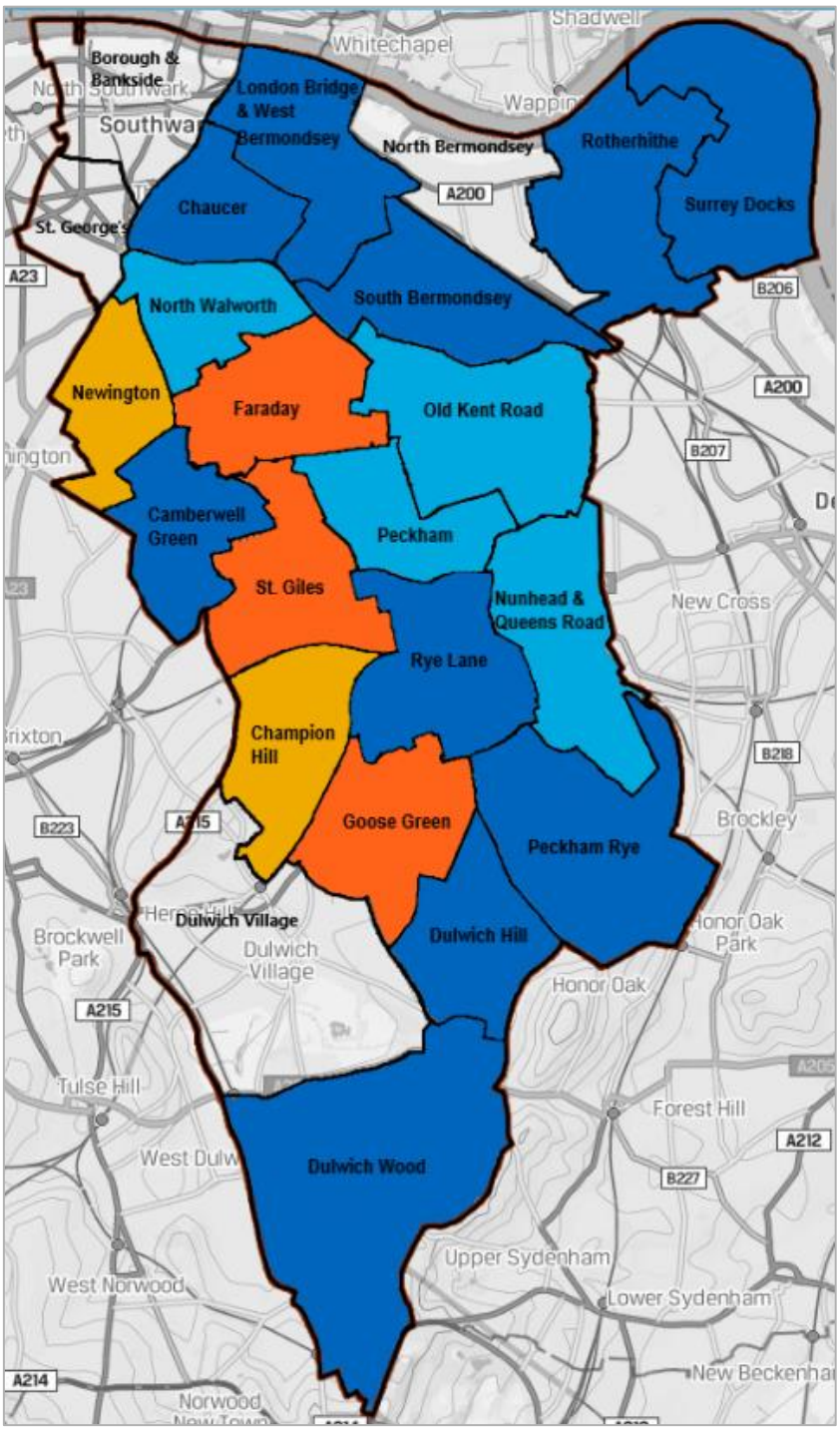
This first phase (designations 1 & 2) will act as a pilot to assess the effectiveness of the new ward-based approach to selective licensing. After six months, if it is successful, permission will be sought for phase 2 (designations 3 & 4).

Due to their size, after being agreed by Southwark Council, these designations would need confirmation by the Ministry of Housing, Communities and Local Government (MHCLG). If approved, these could be introduced in 2022.

PHASE 1: 2021		PHASE 2: 2022	
Designation 1: Very high, repeat ASB	**Designation 2: Poor property conditions**	**Designation 3: Deprivation & poor property conditions**	**Designation 4: Poor property conditions**
Wards: Newington Champion Hill	**Wards:** Faraday Goose Green St. Giles	**Wards:** North Walworth Nunhead & Queens Road Old Kent Road Peckham	**Wards:** Camberwell Green Chaucer Dulwich Hill Dulwich Wood London Bridge & West Bermondsey Peckham Rye Rotherhithe Rye Lane South Bermondsey Surrey Docks

All the designations are subject to change as a result of this consultation and the council welcomes input into the scheme.

Map of the selective licence scheme designations



Designation	Criteria
1	Very high, repeat ASB
2	Poor property conditions
3	Deprivation and poor property conditions
4	Poor property conditions

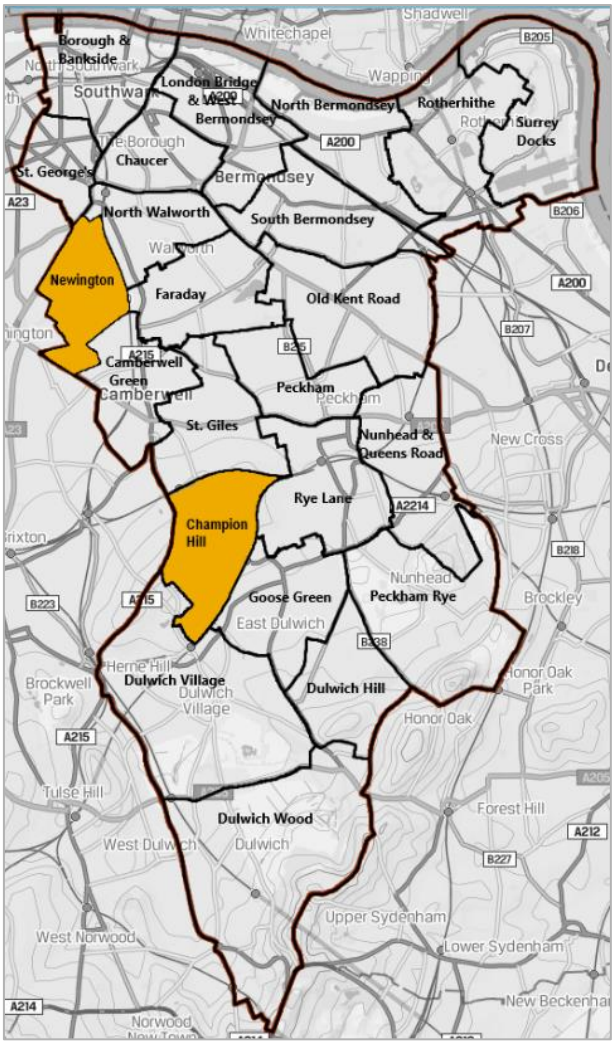
Data summary for the borough

		Designation Criteria			
Designation	Wards	% PRS above the national average	Significant and persistent ASB	Poor property conditions	Deprivation
	Borough & Bankside				
4	Camberwell Green	✓		✓	
1	Champion Hill	✓	✓		
4	Chaucer	✓		✓	
4	Dulwich Hill	✓		✓	
	Dulwich Village				
4	Dulwich Wood	✓		✓	
2	Faraday	✓		✓	
2	Goose Green	✓		✓	
4	London Bridge & West Bermondsey	✓		✓	
1	Newington		✓		
	North Bermondsey				
3	North Walworth	✓		✓	✓
3	Nunhead & Queens Road	✓		✓	✓
3	Old Kent Road	✓		✓	✓
3	Peckham	✓		✓	✓
4	Peckham Rye	✓		✓	
4	Rotherhithe	✓		✓	
4	Rye Lane	✓		✓	
4	South Bermondsey	✓		✓	
	St. Georges				
2	St Giles	✓		✓	
4	Surrey Docks	✓		✓	

1.4 Designation 1: Antisocial behaviour (ASB) (phase 1)

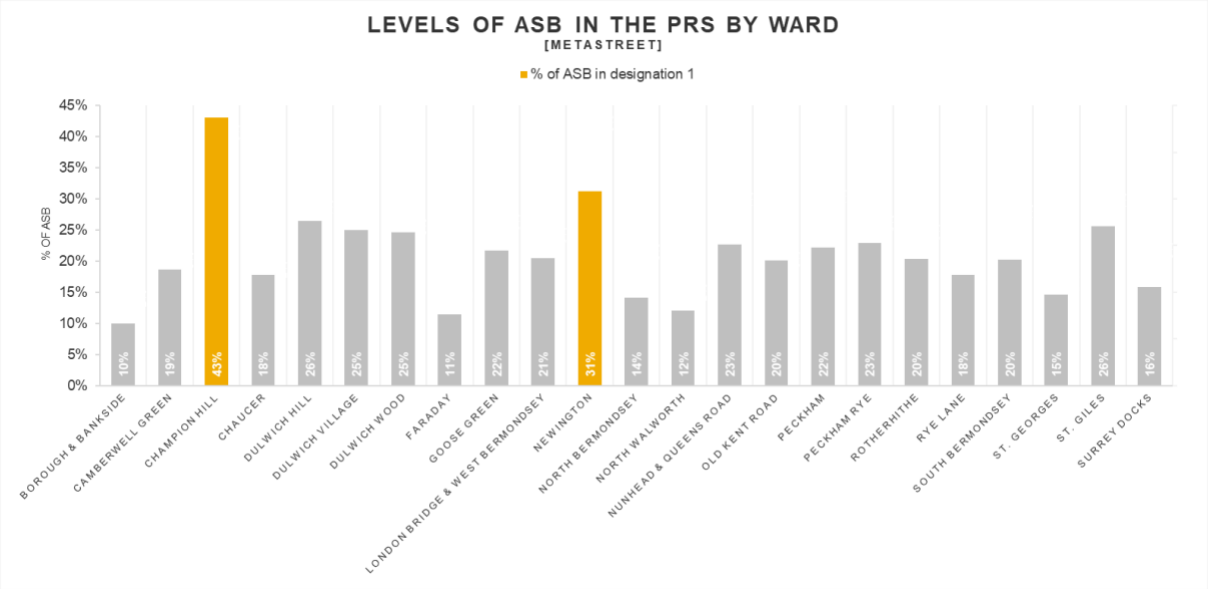
Which areas are included in this designation?

Newington and Champion Hill are the two wards included in this proposed designation. These wards have the highest levels of ASB connected to the PRS compared to all other wards in the borough.



What is the evidence of ASB in the private rented sector in this area?

In these two wards alone, there were 755 complaints of ASB over a five-year period. The majority of the complaints were around noise and rowdy behaviour. Once a complaint is received and verified as being in a property that is privately rented, the Housing Enforcement team is notified. The landlord is informed of the issue by letter. These properties have required over 800 interventions, representing a huge drain on council resources. 137 properties in these wards needed repeat interventions, showing that some landlords are failing to take the appropriate action to deal with ASB in their properties.



How will selective licensing deal with ASB in the designated area?

The council has been using an informal approach to deal with ASB in privately rented properties. This has included writing to landlords to inform them of the behaviour of their tenants and working with landlords to resolve the issues. The previous selective licensing scheme was not in operation in these wards.

A new selective licensing scheme in these wards would give the council greater information and powers to deal with the properties that cause such a problem for neighbours and the community.

A designation of these two wards would allow the council to work proactively with the landlords and owners of the properties to prevent ASB and, where necessary, deal with ASB in their properties. The licence conditions will clearly state the responsibilities of landlords to prevent and also deal with any ASB that arises. There will also be guidance and support for landlords on how to manage tenants who are causing ASB. Information for tenants about their responsibilities about causing ASB will also be available.

The selective licensing scheme in the borough would support a new ASB officer post to specifically deal with ASB in the PRS. This officer would be part of Southwark's antisocial behaviour unit team (SASBU) but would have specific responsibility for repeat complaints in the PRS. The multi-agency team is made up of local Police, UKBA, the Fire Service, as well as representatives from other council departments including Trading Standards and Planning. They meet weekly, share intelligence and work together to try and resolve ASB. Having a specific person on the team to deal with the PRS should lead to a reduction in ASB in the area.

Since 2014, the SASBU team has dealt with 267 complaints about ASB in privately rented properties. These complaints range from crack houses, brothels and cannabis factories to harassment of neighbours and issues with aggressive dogs.
Noise complaints are dealt with by a different team and in the same period there were 261 noise abatement notices issued against properties that were privately rented.

The proposed selective licence conditions for designation 1

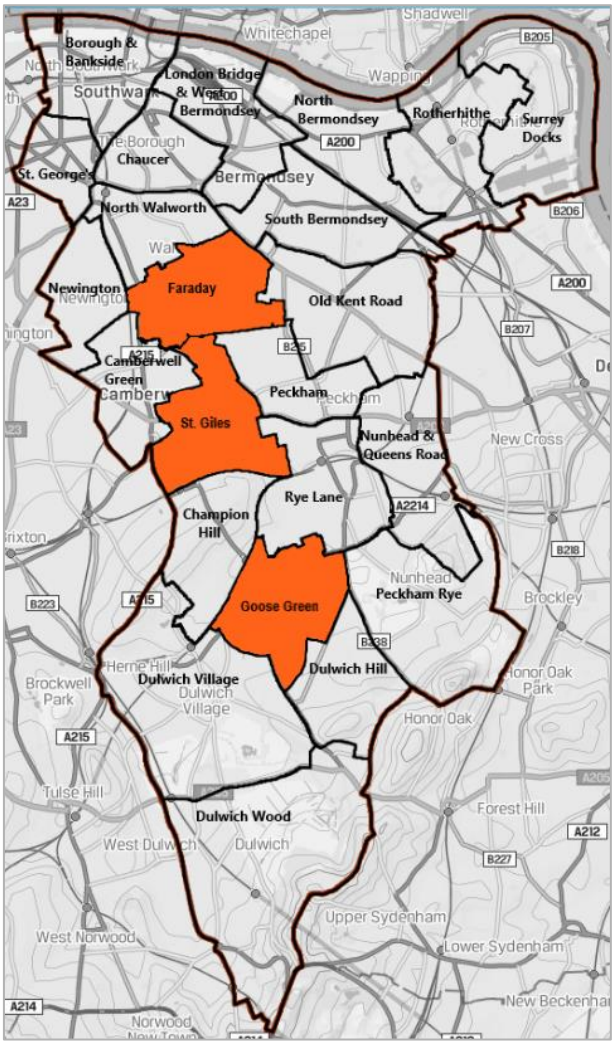
As designation 1 is based on ASB there are specific, discretionary licence conditions relating to ASB. These licence conditions form part of the consultation and the council welcomes any views on them.

The proposed licence conditions for designation 1 are on the council's property licensing web page.

1.5 Designation 2: Poor property conditions (phase 1)

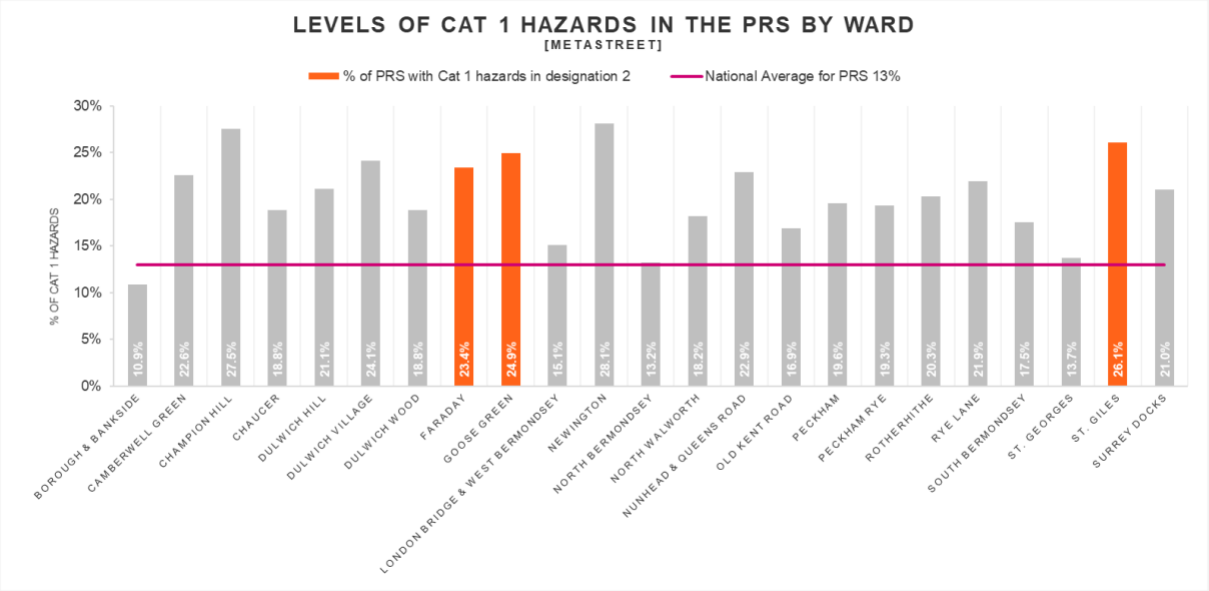
Which areas are included in this designation?

Faraday, Goose Green and St. Giles wards are included in this designation. These wards have some of the worst property conditions in the borough's PRS.



What is the evidence of poor property conditions in this area?

A study was carried out to predict the number of PRS properties in the borough and whether these properties are likely to contain any category 1 hazards. The three wards in this designation have some of the highest levels of category 1 hazards in the borough, 23.4%, 24.9%, and 26.1% respectively, around double the national average of 13%.



Overall, in these three wards, there are 1,451 properties in the PRS that are predicted to have category 1 hazard. A significant number of these would need to be inspected to ensure tenant safety.

In addition, these wards have a high proportion of properties in the private rented sector (above the national average of rented properties) and are occupied under assured shorthold tenancies, as this is the most common/default tenancy found in Southwark.

How will licensing deal with poor property conditions in the designated area?
Under the previous selective licensing scheme, the number of hazards found in licensed properties was much lower than the predicted levels in unlicensed properties. In 476 properties with selective licences inspected by officers, only 13% had category 1 hazards. This compares to nearly double that (23-26%) in the unlicensed properties in these three wards. This is almost certainly due to the fact that many of the licensed properties had been previously inspected by the council and landlords had made the necessary improvements to their properties.

The designation of these three wards will allow the council to start dealing with some of the worst property conditions in the borough. This designation is in phase 1, which could be brought in by the end of 2021.

There will be clear licence conditions relating to the standard and management of rented properties in the area. Higher risk properties will be prioritised for inspection by officers to check for hazards and compliance with licence conditions. The council will take enforcement action (under Part 1 of the Housing Act), where necessary, to improve poor property conditions.

It is much easier to rectify property issues under the legal framework of the licensing scheme and when the landlord and other property management companies are known to the council. Landlords who fail to licence their properties could receive a civil penalty for failure to licence.

Information and support on the professional management of properties will be available to landlords through the council's web site and landlord forums (in person and online). The licence conditions relating to the management of the properties will help ensure that properties are properly managed to prevent further deterioration.

The council will work with landlords to address poor property conditions and help them to comply with the licence conditions in these wards.

The council will also continue to work with the London Fire Brigade, Home Office, Police, HMRC and the Gang Masters and Labour Abuse Authority, as well as additional council departments, to identify properties that need improvement.

In the previous scheme, this co-working resulted in an increase in prosecutions of rogue landlords to 28 over the last two years of the scheme. This can largely be attributed to the increased and efficient intelligence sharing within the group.

The proposed selective licence conditions for designation 2

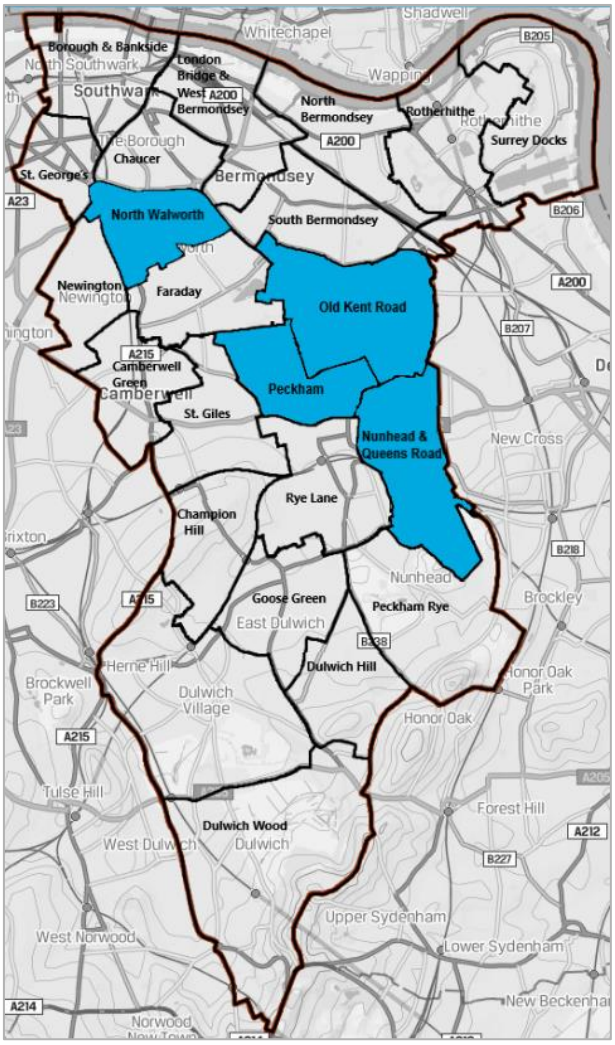
As designation 2 is based on poor property conditions there are specific, discretionary licence conditions relating to these. The licence conditions form part of the consultation and the council welcomes any views on them.

The proposed licence conditions for designation 2 are on the council's property licensing web page.

1.6 Designation 3: Deprivation and poor property conditions (phase 2)

Which areas are included in this designation?

There are four wards in this designation: North Walworth, Nunhead & Queens Road, Old Kent Road and Peckham. These wards are some of the most deprived and in Southwark and have poor property conditions.



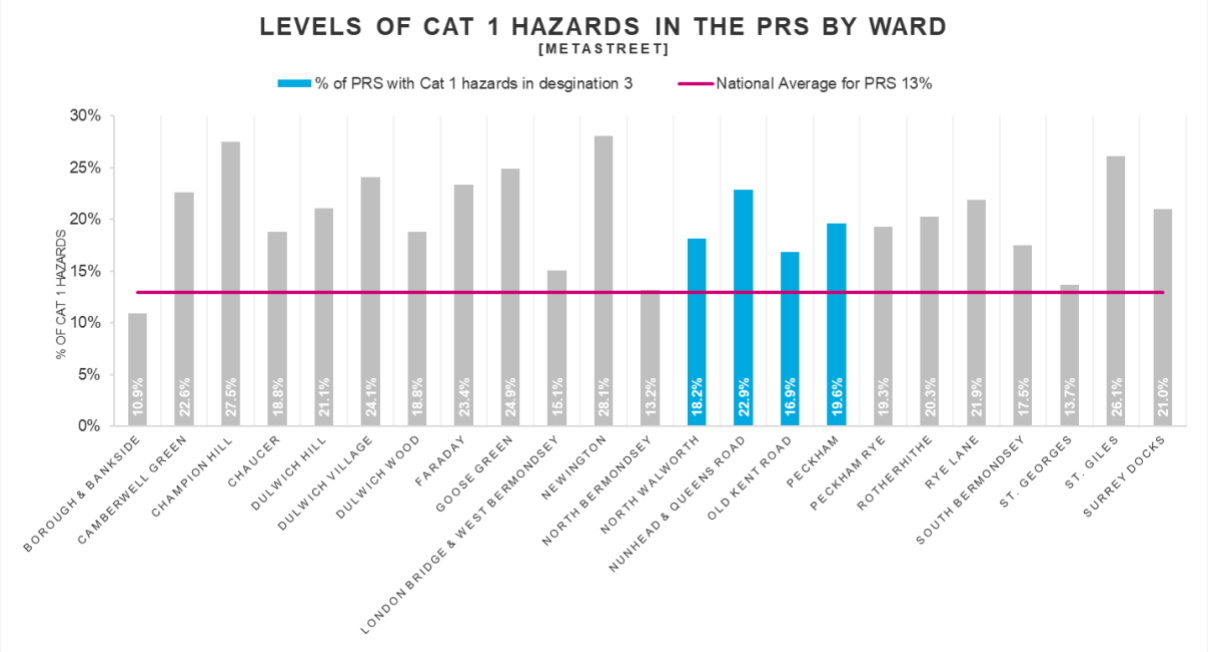
What is the evidence of deprivation and poor property conditions in this area?

These four wards are all in the bottom 30% of deprived wards in the country. The government uses a range of measures to produce Indices of Multiple Deprivation. This allows areas to be ranked nationally between 0.1 as the most deprived and 10.0 as the least deprived. The national average is 5.0. These four wards sit between 2.4 and 2.7 and are some of the most deprived in the borough. The council knows that poor property conditions make deprivation worse. People living in deprived areas have fewer choices about where they can live and are often stuck in overcrowded, poorly maintained accommodation.

From the study carried out, these wards also have levels of category 1 hazards that are higher than the national average. There 1,858 PRS properties in this designation that are expected to have category 1 hazards, such as overcrowding, damp & mould

and fire hazards. These are the most likely to affect the health and safety of the tenants who live in them.

Ward	% PRS	IMD ranking	% Cat 1 hazards
North Walworth	38.4%	2.6	18.2%
Nunhead & Queens Road	36.5%	2.4	22.9%
Old Kent Road	30.8%	2.7	16.9%
Peckham	30.1%	2.4	19.6%
National average (England)	19.0%	5.0	13.0%



In addition, these wards have a high proportion of properties in the private rented sector (above the national average of rented properties) and are occupied under assured shorthold tenancies, as this is the most common/default tenancy in Southwark.

How will licensing deal with deprivation and poor property conditions in the designated area?

The designation of these wards will help the council to deal with the poor property conditions and issues that make deprivation worse, including overcrowding, fuel and water poverty. The licence conditions clearly state the maximum occupancy of the property to prevent overcrowding; either a single family or two unrelated sharers.

The licence holder must take steps to:

- improve the energy efficiency of a property that is lower than an E rating (unless an exemption applies)
- Install programmable and thermostatically controllable heating and hot water to help reduce fuel costs and fuel poverty
- Fit water-saving devices in the kitchen and bathroom to help reduce water costs in properties with meters

These improvements will be enforced under different legislation.

There will also be clear licence conditions relating to the standard and management of rented properties in the area. Higher risk properties will be prioritised for inspection by officers to check for hazards and compliance with licence conditions. The council will take enforcement action (under Part 1 of the Housing Act), where necessary, to improve poor property conditions.

It is much easier to rectify property issues under the legal framework of the licensing scheme and when the landlord and other property management companies are known to the council. Landlords who fail to license their properties could receive a civil penalty for failure to license.

The council will also continue to work with the Police, the London Fire Brigade and UKBA to identify properties that need improvement. It will work with local community groups, including food banks, to identify tenants living in poor conditions and properties that can be improved. Where possible, the council will work with landlords to address poor property conditions and the factors that make deprivation worse, to help them to comply with the licence conditions in these wards.

The proposed selective licence conditions for designation 3

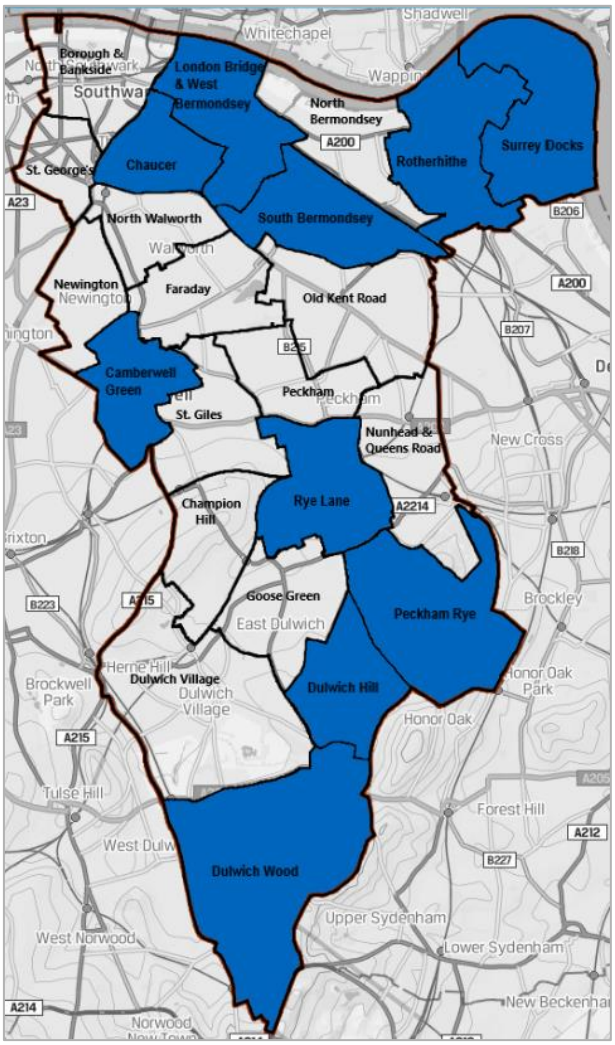
As designation 3 is based on deprivation and poor property conditions there are specific, discretionary licence conditions relating to these. The licence conditions form part of the consultation and the council welcomes any views on them.

The proposed licence conditions for designation 3 are on the council's property licensing web page.

1.7 Designation 4: Poor property conditions (phase 2)

Which areas are included in this designation?

There are ten wards in this designation: Camberwell Green, Chaucer, Dulwich Hill, Dulwich Wood, London Bridge & West Bermondsey, Peckham Rye, Rotherhithe, Rye Lane, South Bermondsey and Surrey Docks. These wards all have poor property conditions demonstrated by high levels of category 1 hazards in the PRS.

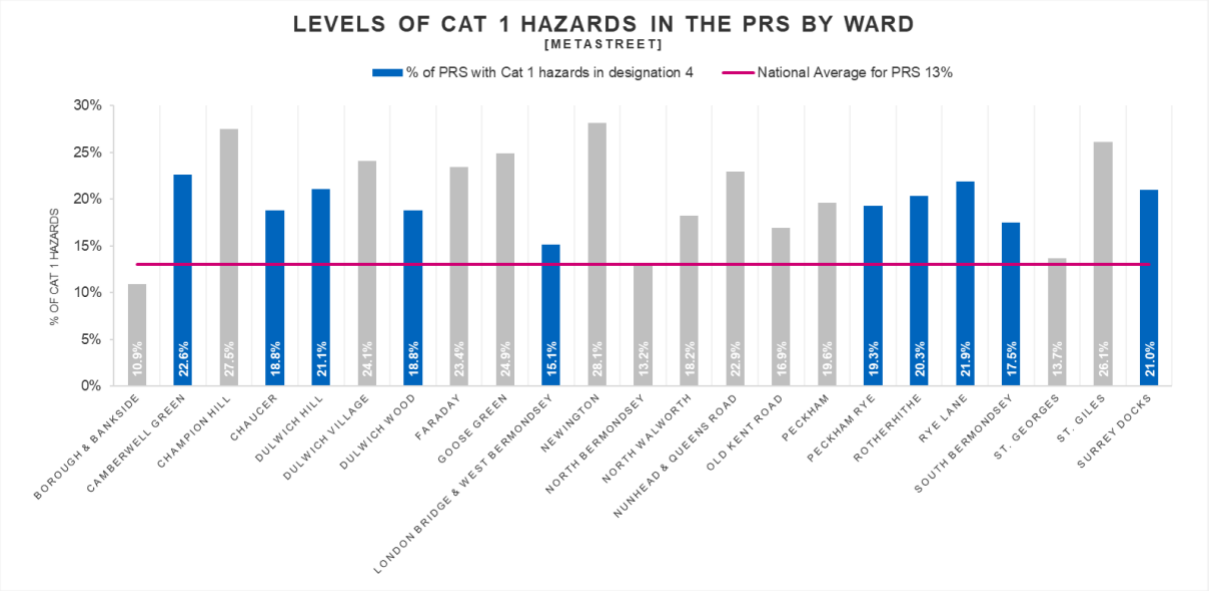


What is the evidence of poor property conditions in this area?

A study was carried out to predict the number of privately rented properties in the borough, and whether they are likely to contain any housing hazards. It showed that the ten wards in this designation have PRS properties that have unacceptably high levels of category 1 hazards.

The properties in this designation have levels of category 1 hazards that are higher than the national average for PRS of 13%[6]. There may be at least 3,754 PRS properties in this area that have a category 1 hazard, a large proportion of which will need to be inspected to ensure the safety of the tenants that live in them.

[6] English Housing Survey 2019-20, p4.



How will licensing deal with poor property conditions in the designated area?

Under the previous selective licensing scheme, the number of hazards found in licensed properties was much lower than those predicted in these wards[7]. In 476 properties with selective licences inspected by officers, only 13% had category 1 hazards (comparable with the national average). This compares to an average of 19.6% in the unlicensed properties in these ten wards. This is almost certainly due to the fact that many of the licensed properties had been previously inspected by the council and landlords had made the necessary improvements to their properties as a result.

The designation of these ten wards will allow the council to bring about an improvement to property conditions in the area during the life of the scheme. There are proposed licence conditions relating to the standard and management of the rented properties. Higher risk properties will be prioritised for inspection by officers to check for hazards and compliance with the licence conditions. This will allow the council to take enforcement action (under Part 1 of the Housing Act), where necessary, to improve properties.

The council will expect property condition issues identified during an inspection to be resolved within a reasonable period, depending on the severity of the issue. Improvement Notices, Overcrowding Notices and Prohibition Orders are formal notices that may be issued to bring about improvements in properties. The council charges the landlord if a formal notice is issued.

Landlords who fail to licence their properties could receive a civil penalty.

The licence conditions will be used to ensure continued compliance with property conditions and standards to prevent a further deterioration in the rented properties.

[7] Housing Stock Condition and Stressors Report, Metastreet, 2019

Landlords will be able to access information on the council's web site and through forums (either in person or online) to help them improve their property management skills.
The council will also continue to work with the local Police, the London Fire Brigade, UKBA and other council departments to identify properties that need improvement. The council will work with landlords to address poor property conditions and help them to comply with the licence conditions in these wards.

The proposed selective licence conditions for designation 4
As designation 4 is based on poor property conditions there are specific, discretionary licence conditions relating to these. The licence conditions form part of the consultation and the council welcomes any views on them.

The proposed licence conditions for designation 4 are on the council's property licensing web page.

1.8 Why are some wards not included in the selective licensing scheme?

There are four wards that are not included in any of the designations: Borough & Bankside, Dulwich Village, North Bermondsey and St. Georges. This is due to either a lack of evidence for the criteria or a low level of PRS in the ward.

Borough & Bankside has a high level of rented properties, but these tend to be relatively new builds and therefore do not have the high levels of housing hazards that we see in other parts of the borough. Whilst there is some ASB connected to the PRS, it is at a lower level than Champion Hill and Newington, so it was not felt that a blanket licensing scheme was the best way to deal with it.

Dulwich Village does not have the required high levels of PRS to introduce licensing to the area. The council can still take enforcement action under Part 1 of the Housing Act (2004) if there are severe issues with any rented properties.

North Bermondsey has a high level of PRS, but the evidence does not show the high levels of housing hazards that we see in other parts of the borough. The evidence for ASB and deprivation is also lacking.

St. Georges has high levels of PRS; however, the level of category 1 hazards needs to be higher than the national average. At the time the designations were defined, the national average was 14% and St. George's did not meet the threshold.

1.9 Proposed selective licensing scheme conditions

There are two types of conditions that can be applied to a selective licensing scheme: mandatory and discretionary. The mandatory conditions are required by Schedule 4 of the Housing Act 2004 and these do not form part of the consultation.

The discretionary conditions are part of the consultation and the council can decide on these in order to deal with the management, use and occupation of the licensed property.

In some circumstances, for a particular property, where the council believes there are specific issues not being covered by the discretionary conditions, additional or more specific conditions can be added.

As the four proposed selective licensing designations are based on different criteria, the discretionary conditions are tailored to tackle the conditions relating to the criteria in each area. For example, designation 1 is based on ASB and there are specific proposed licence conditions relating to ASB.

The proposed selective licence conditions for each designation are on the council's property licensing web page.

Selective licence exemptions

There are a number of exemptions to selective licensing scheme including:

a) properties licensable as an HMOs under mandatory or the proposed additional HMO licensing;

b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;

c) properties already subject to a management order;

d) properties subject to a temporary exemption notice.

e) owners who reside in property they own as their main residence (owner-occupiers).

f) holiday lets; and tenancies under a long lease and business tenancies.

g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

h) Student accommodation directly managed by educational institutions, e.g. halls of residence.

i) properties managed by a charity registered under the Charities Act 2011 and which—

   a. is a night shelter, or

   b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

1.10 Proposed selective licensing fee

The proposed selective licence fee is £900.

The council is required to split the fee into two payments. The initial part of the fee is charged to cover the cost of processing of the application. If the application for a licence is successful, a further fee will be charged before the full licence is issued. This second fee is a contribution to the other costs incurred by the Council under the licensing scheme, for example the cost to the council for enforcement of licences.

The actual split will be determined following the consultation.

1.11 Proposed licence fee discounts

Early bird discount

A 30% early bird discount will be applied to the proposed selective and additional schemes, which will operate for a period of 3 months from the point the scheme starts.

Discount for Gold Standard Charter members

A discount of 50% will be offered on the second part of the fee (enforcement element) for all licensing schemes where the landlord and/or managing agent has signed up to the council's Gold Standard Charter.

a. A requirement of the Gold Standard Charter is that a landlord must be accredited with a recognised organisation. The discount for being an accredited landlord under the existing scheme has therefore been removed under the proposals for the new schemes.

b. The Gold Standard Charter discount can be applied for a managing agent of a licensable property however, if the Licence Holder and/or landlord has not signed up to the Gold Standard Charter, landlords who change their managing agents during the period of the licence must ensure that any new agent is also signed up to the Gold Standard Charter or repay the discount, pro-rata, for the period of time the property is being managed by an agent not signed up to the Gold Standard Charter.

c. Discounts will not apply to properties where the council has found it necessary to issue a warning letter requiring the landlord/agent to apply for a licence. This applies to previously unlicensed properties or properties where a previous licence has expired more than 3 months before the renewal application has been received.

d. A Gold Standard Charter landlord/agent who has not applied for a licence on a licensable property without a warning letter from the council can have their Gold Charter status removed.

e. If a licensing application is not successful, the fee for enforcement will not be charged. Any subsequent applications made for the same property will be charged the application fee (discount will apply where appropriate) and the further fee for enforcement if a licence is to be issued.

Further details of the gold standard charter can be found on the council's property licensing web page.

Discount for Platinum Standard Charter members

A further discount of 50% on the second part of the fee (enforcement element) for all licensing schemes, is available where the landlord and/or managing agent, as well as being signed up to the Council's Gold Standard Charter has also signed up to the Platinum Standard Criteria and their property has been accepted onto the Council's Finder's Fee scheme (or subsequent iterations). This means that when combined with the Gold Standard Charter Discount the second part of the fee (enforcement element) will be free of charge.

Further details of the platinum standard charter can be found on the council's property licensing web page.

Discount for joining the Council's Social Lettings Agency

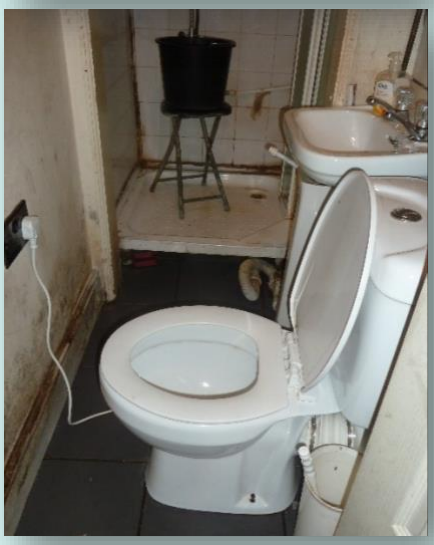
There will be no charge for all licensing schemes, where the landlord and/or managing agent, as well as being signed up to the Council's Gold Standard Charter, has also signed up to the Platinum Standard Criteria and their property has been accepted onto the Council's Social Lettings Agency (or subsequent iterations).

Case study: Basement used as a flat with fire, electrical and human habitation problems (St. Giles ward)



The Housing Enforcement Team became aware of this property after making a routine inspection of a large bedsit HMO in the same building. A mother and two children had been living in the basement for six years.

There were numerous cables and leads overhanging the electric shower and kitchen area, loose lights in the shower. There were no openable windows anywhere within the basement and no fire detection system. The only exit was via the shop upstairs, which had a mechanical shutter which was brought down when the shop was closed. A rear door was also obstructed.



A tiny shower area and toilet had been installed at the rear of a narrow kitchen with no separation between the areas. There was no door to the kitchen area to provide fire separation.

Outcome:
An Emergency Prohibition Order was issued for the premises stating that it must not be used for any type of accommodation.

8. Changes to the mandatory HMO licensing scheme

The Council does not have to consult on mandatory licensing or the proposed changes to the scheme. However, these have been included in the consultation as they are linked to the fees and conditions proposed for the additional HMO licensing scheme and the Council would like to seek opinions on these changes.

1.12 Proposed mandatory licence scheme conditions

The current scheme has a number of discretionary conditions which are out of date as they were related to the issues with HMOs in 2015. The conditions have been revised to take account of the current issues within the PRS and can be found here:

The proposed mandatory licence conditions can be found on the council's property licensing web page.

1.13 Proposed mandatory HMO licence fee

The fee is proposed to be £1,500 + £100 per room above 5 bedrooms. The flat fee covers the first five bedrooms with a small additional charge per bedroom above 5. It is a change from the 'per bedroom' fee under the current scheme.

The proposed change to the fees for the mandatory licensing scheme should help to ensure that larger HMOs are charged more fairly and that the fee is consistent with the proposed additional HMO licensing scheme.

The Council is required to split the fees into two payments. The initial part of the fee is charged to cover the cost of processing of the application. If the application for a licence is successful a further fee will be charged before the full licence can be issued. This second fee is a contribution to the other costs incurred by the council under the licensing scheme, for example for enforcement of the licence. What the actual split will be is to be determined following the consultation.

Case study: Unlicensed and unsafe mandatory HMO (Faraday ward)

The Housing Enforcement team became aware of the property when it was let as an HMO but was unlicensed.

A prohibition order was served to prevent the property from being used. A follow up inspection by council officers found that the property continued to be let, in violation of the prohibition order.

The property was also in very poor condition, with a risk of fire, making it a danger to the tenants living there.

Outcome: The landlords were prosecuted for failing to license, violating the prohibition order and other HMO management offences, including serious fire issues.





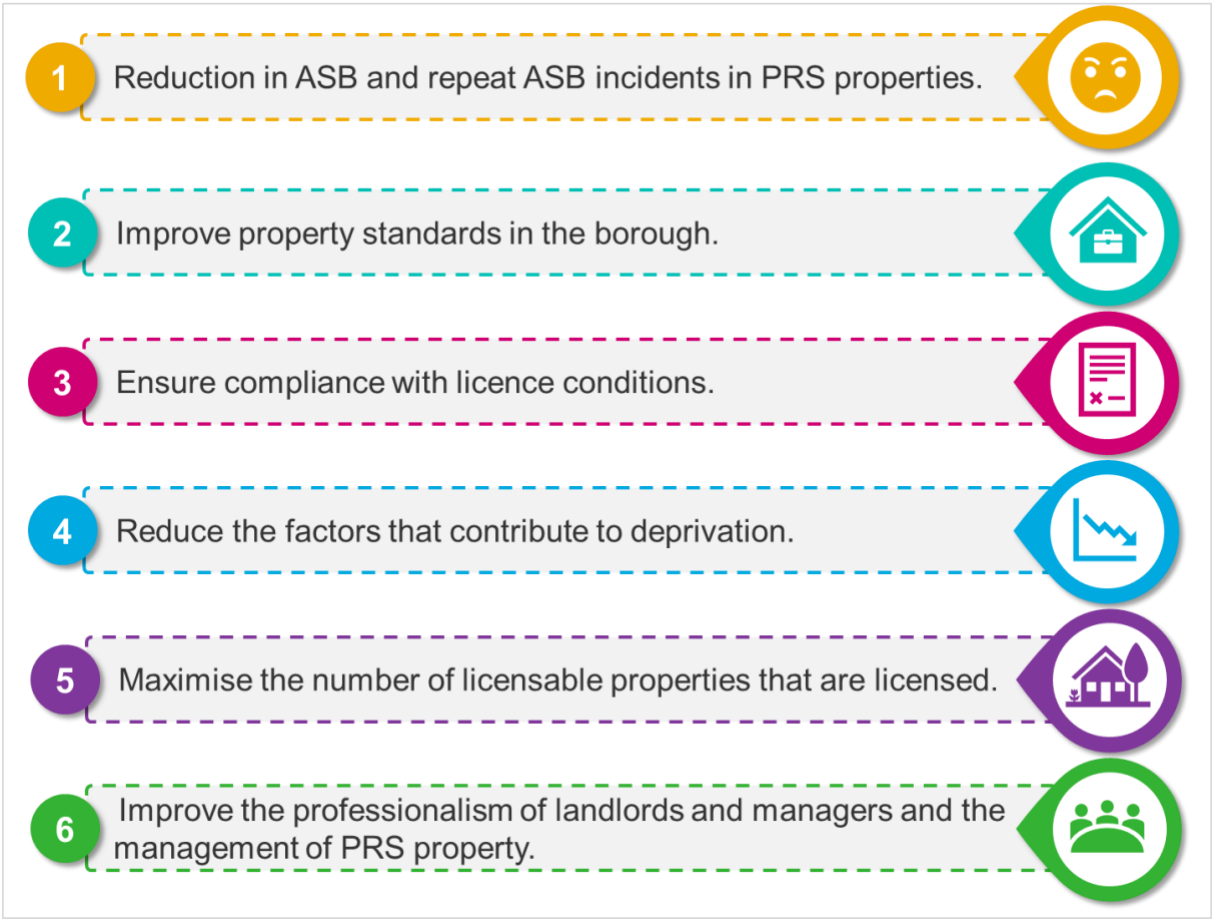
9. Alternatives to licensing that have been considered

Alternative Measure	Strengths	Weaknesses
Use of Part 1 Housing Act 2004 enforcement powers [HHSRS] and Public Health powers	Formal notices can be served that require improvements to be carried out. Councils can carry out work in default if a notice is not complied with. Landlords risk being prosecuted if they do not comply with the notice.	The powers do not place any obligation on landlords to be proactive in improving conditions. Formal action is generally slow, with appeal provisions against most types of notices served, which can significantly delay the time period for compliance. Work in default can be effective but it is expensive and time consuming to the Council, with the risk that not all costs are recovered. Successful prosecutions do not in themselves secure improvements in property conditions and the Council's prosecution costs are often not met in full.
Voluntary Accreditation schemes facilitate improvement in management practices and standards	For those landlords who take part, accreditation can improve the ability to effectively manage a property.	This requires voluntary landlord engagement and rogue operators are unlikely to attend/engage. In Southwark, there had been a poor take up of the voluntary accreditation schemes, despite continued support of these organisations by the council.
Rely on prosecutions and civil penalties for housing offences	Provides a disincentive to keep properties in poor conditions.	These powers do not place any obligation on landlords to be proactive in improving conditions. Successful prosecutions, or the imposition of civil penalties, do not in themselves secure improvements in property conditions. The absence of licensing significantly reduces the scope of the council to impose civil penalties in respect of identified housing breaches.

Improvement grants to improve sub-standard properties	Grants subsidise improvement works, improving standards and giving benefits for landlords and tenants.	Generally, there are few grants available and the council has very limited scope to offer grants through successful external funding bids. In the most part, grant awards would fund improvements that the landlord should be carrying out to meet their legal obligations. Any grant scheme would be discretionary and would rely on voluntary landlord engagement.
ASB powers	Formal notices can be served at addresses identified as having ASB issues. This can resolve ASB at the particular address.	Action would generally be taken against the tenant in occupation. The powers do not place any obligations on landlords to be proactive in managing their properties to prevent or reduce the likelihood of ASB occurring.

10. Proposed scheme objectives

Licensing is part of an overall approach to help improve privately rented properties in the London Borough of Southwark. As such, any outcomes will be as a result of a range of initiatives and methods that the council can use. However, licensing is an important element and will be assessed against the following scheme objectives:



		Scheme Objectives					
Licensing Scheme		**1**	**2**	**3**	**4**	**5**	**6**
Selective	Designation 1	✓		✓		✓	✓
	Designation 2		✓	✓		✓	✓
	Designation 3		✓	✓	✓	✓	✓
	Designation 4		✓	✓		✓	✓
Additional HMO		✓	✓	✓		✓	✓
Mandatory HMO		✓	✓	✓		✓	✓

11. Licensing and wider council strategies

11.1 Housing Strategy

Southwark Council recently released its Housing Strategy which outlines the council's approach to housing over the next 30 years. The strategy is based on four key principles:

1. Increasing the supply of genuinely affordable high-quality homes that meet our residents' housing needs and aspirations
2. Demanding safer, higher quality, energy efficient homes
3. Promoting tenure security and social support in housing, and improving the health, wellbeing and economic resilience of residents.
4. Empowering residents and communities to have pride and influence over their homes and neighbourhoods.

The council has made a commitment, under its second housing strategy principle, to improving quality standards in the PRS. "*Our ambition is to transform the private rental sector so that all homes provide good quality, secure accommodation. We will work with landlords to support and encourage them to drive up standards in the private rented sector, whilst also cracking down on rogue private landlords. We believe everyone should have a good quality home no matter who their landlord is. We want to work with landlords to increase security, certainty, affordability and stability for their tenants, especially families with children*."

The introduction of additional HMO and selective licensing will support this by increasing the council's knowledge of the sector and will provide a stronger legislative framework with which to deal with issues.

Southwark Council has also made a commitment, under its fourth housing strategy principle, to protect and empower private tenants by providing advice and assistance on their respective rights and responsibilities. Introducing additional HMO and selective licensing will support this commitment by making tenants aware of the licence conditions, and by creating a public register of licensed landlords.

11.2 Homelessness strategy

Southwark Council has outlined its strategy for homelessness prevention in the Southwark Homelessness Strategy 2018-2022. As part of this, the council has recruited three private rented sector homeless prevention officers to assist with mediation, develop links with community agencies and deal with cases at earlier stages to help prevent homelessness.

The council has made it a priority to respond to the challenging local housing market by working with households and landlords. One solution is the offer of a self-help finder's fee scheme, which should encourage households to source their own suitable and affordable accommodation arrangements in the PRS. The council is also working on a number of London-wide initiatives including procurement of private sector rental accommodation and temporary accommodation for homeless families.

11.3 Empty properties

As part of the Housing Strategy, Southwark Council has made a commitment to tackle empty homes. The Empty Homes Service specifically targets long term or derelict properties, as these often generate wider community issues such as ASB. The council will provide grants, loans, free impartial advice, support and refurbishment options to bring long-term empty properties back into use. These will ideally be as long-term private rented homes for families.

11.4 ASB

As outlined in the Housing Strategy, the council is committed to working with tenants, resident associations, housing associations, the police and other agencies to tackle antisocial behaviour (ASB). An additional ASB officer will be part of the multi-agency ASB team to deal specifically with ASB in the PRS.

The council aims to bring communities together to solve problems collectively through various schemes and funds, including Cleaner, Greener, Safer (CGS), Neighbourhood Watch and Police ward panels.

The council intends to support tenants to be good neighbours by providing a pre-tenancy course on how to abide by their tenancy agreement, including acceptable behaviour standards.

Additional and Selective Licensing will enable the council to encourage landlords to work with their tenants to reduce ASB. Information and support will be available both online and through forums.

12. Further information and details of the consultation

More information about the council's proposals can be found in the reports for Cabinet:

Cabinet Report: Consultation on Proposals for the Private Rented Sector 2021 – 2026
Appendices (1 - 5)

The council welcomes views from all Southwark residents, especially private tenants. The views of landlords and managing agents with properties in the borough and anyone or any organisation with an interest in the private rented sector, are also welcomed.

The consultation will run from 15 February 2021 until at least the 28 June 2021. The consultation questionnaire is available on the property licensing and consultation sections of the council web site.

A number of forums and workshops will be held during the consultation. If you are interested in sharing your experiences and views, please email resi@southwark.gov.uk. Due to the pandemic, these will all be held online.

Anyone with a disability or who needs extra help completing the questionnaire can request support by calling 020 7525 5140. A paper copy of the consultation is also available on request by emailing propertylicensing@southwark.gov.uk or by calling 020 7525 5140.

Once the consultation has closed the council will review the replies. A full consultation report, including the council's response to any alternatives suggested, will be published on the property licensing pages of the web site.

The council has complied with its duty under section 149 of the Equality Act 2010A. An equality analysis was carried out as part of these proposals. The results can be found in Appendix 5 of the Cabinet Report.

Driving Up Standards for the Private Rented Sector

Consultation on Private Sector Licensing in Southwark – Consultation Evidence

Appendix 12

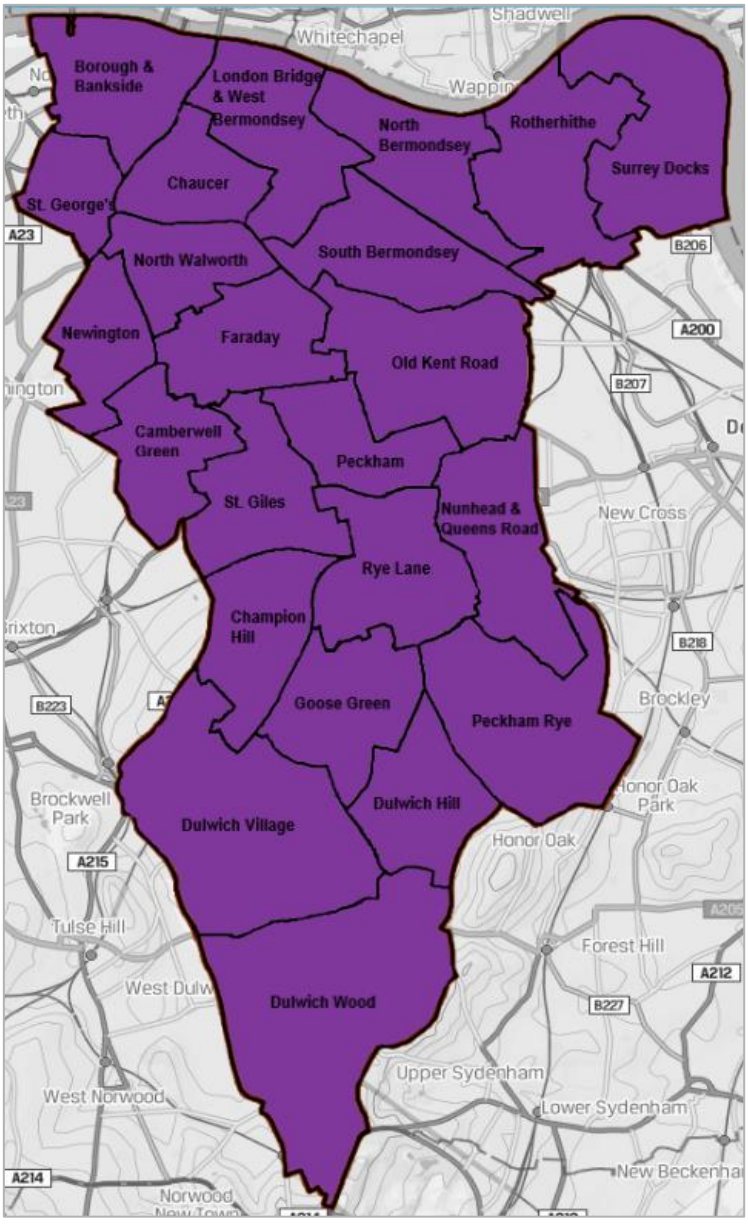
19 October 2021

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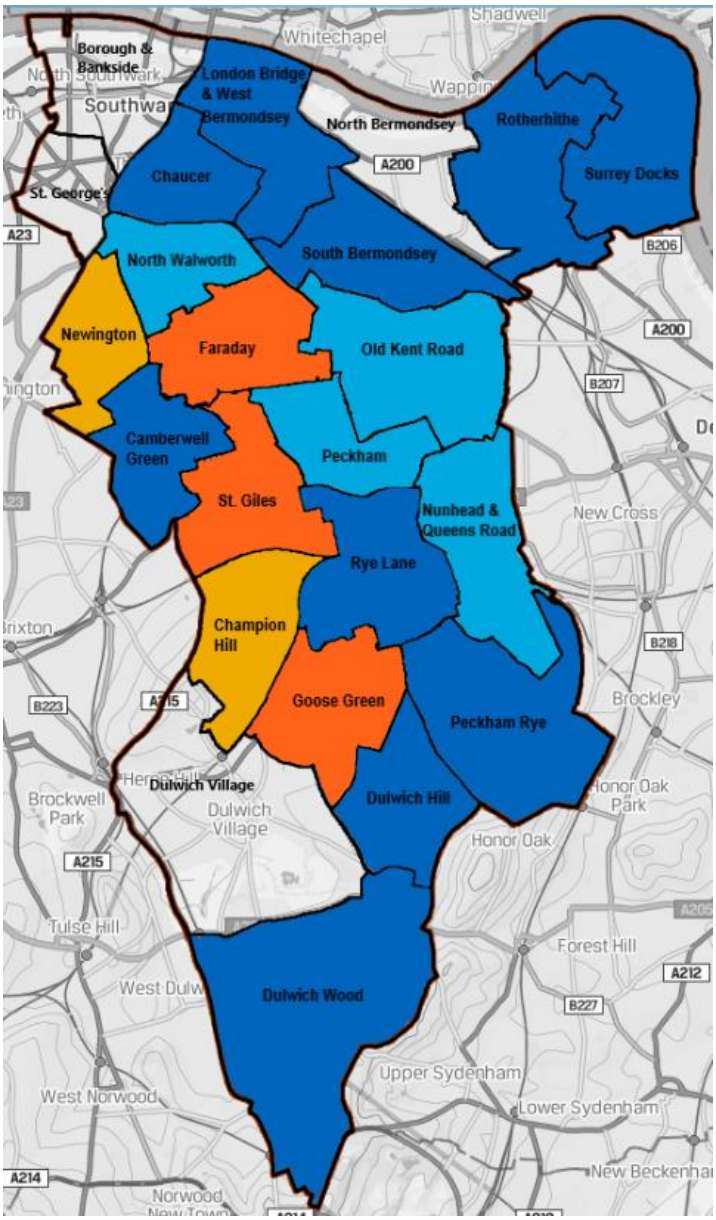
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Map of proposed schemes

Map of proposed borough-wide Additional Licensing Scheme



Map of proposed Selective Licensing Scheme in 19 wards



Designation 1: Very high, repeat ASB	Designation 2: Poor property conditions	Designation 3: Deprivation & poor property conditions	Designation 4: Poor property conditions
Wards: Newington Champion Hill	**Wards:** Faraday Goose Green St. Giles	**Wards:** North Walworth Nunhead & Queens Road Old Kent Road Peckham	**Wards:** Camberwell Green Chaucer Dulwich Hill Dulwich Wood London Bridge & West Bermondsey Peckham Rye Rotherhithe Rye Lane South Bermondsey Surrey Docks

Survey Questions

2021 Private Rented Property Licensing Proposals

Overview



Have your say about improving rented homes in Southwark.

We need your views on our new property licensing proposals which will improve privately rented properties and your community.

We want to hear from all residents, renters and landlords. Tell us about your experiences of privately rented homes in your area – whether first-hand, or things you have seen.

The survey should take 5 minutes to complete and your views will make a difference. You can read a summary of the proposals in the links below. There is also information that you can read as you go through the consultation.

We are also running workshops and forums to get more information from those in the sector. If you are interested in joining a landlord or tenant/resident group, please email **propertylicensing@southwark.gov.uk**

Why we are consulting

The questions in this consultation ask about your experiences of private rented housing – whether first hand, or things you have seen in your community. Then we ask for your views on the new scheme proposals. You can read a summary of these below, and there is information that you can read as you go through the consultation as well.

Introduction

We would like to get a little information about who you are so we can ensure we have consulted with residents, businesses and organisations.

Privacy statement

Privacy statement: Southwark Council uses your personal data to record your response to the consultation. Section 1 of the Localism Act 2011 requires us to do this. The council does not require your permission to process your data and failure to tell us your information may mean that we are unable to process your response. Your personal information will only be used by our regulatory services team, and will be destroyed after four years.

If you are concerned about how the council uses your personal data or would like to enquire about the personal information we hold on you, please contact us via **dpo@southwark.gov.uk** or on 020 7525 5000. More information about your rights is available on our website, or via the Information Commissioner (**www.ico.org.uk** *</environment-leisure/template-highways-consulation/consultation/subpage.2018-04-06.0234038959/consultation/portal_factory/SubPage/subpage.2018-04-06.0234038959/www.ico.org.uk>*).

1 What is your name?

Name

2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

3 Are you a landlord, managing agent, residential lettings agent or a representative of a Housing Association?

(Required)

Please select only one item

◯ Yes ◯ No

Questions for Landlords, Managing Agents, Lettings Agents and Housing Associations

We would like to get a little more information from you as someone who is directly involved in the private rented sector.

4 Are you (please select all that apply):

Please select all that apply

☐ A landlord who manages their own property ☐ A landlord who uses a managing agent

☐ A representative of a housing association (please specify)

☐ A lettings or managing agent operating in Southwark (please specify)

5 Roughly how many privately rented properties do you, or your company, own/manage overall?

Please select only one item

◯ 1 ◯ 2-4 ◯ 5-9 ◯ 10-19 ◯ 20-49 ◯ 50-99 ◯ 100 or more

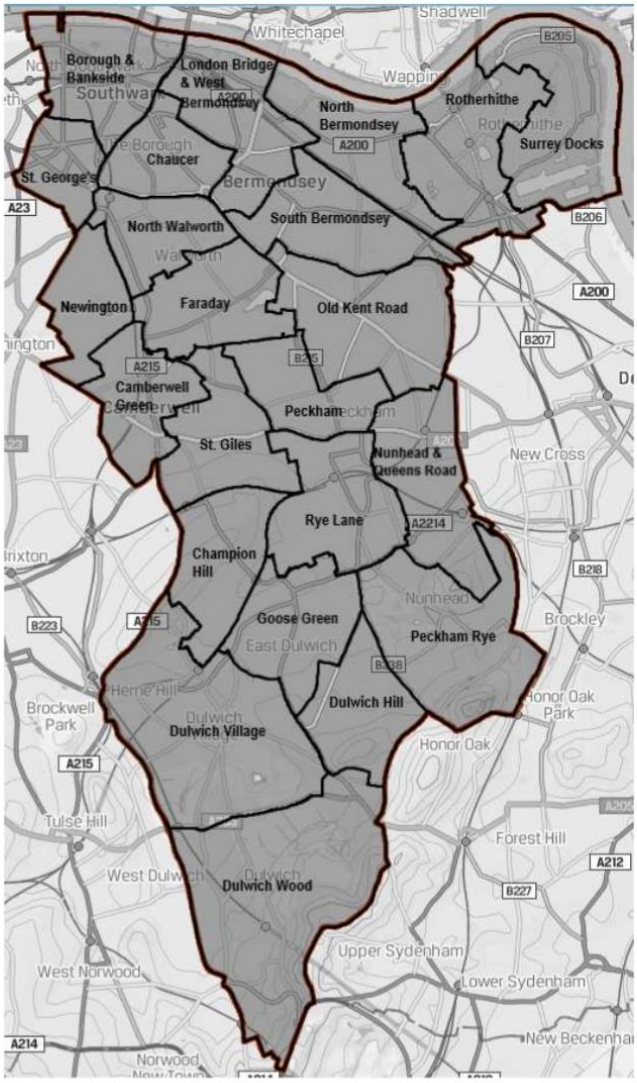
6 Roughly how many of these properties are within Southwark?

Please select only one item

◯ None (operate elsewhere) ◯ 1 ◯ 2-4 ◯ 5-9 ◯ 10-19 ◯ 20-49 ◯ 50-99 ◯ 100+

7 If you manage properties in Southwark, which wards are your properties in (see map for reference)?

Map of Southwark wards



Select all wards where you have properties.

Please select all that apply

- [ ] Not applicable
- [ ] Fairly evenly spread across the whole borough
- [ ] Camberwell Green
- [ ] Champion Hill
- [ ] Chaucer
- [ ] Dulwich Hill
- [ ] Dulwich Village
- [ ] Dulwich Wood
- [ ] Faraday
- [ ] Goose Green
- [ ] London Bridge & West Bermondsey
- [ ] Newington
- [ ] North Bermondsey
- [ ] North Walworth
- [ ] Nunhead & Queens Road
- [ ] Old Kent Road
- [ ] Peckham
- [ ] Peckham Rye
- [ ] Rotherhithe
- [ ] Rye Lane
- [ ] South Bermondsey
- [ ] St. Georges
- [ ] St Giles
- [ ] Surrey Docks

8 If you operate elsewhere, which local authorities are your properties in (select all that apply)?

Please select all that apply

☐ Not applicable ☐ Lambeth ☐ Lewisham ☐ Bromley ☐ Tower Hamlets
☐ Westminster/City of London ☐ Croydon ☐ Other (please specify)

Landlords - condition of properties

The next set of questions are to find out what experiences you have, in the course of running your business, with problems maintaining your properties

9 Have you had problems keeping up with the maintenance of your properties?

Please select only one item

◯ Yes ◯ No

10 If yes, is this because you have (select all that apply):

Please select all that apply

☐ Not applicable ☐ Had financial difficulties as a result of Covid-19 ☐ Had financial difficulties for other reasons
☐ Had issues with tenants causing damage ☐ Had trouble finding contractors
☐ Tenants refusing to give access ☐ Other (please specify)

Landlords - experiences of deprivation

The next set of questions are to find out what experiences you may have had, in the course of running your business, with tenants on low incomes.

11 Do any of your tenants receive housing benefit?

Please select only one item

◯ Yes ◯ No ◯ Not sure

12 Have you had issues with your tenants not paying their rent and/or not paying on time?

Please select only one item

◯ Yes ◯ No ◯ Not sure

13 If you have had issues with tenants not paying rent or not paying on time, has this led to any financial hardship for you?

Please select only one item

◯ Yes ◯ No ◯ Not sure

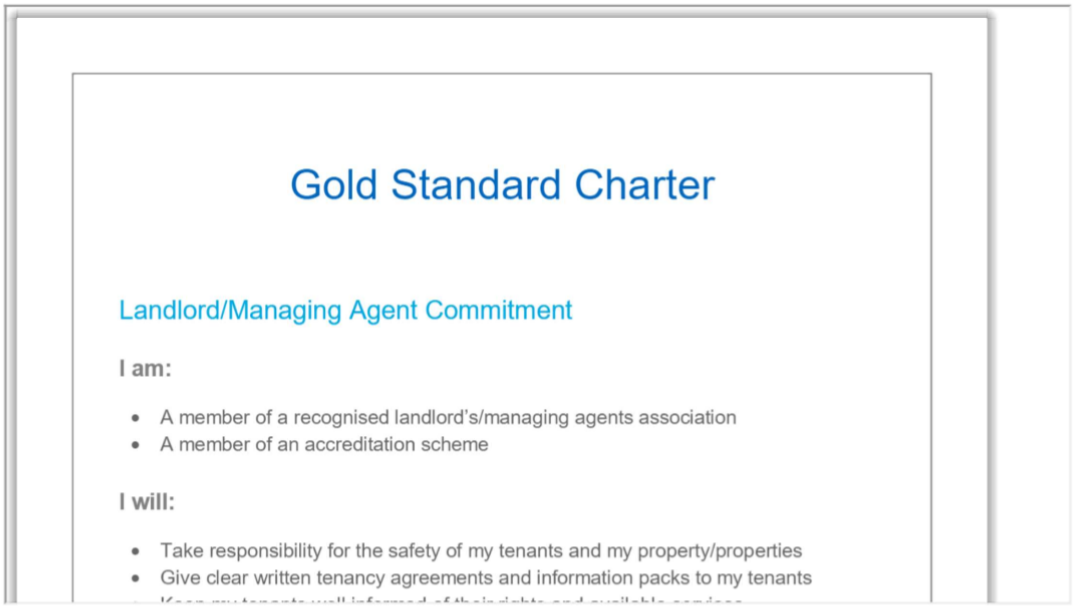
Landlords - Gold Standard Charter

We are proposing to introduce a Gold Standard Charter scheme for the private rented sector. This will be a set of quality standards, beyond the legal minimums covered by our licensing schemes.

Landlords will be able to apply for the Gold Charter and use it to promote their properties, while tenants will be reassured about high quality homes and tenancies. In return landlords will receive a 50% discount on the second part (Part B) of their licensing fee and will be listed as Charter holders on our website.

Please review the proposed Charter document below before answering the following:

Draft Gold Standard Charter document



Gold Standard Charter

Landlord/Managing Agent Commitment

I am:

- A member of a recognised landlord's/managing agents association
- A member of an accreditation scheme

I will:

- Take responsibility for the safety of my tenants and my property/properties
- Give clear written tenancy agreements and information packs to my tenants

14 As a landlord, would you be interested in signing up to the Gold Standard Charter?

Please select only one item

◯ Yes ◯ No ◯ Not sure ◯ I am not a landlord

Would the proposed 50% discount on part B of the licensing fees be an incentive for you?

Please select only one item

◯ Yes ◯ No ◯ Not sure

Please explain your reasons

15 Are there any criteria for the Gold Standard Charter that you think should NOT be included, and why?

16 Are there any criteria that aren't included in the Gold Standard Charter that you would like to see ADDED, and why?

Are you responding as an organisation?

17 Are you responding as a representative of any other organisation, community group or business?

Please select only one item

◯ No ◯ Organisation ◯ Community group ◯ Business ◯ Other (please specify)

Please specify

Are you a Southwark resident?

18 Do you live in Southwark?

(Required)

Please select only one item

◯ Yes ◯ No

Questions for residents

This next section is about finding out a bit more about the type of resident you are and what direct personal experiences you have of poor housing conditions, deprivation and antisocial behaviour. We also ask where you think these issues are most prevalent in the borough.

19 What is your postcode? (this question helps us work out if we have reached all parts of Southwark)

20 Are you:

Please select only one item

◯ A tenant living in private rented accommodation ◯ A Housing Association tenant ◯ A Council tenant
◯ An owner occupier ◯ Owner of a shared ownership property ◯ Other (please specify)

21 Answering for yourself, or members of your immediate family who live with you, please select all that apply:

Please select all that apply

☐ One or more of us owns a car ☐ One or more of us is currently unemployed
☐ One or more of us has been on furlough because of Covid-19
☐ One or more of us has been made redundant as a result of Covid-19 ☐ One or more of us is a single parent
☐ One or more of us is in receipt of housing benefit or universal credit
☐ One or more of us struggles to pay gas and electricity bills
☐ One or more of us uses a food bank since the beginning of the Covid-19 pandemic
☐ One or more of us used a food bank before Covid-19

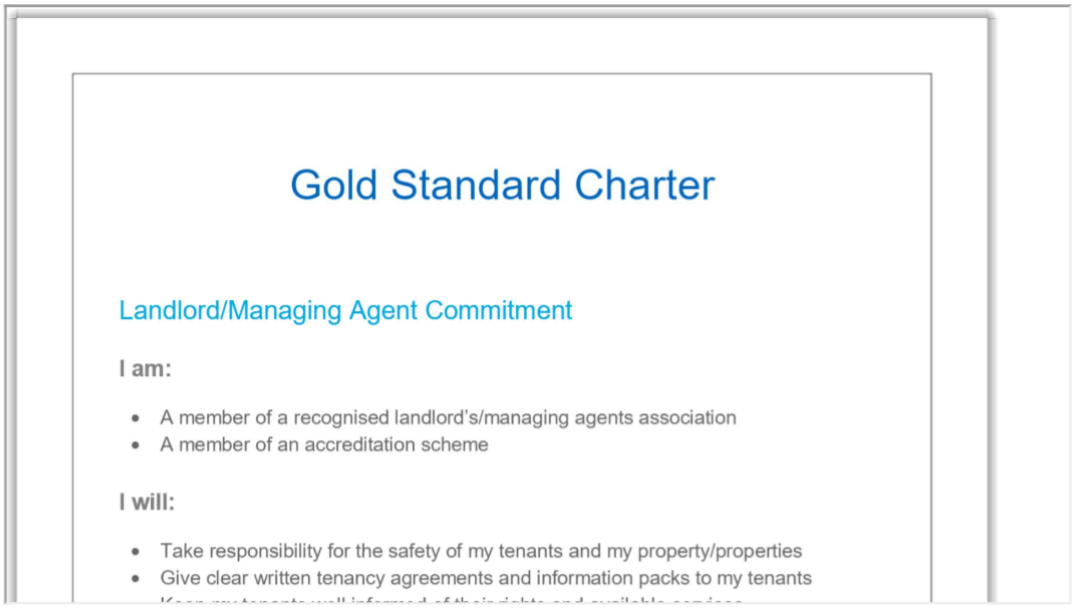
Tenants - Gold Standard Charter

We are proposing to introduce a Gold Standard Charter scheme for the private rented sector. This will be a set of quality standards, beyond the legal minimums covered by our licensing schemes.

The ideas is that this will help tenants who are considering renting a new home know whether the home is of a high quality and the landlord is responsible.

Gold Standard Charter - details

Below is the draft version of the charter that landlords would be asked to sign up to.



Gold Standard Charter

Landlord/Managing Agent Commitment

I am:

- A member of a recognised landlord's/managing agents association
- A member of an accreditation scheme

I will:

- Take responsibility for the safety of my tenants and my property/properties
- Give clear written tenancy agreements and information packs to my tenants

22 As a tenant, would you be more likely to move into a property with a landlord or managing agent who has signed up to the Gold Standard Charter than one without?

Please select only one item

◯ Yes ◯ No ◯ Not sure ◯ I am not a tenant

Please explain your reasons

Where do you live?

23 Do you live in one of the following neighbouring authorities?

Please select only one item

◯ Lambeth ◯ Lewisham ◯ Bromley ◯ Tower Hamlets ◯ Westminster/City of London ◯ Croydon
◯ Other (please specify)

Housing conditions in Southwark

Poor housing can make the quality of life worse for the people that live there, their neighbours and the rest of the community.

Around 43,000 homes in the borough are privately rented. Whilst the majority of these are well maintained and safe, there is a growing minority that are sub-standard and dangerous. Even well-meaning landlords may not always be up to date with the latest legal and safety requirements. These properties not only endanger the health, safety and wellbeing of tenants, but cause issues with neighbours and end up requiring many interventions from already stretched council teams.

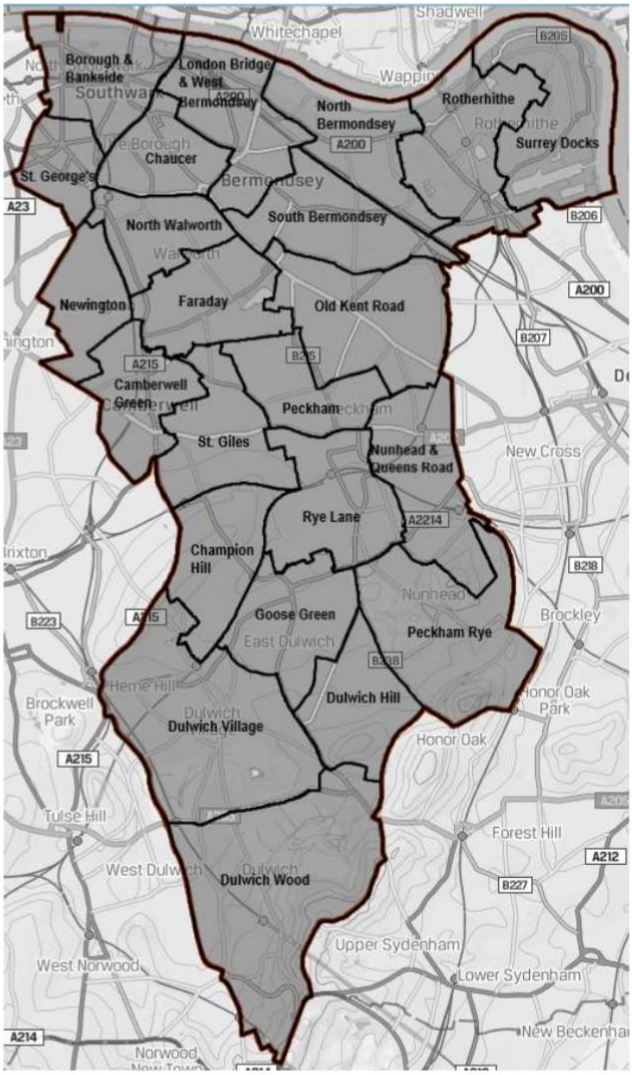
24 How big a problem do you think there is in Southwark with any of the following issues?

	A very big problem	A fairly big problem	A fairly small problem	Not a problem at all	Don't know
Poor state of repair of private rented properties *Please select only one item*	○	○	○	○	○
Unsafe private rented properties *Please select only one item*	○	○	○	○	○
Overcrowding in private rented properties *Please select only one item*	○	○	○	○	○
Inadequate fire safety in private rented properties *Please select only one item*	○	○	○	○	○
Poor response from landlords to tenants' complaints *Please select only one item*	○	○	○	○	○
Lack of basic amenities (e.g. toilet, bathroom, cooking facilities) *Please select only one item*	○	○	○	○	○
Poor management of the property *Please select only one item*	○	○	○	○	○
Unfair additional charges made by landlords *Please select only one item*	○	○	○	○	○
Illegal or substandard conversions of private rented properties *Please select only one item*	○	○	○	○	○
Poorly maintained outside spaces in private rented properties (e.g. overgrown garden) *Please select only one item*	○	○	○	○	○

Other - please specify

25 Where in Southwark do you think these issues are a concern (select all that apply)?

Map of Southwark wards



Please select all that apply

- [ ] Not applicable
- [ ] Across the whole borough
- [ ] Borough & Bankside
- [ ] Camberwell Green
- [ ] Champion Hill
- [ ] Chaucer
- [ ] Dulwich Hill
- [ ] Dulwich Village
- [ ] Dulwich Wood
- [ ] Faraday
- [ ] Goose Green
- [ ] London Bridge & West Bermondsey
- [ ] Newington
- [ ] North Bermondsey
- [ ] North Walworth
- [ ] Nunhead & Queens Road
- [ ] Old Kent Road
- [ ] Peckham
- [ ] Peckham Rye
- [ ] Rotherhithe
- [ ] Rye Lane
- [ ] South Bermondsey
- [ ] St. Georges
- [ ] St Giles
- [ ] Surrey Docks

26 In the past five years, have you experienced these sorts of issues in Southwark (select all that apply)?

Please select all that apply

☐ In the home you live in ☐ In a home you lived in previously ☐ In a neighbouring property
☐ In the wider area ☐ Not applicable

Deprivation in Southwark

One of the major changes to the private rented sector in London over the last 20 years has been the increase in rent. This has resulted in problems with residents being able to afford and access decent housing, has increased overcrowding and tenants being made homeless. This situation has been made much worse by the pandemic, with overcrowding responsible for increases in the rate of virus transmission and a huge increase in homeless referrals.

In areas where residents are living on lower incomes, poor quality rented homes can make things harder. People have fewer choices about where they can live and are often stuck in overcrowded, poorly maintained accommodation. Families with children are resorting to living in one room in a shared house (HMO), as it's the only space they can afford.

The council knows that poor property conditions also make deprivation worse. Homes without proper heating or insulation are more expensive to heat, using up a bigger portion of tenants' incomes.

27 How big a problem do you think the following indicators of deprivation are in Southwark?

	A very big problem	A fairly big problem	A fairly small problem	Not a problem at all	Don't know
Reliance on food banks *Please select only one item*	○	○	○	○	○
Fuel poverty (unable to pay for utilities that provide heating, hot water etc) *Please select only one item*	○	○	○	○	○
Unemployment *Please select only one item*	○	○	○	○	○
Furlough or redundancy directly caused by Covid-19 *Please select only one item*	○	○	○	○	○

Antisocial behaviour in Southwark

Antisocial behaviour (ASB) related to rented properties can range from noisy, rowdy or inconsiderate tenants to leaving rubbish in gardens or the street outside the property. At the worst it can involve drug-related activity and prostitution. This type of ASB can be linked to the failure of private landlords to manage their properties and tenancies effectively. Needless to say, it can have a hugely detrimental impact on neighbours and the local community, requiring the intervention of multiple council teams.

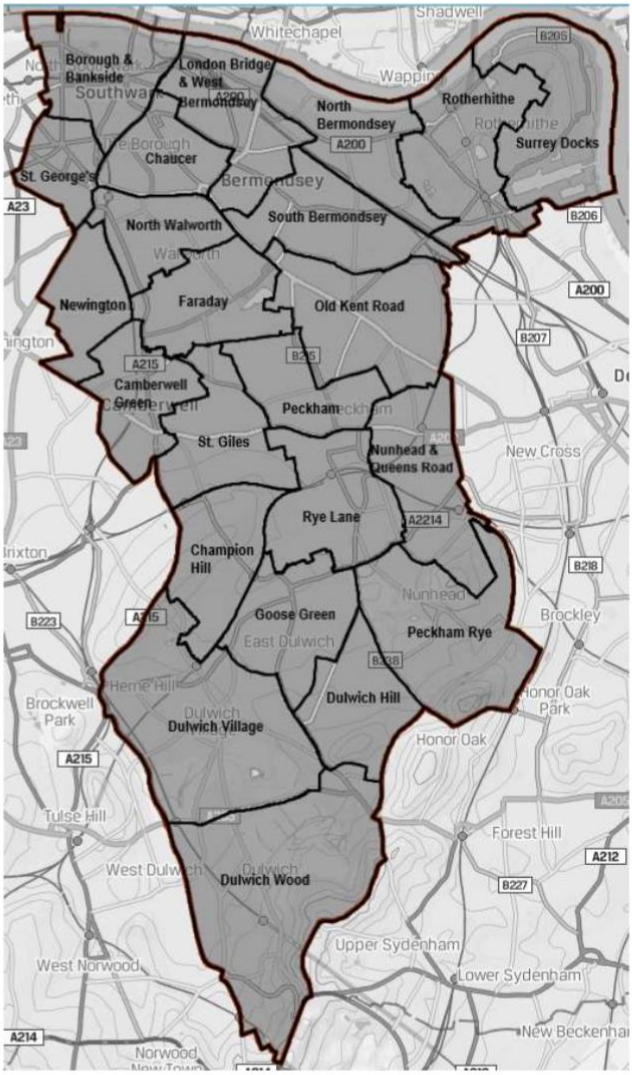
28 How big a problem do you think there is in Southwark with any of these issues?

	A very big problem	A fairly big problem	A fairly small problem	Not a problem at all	Don't know
Noisy, rowdy or inconsiderate neighbours *Please select only one item*	○	○	○	○	○
Vandalism or graffiti *Please select only one item*	○	○	○	○	○
Alcohol or drug-related activity *Please select only one item*	○	○	○	○	○
Leaving rubbish in gardens or in the street *Please select only one item*	○	○	○	○	○
Contaminated or inappropriate recycling *Please select only one item*	○	○	○	○	○
Abandonment of cars *Please select only one item*	○	○	○	○	○
Prostitution-related activity *Please select only one item*	○	○	○	○	○
Begging or vagrancy *Please select only one item*	○	○	○	○	○
Fireworks misuse *Please select only one item*	○	○	○	○	○
Inconsiderate or inappropriate use of vehicles *Please select only one item*	○	○	○	○	○

Other - please specify

29 Where in Southwark do you think these issues are a concern (select all that apply)?

Map of Southwark wards



Please select all that apply

- [ ] Not applicable
- [ ] Across the whole borough
- [ ] Borough & Bankside
- [ ] Camberwell Green
- [ ] Champion Hill
- [ ] Chaucer
- [ ] Dulwich Hill
- [ ] Dulwich Village
- [ ] Dulwich Wood
- [ ] Faraday
- [ ] Goose Green
- [ ] London Bridge & West Bermondsey
- [ ] Newington
- [ ] North Bermondsey
- [ ] North Walworth
- [ ] Nunhead & Queens Road
- [ ] Old Kent Road
- [ ] Peckham
- [ ] Peckham Rye
- [ ] Rotherhithe
- [ ] Rye Lane
- [ ] South Bermondsey
- [ ] St. Georges
- [ ] St Giles
- [ ] Surrey Docks

30 In the last 5 years, have you had direct experience in Southwark of antisocial behaviour...?

Please select all that apply

☐ In the home you live in now ☐ In a home you lived in previously ☐ In relation to a neighbouring property
☐ In a home you let or manage ☐ In the wider area ☐ Not applicable

31 What did you do about the antisocial behaviour (select all that apply)?

Please select all that apply

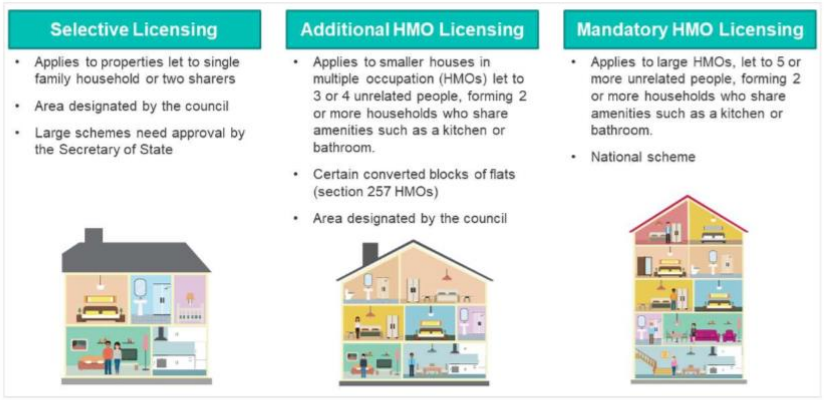
☐ Dealt directly with those involved ☐ Contacted police ☐ Contacted the council ☐ Not applicable
☐ Other (please specify)

Private rented property licensing in Southwark

Any property in a licensing area must hold a property licence to be legally let to private tenants. For a licence to be granted, the council must be satisfied that the landlord and any managing agent are suitable to let and manage properties, that the property meets a reasonable standard and complies with the conditions attached to the licence. These are slightly different for each type of licence.

There are three types of property licensing schemes operating in England:

Private rented sector licensing, the three types of schemes:



The questions on the following pages are being asked to get your opinion on our proposals for licensing.

We want to hear from tenants, as well as landlords and other residents. We really want to know what you think of the scheme overall - but tenants may choose to skip some of the detailed question on fees and conditions.

Alternatives to licensing

Licensing means that any property included in the scheme must hold a property licence to let to private tenants. For a licence to be granted the council must be satisfied that the landlord and any managing agent is suitable to let and manage properties. This means that they have to meet the “fit and proper” test outlined in the licensing legislation. Licenses are issued with a set of licensing conditions that the landlord must comply with and ensures that the property meets a reasonable standard. These conditions relate to the letting, management, occupation and condition of the property.

Before proposing any new licensing schemes the council considered whether any other courses of action might provide an effective method of achieving the same objectives that the designation would be intended to achieve, A full list of these is available **here.** *<user_uploads/alternatives-to-licensing.pdf>*

32 Would you be interested in attending one of our online forum events? Please check this box and make sure you have left your email address (you will be asked at the end of the survey, if you didn't provide it already).

☐ Yes I would be interested

Changes to the existing mandatory HMO licensing scheme

The current mandatory HMO licensing scheme has been in operation since April 2006 and the council is required to run it by law. This consultation is about changes to the licence conditions to bring them up to date with current issues in the borough, and a change to the licence fee.

Please see details below.

These questions are optional.

Details of proposed fees and changes to conditions

Changes to the mandatory HMO licence fee

The fee is proposed to be £1,500 + £100 per room above 5 bedrooms. The flat fee covers the first five bedrooms with a small additional charge per bedroom after the 5th bedroom. It is a change from the 'per bedroom' fee under the current scheme.

The Council is required to split the fee into two payments. The initial part of the fee is charged to cover the processing of the application. If the application for a licence is successful a further fee will be charged before the full licence can be issued. This second fee is to cover the cost to the council for enforcement of the licence. What the actual split will be is to be determined following the consultation.

Some discounts will apply - see section later on Proposed Fee Discounts

Changes to the mandatory HMO licence conditions

The current scheme has a number of discretionary conditions (those which are not already mandated by legislation) which are out of date as they were related to the issues with HMOs in 2015. The conditions have been revised to take account of the current issues within the PRS and can be found here:

Proposed mandatory HMO licence conditions *<user_uploads/mandatory-licence-conditions--proposed-.pdf>*

In some circumstances, where the council believes there are specific issues for a particular property that are not covered in the licence conditions, extra conditions can be added.

Failure to comply with conditions attached to the licence is a criminal offence and could result in prosecution and, on conviction the court may impose an unlimited fine. Alternatively, the council may impose a financial (Civil) penalty of up to £30,000 for each offence.

33 Do you think the proposed licence fees are reasonable?

Please select only one item

◯ A little too low ◯ Reasonable ◯ A little too high ◯ Much too high ◯ Don't know

34 Do you think the change to the mandatory HMO licence conditions is reasonable?

Please select only one item

◯ Yes ◯ No ◯ Not sure

Are there any conditions that should be removed?

Are there any conditions that should be added?

Are there any conditions that are unclear?

Proposed Additional Licensing Scheme

The previous borough-wide additional HMO licensing scheme ran for five years from January 2016 to December 2020. The council is proposing a further five-year scheme to run from 2021 - 2026. It will apply to all HMOs in the borough that aren't currently covered by the government's mandatory HMO scheme. This includes smaller rental properties with three or four unrelated people, forming two or more households who share amenities such as a kitchen or bathroom.

The reason for this proposed scheme is that the council believes that these properties are not being managed properly and they are likely to give rise to problems for those living them. The council has evidence to suggest that a high number of these properties have hazards that could endanger the health, safety and welfare of their inhabitants. HMOs are at a higher risk of the most serious hazards. In Southwark these are usually fire, disrepair and overcrowding issues.

For further information please read the supporting documents here.

Proposed Additional Licensing Scheme *<user_uploads/proposed-additional-hmo-licensing-scheme-1.pdf>*

35 Do you agree with the council's proposal to introduce a renewed additional HMO licensing scheme from 2021-2026?

(Required)

Please select only one item

◯ Yes ◯ No ◯ Not sure

If you would like, please explain your answer:

36 If you answered 'no' to the previous question, can you tell us what you think the alternatives should be?

Fees and conditions for the renewed additional HMO licensing scheme

Please see below for details of the proposed fees and conditions for the additional licensing scheme.

These questions are optional.

Details of proposed fees and conditions

Proposed additional HMO licensing fee

The proposed fee is £1,300. This is a flat fee and is a change from the 'per bedroom fee' under the current scheme.

The council is required to split the fee into two payments. The initial part of the fee is charged to cover the processing of the application. If the application for a licence is successful a further fee will be charged before the full licence is issued. This second fee is to cover the cost to the council for enforcement of the licence. The actual split will be determined following the consultation.

Some discounts will apply - See later section 'Proposed Fee Discounts'

Proposed licence conditions for the additional HMO licensing scheme

The council proposes that all licences issued under the new scheme should require landlords to comply with a range of conditions, aimed at ensuring appropriate tenancy levels, standards of tenancy, property conditions and management.

It is proposed that all of the conditions attached to the additional licensing scheme are the same as those attached to the mandatory licensing scheme. There is one exception; the antisocial behaviour condition will not apply as this did not form part of the evidence for the scheme.

In some circumstances, where the council believes there are specific issues for a particular property that are not covered in the licence conditions, extra conditions can be added.

Failure to comply with conditions attached to the licence is a criminal offence and could result in prosecution and, on conviction the court may impose an unlimited fine. Alternatively, the council may impose a financial (Civil) penalty of up to £30,000 for each offence.

It is proposed that all of the conditions attached to the additional licensing scheme are the same as those attached to the mandatory licensing scheme. There is one exception; the anti-social behaviour condition, will not apply as this did not form part of the evidence for the scheme.

In some circumstances, where the council believes there are specific issues for a particular property that are not covered in the licence conditions, extra conditions can be added.

The proposed additional HMO licence conditions can be found ***here*** *<user_uploads/additional-licence-conditions--proposed-.pdf>* .

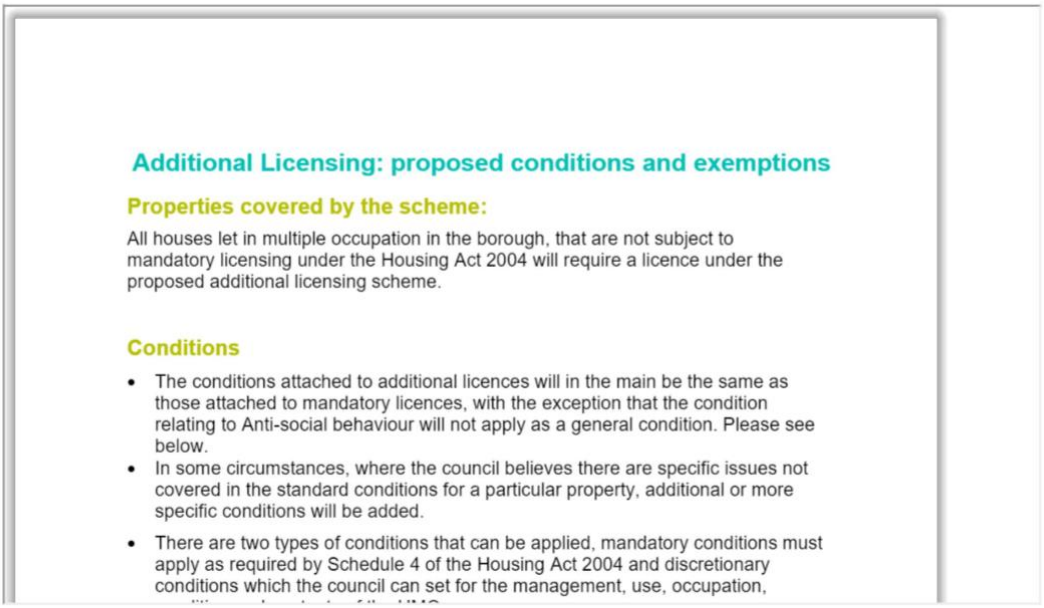
37 Do you think the proposed fees are reasonable?

Please select only one item

◯ A little too low ◯ Reasonable ◯ A little too high ◯ Much to high ◯ Don't know

38 Do you think the proposed additional HMO licence conditions are reasonable?

Proposed conditions



Additional Licensing: proposed conditions and exemptions

Properties covered by the scheme:

All houses let in multiple occupation in the borough, that are not subject to mandatory licensing under the Housing Act 2004 will require a licence under the proposed additional licensing scheme.

Conditions

- The conditions attached to additional licences will in the main be the same as those attached to mandatory licences, with the exception that the condition relating to Anti-social behaviour will not apply as a general condition. Please see below.
- In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property, additional or more specific conditions will be added.
- There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation,

Please select only one item

◯ Yes ◯ No ◯ Not sure

Are there any conditions that should be removed?

Are there any conditions that should be added?

Are there any conditions that are unclear?

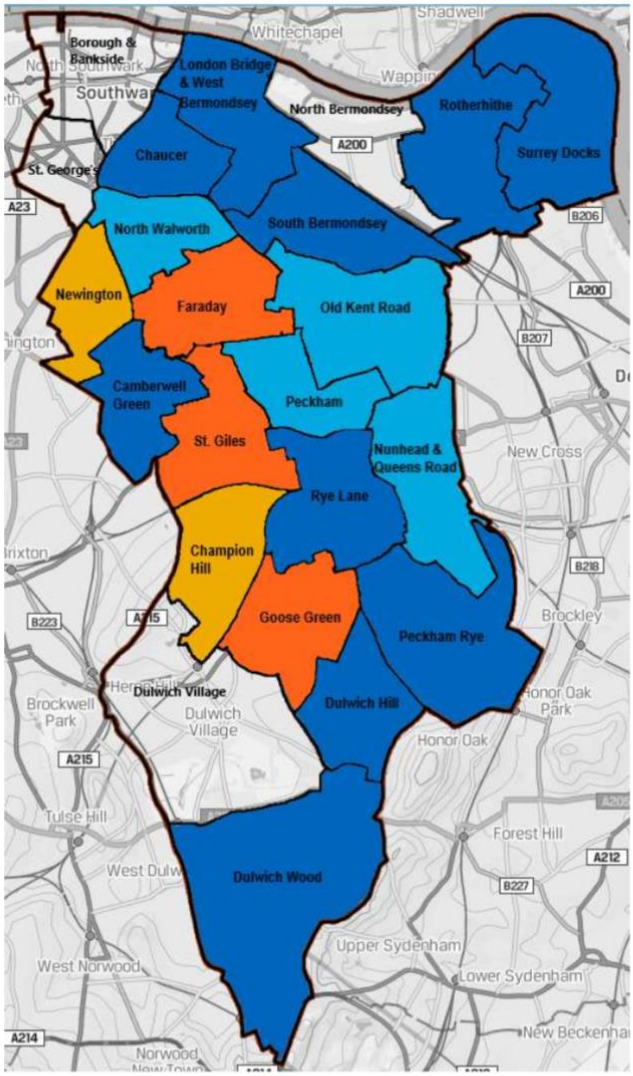
Proposed Selective Licensing Scheme

Southwark's previous selective licensing scheme ran for five years from January 2016 to December 2020. The scheme covered only a few key trunk roads in the borough. The experience of running the scheme has highlighted that the issues in single family dwellings are not limited to the streets covered in this scheme but a much broader range of addresses across the borough.

The council is proposing a five-year scheme made up of four designations to be implemented in two phases. There is evidence of poor housing in most wards, which often makes other issues, such as ASB and deprivation, worse. However, the council has been truly selective in proposing the areas for this scheme to ensure that the most severe problems can be dealt with by licensing. Areas with insufficient evidence of problems are not included.

All the designations are subject to change as a result of this consultation and the council welcomes input into the scheme.

PHASE 1: 2021		PHASE 2: 2022	
Designation 1: Very high, repeat ASB	Designation 2: Poor property conditions	Designation 3: Deprivation & poor property conditions	Designation 4: Poor property conditions
Wards: Newington Champion Hill	**Wards:** Faraday Goose Green St. Giles	**Wards:** North Walworth Nunhead & Queens Road Old Kent Road Peckham	**Wards:** Camberwell Green Chaucer Dulwich Hill Dulwich Wood London Bridge & West Bermondsey Peckham Rye Rotherhithe Rye Lane South Bermondsey Surrey Docks


Borough & Bankside
London Bridge & West Bermondsey
North Bermondsey
Rotherhithe
Surrey Docks
Chaucer
South Bermondsey
North Walworth
Newington
Faraday
Old Kent Road
Camberwell Green
Peckham
St. Giles
Nunhead & Queens Road
Rye Lane
Champion Hill
Goose Green
Peckham Rye
Dulwich Village
Dulwich Hill
Dulwich Wood
Whitechapel
Shadwell
Wapping
New Cross
Brockley
Honor Oak Park
Honor Oak
Forest Hill
Brockwell Park
Dulwich Village
Tulse Hill
West Dulwich
West Norwood
Upper Sydenham
Lower Sydenham
Norwood
A200
A23
A215
A214
A212
B206
B207
B218
B223
B227

Detailed description of phases

Phase 1

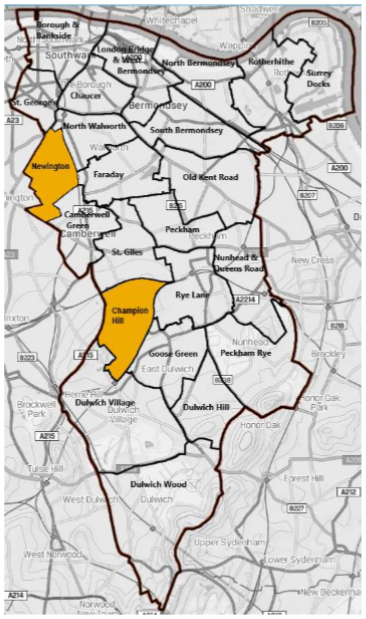
The first phase has two small designations (designations 1 and 2) covering a total of five wards. The size of this phase means it can be agreed locally by the council's cabinet and could be brought in as early as September 2021. This phase allows the council to deal with the worst ASB and poor property conditions as soon as possible.

Phase 1 will act as a pilot to assess the effectiveness of the new ward-based approach to selective licensing, which is a change from the street by street approach used in the last scheme.



Designation 1

Newington and Champion Hill are the two wards included in this designation. These wards have the highest levels of ASB connected to the private rented sector compared to all other wards in the borough.

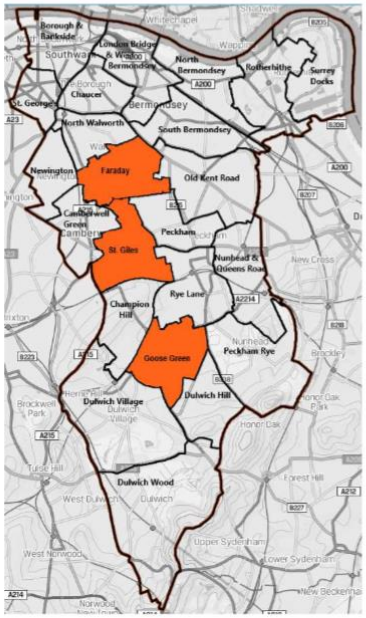


The evidence of very high and persistent ASB for this designation, and how the council will use the scheme to deal with ASB in the area can be found **here** *<user_uploads/designation-1.pdf>* .

Designation 2

Faraday, Goose Green and St. Giles wards are included in this designation. These wards have some of the worst property conditions in the borough's PRS.

The evidence of poor property conditions this designation, and how the council will use the scheme to improve properties in the area can be found **here** <*user_uploads/designation-2.pdf*> .



Phase 2

Permission for phase 2 (designations 3 & 4) will only be sought if phase 1 is successful. This will be assessed over the first six months of the scheme.

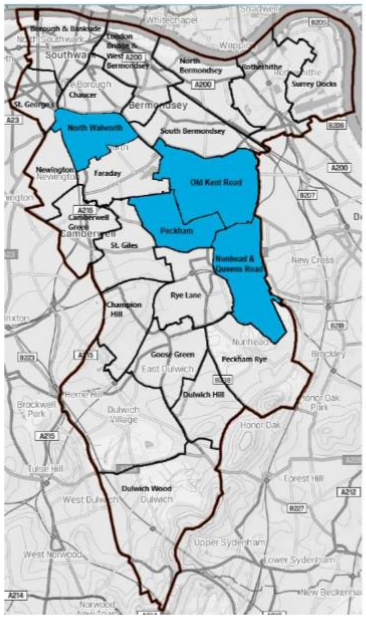
Due to the size of the designations 3 and 4, if they are agreed by Southwark Council Cabinet, they would still need confirmation by the Secretary of State at the Ministry of Housing, Communities and Local Government (MHCLG). If confirmed, they could be introduced in 2022.

PHASE 2: 2022	
Designation 3: Deprivation & poor property conditions	**Designation 4: Poor property conditions**
Wards: North Walworth Nunhead & Queens Road Old Kent Road Peckham	**Wards:** Camberwell Green Chaucer Dulwich Hill Dulwich Wood London Bridge & West Bermondsey Peckham Rye Rotherhithe Rye Lane South Bermondsey Surrey Docks

Designation 3

There are four wards in this designation: North Walworth, Nunhead & Queens Road, Old Kent Road and Peckham. These wards are some of the most deprived and in Southwark and have poor property conditions.

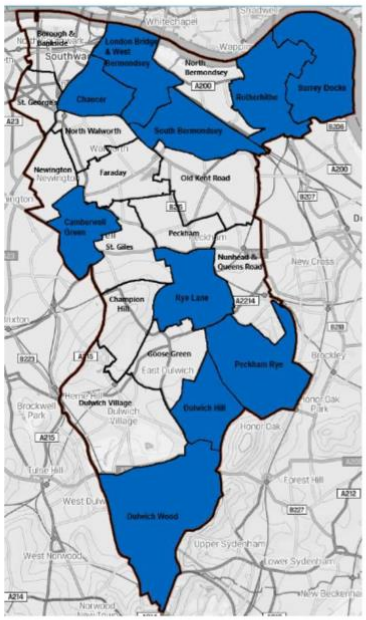
The evidence of deprivation and poor property conditions this designation, and how the council will use the scheme to improve the situation in the area can be found **here** <*user_uploads/designation-3.pdf*> .



Designation 4

There are ten wards in this designation: Camberwell Green, Chaucer, Dulwich Hill, Dulwich Wood, London Bridge & West Bermondsey, Peckham Rye, Rotherhithe, Rye Lane, South Bermondsey and Surrey Docks. These wards all have poor property conditions demonstrated by high levels of category 1 hazards in the PRS.

The evidence of poor property conditions this designation, and how the council will use the scheme to improve properties in the area can be found **here** *<user_uploads/designation-4.pdf>* **.**



39 Do you agree with the council's proposal to introduce a new selective licensing scheme?

(Required)

Please select only one item

◯ Yes ◯ No ◯ Not sure

If you would like, please explain your answer

40 If you answered 'no' to the previous question, can you tell us what you think the alternatives should be?

Proposed fees and conditions for the selective licensing scheme

Please see below for details of the proposed fees and conditions for the selective licensing scheme.

These questions are optional.

Details of proposed fees and conditions

Proposed selective licensing fee

The proposed selective licence fee is £900.

The council is required to split the fee into two payments. The initial part of the fee is charged to cover the processing of the application. If the application for a licence is successful, a further fee will be charged before the full licence is issued. This second fee is to cover the cost to the council for enforcement of the licence.

What the actual split will be determined following the consultation. Some discounts will apply – see the section in this survey on proposed fee discounts.

Proposed licence conditions for the selective licensing scheme

There are two types of conditions that can be applied to a selective licensing scheme: those required by the Housing Act 2004, and those that the council can decide to add (discretionary) depending on the local situation and requirements. The discretionary conditions are part of the consultation and the council can decide on these in order to deal with the management, use, occupation, condition and some of the contents of the property, such as a carbon monoxide detectors, carpets and electrical appliances.

As the four proposed selective licensing designations are based on different criteria, the discretionary conditions are tailored to tackle the conditions relating to the criteria in each area. For example, designation 1 is based on ASB and there are specific proposed licence conditions relating to ASB.

The proposed selective licence conditions for each designation can be found here:

1. ***Proposed selective licence conditions for designation 1*** *<user_uploads/licence-conditions-designation-1--proposed-.pdf>*
2. ***Proposed selective licence conditions for designation 2*** *<user_uploads/licence-conditions-designation-2--proposed-.pdf>*
3. ***Proposed selective licence conditions for designation 3*** *<user_uploads/licence-conditions-designation-3--proposed-.pdf>*
4. ***Proposed selective licence conditions for designation 4*** *<user_uploads/designation-4-1.pdf>*

In some circumstances, for a particular property, where the council believes there are specific issues not being covered by the discretionary conditions, additional or more specific conditions can be added.

Failure to comply with conditions attached to the licence is a criminal offence and could result in prosecution and, on conviction the court may impose an unlimited fine. Alternatively, the Council may impose a financial (Civil) penalty of up to £30,000 for each offence.

41 Do you think the proposed fees are reasonable?

Please select only one item

◯ A little too low ◯ Reasonable ◯ A little too high ◯ Much too high ◯ Don't know

42 Do you think the proposed licence conditions for designations 1-4 are reasonable?

Please select only one item

◯ Yes ◯ No ◯ Not sure

Are there any conditions that should be removed?

Are there any conditions that should be added?

Are there any conditions that are unclear?

Selective licence exemptions

There are a number of exemptions to the selective licensing scheme - please see details below.

This question is optional.

Exemptions

There are a number of exemptions to the selective licensing scheme, including:-

a. properties licensable as an HMOs under mandatory or the proposed additional HMO licensing;
b. properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
c. properties already subject to a management order or empty dwelling management order;
d. properties subject to a temporary exemption notice.
e. owners who reside in property they own as their main residence (owner-occupiers).
f. holiday lets; and tenancies under a long lease and business tenancies.
g. Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
h. Student accommodation directly managed by educational institutions, e.g. halls of residence.
i. properties managed by a charity registered under the Charities Act 2011 and which:-
    1. is a night shelter, or
    2. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

43 Are there any other exemptions that you think should apply?

Proposed fee discounts

We are proposing a number of discounts to our licensing fees. Please see details below.

This question is optional.

Fee discounts

Early bird discount

A 30% early bird discount will be applied to the proposed selective and additional schemes, which will operate for a period of 3 months from the point each scheme starts.

Discount for Gold Standard Charter members

A discount of 50% will be offered on the second part of the fee (Part B: enforcement element) for all licensing schemes where the landlord and/or managing agent has signed up to the council's **Gold Standard Charter** *<user_uploads/gold-standard-charter-1.pdf>* .

For additional licensing this is likely to be £195 discount.

For selective licensing this is likely to be £135 discount.

Discount for Platinum Standard Charter members

A further discount of 50% on the second part of the fee (enforcement element) for all licensing schemes, is available where the landlord and/or managing agent, as well as being signed up to the Council's Gold Standard Charter has also signed up to the Platinum Standard Criteria and their property has been accepted onto the Council's Finder's Fee scheme (or subsequent iterations). This means that when combined with the Gold Standard Charter Discount the second part of the fee (enforcement element) will be free of charge.

For additional licensing this is likely to be £390 discount.

For selective licensing this is likely to be £270 discount.

Discount for joining the Council's Social Lettings Agency

There will be no charge for all licensing schemes, where the landlord and/or managing agent, as well as being signed up to the Council's Gold Standard Charter, has also signed up to the Platinum Standard Criteria and their property has been accepted onto the Council's Social Lettings Agency (or subsequent iterations).

44 Do you think the proposed discounts to the licence fees are reasonable?

Please select only one item

◯ Yes ◯ No ◯ Not sure

Are there any discounts that should be removed?

Are there additional discounts that could be considered?

Equalities questions

45 Equalities questions

Completing this section is optional.

To make sure we are providing fair services to all of Southwark's diverse communities, it is important that we ask you a few questions about yourself. You are under no obligation to provide the information requested, but it would help us greatly if you did. The information will be used to help us plan services that meet the needs of all users. Your responses will be kept confidential and any information published will be made anonymous. The information will be used in a statistical format only.

Age

Please select only one item

◯ Under 16 ◯ 16 - 17 ◯ 18 - 24 ◯ 25 - 34 ◯ 35 - 44 ◯ 45 - 54 ◯ 55 - 64 ◯ 65 - 74 ◯ 75 - 84
◯ 85 - 94 ◯ 95+

What do you consider to be your ethnic background?

Please select only one item

◯ White British ◯ White Irish ◯ White English ◯ White Scottish ◯ White Welsh ◯ White Northern Irish
◯ Other European ◯ Other White (please specify if you wish) ◯ Black British ◯ Black Caribbean
◯ Nigerian ◯ Ghanaian ◯ Sierra Leonean ◯ Somali ◯ Other African
◯ Other Black (please specify if you wish) ◯ Asian British ◯ Indian ◯ Bengali ◯ Chinese ◯ Pakistani
◯ Vietnamese ◯ Filipino ◯ Any other Asian (please specify if you wish) ◯ Mixed white/Black Caribbean
◯ Mixed White Black African ◯ Mixed White/Asian ◯ Other Mixed background (please specify if you wish)
◯ Latin American ◯ Gypsy, Roma or Irish Traveller ◯ Other ethnic background (please specify if you wish)

Please specify further if you wish:

Are you disabled?

Please select only one item

◯ Yes ◯ No ◯ Prefer not to say

Please tick the box or boxes below that best describe the nature of your impairment(s):

Please select all that apply

☐ Hearing / Vision (e.g. deaf, partially deaf or hard of hearing; blind or partial sight)
☐ Physical / Mobility (e.g. wheelchair user, arthritis, multiple sclerosis etc.)
☐ Mental health (lasting more than a year. e.g. severe depression, schizophrenia etc.)
☐ Learning disability (e.g. dyslexia, dyspraxia etc.)
☐
Long-term illness or health condition (e.g. Cancer, HIV, Diabetes, Chronic Heart disease, Rheumatoid Arthritis, Chronic Asthma)
☐ Other ☐ Prefer not to say

What is your sex as recorded at birth?

Please select only one item

◯ Male ◯ Female ◯ Other (please specify if you wish) ◯ Prefer not to say

Please specify further if you wish

Is your Gender Identity the same as the sex you were recorded at birth?

Please select only one item

◯ Yes ◯ No ◯ Prefer not to say

If no, how would you define your gender? Please specify if you wish

What is your sexual orientation

Please select only one item

◯ Heterosexual/straight ◯ Lesbian/Gay woman ◯ Gay man ◯ Bi-sexual
◯ Other (please specify if you wish) ◯ Prefer not to say

Please specify further if you wish

What is your religion or belief?

Please select only one item

◯ Christian ◯ Sikh ◯ Hindu ◯ Muslim ◯ Jewish ◯ Buddhist ◯ No religion ◯ Prefer not to say
◯ Other (please specify if you wish)

Please specify further if you wish

46 Did you find this consultation clear and easy to complete?

Please select only one item

◯ Very easy ◯ Easy ◯ Not sure ◯ Unclear ◯ Very unclear

If you wish, please explain

47 Would you be interested in being notified about future surveys and consultations in any of the following areas? (we would add your email address to a specific mailing list - you could request that your name be removed at any time by writing to community.engagement@southwark.gov.uk)

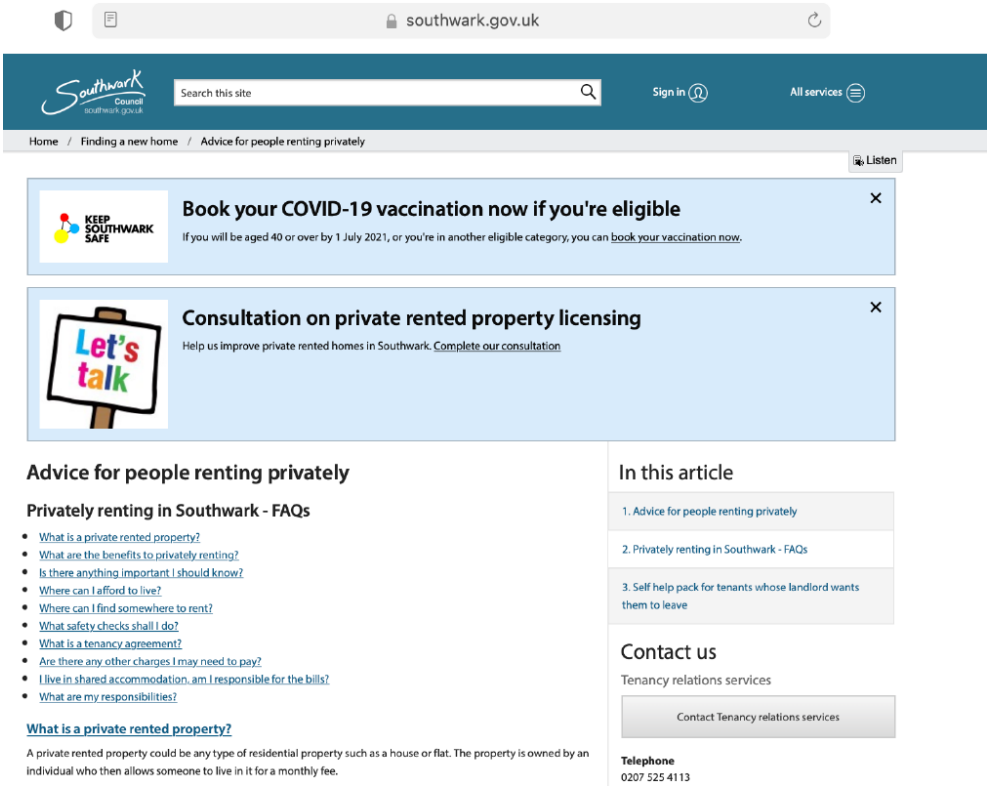
Please select all that apply

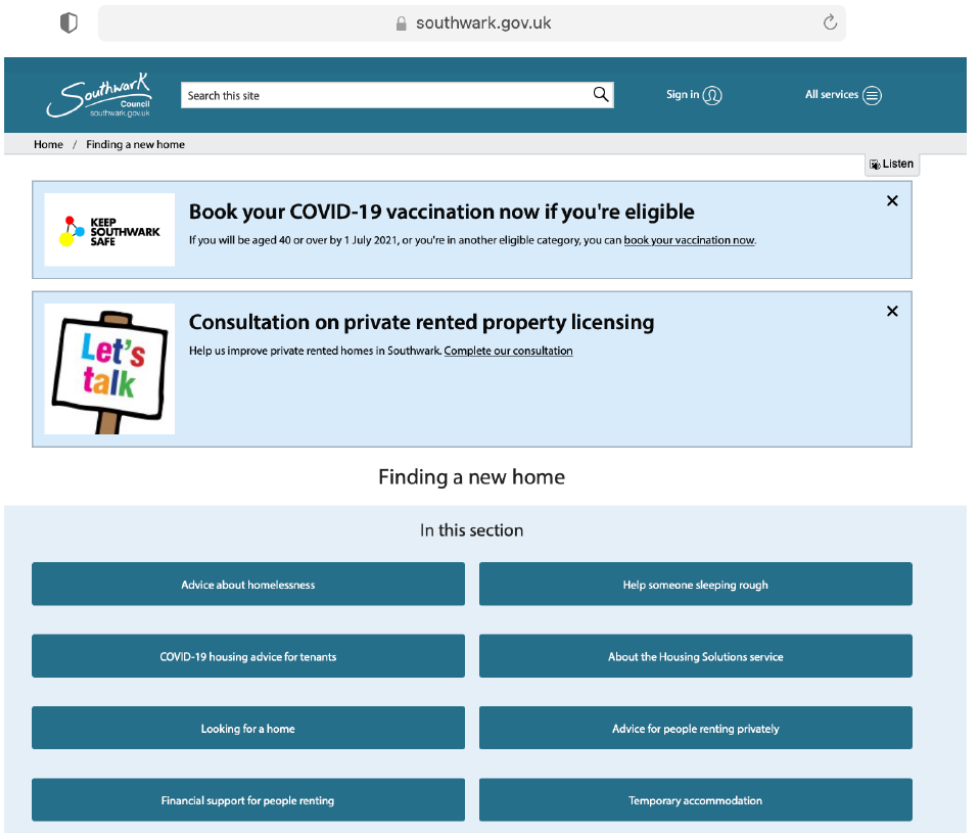
☐ Housing and regeneration ☐ Health and social care ☐ Transport and Highways ☐ Culture
☐ Sport and Leisure ☐ Parks ☐ Crime and policing ☐ Communities ☐ Schools ☐ Employment
☐ Youth services ☐ Funding ☐ Engagement

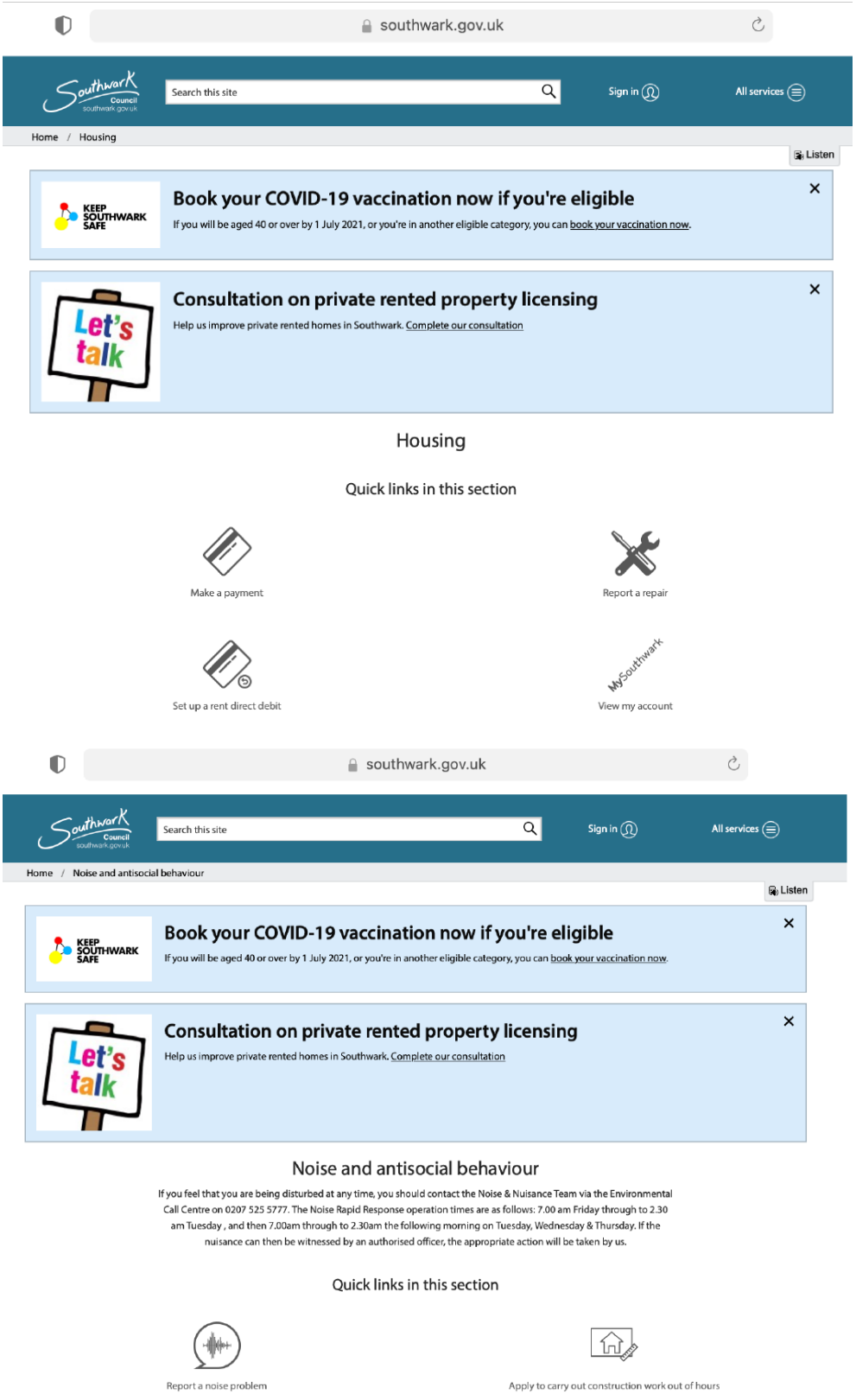
Please make sure you have provided an email address if you wish to be added to our mailing lists.

Communications Visuals

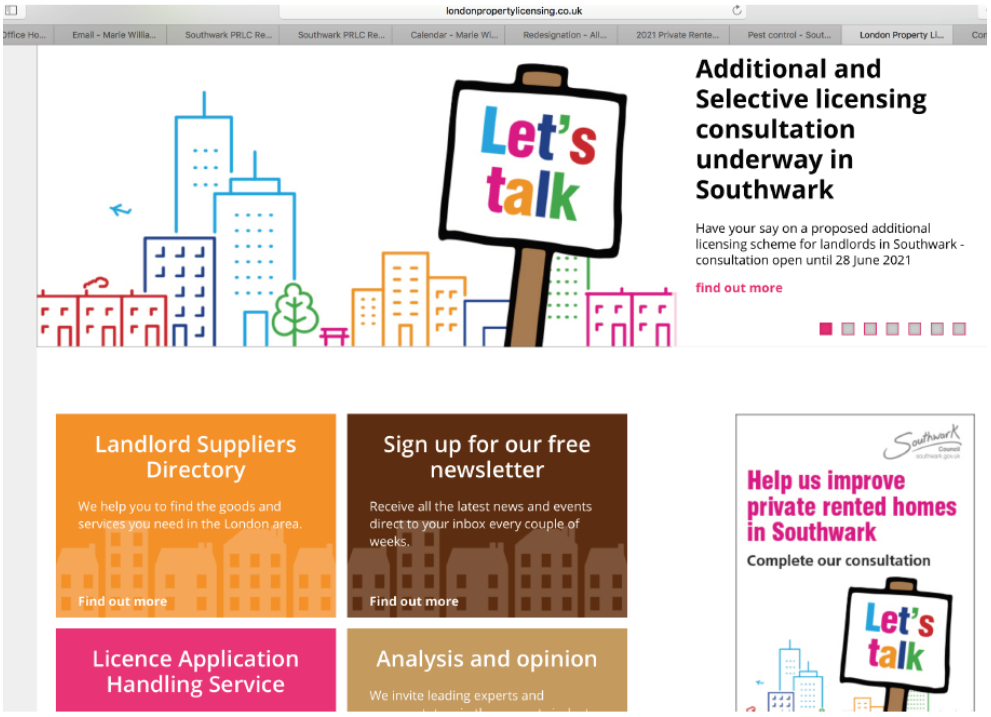
Visuals on the Southwark Council website

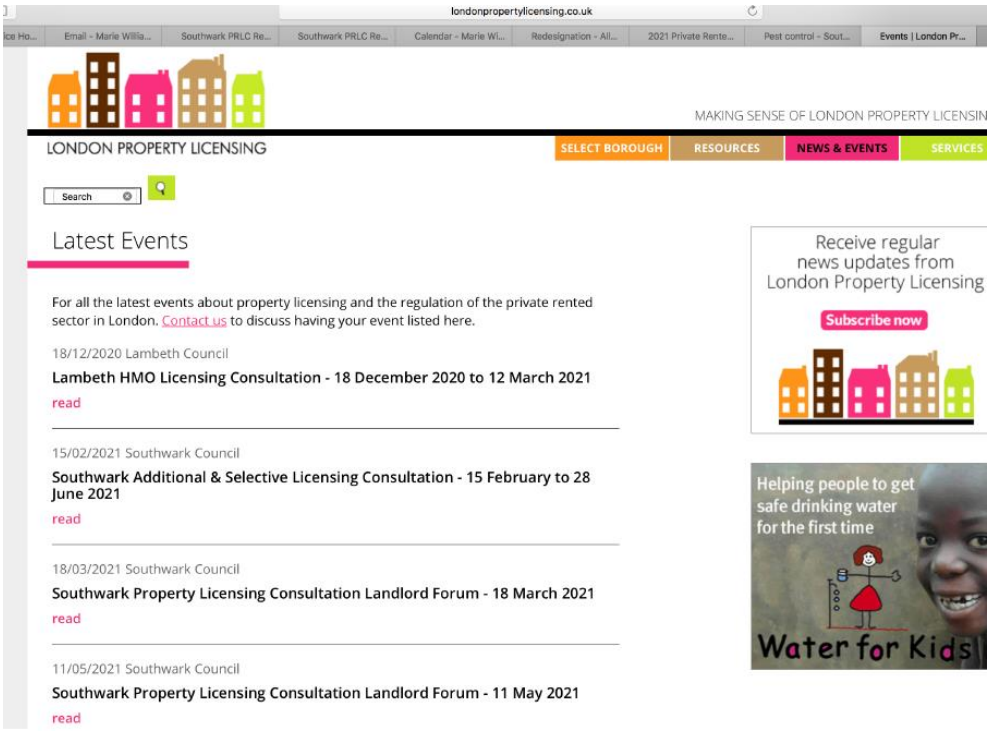


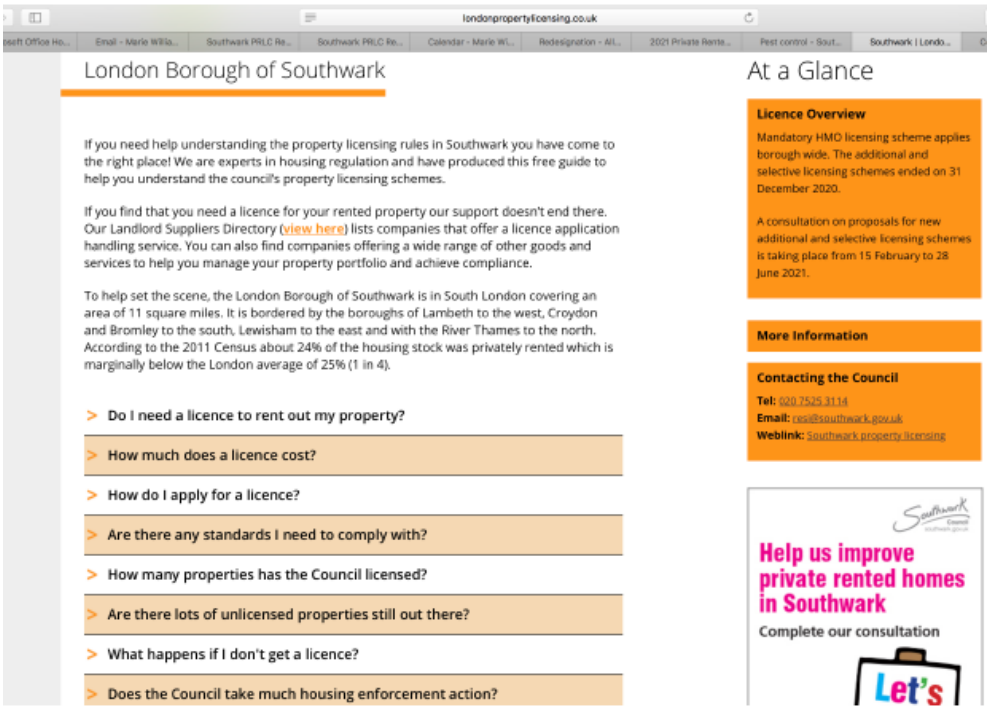



southwark.gov.uk
Search this site
Sign in
All services
Home / Housing
Listen
KEEP SOUTHWARK SAFE
Book your COVID-19 vaccination now if you're eligible
If you will be aged 40 or over by 1 July 2021, or you're in another eligible category, you can book your vaccination now.
Let's talk
Consultation on private rented property licensing
Help us improve private rented homes in Southwark. Complete our consultation
Housing
Quick links in this section
Make a payment
Report a repair
Set up a rent direct debit
View my account
southwark.gov.uk
Search this site
Sign in
All services
Home / Noise and antisocial behaviour
Listen
KEEP SOUTHWARK SAFE
Book your COVID-19 vaccination now if you're eligible
If you will be aged 40 or over by 1 July 2021, or you're in another eligible category, you can book your vaccination now.
Let's talk
Consultation on private rented property licensing
Help us improve private rented homes in Southwark. Complete our consultation
Noise and antisocial behaviour
If you feel that you are being disturbed at any time, you should contact the Noise & Nuisance Team via the Environmental Call Centre on 0207 525 5777. The Noise Rapid Response operation times are as follows: 7.00 am Friday through to 2.30 am Tuesday , and then 7.00am through to 2.30am the following morning on Tuesday, Wednesday & Thursday. If the nuisance can then be witnessed by an authorised officer, the appropriate action will be taken by us.
Quick links in this section
Report a noise problem
Apply to carry out construction work out of hours

London Property Licensing website

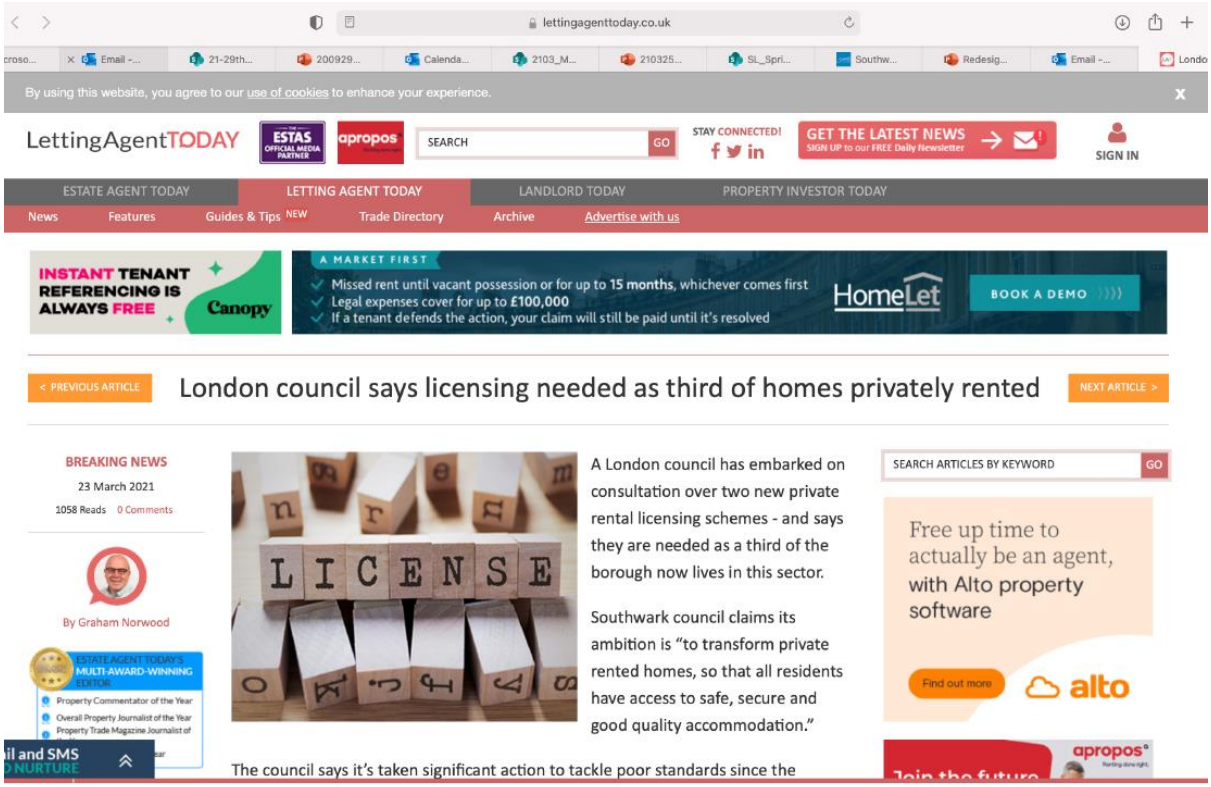






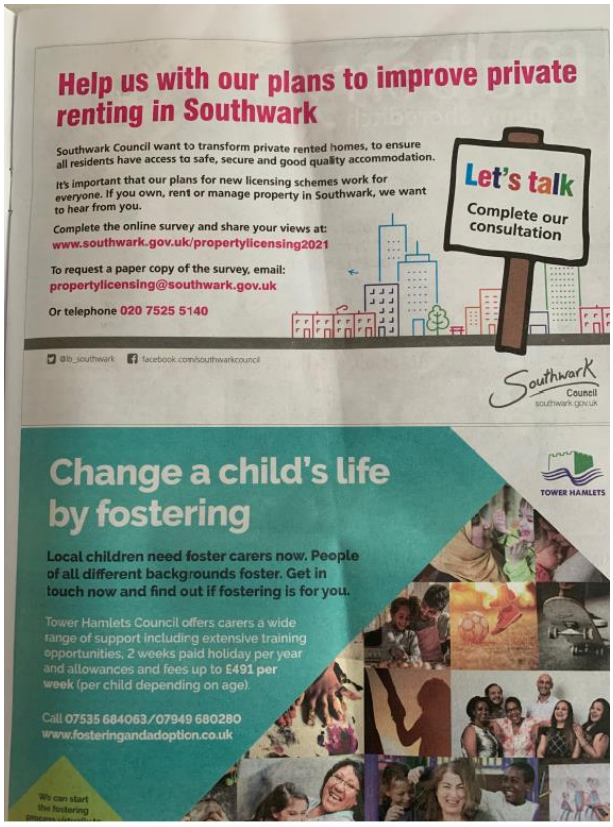
Other website visuals

Letting Agent Today



Newspapers

Our East End



South London Press



Bus advertisements







Southwark Life

Help us with our plans to improve private renting

We want to transform private rented homes, to ensure all residents have access to safe, secure and good quality accommodation.

It's important that our plans for new licensing schemes work for everyone. That's why we want to hear from all residents, landlords and business owners across the borough.

Complete the online survey and share your views at:
www.southwark.gov.uk/propertylicensing2021

To request a paper copy of the survey, email:
propertylicensing@southwark.gov.uk

Or telephone 020 7525 5140



Spring 2021

BUSINESS FRIENDLY SOUTHWARK



After a difficult winter, many local businesses will be looking forward to opening up again this spring. We are here to help shops, bars, markets and events re-open safely, as and when restrictions lift, avoiding local outbreaks, while the vaccine rollout continues this year. As ever, we will be supporting Southwark businesses all the way.

RECOVER FASTER WITH SPECIALIST HELP

At the London Business Hub (**www.businesshub.london**) entrepreneurs can find specialist business support and advice covering the impacts of COVID-19 as well as support for growth and recovery. The Federation of Small Businesses website (**www.fsb.org.uk**) also provides up to date news and advice for small businesses during the pandemic.

If you are thinking about starting a new business, you can get 12 hours of free support from our small business champion through Startups in London Libraries, contact us at startups@southwark.gov.uk to find out more. If you have a tech-based business idea, the OneTech programme supports founders from under-represented groups to get their tech businesses off the ground. Sign up at **www.stride.london/projects/onetech**

REBUILD YOUR TEAM LOCALLY



As business grows, employing local talent can boost retention, build strong teams and diversify your workforce. Southwark Works offers free local recruitment support to employers large and small. Visit **www.southwarkworks.com/information-for-employers** to contact the team.

If you are looking to create new jobs, apprenticeships or internships suitable for 18 to 25 year olds, you can work with our Next Step initiative to promote opportunities to local young people looking to get started on their career path. We can also advise on grants available to businesses to create new jobs and internships. Visit **www.southwark.gov.uk/nextstep** or email us at **SouthwarkBusinessDesk@southwark.gov.uk** to find out more.

ACCESS RAPID TESTING FOR YOUR STAFF

Fast lateral flow tests are available to Southwark businesses to test staff regularly who do not have symptoms, which can help pick up infections before they spread. Tests are free and available at the Damilola Taylor centre in Peckham and next to London Bridge station locations. To find your local testing centre visit **www.maps.test-and-trace.nhs.uk**. Find out more about rapid testing at **www.southwark.gov.uk/coronavirus**



STAY UP TO DATE WITH THE LATEST ADVICE

For the latest guidance on the local regulations for businesses, advice on how to keep staff and customers safe and all the resources on offer to support your business, go to **www.southwark.gov.uk/coronavirus** and follow the links to the business pages. You can also email us at **SouthwarkBusinessDesk@southwark.gov.uk** and ask to join our mailing list for regular updates.

Need to know...

Southwark is the borough that never stops, even during lockdown. There are still plenty of things going on and we've rounded up some of the best news from across the borough this season.

For news and events follow us on social media or find out more at **southwark.gov.uk/news**

Follow us on Facebook **facebook.com/southwarkcouncil**

Follow us on Twitter **@lb_southwark**

Follow us on Instagram **instagram.com/southwarkcouncil**

Career-focused adult learning courses now available online



We are running a variety of courses online, ideal if you're self-isolating or prefer distance learning, and are looking for career-focused learning to help you find work, find a better job, study at a higher level or to go to university.

We offer free ESOL (subject to conditions), free English and maths Functional Skills from Entry 1 to Level 2 and Computing Skills at Entry 2 and Entry 3.

We also have a number of CACHE courses available, from beginners to Level 1 and 2. CACHE courses prepare you to work in either a childcare or school setting and include: Diploma for early years practitioners, Certificate in supporting teaching and learning in schools, Preparing to work in schools, and Paediatric First Aid. Courses are also run in Food Safety and Hygiene.

Please see work-related courses and the Basic Skills section of our web page: **www.southwark.gov.uk/schools-and-education/adult-learning** or call **07394410750** or **07394410749** for more information.

A new café-kiosk for north Bermondsey

The council has begun work on a new café-kiosk, set within a lush garden courtyard on Holyrood Street.

Flanked by a stunning green wall, the kiosk will be run by Malfatti Projects and The Connection, a social enterprise which works with homeless people. The project will enliven this small street, tucked away behind London Bridge station, and will help draw visitors to north Bermondsey and the emerging Low Line.

We are pleased to be working in partnership with local Business Improvement Districts Team London Bridge, The Blue Bermondsey and Better Bankside to deliver the scheme. The project is part of a wider Low Line vision and is jointly funded by the Mayor's Good Growth Fund, Team London Bridge and the council.

The café-kiosk will open later this spring, see **www.southwark.gov.uk/holyrood**

Southwark Council's plans to strengthen protections for private renters

The council's ambitions to support and protect residents who rent their homes privately are underway with plans for new private rented property licensing schemes across the borough.

Your feedback and suggestions can be given by reading the supporting documents and completing a short survey at **www.southwark.gov.uk/propertylicensing2021**

Paper copies can also be requested by emailing **propertylicensing@southwark.gov.uk** or leaving a message at **020 7525 5140**.

Changes to Windrush Compensation Scheme

The Windrush Compensation Scheme was launched in April 2019 to compensate members of the Windrush generation and their families for the losses and impacts they have suffered as a result of not being able to demonstrate their lawful immigration status.

Following feedback from the Windrush Cross-Government Working Group; members of the Windrush generation; community leaders and those affected; the government is making improvements to the scheme including raising the minimum award to £10,000 and raising the maximum award to £100,000.

They are also making changes to the rules in the Loss of Access to Employment category including removing the 12-month cap on payments in all circumstances.

For full details visit the **www.windrush.campaign.gov.uk**

Spring 2021



Southwark Heritage Centre and Walworth Library

A new heritage centre for Southwark, combined with a new library, will open soon on Walworth Road.

This brand new council facility, built as part of the regeneration of Elephant and Castle, will combine a new local library for Walworth with a new heritage centre for the borough, telling the story of Southwark, past and present.

The centre will include 20,000 new books, 13 public computers and 22 study spaces. There will be two spaces for exhibitions, meetings, events and activities and more than 300 artworks and artefacts on display including items from the Cuming Collection.

Find out more about the new heritage centre and library at **www.southwark.gov.uk/she&wl**

Census 2021 is in full swing in Southwark

Households across Southwark will soon be asked to take part in the nationwide survey of housing and the population. Information from the digital-first census will help decide how services are planned and funded in your local area.

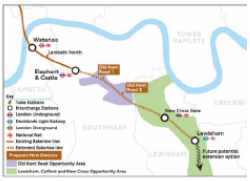
Census 2021 letters, with your unique access codes, have all gone out and responses are already coming in.

Operating in line with the Government's latest COVID-19 guidance, field officers will be deployed across the country to contact those who have not responded. They will offer help and advice to those who need it. They will also remind people that their census response is required by law.

To complete your census, and find out how you can get help, visit **census.gov.uk** or call **0800 141 2021.**

census 2021

Back the Bakerloo campaign celebrates latest victory



In December 2020, Ministers approved Transport for London's plan to proceed with statutory safeguarding of the route for the Bakerloo Line extension – running from Elephant & Castle to Lewisham. Once confirmed, this will protect the land required for the tunnels, alongside new stations along the Old Kent Road, at New Cross Gate and Lewisham, as well as key operational infrastructure and construction sites.

Southwark Council has been leading the campaign to extend the Bakerloo Line for several years – a project that will deliver thousands of affordable homes for Southwark residents and support tens of thousands of jobs across the capital.

Respondents to the 2019 public consultation on the extension showed overwhelming public support for the scheme but we need your backing to help secure the future for this vital project for our borough. Visit **www.baekthebakerloo.org.uk** to show your support. You can also spread this news on social media using **#BackTheBakerloo.**

Virtual surgeries with your local councillors

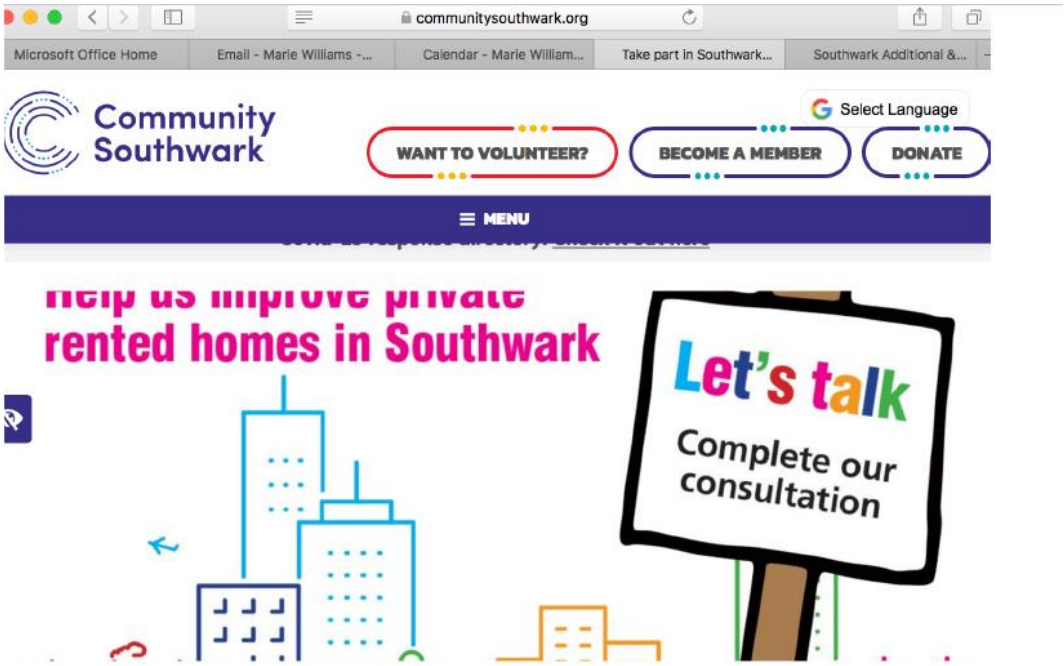
Councillors are now running monthly surgeries for residents in their wards via Zoom.

Days and times of monthly virtual surgeries for each ward can be found at **www.southwark.gov.uk/council-and-democracy/councillors-and-mps/your-councillors**

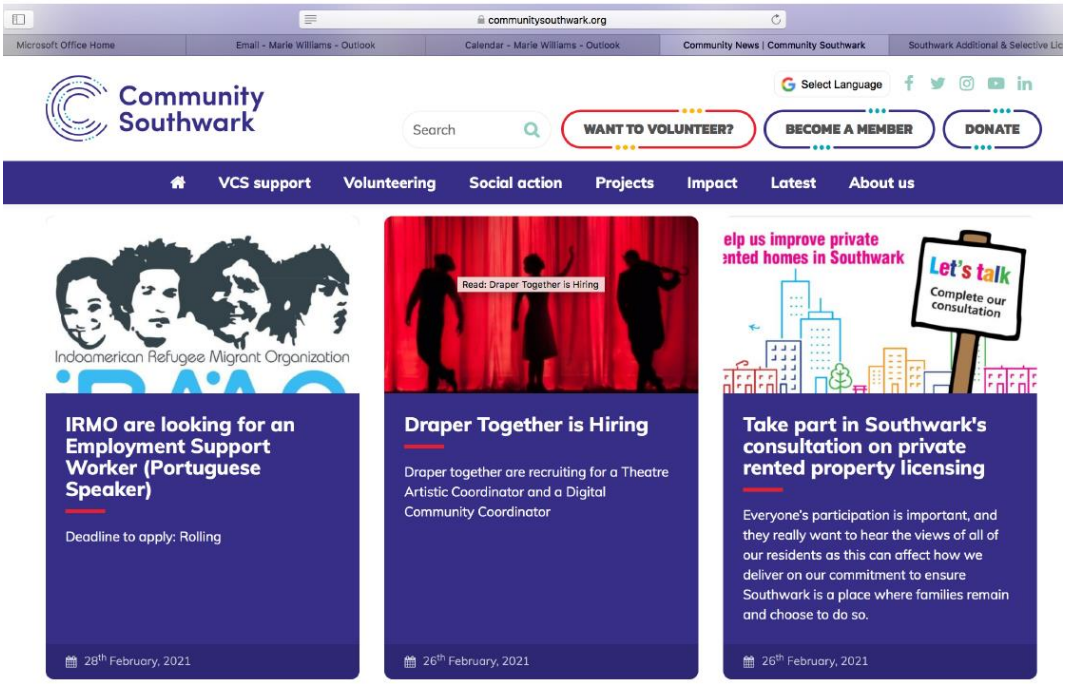
In order to book a virtual surgery appointment with your local councillors, please email them in advance of the surgery to request an appointment (email addresses can be found on the council website via the web address above). Your councillors will send you the log-in details for the Zoom surgery.

Surgeries are an important opportunity for residents to talk through a range of issues (e.g. related to housing, social care, the local area) with their local councillor and help us keep residents safe and healthy, especially during these difficult times. Surgeries are normally in person but the pandemic has meant we have had to explore alternative options to ensure residents can still meet with councillors.

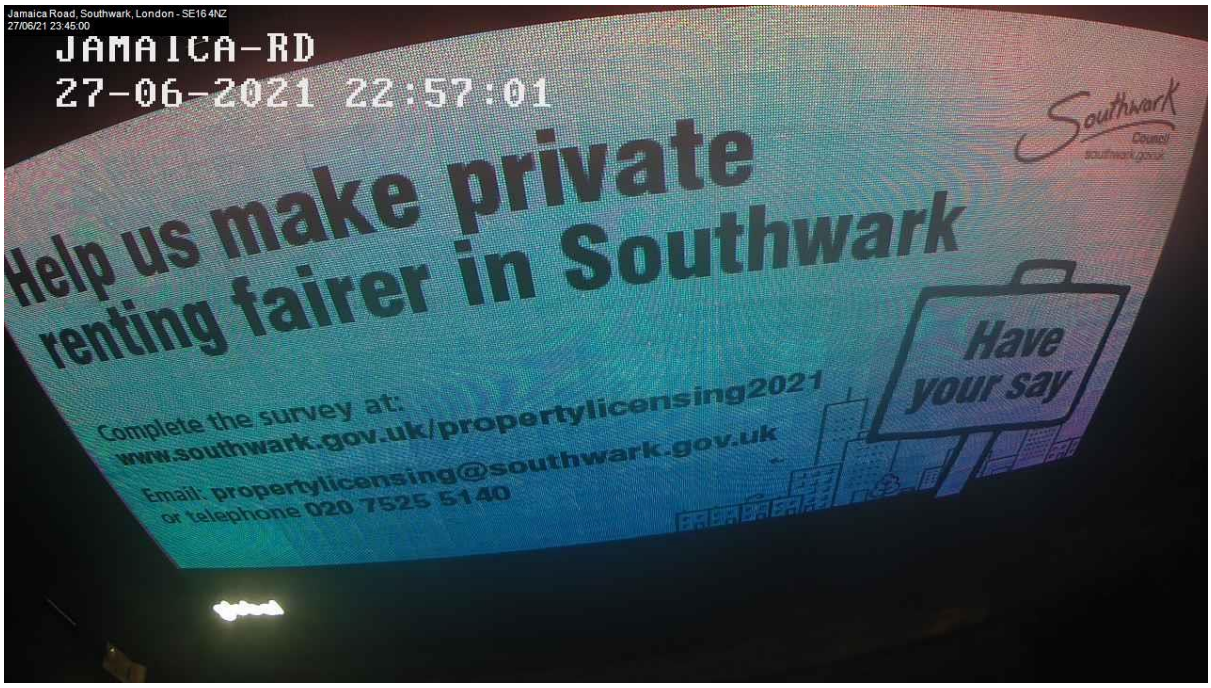
Community Southwark

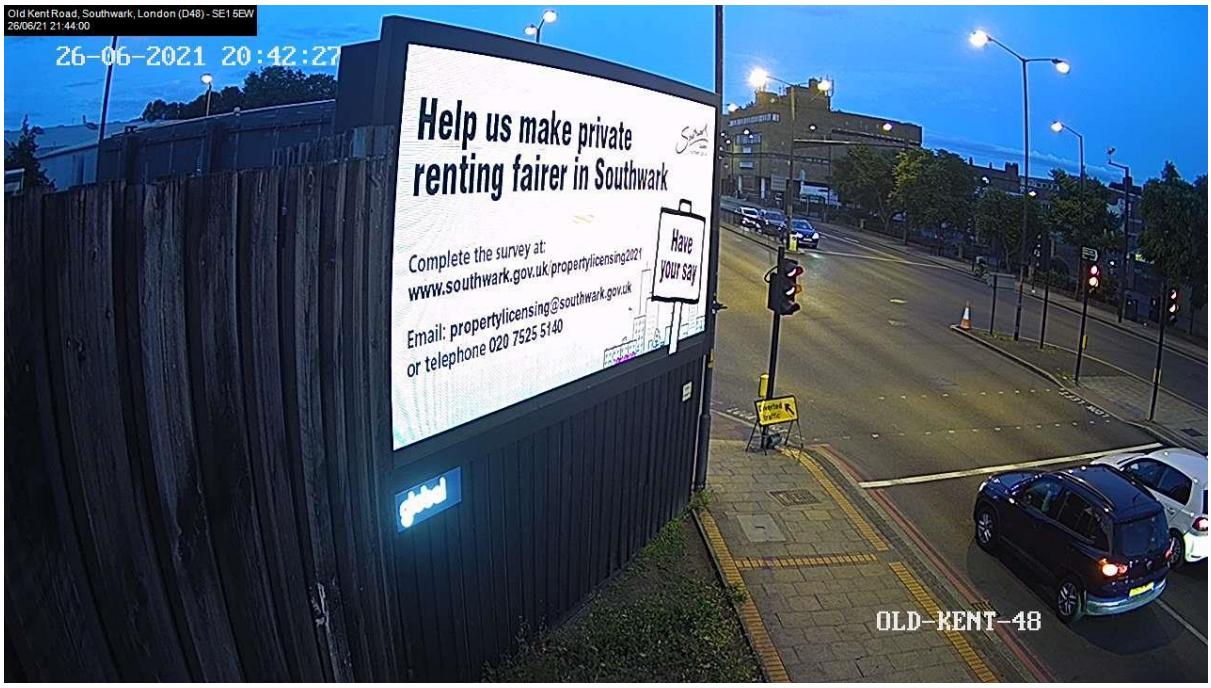


TAKE PART IN SOUTHWARK'S CONSULTATION ON PRIVATE RENTED PROPERTY LICENSING



Roadside Digital Advertisements





Driving Up Standards for the Private Rented Sector

Consultation on Private Sector Licensing in Southwark – Final Report

Appendix 12

19 October 2021

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Executive Summary

Southwark Council carried out a public consultation into their proposals to introduce a borough-wide additional licensing scheme for homes in multiple occupation (HMOs), and a selective licensing scheme in 19 wards. The council proposed introducing selective licensing through four designations, designed to tackle the most pressing issues within the ward

- Designation One – Very high and repeated antisocial behaviour (ASB):
  - Newington
  - Champion Hill
- Designation Two: Poor Property conditions:
  - Faraday
  - Goose Green
  - St. Giles
- Designation Three – Deprivation and poor property conditions
  - North Walworth
  - Nunhead & Queens Road
  - Old Kent Road
  - Peckham
- Designation Four – Poor property conditions:
  - Camberwell Green
  - Chaucer
  - Dulwich Hill
  - Dulwich Wood
  - London Bridge & West Bermondsey
  - Peckham Rye
  - Rotherhithe
  - Rye Lane
  - South Bermondsey
  - Surrey Docks

The council also consulted on changes to the existing Mandatory HMO Licensing scheme's fees and licence conditions.

To consult with landlords, tenants, residents, stakeholders and other interested parties, the council carried out an online survey and an interactive online map, where respondents could pinpoint issues in specific areas within the borough. The council also hosted several public meetings with landlords, tenants, residents, and landlord groups. The council used digital and print media to advertise the consultation, as well as in-person methods, following the easing of social distancing rules

The consultation ran for 19 weeks from 15th February 2021 to 28th June 2021

In total 1,916 responses were received from the online survey, 121 responses on the common place map. Qualitative feedback was received at 8 public meetings and 16 written responses from interested parties

The consultation looked at the level of support for introducing additional and selective licensing. The consultation also looked at views on the proposed licence conditions, fees, and the respondents' perceptions of the issues in the borough.

Key Findings

Selective Licensing Scheme in 19 wards

	Overall	Landlords[1]	PRS Tenants	Other
Total consultation survey responses	1916	443	690	783
Agree with Selective Licensing proposal	42%	18%	55%	46%
Disagree with Selective Licensing proposal	20%	52%	8%	12%
Responses to the question	1657	391	572	694
Agree with proposed Selective Licensing conditions	36%	15%	45%	39%
Disagree with proposed Selective Licensing proposal	18%	49%	7%	10%
Responses to the question	1684	404	591	689
Selective Licensing fee is reasonable	34%	6%	47%	39%
Selective Licensing fee is not reasonable	32%	79%	14%	21%

- There is overall agreement with Selective Licensing from the consultation respondents (42%)
- PRS tenants are in favour of selective licensing (55%) whilst landlords are against (52% disagree)
- The overall response (46%) to the proposed licence conditions was “not sure”
- PRS tenants agree that the proposed licence conditions are reasonable (45%). Landlords disagree that the conditions are reasonable with 49% disagreeing. The large number of “Don’t Know” responses indicates that there is requirement for the council to engage with tenants on the licence conditions
- A third of respondents (34%) think that the proposed fees are reasonable or a little too low, however a third (32%) think the proposed fees are too high or much too high, and the final third answered that they didn’t know if the fees were reasonable or not.
- Nearly half (47%) of PRS tenants think that the fees are reasonable or a little too low. The majority of landlords (79%) think the proposed fees are much too high or a little too high

[1] For the purposes of this consultation, results have been grouped to show respondents as ‘landlords’, which includes managing agents, residential lettings agents and representatives of a Housing Association.

Additional Licensing Scheme across the borough

	Overall	Landlords	PRS Tenants	Other
Total consultation survey responses	1916	443	690	783
Agree with Additional Licensing proposal	45%	23%	56%	47%
Disagree with Additional Licensing proposal	17%	43%	6%	13%
Responses to the question	1707	395	599	713
Agree with proposed Additional Licensing conditions	38%	15%	47%	42%
Disagree with proposed Additional Licensing proposal	17%	42%	7%	12%
Responses to the question	1681	398	591	692
Additional Licensing fee is reasonable	35%	9%	47%	40%
Additional Licensing fee is not reasonable	32%	72%	17%	24%

- There is overall agreement with Additional Licensing from the consultation respondents (45%)
- PRS tenants are in favour of Additional licensing (56%) whilst landlords are against (43% disagree)
- The overall response (45%) to the proposed licence conditions was “not sure”
- PRS tenants (47%) agree that the proposed licence conditions are reasonable. Landlords (41%) disagree that the proposed licence conditions are reasonable
- A third of respondents (35%) think that the proposed fees are reasonable or a little too low, however a third (32%) think the proposed fees are too high or much too high, and the final third answered that they didn’t know if the fees were reasonable or not.
- A third of PRS tenants (36%) think the proposed fees are reasonable. The majority of landlords (56%) think that the proposed fee is much too high.

Introduction

Background

The growth of the private rented sector (PRS) in Southwark has been accompanied by an increase in related housing problems. Rising rents have had a huge impact on affordability and this in turn has led to overcrowding, tenants being made homeless and a deterioration in property conditions. This situation has been made much worse by the pandemic, with overcrowding responsible for increases in the rate of virus transmission and a huge increase in homeless referrals due to financial issues.

The council is committed to improving privately rented properties in the borough. The recently revised Housing Strategy lays out some of the plans the council has to support residents with their housing needs, including those in the PRS. Around 43,000 homes in the borough are privately rented. Whilst the majority of these are well maintained and safe, there is a growing minority that are sub-standard and dangerous. Even well-meaning landlords may not always be up to date with the latest legal and safety requirements. These properties not only endanger the health, safety and wellbeing of tenants, but cause issues with neighbours and end up requiring many interventions from already stretched council teams. The council needs to use all the tools it has to improve the situation for tenants renting properties in this sector.

Proposals

The consultation focused on the extent to which respondents agree or disagree with the council's proposal to introduce:

- Borough-wide Additional Licensing for HMOs
- Selective Licensing in 19 wards through four designations

The consultation also looked at views on the proposed licence conditions, fees, and the respondents' perceptions of the issues of anti-social behaviour and poor property conditions in the borough

The consultation also asked for respondents' feedback on changes to the Mandatory HMO Licensing fees and licence conditions

Public Consultation

The consultation ran for 19 weeks from 15th February 2021 to 28th June 2021. To try and capture as much feedback from landlord, tenants, residents and other stakeholders the council used several approaches to promote the consultation across the borough, and outside the borough, whilst complying with the nationally imposed lockdown, social distancing and stay-at-home orders, which are detailed below. Activities for the consultation, including active communications and publicity, were paused during a period of purdah (23rd March 2021 to 7th May 2021), in the lead up to local and mayoral elections.

Approach to promoting the consultation in a pandemic

The consultation began during a national lockdown to combat the coronavirus pandemic. The public were asked to stay at home from January to April 2021, reduce non-essential

travel, work from home if possible and not to meet with people outside their household. In line with the Housing Act 2004, 80(9) and Housing Act 2004 Part 2, 56(3), the council carried out a stakeholder analysis to ensure all affected stakeholders had an opportunity to take part in the consultation. The table below shows the consultation activities carried out and the level of restrictions

From	Restriction	Consultation activity
6th Jan 2021	National lockdown, including a stay-at-home order No non-essential travel, non-essential shops were closed including bars, restaurants, other leisure activities and schools moved to remote learning	Updates to the council website, London Property licensing website campaign, emails to stakeholders, press release, use of council's social media, digital advertising campaign, contacting community and outreach groups to ask them to share information about the consultation, holding virtual landlord and tenant forums
8th Mar 2021	Schools re-opened. People could meet one person from outside their household outdoors	
29th Mar 2021	Outdoor gatherings (including in private gardens) of either 6 people (the Rule of 6) or 2 households allowed, and the stay-at-home order was lifted.	Adverts for the consultation in neighbouring borough newspapers. Purdah began (23rd March 2021 to 7th May 2021)
12th April 2021	Non-essential retail was allowed to re-open, and hospitality venues could serve groups of up to six or two households outside. Self-contained accommodation such as campsites and holiday lets, where indoor facilities are not shared with other households, can also reopen.	Digital advertisement campaign restarts (7th May), landlord virtual forum
17th May 2021	The end of most legal restrictions on meeting others outdoors - although gatherings of over 30 people remained illegal. Groups of six or two households could meet inside. Indoor entertainment and hotels/hostels/BnBs were allowed to open. These restrictions remained in place until after the end of the consultation	Adverts for the consultation were placed on the backs of buses and on digital advertising boards throughout the borough. Southwark Young Advisors went to popular shopping area and foodbanks to speak to people and hand out leaflets, landlord and tenant virtual forums were held, and ads for the consultation were placed in community newsletters

Landlord and other stakeholder events

The council held a series of meetings and forums to gather feedback from landlords and to make them aware of the consultation. These events are summarised below:

Event Type	Date	No. People contacted regarding event	No. people attended
Virtual Private Renters Forum	22nd Feb 2021	15	8
Virtual Landlord focus group	23rd Feb 2021		3
Meeting with NRLA representative	26th Feb 2021	NA	1
Virtual Homelessness Forum	11th Mar 2021	120	29
Virtual Landlord forum	18th Mar 2021	666	88
Virtual Landlord forum	11th May 2021	666	23
Virtual Landlord forum	16th Jun 2021	116	13

Virtual Staff Forum	21st Jun 2021	62	60

Tenant and resident events

The council also held forums to gather feedback and raise awareness of the consultation from residents and tenants in the borough. These events are summarised below:

Event Type	Date	No. People contacted regarding event	No. people attended
Virtual Tenant and Resident Forum	16th Mar 2021	64	2
Southwark Advice Forum	21st Mar 2021		25
Virtual Renters' Union	22nd Mar 2021	9	8
Virtual Resident forum	21st Jun 2021	359	20

Communication Channels

The council used a wide range of communication channels to promote the consultation and make stakeholders aware of the proposals.

Activities to engage all stakeholder groups, inside and outside the borough, and raise their awareness included:

- Updating the council website corporate homepage to include the consultation
- Posting a news article about the consultation on the council website
- Banner adverts for the consultation were placed on related pages on the council website
- Issuing press releases on 26th February 2021 and 15th June 2021
- Using the council's social media
    - 34 twitter posts with a total of 71,803 impressions, 1,042 engagements, 74 re-tweets and 62 likes
    - 31 Facebook posts with a total of 8,394 people reached and 112 likes
- Running a digital advertising campaign from 3rd to 8th March 2021 and from 6th May to 17th May which resulted in 633,500 impressions, 4,691 clicks to the consultation page with an average click-through-rate of 0.74% which is higher than the industry average for display ads of 0.35%. The digital campaign placed adverts on websites and social media pages related to Southwark and the private rented sector, including:
    - Gumtree.com
    - Southwarknews.co.uk
    - Zoopla.co.uk
    - Realhomes.com
    - Onthemarket.com
    - Propertytorenovate.co.uk
    - Globalpropertyguide.com
    - Propertywire.com
    - Apartmenttherapy.com
    - Homebuilding.co.uk
    - Loveproperty.com
    - Rightmove.co.uk

Activities to reach out to Southwark tenants and residents included:

- The consultation was included as an item in emails sent to resident mailing list on:
    - 19th February – sent to 173,630 residents

  - 4th March – an email was sent to 65 residents to inform them about the consultation and invite them to the resident forum
  - 5th March 2021 – sent to 169,656 residents
  - 19th Mar 2021 – sent to 169,882 residents
  - 10th, 11th and 12th May 2021 – sent to a total of 165,000 residents. These emails were specifically about the consultation and asking residents to complete the survey
  - 17th May 2021 – sent to 173,630 residents from the leader of the council with link to the consultation at the bottom
  - Email to 359 residents and tenants who had expressed an interest in attending an online forum when completing the online consultation, for the forum on 21st May 2021
  - 24th May 2021 – sent to 873 residents who subscribe to the Residents Online Panel email distribution list. The email asked for residents to complete a poll on council homes and included a link to the consultation
  - 1st, 3rd, 8th ,10th and 15th June – the consultation was mentioned along with a link to the consultation shared with attendees of the Southwark Local Housing Forums with 18, 24, 26, 26 and 24 attendees respectively
  - 10th June 2021 – sent to 173,719 residents
- Adverts for the consultation were placed in the spring and summer editions of the Southwark Life magazine
- Southwark Young Advisors went out on behalf of the council to ask people about the consultation and hand out leaflets
  - 2nd June 2021 outside Aylesham Shopping Centre
  - 3rd June 2021 outside at Elephant and Castle shopping centre
  - 4th June 2021 East Street Market
  - 17th June 2021 at Spring Community Hub, a foodbank in Camberwell
- Adverts were placed on the back of 60 buses across three depots, covering the routes through the borough from 24th May to 20th June 2021
- Adverts were added to 43 outdoor digital boards across the borough. The campaign on the outdoor digital boards ran from 17th May to 26th June 2021
- Text messages were sent to 193 residents
- Including the consultation in Southwark Council's business e-newsletter to 12,224 recipients

Activities to reach out to landlords included:

- An email to 590 landlords on 4th March to inform them about the consultation and landlord forum
- The consultation was included as an item in emails sent to 4,022 landlords on 17th May 2021
- An email on 23rd June 2021 – sent to 3,987 non-resident leaseholders about the consultation
- A digital campaign on the London Property Licensing website. London property Licensing is the leading website for informing private landlords in the UK. The campaign started on 5th March and ran until 28th June. The campaign included:
  - From 9th March to 28th June a pixel banner advert promoting the consultation was placed on the London Property Licensing (LPL) homepage
  - From 9th March to 28th June a banner headline attached to a rotating image at the top of the LPL home page with a link to the consultation listing.
  - On 5th March to 28th June the London Borough of Southwark's page on the LPL website was updated with information about the licensing consultation and how to take part
  - From 9th March to 28th June, the licensing consultation was advertised on the LPL latest events webpage. It was also promoted in the events section on the

LPL home page and on all London borough pages and news & comment articles
    - A news article about the licensing consultation was posted in the LPL news section on 19th March and promoted on social media and in the LPL newsletter
    - The licensing consultation was promoted in posts on the LPL Facebook page and the LPL LinkedIn page on 12th March, 18th March, 24th March and 25th June
    - Tweets about the licensing consultation were published on the LPL Twitter Feed (@lplicensing) every 6 to 8 days, timed to cover a variety of morning, afternoon and evening posts, between 11th March and 28th June. During this period the @lplicensing twitter feed had between 2,244 and 2,270 followers, generating impressions, likes, retweets and comments from a variety of people including a landlord legal advice service, letting agent association, letting agent, property commentator, lecturer, property licensing business, accreditation scheme, the local authority and members of the public.
    - Promotion of the licensing consultation in the LPL newsletter on 26th March, 30th April and 27th May which is sent to between 3,098 and 3,143 people who have requested updates on housing regulation and property licensing schemes
- An email to 666 landlords to invite them to a virtual landlord forum on 18th March
- An email to 115 landlords who had expressed an interest in attending an online forum when completing the online consultation, for the forum on 16th May
- An email to 590 landlords to remind them about the consultation on 25th June
- Running a digital advertising campaign from 3rd to 8th March 2021 and from 6th May to 17th May which resulted in 633,500 impressions, 4,691 clicks to the consultation page with an average click-through-rate of 0.74% which is higher than the industry average for display ads of 0.35%. The digital campaign placed adverts on websites and social media pages related to Southwark and the private rented sector, including:
    - Gumtree.com
    - Southwarknews.co.uk
    - Zoopla.co.uk
    - Realhomes.com
    - Onthemarket.com
    - Propertytorenovate.co.uk
    - Globalpropertyguide.com
    - Propertywire.com
    - Apartmenttherapy.com
    - Homebuilding.co.uk
    - Loveproperty.com
    - Rightmove.co.uk

Activities to reach out to landlords outside the borough included:

- Placing adverts in neighbouring borough local newspapers:
    - Tower Hamlets publication
    - East London Advertiser
    - South London Press
    - Hackney & Islington Gazette
- A digital campaign on the London Property Licensing website. London property Licensing is the leading website for informing private landlords in the UK. The campaign started on 5th March and ran until 28th June. The campaign included:
    - From 9th March to 28th June a pixel banner advert promoting the consultation was placed on the London Property Licensing (LPL) homepage

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  - From 9th March to 28th June, the licensing consultation was advertised on the LPL latest events webpage. It was also promoted in the events section on the LPL home page and on all London borough pages and news & comment articles
  - A news article about the licensing consultation was posted in the LPL news section on 19th March and promoted on social media and in the LPL newsletter
  - The licensing consultation was promoted in posts on the LPL Facebook page and the LPL LinkedIn page on 12th March, 18th March, 24th March and 25th June
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  - Propertytorenovate.co.uk
  - Globalpropertyguide.com
  - Propertywire.com
  - Apartmenttherapy.com
  - Homebuilding.co.uk
  - Loveproperty.com
  - Rightmove.co.uk

Activities to make digitally excluded and vulnerable stakeholders aware of the consultation included:

- Reaching out to local community and outreach groups to ask them to share the consultation with the groups they interact with:
  - AB Southwark
  - Central Southwark
  - Link Age Southwark
  - Community Southwark
  - Southwark Wellbeing Hub

    - Southwark Pensioners Action Group
    - Southwark Disability Forum
- Including the consultation in local community group newsletters:
    - Southwark news Leaderboard
    - Southwark R.E.A.C.H. Alliance newsletter
    - Southwark Latin American Network newsletter
    - Southwark LGBT Network newsletter
- Adverts for the consultation were placed in the spring and summer editions of the Southwark Life magazine, which is posted through all letterboxes in the borough
- Southwark Young Advisors went out on behalf of the council to ask people about the consultation and hand out leaflets
    - 2nd June 2021 outside Aylesham Shopping Centre
    - 3rd June 2021 outside at Elephant and Castle shopping centre
    - 4th June 2021 East Street Market
    - 17th June 2021 at Spring Community Hub, a foodbank in Camberwell
- Adverts were placed on the back of 60 buses across three depots, covering key routes through the borough from 24th May to 20th June 2021
- Adverts were added to 43 outdoor digital boards across the borough. The campaign on the outdoor digital boards ran from 17th May to 26th June 2021
- Adverts placed on council estate notice boards and x3 council estate digital boards across the borough

Activities to make stakeholders within the council aware of the consultation included:

- Internal communications within the council including:
    - A notice on the staff intranet, Yammer and all staff emails
    - Holding a workshop with 60 staff from six teams on the consultation
- Updating the council website corporate homepage to include the consultation
- Posting a news article about the consultation on the council website
- Banner adverts for the consultation were placed on related pages on the council website
- Using the council's social media
    - 34 twitter posts with a total of 71,803 impressions, 1,042 engagements, 74 re-tweets and 62 likes
    - 31 Facebook posts with a total of 8,394 people reached and 112 likes

Activities to make other stakeholders outside the borough aware of the consultation included:

- Emails to neighbouring London borough councils (City of London, Lewisham, Lambeth, and Tower Hamlets) to inform them of the consultation

Consultation Methods

The council used several formats to gather feedback from stakeholders on the consultation

Online Survey

The online survey was open to the general public. In total there were 1,916 responses to the online survey. The consultation survey was the main method of gathering feedback during the consultation. Respondents were asked their views on Selective and Additional Licensing, the proposed fees and conditions, and their views on issues within the borough. Their responses are analysed and broken down by stakeholder type below.

Commonplace Map

The council also ran an online Commonplace map that members of the public could use to express their views on licensing. The Commonplace Map showed a map of the borough, and respondents could drop a pin on a specific point on the map, or larger areas of the borough. Respondents could also give their sentiment towards licensing, and then share their experiences of private rented housing in the borough. There were 121 responses to the Commonplace.

Public Forums

The council ran online public forms to provide more information about the proposed scheme and to gather feedback from stakeholder who would be impacted by licensing. The public meetings were held over Zoom, and the council presented information about the proposed schemes, followed by a question-and-answer session.

Other written feedback

The council accepted feedback on the proposed licensing schemes by email or written response. The feedback in the fourteen emails received has been analysed below and the written responses received can be found in the appendices.

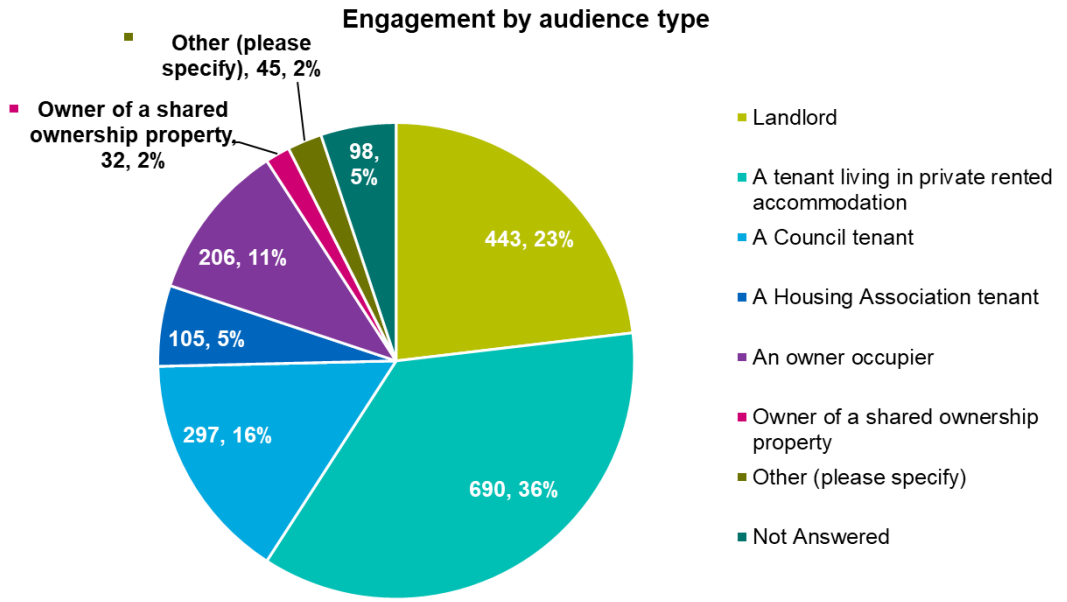
Consultation Survey Results

This section of the report presents the results from the consultation survey[2]. There were 1,916 responses to the consultation survey.

In the following analysis, the percentages are based on the answers to the question and will state where less than the total 1,916 respondents answered the question.

Overall Consultation Response

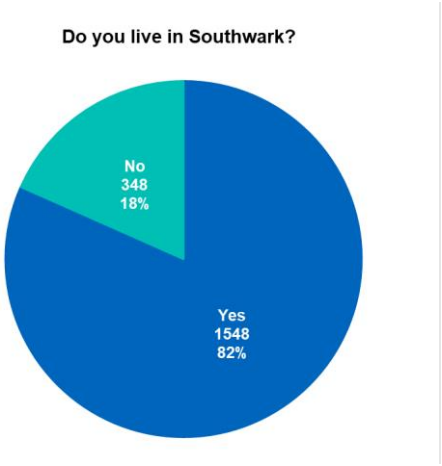
Respondents to the consultation were categorised into the following stakeholder groups. Where respondents said they were both a landlord and another stakeholder group (for example and landlord and an owner occupier), they have been categorised as a landlord for the analysis of the consultation responses.

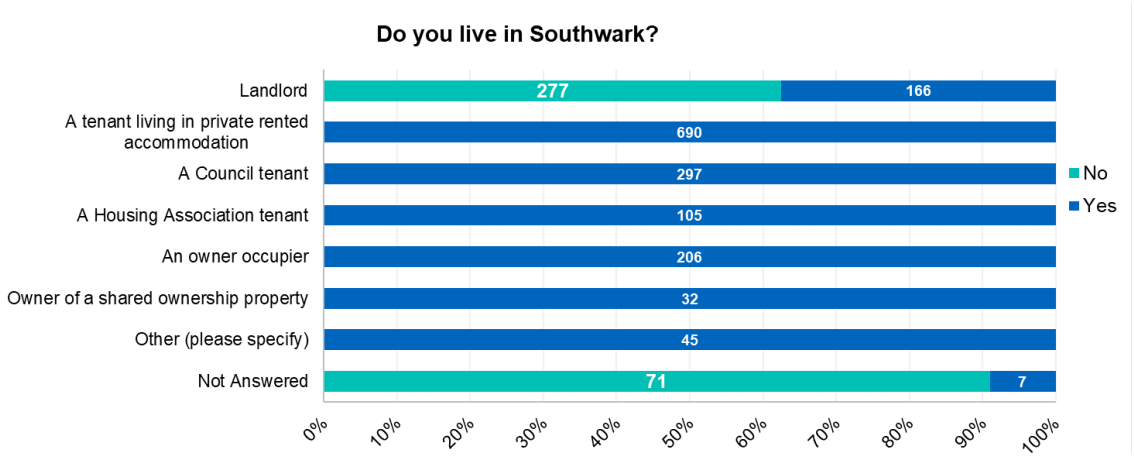


The range of respondents to the consultation show a good representation of views from different stakeholder groups

1,896 respondents answered the question asking if they live in the London Borough of Southwark.

[2] . In total there were 1,943 responses to the online consultation survey. Where there were duplicate responses (based on both the name and email address given by the respondent), the second, later response was included. Without the duplicate responses, there were 1,916 responses to the consultation.





These results clearly indicate that the consultation reached landlords outside the borough, whilst also gathering the views of a range of residents and tenants within the borough.

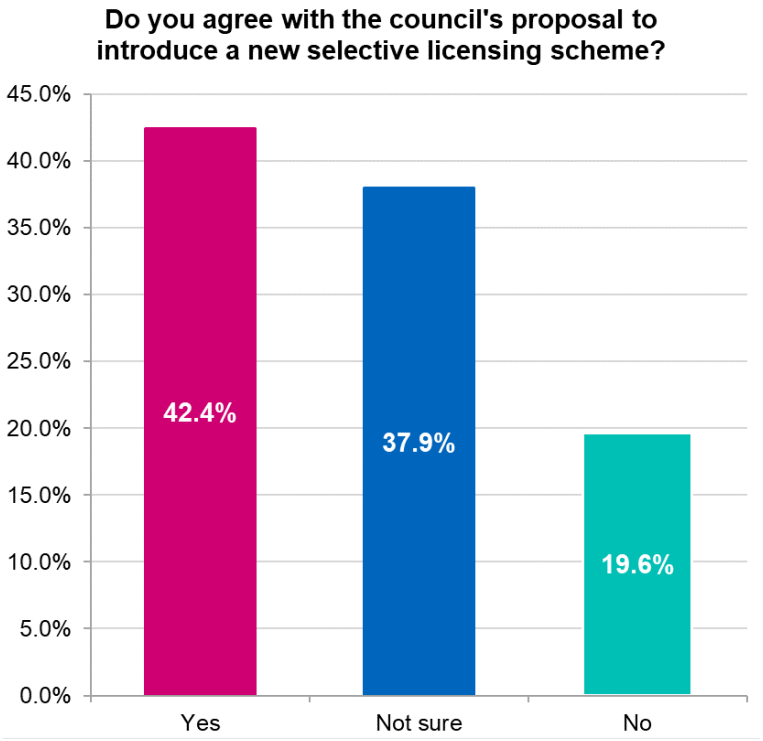
Views on the proposed licensing schemes

Proposal to introduce Selected Licensing in targeted areas.

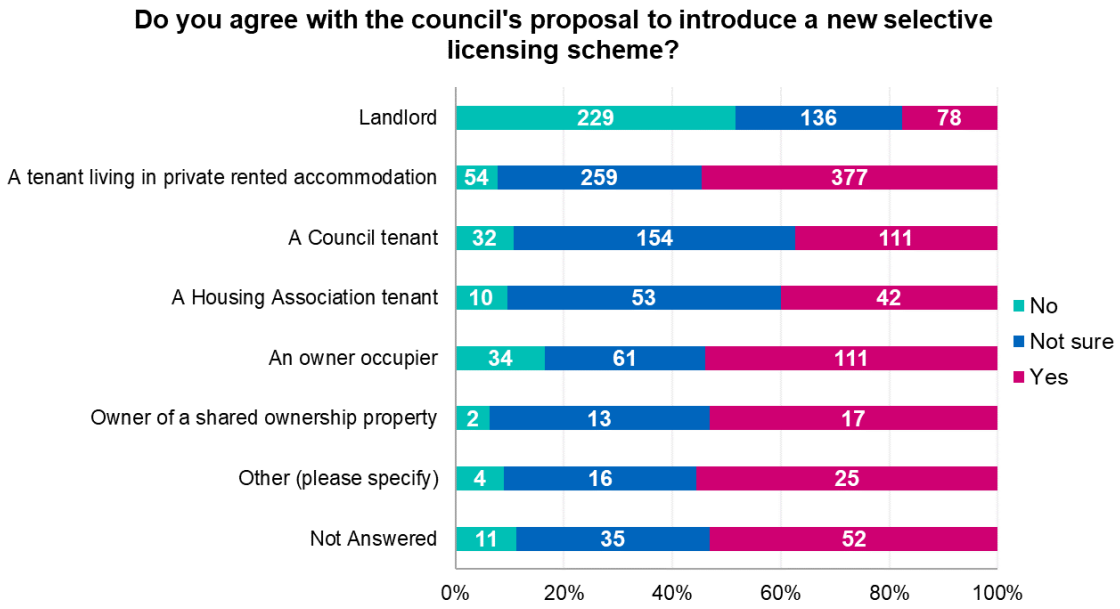
The Council is proposing to introduce a Selective Licensing scheme which would target privately rented homes in 19 wards let to single family households, two sharers or one person. These would be in four designations, as outlined in the Executive Summary.

The overall majority, around 42% (813) of respondents, agree with the proposal for Selective Licensing. Around 20% (376) disagree. However, there is a sizeable minority stated that they are not sure, this probably reflects the fact that a large number of residents and tenants responded, who may not have been aware of selective licensing. Whilst this lack of knowledge is common and occurs in other London boroughs, it raises the requirement for the council to increase its education of tenants and residents about selective licensing.

All respondents (1,916) to the online consultation answered this question.



Looking at the responses by group, owner occupiers, privately renting tenants and owners of a shared ownership property are in favour of the proposals with over 50% of each group agreeing. Landlords are opposed to the proposals with over 50% disagreeing

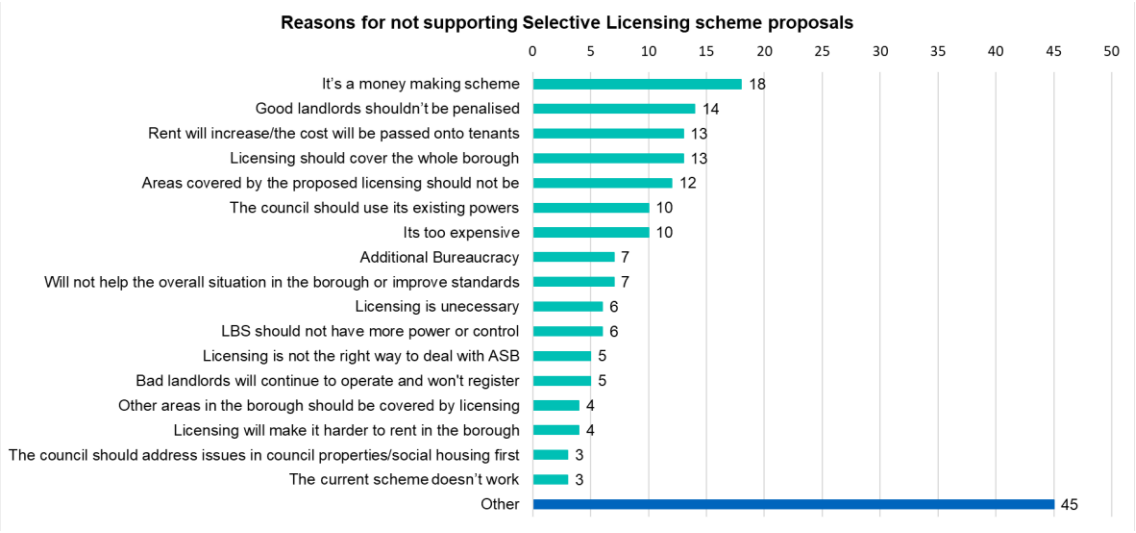


Reasons for opposing Selective Licensing in targeted areas.

Respondents who said they disagreed with the proposed Selective Licensing scheme were asked to give their reasons if they wished. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 185 comments from respondents who disagreed with selective licensing, 129 from landlords, 25 from

tenants living in private rented accommodation and 31 from other respondent types. Themes which received fewer than 3 comments were grouped under ‘other’

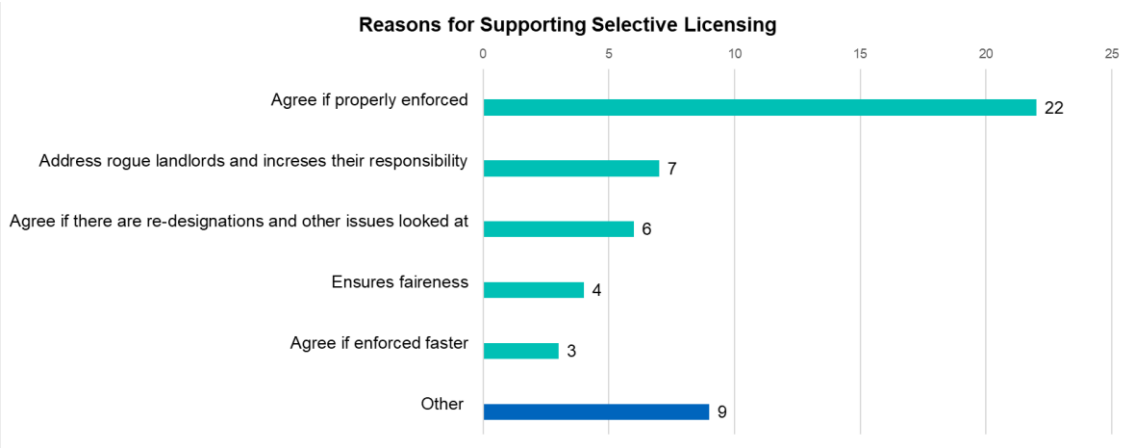
Key themes for opposing selective licensing are that “it is a money-making scheme”, “good landlords should not be penalised” and that “rents will increase/the cost will be passed onto tenants”. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



Reasons for supporting Selective Licensing in 19 wards

Respondents who said they agreed with the proposed Selective Licensing scheme were asked to give their reasons if they wished. In total there were 76 comments from respondents who agreed with selective licensing, 13 from landlords, 23 from tenants living in private rented accommodation and 40 from other respondent types. Themes which received fewer than 3 comments were grouped under ‘other’

Key themes for agreeing with selective licensing were that they “agree if properly enforced”, that licensing will “address rogue landlords and increase their responsibility” and they “agree if there are re-designations and other issues looked at”. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.

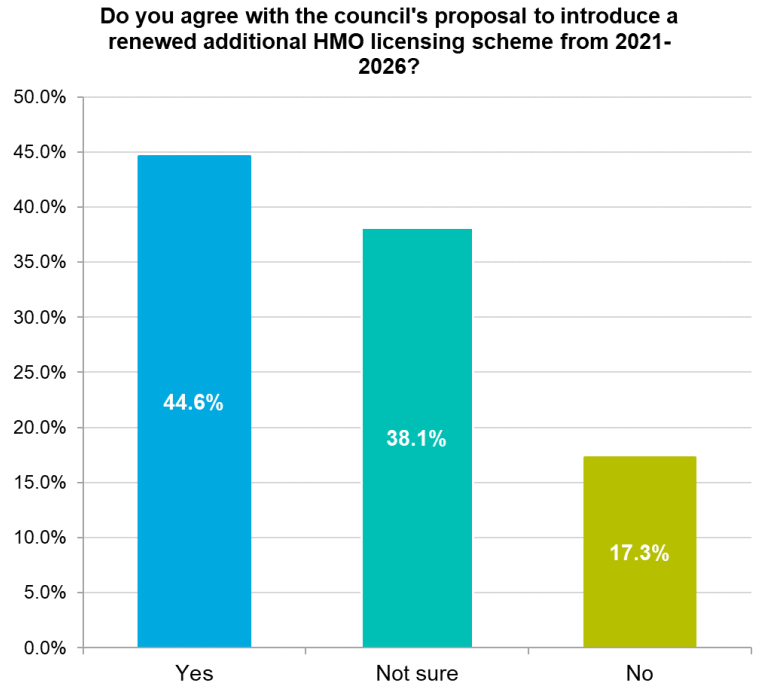


Proposal to introduce Additional Licensing across the borough.

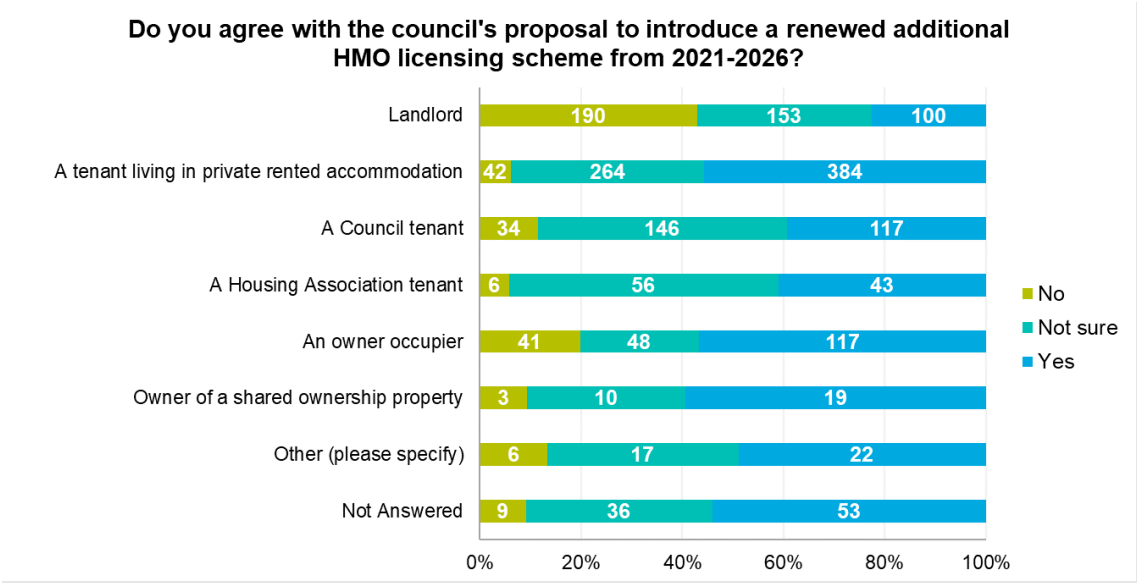
The Council is proposing to introduce a borough-wide Additional Licensing scheme which would target privately rented homes of multiple occupation, let to 3 or 4 unrelated people, forming 2 or more households, who share amenities such as a kitchen or bathroom

The overall majority, around 45% (855) of respondents agree with the proposal for Additional Licensing. Around 17% (331) disagree. However, there is a sizeable minority stated that they are not sure, this probably reflects the fact that a large number of residents who have not been affected by the previous borough-wide additional licensing scheme. Similar to selective licensing, while this lack of knowledge is common and occurs in other London boroughs, it raises the requirement for the council to increase its education of residents about additional licensing.

All respondents (1,916) to the online consultation answered this question.



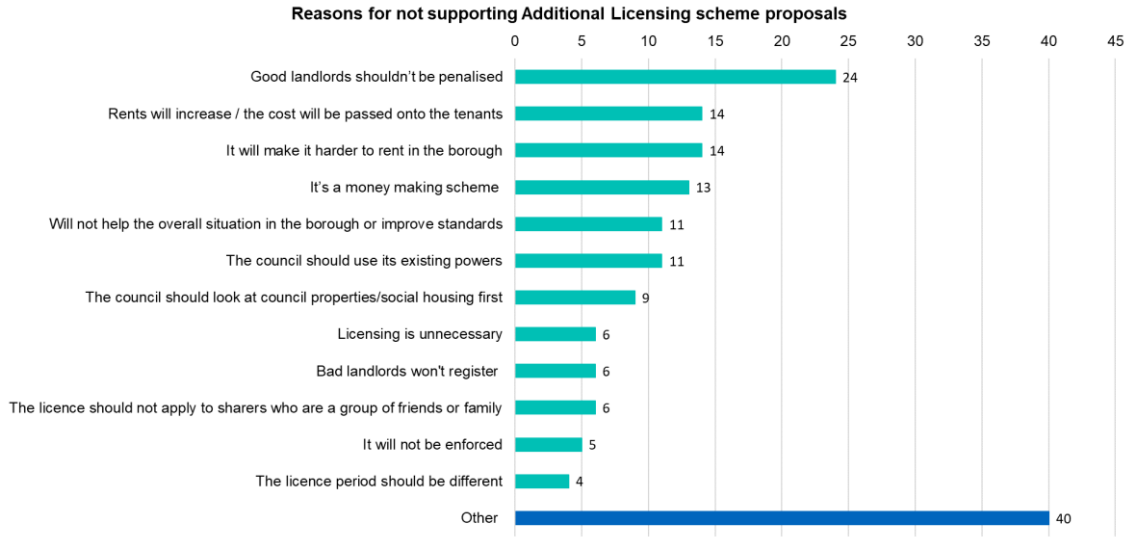
Looking at the responses by group, owner occupiers, privately renting tenants and owners of a shared ownership property are in favour of the proposals with over 55% of each group agreeing. Landlords are opposed to the proposals with 43% disagreeing



Reasons for opposing Additional Licensing across the borough.

Respondents who said they disagreed with the proposed Additional Licensing scheme were asked to give their reasons if they wished. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 163 comments from respondents who disagreed with selective licensing, 105 from landlords, 21 from tenants living in private rented accommodation and 37 from other respondent types. Themes which received fewer than 3 comments were grouped under 'other'

Key themes for opposing selective licensing are that "good landlords should not be penalised", the "rents will increase/the cost will be passed onto tenants" and that the scheme "will make it harder to rent in the borough". All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.

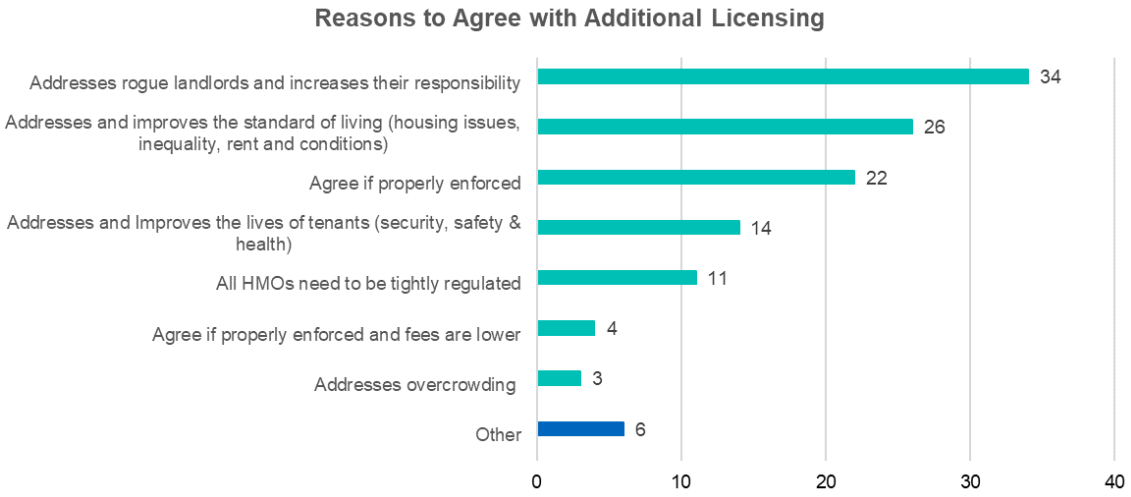


Reasons for supporting Additional Licensing across the borough

Respondents who said they agreed with the proposed Additional Licensing scheme were asked to give their reasons if they wished. In total there were 120 comments from

respondents who agreed with additional licensing, 21 from landlords, 39 from tenants living in private rented accommodation and 60 from other respondent types. Themes which received fewer than 3 comments were grouped under ‘other’.

Key themes for agreeing with additional licensing were that licensing “addresses rogue landlords and increases their responsibility”, that licensing “addresses and improves the standard of living (housing issues, inequality, rent and conditions)” and that respondents “agree if properly enforced”. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



Alternatives to licensing schemes

Respondents were also asked what alternatives the council could consider to each of the proposed licensing schemes.

Alternative options to Selective Licensing

There were 221 comments in response to the question regarding alternatives to Selective Licensing. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 221 comments from respondents who suggested alternatives to selective licensing, 146 from landlords, 30 from tenants living in private rented accommodation and 45 from other respondent types. Themes which received fewer than 3 comments were grouped under ‘other’

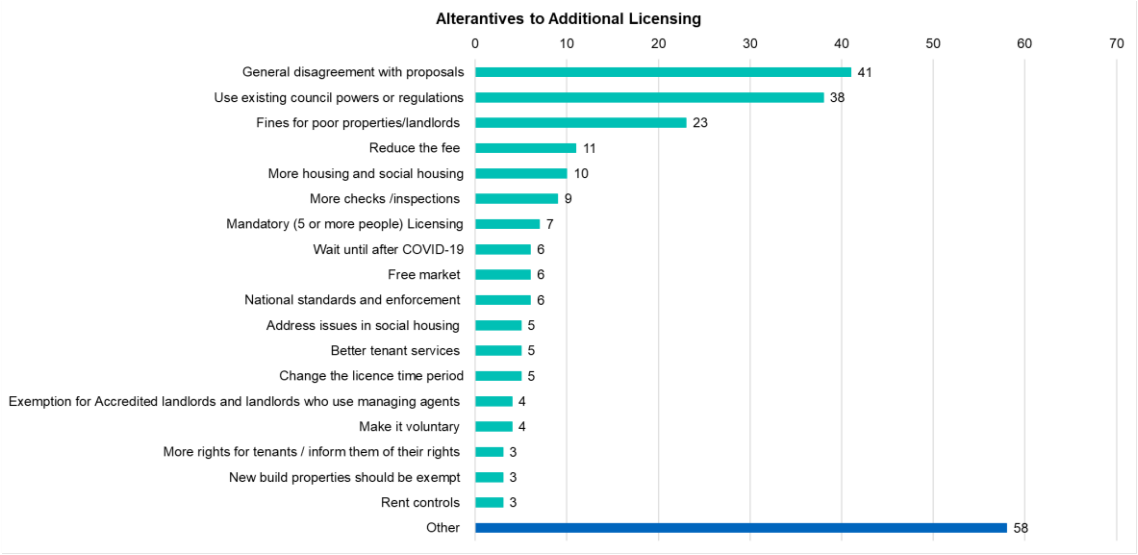
Key themes for alternative suggestion were that respondents “generally disagreed with the proposals”, that the “council should use their existing powers and enforce existing regulations” and that the selective licensing scheme “should cover the whole borough”. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



Alternative options to Additional Licensing

There were 247 comments in response to the question regarding alternatives to Additional Licensing. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 247 comments from respondents who suggested alternatives to selective licensing, 152 from landlords, 34 from tenants living in private rented accommodation and 61 from other respondent types. Themes which received fewer than 3 comments were grouped under ‘other’

Key themes for alternative suggestion were that respondents “generally disagreed with the proposals”, that the “council should use their existing powers and enforce existing regulations” and that the council should issue fines for “poor properties/landlords”. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.

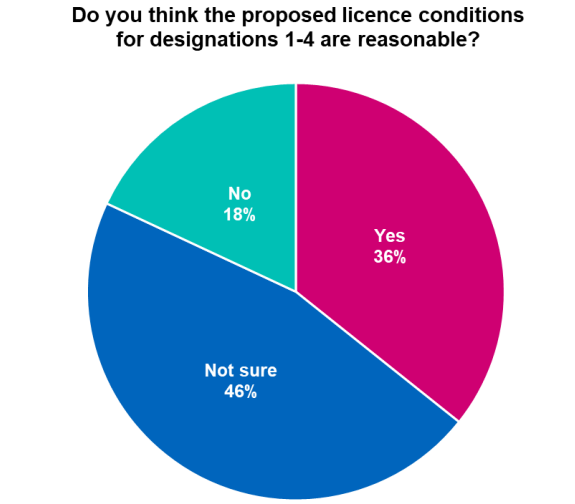


Views on the proposed licensing scheme conditions

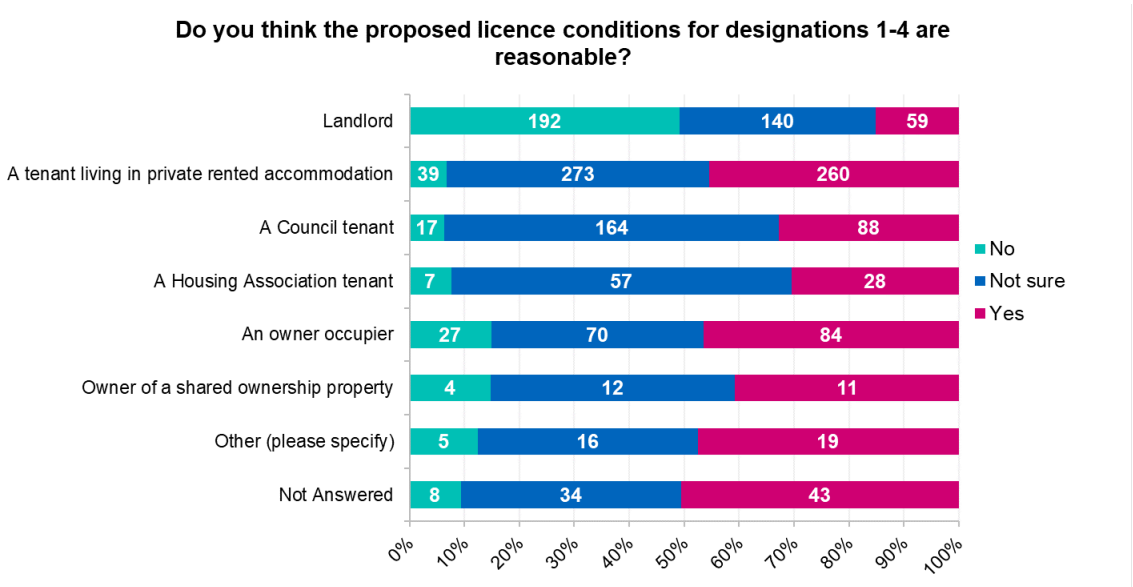
The consultation asked respondents for their views on the proposed set of licence conditions, for both selective and additional licensing schemes. Information about the licence conditions was provided within the consultation documents

Selective Licence Conditions

Respondents were asked if they agree or disagree with the selective licence conditions. 1,657 respondents answered this question. 36% (592) respondents agreed that the selective licence conditions were reasonable, and 18% (299) disagreed.



Looking at the responses by group, owner occupiers and privately renting tenants agree that the conditions are reasonable with over 45% of each group agreeing. Landlords disagree that the conditions are reasonable with 49% disagreeing. The large number of “Not sure” responses indicates that there is requirement for the council to engage with tenants on the licence conditions.

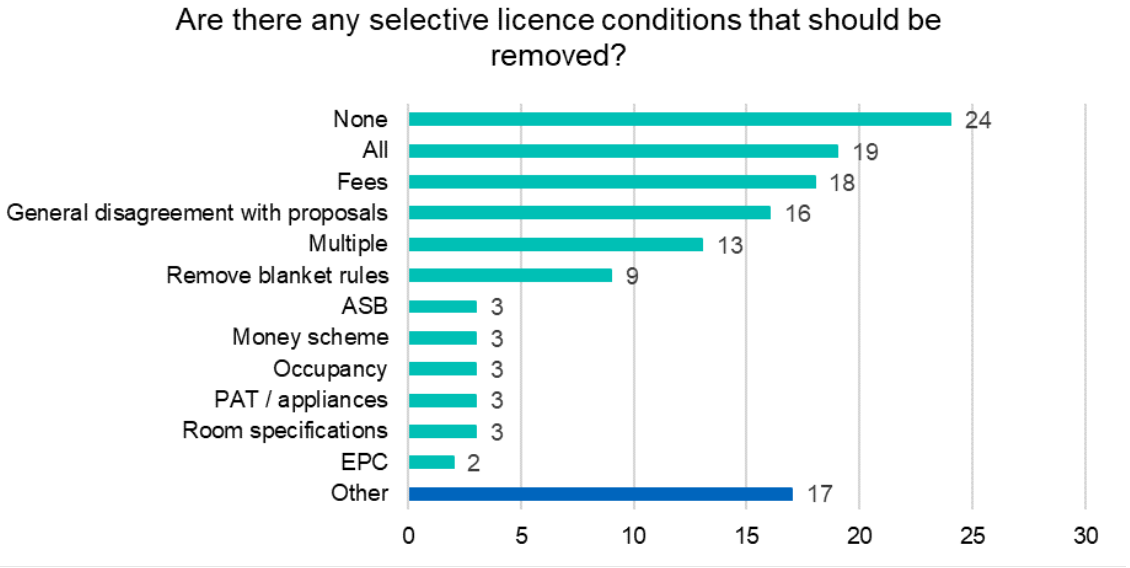


Comments on the proposed Selective Licence Conditions

Respondents were asked to give their feedback on the proposed licence conditions for selective licensing. Information about the licence conditions was provided within the consultation documents

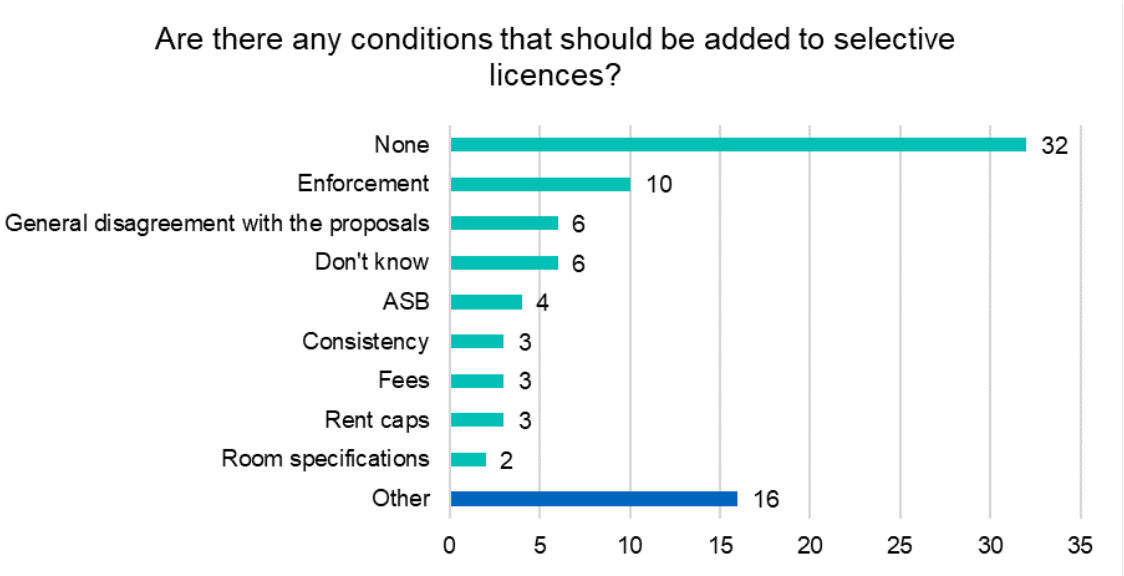
Respondents were asked which conditions they thought should be removed. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 133 comments from respondents, 83 from landlords,15 from tenants living in private rented accommodation and 35 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions should be removed were that "None" of the licence conditions should be removed, "All" of the licence conditions should be removed and the licence conditions relating to that are "fees" should be removed. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



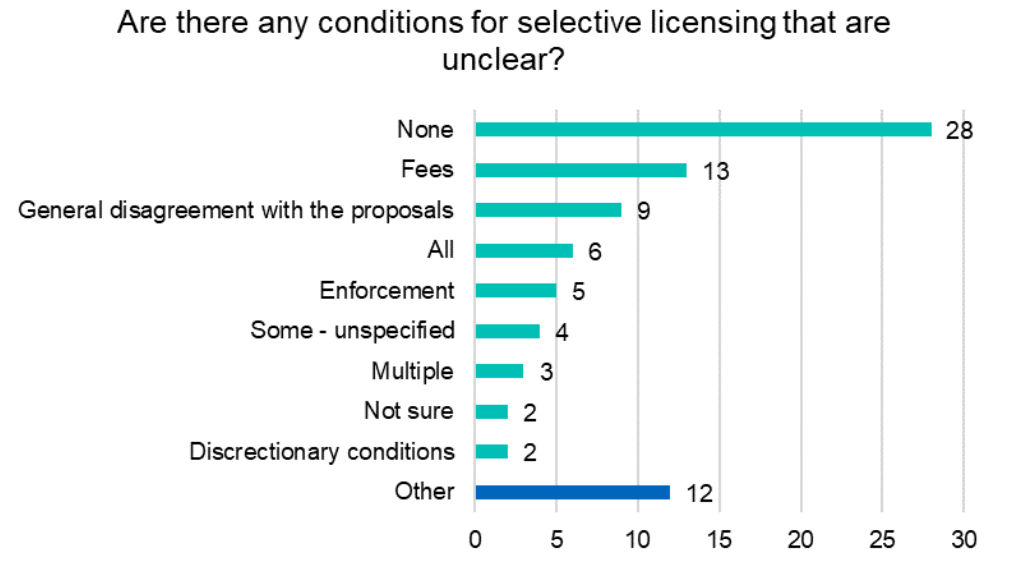
Respondents were asked which conditions they thought should be added to selective licences. In total there were 85 comments from respondents, 32 from landlords, 20 from tenants living in private rented accommodation and 33 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions should be added were "None" and conditions around "Enforcement". All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



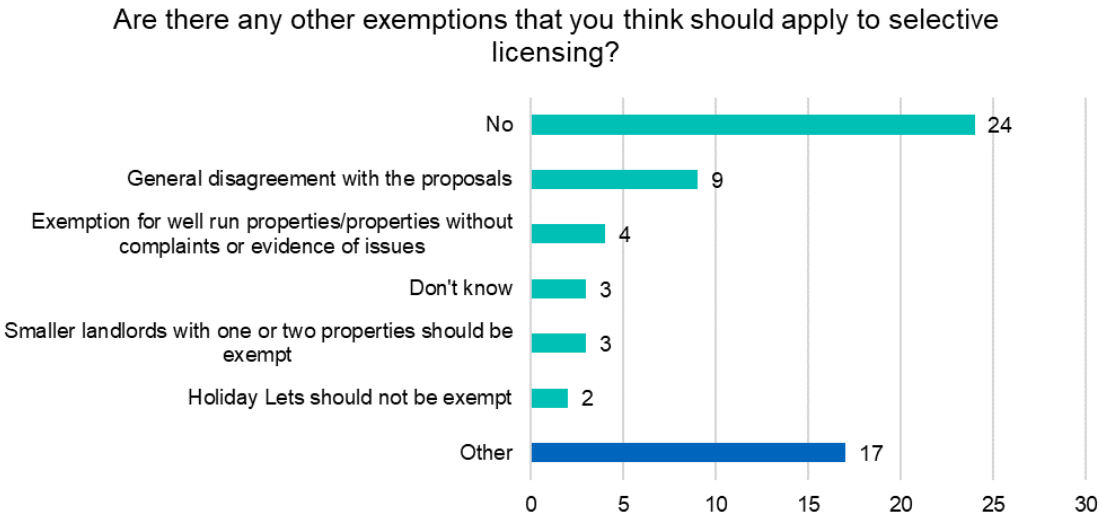
Respondents were asked which conditions they thought were unclear. In total there were 84 comments from respondents, 37 from landlords,17 from tenants living in private rented accommodation and 30 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions were unclear were that "None" and that that conditions regarding "Fees" were unclear. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



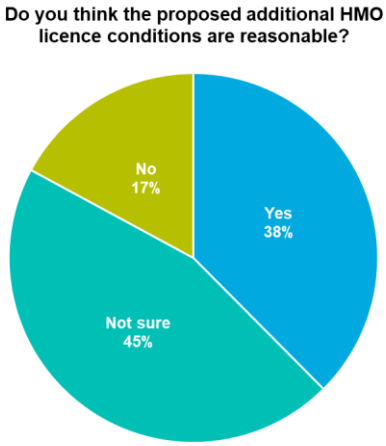
Respondents were asked if they thought other exemptions should apply for selective licensing. In total there were 62 comments from respondents, 32 from landlords,7 from tenants living in private rented accommodation and 23 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for if there should be other exemptions from selective licensing were "No" there should not be further exemptions and "General disagreement with the proposals". All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.

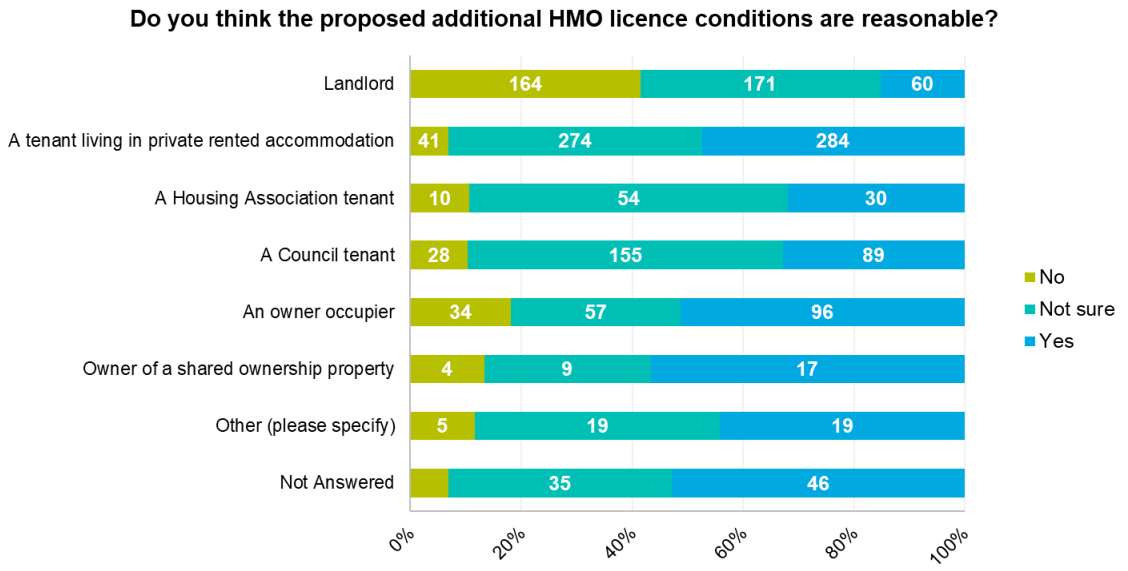


Additional Licence Conditions

Respondents were asked if they agree or disagree with the additional licence conditions. 1,707 respondents answered this question. 38% (641) respondents agreed that the selective licence conditions were reasonable, and 17% (292) disagreed.



Looking at the responses by group, owner occupiers and owners of a shared ownership property agree that the conditions are reasonable with over 51% of each group agreeing. 47% of tenants living in privately rented accommodation also agreed. Landlords (41%) disagree that the conditions are reasonable.

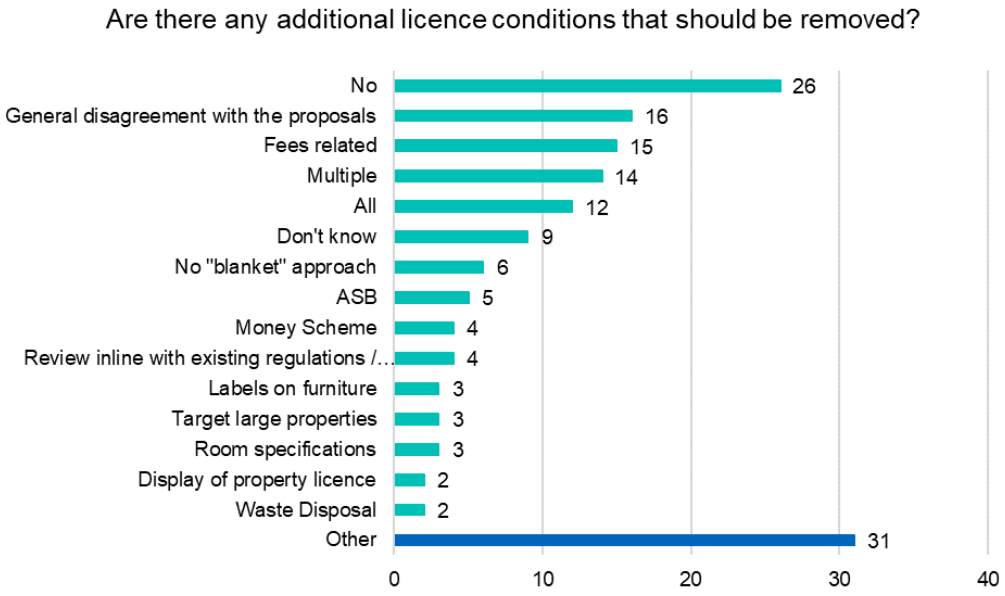


Comments on the proposed Additional Licence Conditions

Respondents were asked to give their feedback on the proposed licence conditions for additional licensing. Information about the licence conditions was provided within the consultation documents

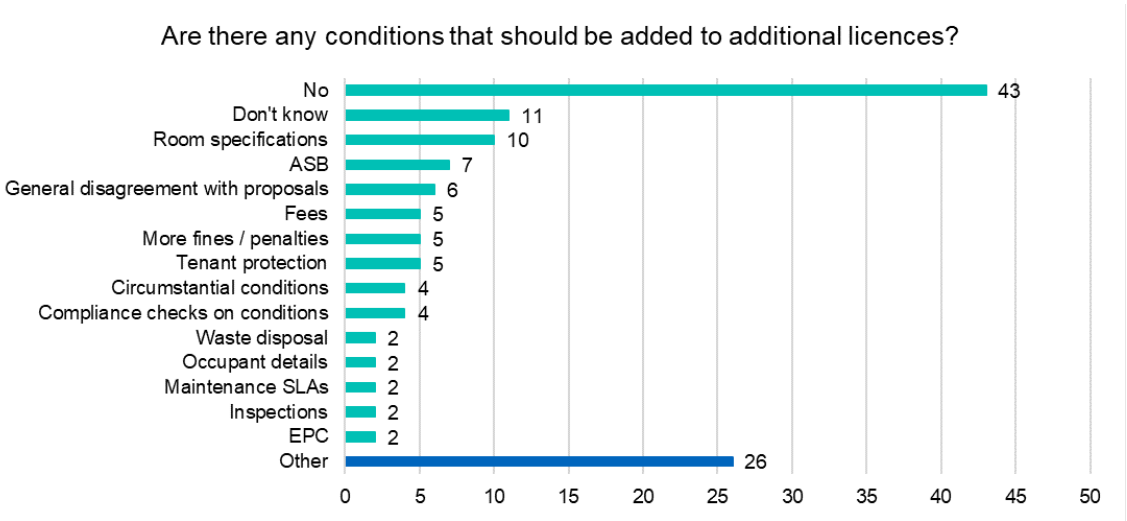
Respondents were asked which conditions they thought should be removed. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 155 comments from respondents, 82 from landlords, 30 from tenants living in private rented accommodation and 43 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions should be removed were that "No" licence conditions should be removed, "general disagreement with the proposals" and the licence conditions that are "fees related" should be removed. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



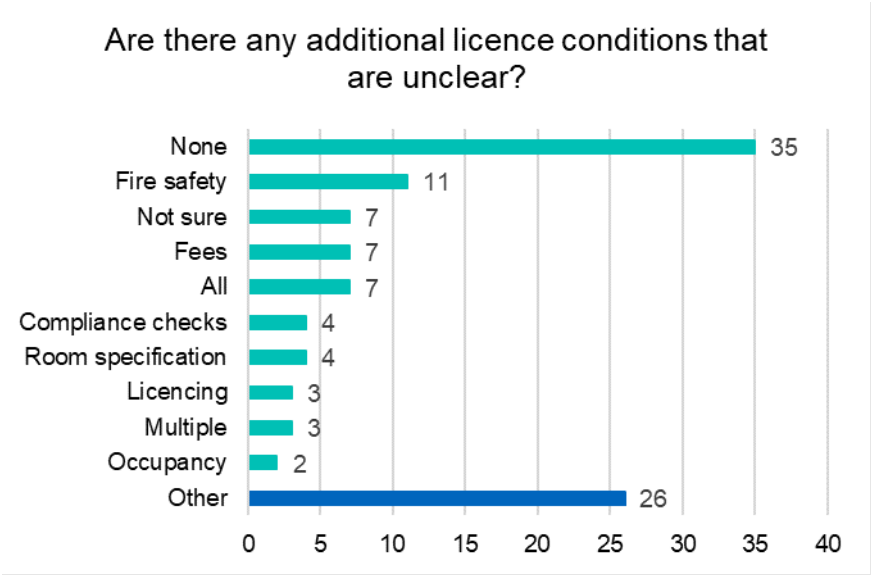
Respondents were asked which conditions they thought should be added to additional licences. In total there were 136 comments from respondents, 44 from landlords, 37 from tenants living in private rented accommodation and 55 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions should be added were that "No" conditions should be added, that respondents "Don't know" which conditions should be added and that "Room specification" conditions should be added. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



Respondents were asked which conditions they thought were unclear. In total there were 109 comments from respondents, 42 from landlords, 20 from tenants living in private rented accommodation and 47 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions were unclear were that "None" of the conditions were unclear and that the "fire safety" conditions were unclear. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



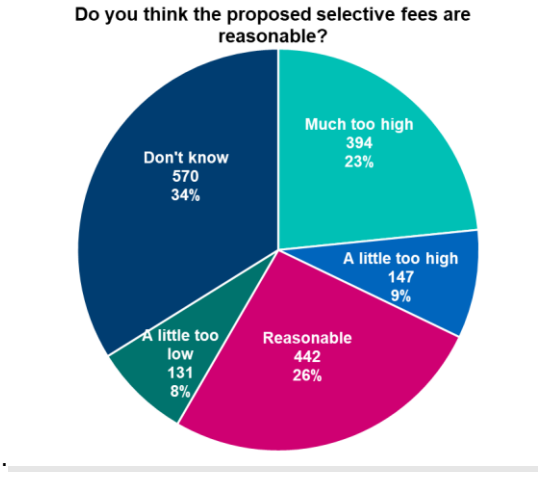
Views on the proposed licensing scheme fees

The consultation asked respondents for their views on the proposed licence fees for both selective and additional licensing schemes. Information about the licence fees was provided within the consultation documents

Selective Licence Fees

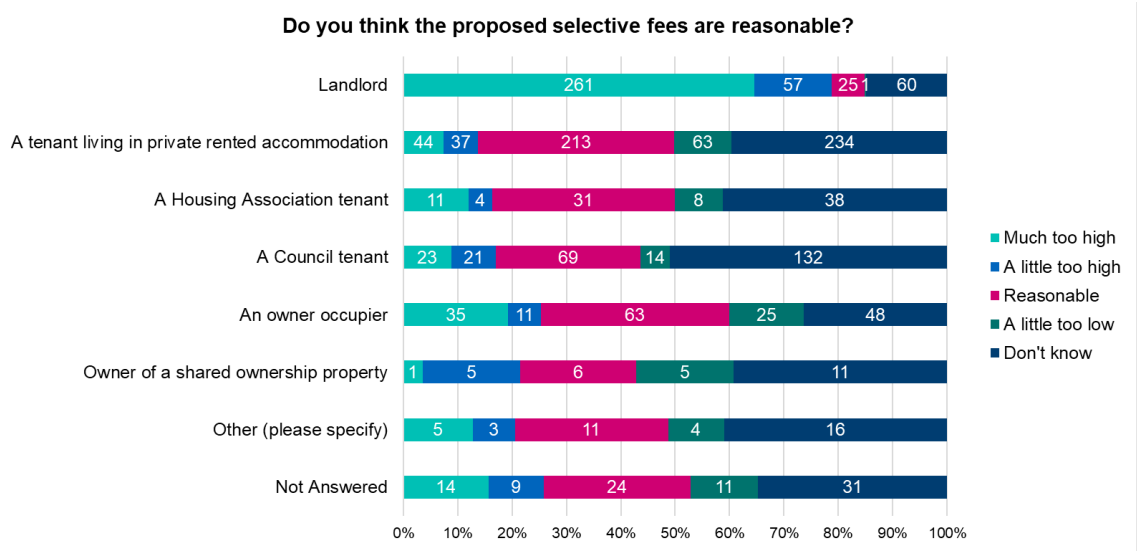
Respondents were asked how reasonable they feel the proposed licence fee for Selective Licensing scheme of £900 for a five-year licence.

1,684 respondents answered this question. A third of respondents (34%, 573 respondents) said that they thought the fees were reasonable or a little too low, however a third (32%, 541) felt the fees were too high or much too high, and the final third answered that they didn't know if the fees were reasonable or not.



Looking at the responses by group, a third of owner occupiers and tenants in private rented accommodation think that the fees are reasonable. However, 40% of tenants in private rented accommodation and owners of shared properties say they "don't know" if the fees are

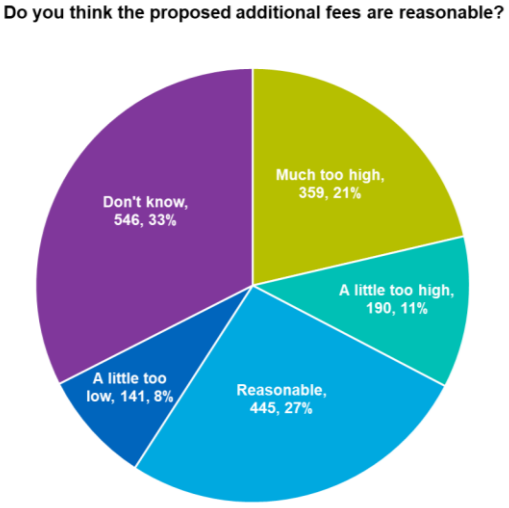
reasonable, and as well as over 50% of council tenants. 64% of landlords think that the fee is much too high.



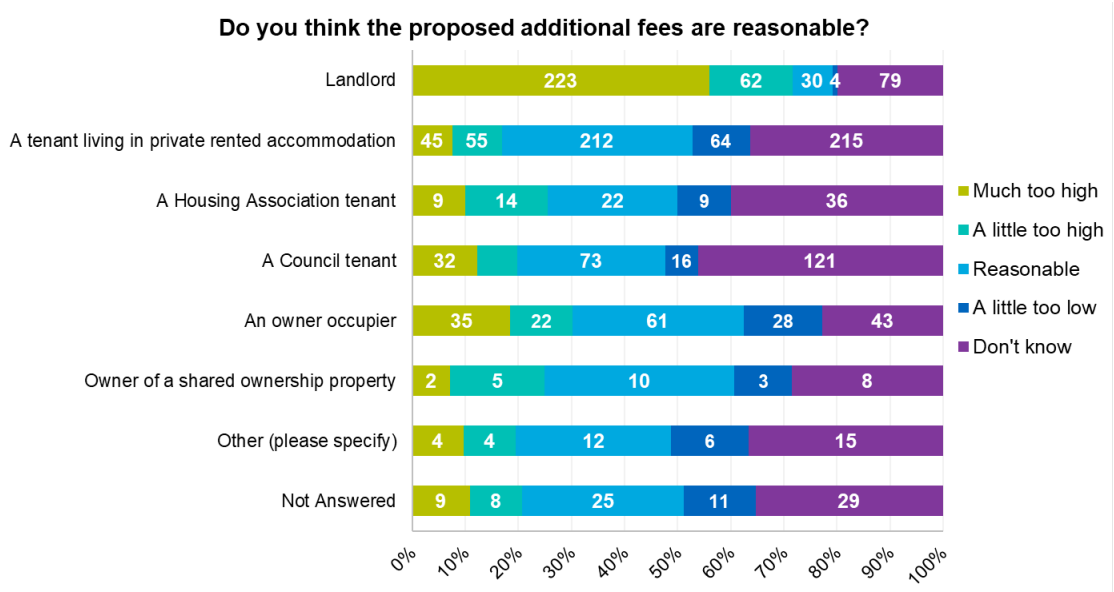
Additional Licence Fees

Respondents were asked how reasonable they feel the proposed licence fee for Selective Licensing scheme of £1,300 for a five-year licence.

1,681 respondents answered this question. A third of respondents (35%, 586 respondents) said that they thought the fees were reasonable or a little too low, however a third (32%, 549) felt the fees were too high or much too high, and the final third (33%, 546) answered that they didn't know if the fees were reasonable or not.



Looking at the responses by group, around a third of owner occupiers (32%), owners of a shared ownership property (36%) and tenants in private rented accommodation (36%) think that the fees are reasonable. 56% of landlords think that the fee is much too high.



Comments on the licence fee discounts

The council proposed several possible discounts to the licence fees.

The council proposed an early bird discount of 30% on application fees submitted for Selective or Additional licensing during the first three months of the scheme and further discounts which apply across all licensing schemes (including Mandatory). They are:

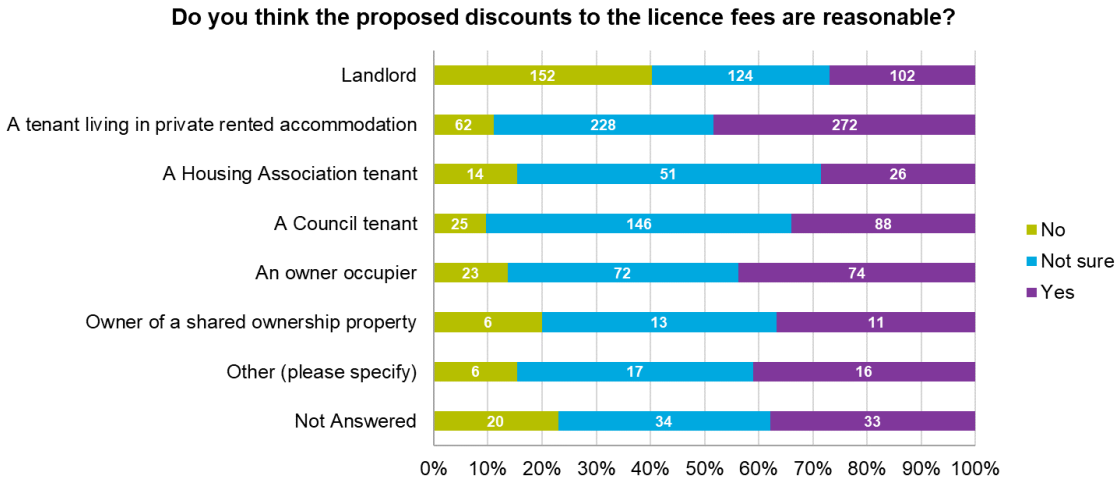
- Gold Standard Charter members – 50% discount on the Part B fee
- Platinum Standard Charter members are either:
    - landlords who have signed up to the finders fee scheme - 100% discount on the Part B fee for all properties in their portfolio that are in Southwark and/or
    - landlords who have signed up to the council's social lettings agency - 100% discount for each property signed up

Information about licence fees and discounts were provided within the consultation documents.

Respondents were asked if they thought the proposed discounts to the licence fees were reasonable. 1,615 respondents answered this question. Over a third of respondents (39%, 622 respondents) said that they thought the discounts were reasonable, however over two fifths (42%, 685) answered that they were "not sure" if the discounts were reasonable or not. A fifth of respondents (19%, 308) answered that the discounts were not reasonable.

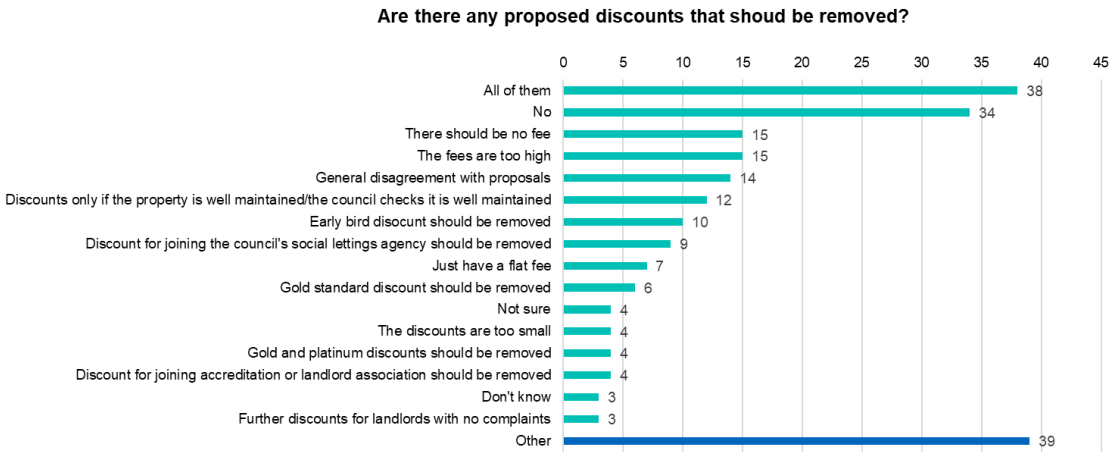


Looking at the responses by group, almost half of tenants in private rented accommodation (48%) think that the fees are reasonable. 40% of landlords think that the discounts are not reasonable.



Respondents were asked which of the proposed discounts they thought should be removed. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 221 comments from respondents who suggested alternatives to selective licensing, 94 from landlords, 55 from tenants living in private rented accommodation and 72 from other respondent types. Themes which received fewer than 3 comments were grouped under ‘other’

Key themes for alternative suggestion were that “all of” the discounts be removed, that none of the discounts should be removed and that there “should be no fee”. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



Respondents were also asked if there were any additional discounts the council should consider. In total there were 162 comments from respondents who suggested alternatives to selective licensing, 90 from landlords, 21 from tenants living in private rented accommodation and 51 from other respondent types. Themes which received fewer than 3 comments were grouped under 'other'

Key themes for alternative suggestion were that "no" additional discounts should be considered, "general disagreement with the proposals" and there should be "discounts for good landlords". All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



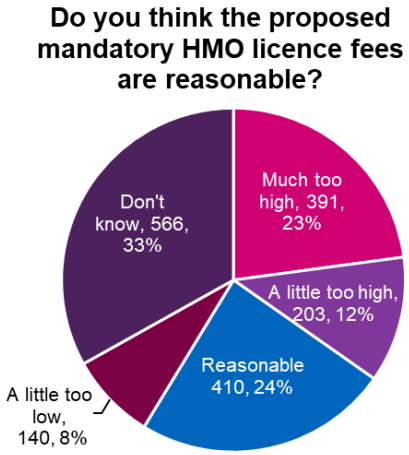
Views on the proposed changes to Mandatory HMO Licencing fees and conditions

The consultation asked respondents for their views on the proposed changes to the licence fees and licence conditions for mandatory HMO licences.

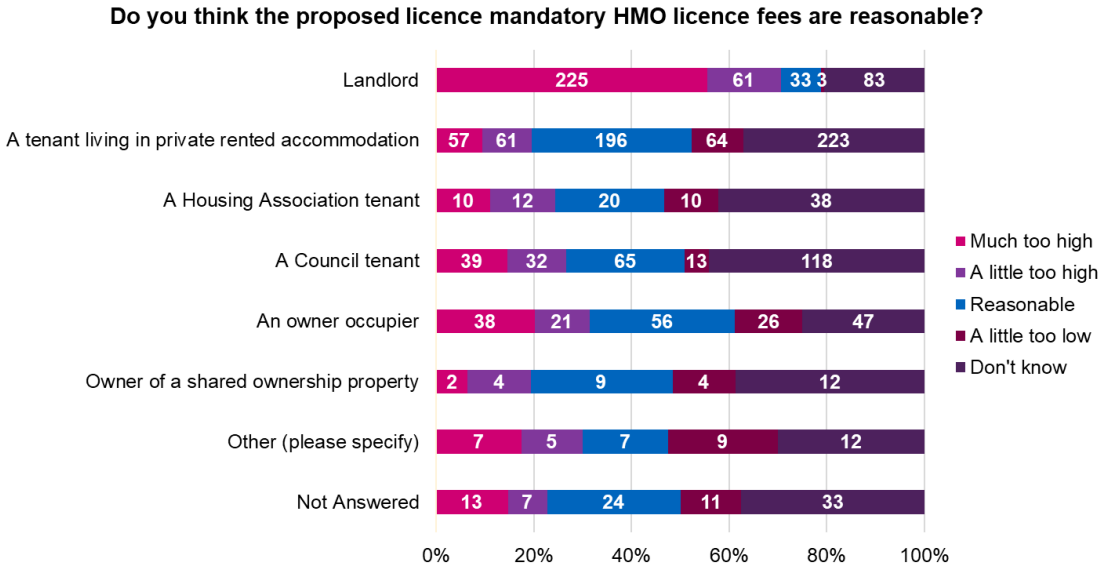
Mandatory HMO Licence Fees

Respondents were asked how reasonable they feel the proposed change to the licence fee for mandatory HMO licensing of £1,500 + £100 per room above 5 bedrooms. It is a change from the 'per bedroom' fee under the current scheme.

1,710 respondents answered this question. A third of respondents (33%, 550 respondents) said that they thought the fees were reasonable or a little too low, however a third (35%, 594) felt the fees were too high or much too high, and the final third answered that they didn't know if the fees were reasonable or not.



Looking at the responses by group, 43% of tenants in private rented accommodation and owner occupiers think that the fees are reasonable or a little too low. However, 37% of tenants in private rented accommodation say they "don't know" if the fees are reasonable, and as well as over 40% of council tenants and housing association tenants. 56% of landlords think that the fee is much too high

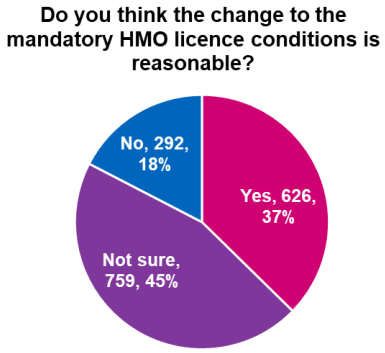


Mandatory HMO Licence Conditions

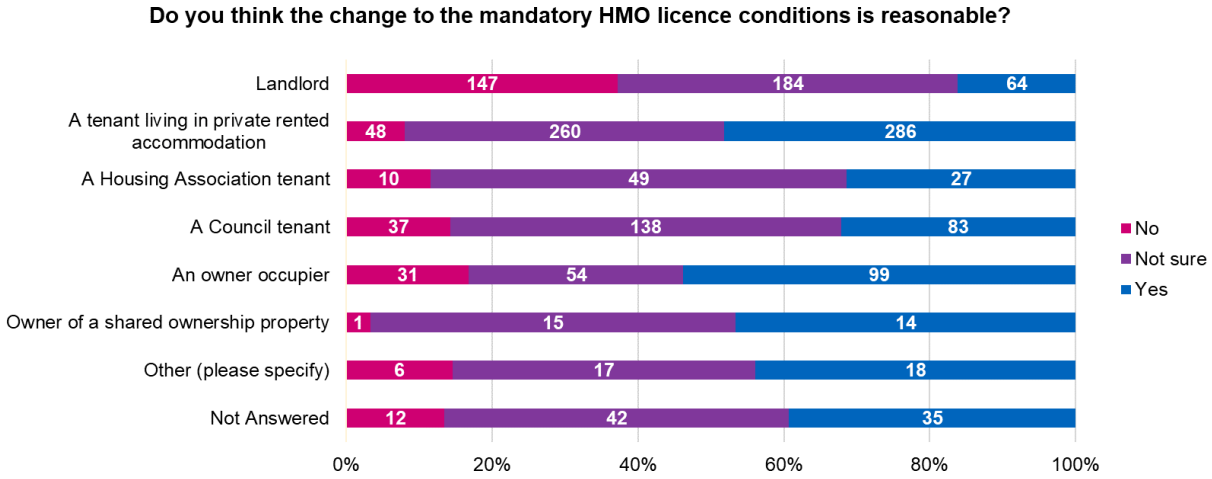
Respondents were asked how reasonable they feel the proposed changes to the licence conditions for mandatory HMO licensing. of £1,500 + £100 per room above 5 bedrooms. Information about the licence conditions was provided within the consultation documents

1,677 respondents answered this question. Slightly more than a third of respondents (37%, 626 respondents) said that they thought the licence conditions were reasonable. However, almost half of respondents (45%, 759) answered that they were "not sure" if the licence

conditions were reasonable or not. Less than a fifth (18%, 292 respondents) said that the licence conditions were not reasonable.

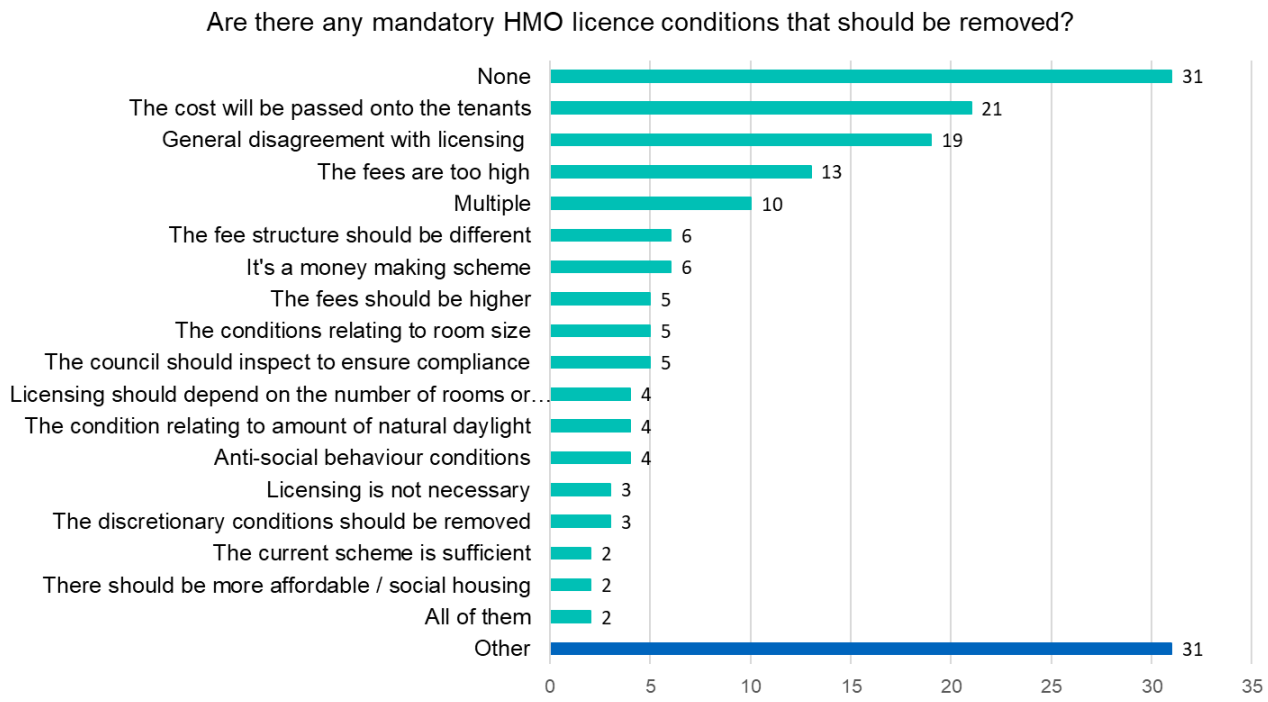


Looking at the responses by group, 48% of tenants in private rented accommodation and 54% of owner occupiers think that the licence conditions are reasonable. However, 44% of tenants in private rented accommodation say they are “not sure” if the licence conditions are reasonable, and as well as over 53% of council tenants and housing association tenants, 47% of landlords. 37% of landlords think that the licence conditions are not reasonable.



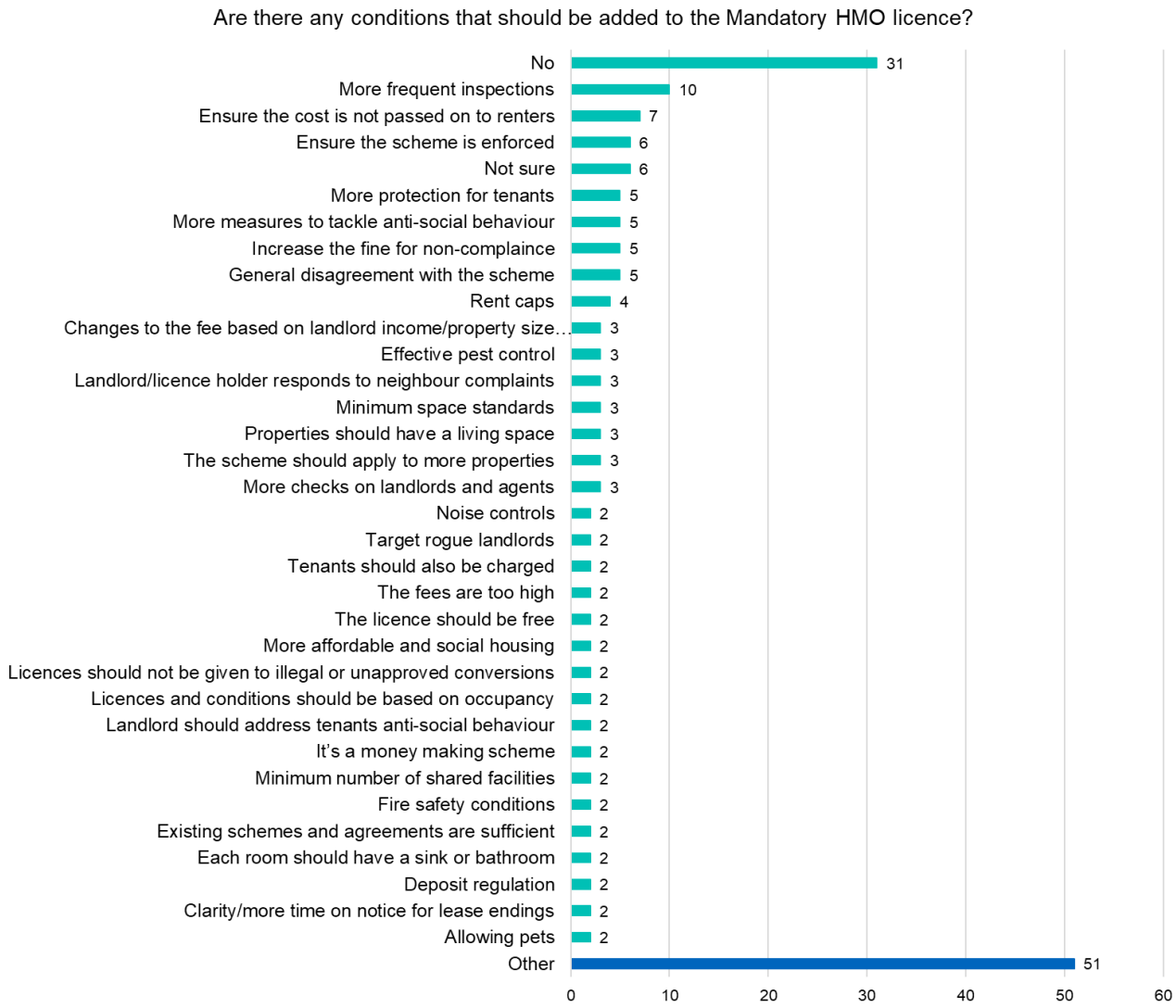
Respondents were asked which conditions they thought should be removed. For all the free text responses throughout the report, each response was looked at and categorised into a theme. Comments that were not relevant to the question were excluded from this analysis. In total there were 176 comments from respondents, 66 from landlords, 42 from tenants living in private rented accommodation and 68 from other respondent types. Themes which received fewer than 2 comments were grouped under ‘other’

Key themes for which licence conditions should be removed were that “None” of the licence conditions should be removed, comments that “the cost will be passed onto tenants” and “general disagreement with the proposals”. All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



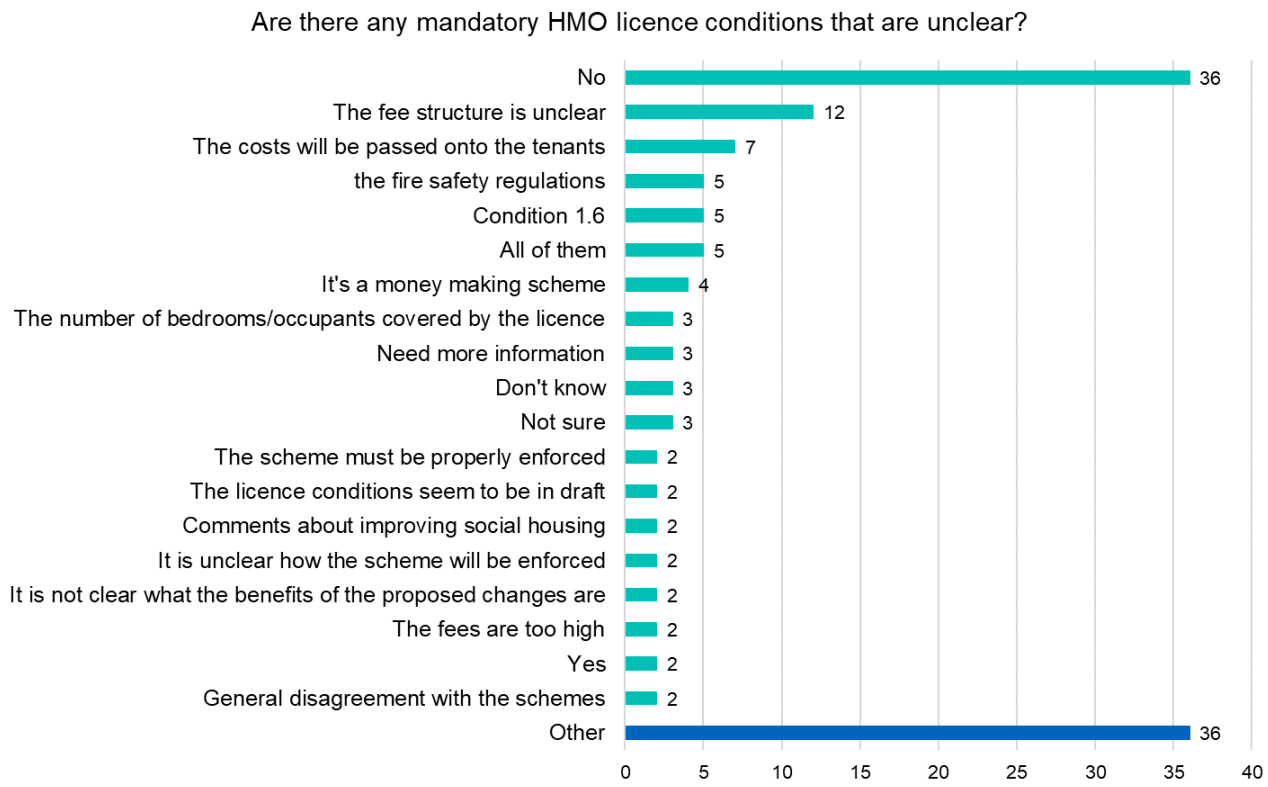
Respondents were asked if there were any conditions they thought should be added to the Mandatory HMO licences. In total there were 190 comments from respondents, 33 from landlords, 68 from tenants living in private rented accommodation and 89 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions should be removed were that "No" conditions should be added, there should be "more frequent inspections" and conditions that "ensure the cost is not passed onto renters". All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



Respondents were asked if there were any conditions that are unclear for the mandatory HMO licences. In total there were 138 comments from respondents, 43 from landlords, 32 from tenants living in private rented accommodation and 63 from other respondent types. Themes which received fewer than 2 comments were grouped under 'other'

Key themes for which licence conditions should be removed were that "No" conditions were unclear, "the fee structure is unclear" and comments that "the costs will be passed onto tenants" All representations to the consultation will be considered in line with the Housing Act 2004 and published as an Annex to this consultation.



Addressing the number of responses with 'No opinion'

It was noted that there were a high number 'don't know'/'not sure' responses, throughout the consultation.

The table below shows the number of 'don't know/'not sure' responses by respondent type

	Landlords	PRS tenants	Council tenants/owner occupiers & other
To proposals to introduce licensing schemes	21%	38%	41%
Licensing conditions	21%	37%	42%
Fees	14%	42%	44%
Discounts	19%	35%	46%

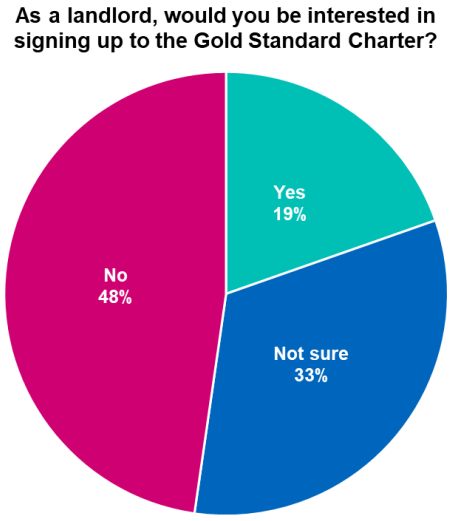
Although the highest percentage of 'don't know/not sure' responses were from owner occupiers, housing association tenants or council tenants, who may not have any previous experience of the private rented sector or licensing, a significant number were from landlords and tenants in the PRS. This is thought to be an indication of a lack of awareness of rights and responsibilities within the sector. This is something that the Council believed to be the case before the consultation and believe that the consultation results bear this out. The Council is committed to; empowering residents to take pride and influence over their homes and, support businesses and increase the professionalism of landlords operating in the borough. As part of this commitment, and in response to the consultation, the Council

intends to increase and improve promotion of its existing services and initiatives, highlighted below. Other new initiatives, i.e. Renters' Support Organisation & Gold Standard Charter, will help to inform PRS tenants and landlords and will be implemented alongside the proposed licensing schemes. The Council will continue to work with landlords and tenants to ensure that services are meeting their needs.

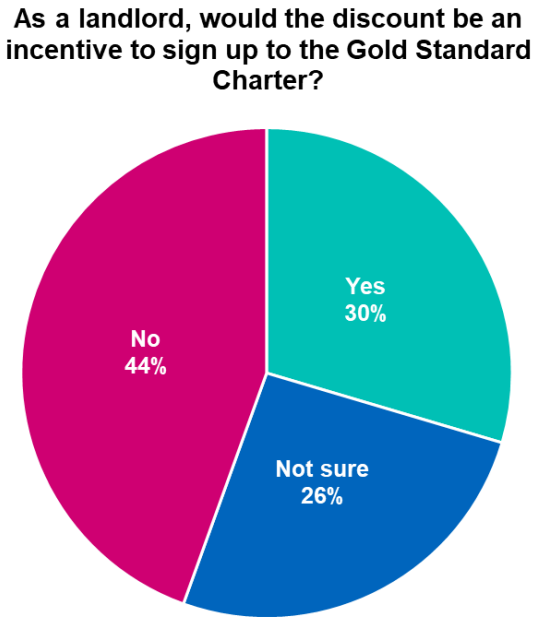
Views on the proposed Gold Standard Charter

The council asked for feedback on their proposed Gold Standard Charter. To qualify for the Gold Standard Charter a landlord must be a member of a recognised landlord's/managing agents association or be a member of an accreditation scheme and meet other criteria. Information about the charter was available as part of the consultation documents. A discount of 50% on the part B fee for both licences would be offered if a landlord was part of the Gold Standard Charter.

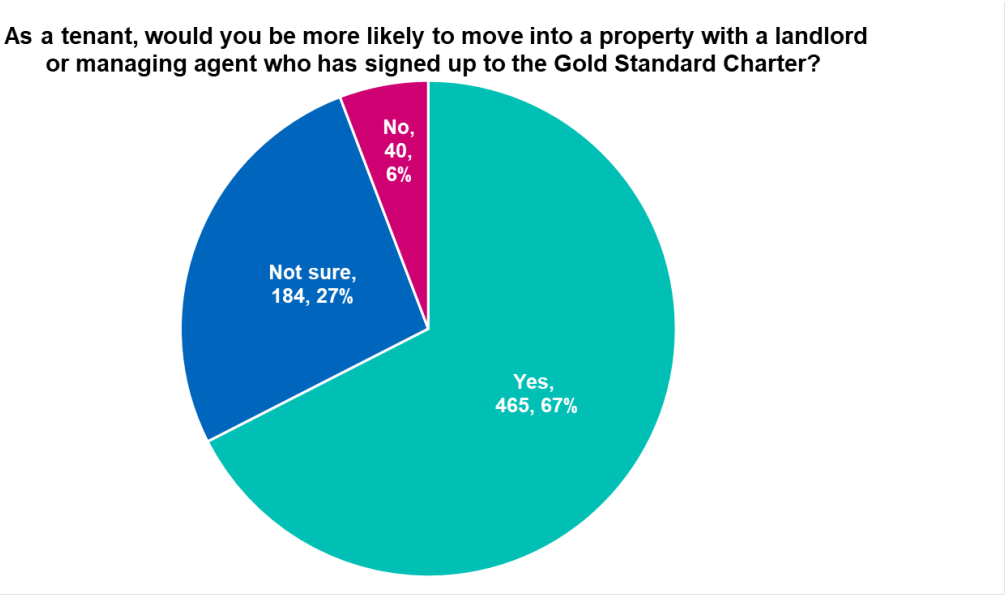
438 respondents responded to the question asking if landlords would be interested in signing up to the Gold Standard Charter. Only 19% of respondents to the question said they would be interested. Comments given for disagreeing with the charter include that landlords feel they already meet or exceed the standards laid out in the charter and that it would be unnecessary bureaucracy.



Landlords were then asked if a discount would be an incentive to join the gold standard charter. 436 respondents answered this question, and 30% agreed that it would be an incentive.



Respondents were asked if they would you be more likely to move into a property with a landlord or managing agent who has signed up to the Gold Standard Charter than one without? 690 respondents answered this question, with 67% answering that they would be more likely to.



This response clearly indicates that tenants would like a landlord who is signed up to a good standard of behaviour, however landlords do not see this as necessary.

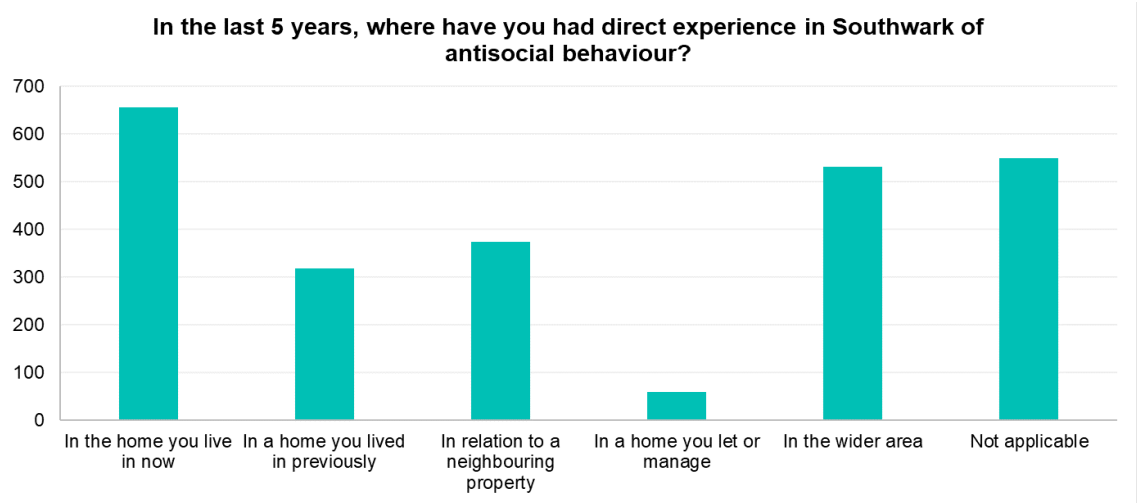
Views on the issues within the borough

Respondents to the survey were asked their opinion of issues relating to anti-social behaviour (ASB), deprivation and poor property conditions in the borough.

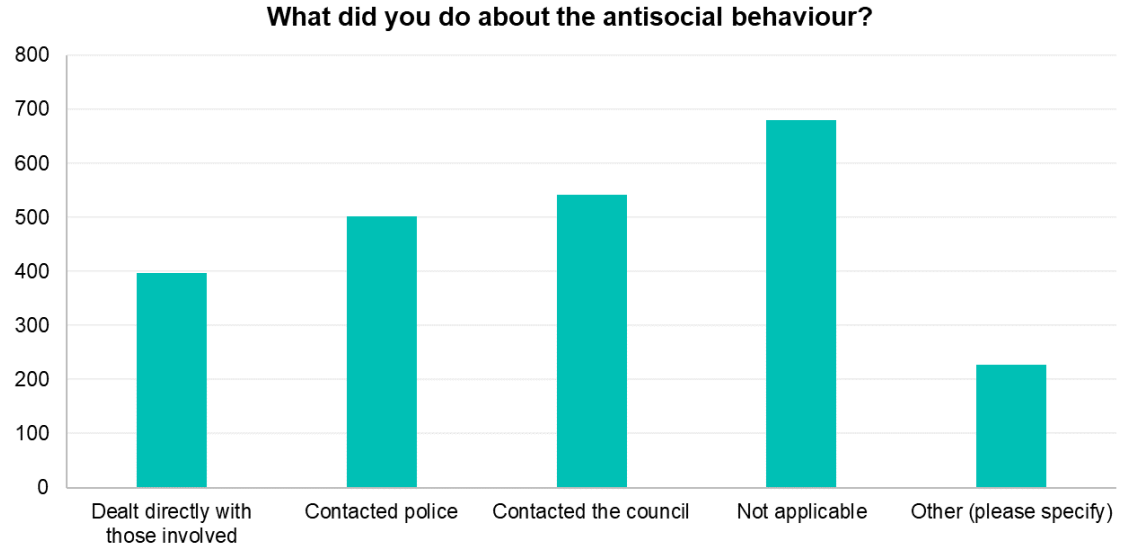
Views on anti-social behaviour in the borough.

Respondents were asked about their views of where in the borough they thought that anti-social behaviour was an issue. There were 3,320 responses to this question, (respondents could select multiple areas), with the highest proportion of responses (30%) saying that ASB is an issue across the whole borough.

Respondents were asked where they had personally experienced ASB recently. There were 2,487 responses to this question (respondents could select multiple locations). 26% (656) of responses stated they had experienced ASB in the home they live in now.



Respondents were asked how they had dealt with the ASB they had experienced. There were 2,347 responses to this question (respondents could select multiple answers). 23% (541) of responses stated they had contacted the council about the ASB and 21% (502) stated that they had contacted the police.

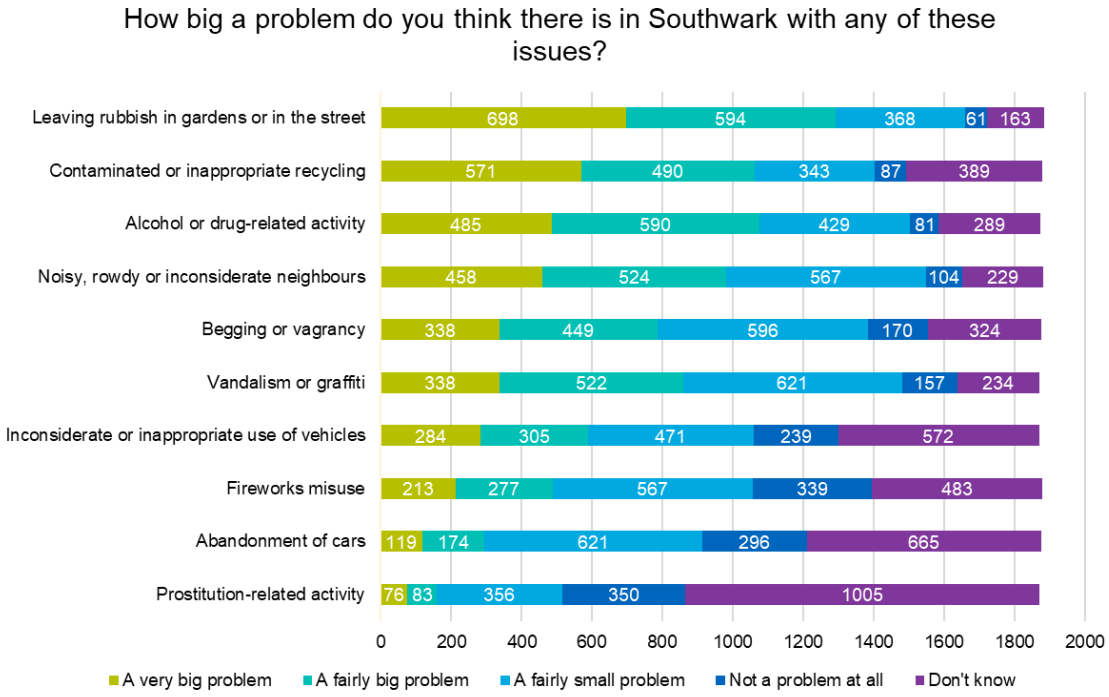


Respondents were asked to say how big a problem they thought there is in Southwark with different types of anti-social behaviour.

69% of respondents to the question stated that “leaving rubbish in gardens and in the street” is a very big problem or fairly big problem in Southwark and 56% of respondents to the question stated that “contaminated or inappropriate recycling” is a very big or fairly big problem. 52% of respondents to the question stated that “noisy, rowdy or inconsiderate

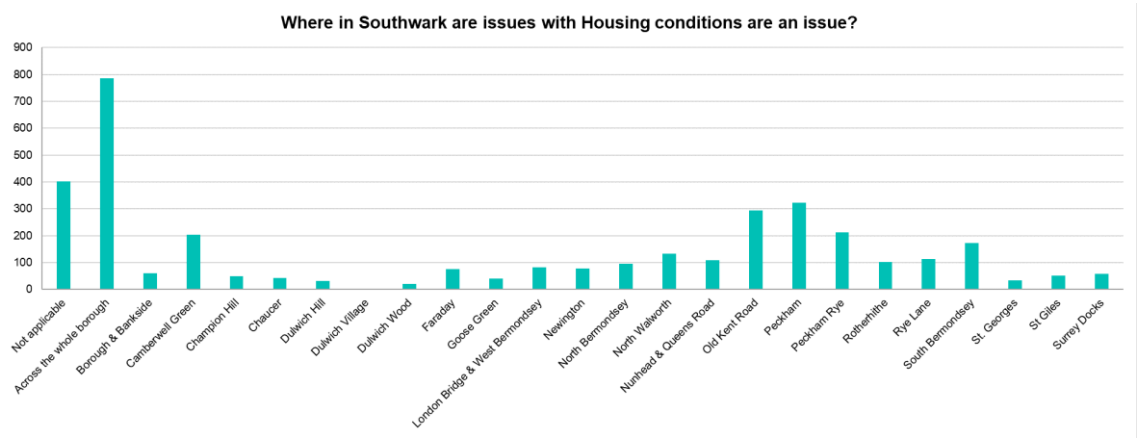
neighbours" is a very big or fairly big problem in Southwark, and 57% stated that "drug or alcohol related activity" is also a very big or fairly big problem.

Although there has been an additional licensing scheme in Southwark, the perception of the respondents is that there are still issues in Southwark to be addressed with regards to ASB

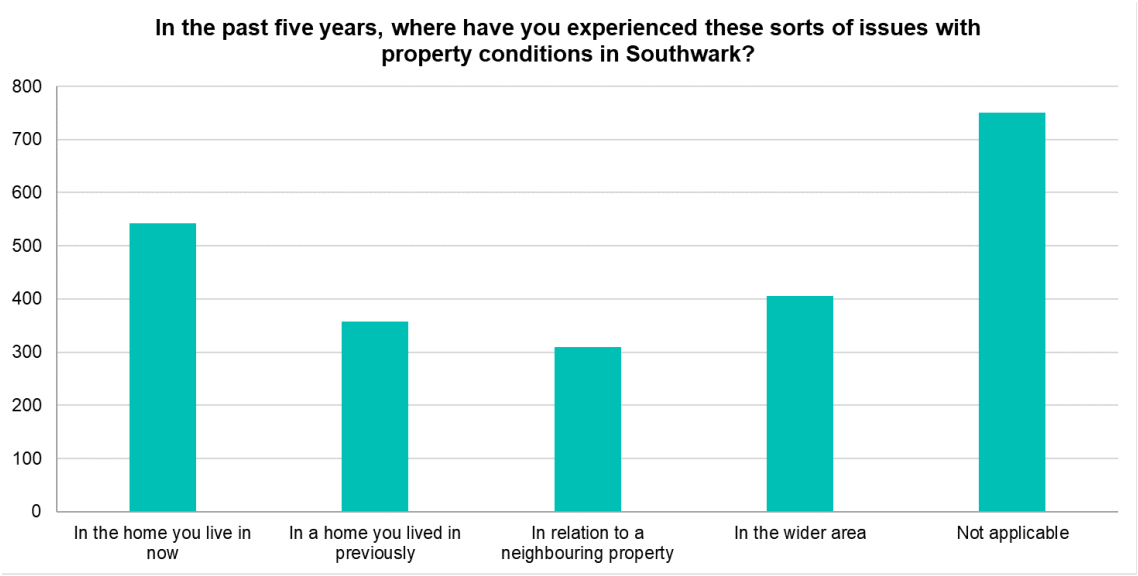


Views on poor property conditions in the borough.

Respondents were asked about their views of where in the borough they thought that poor property conditions were an issue. There were 3,575 responses to this question, (respondents could select multiple areas), with 22% (785) of responses saying that poor property conditions are an issue across the whole borough. 9% (324) of responses stated that poor property conditions are an issue in Peckham ward, 8% (295) stated that it is an issue in Old Kent Road ward.

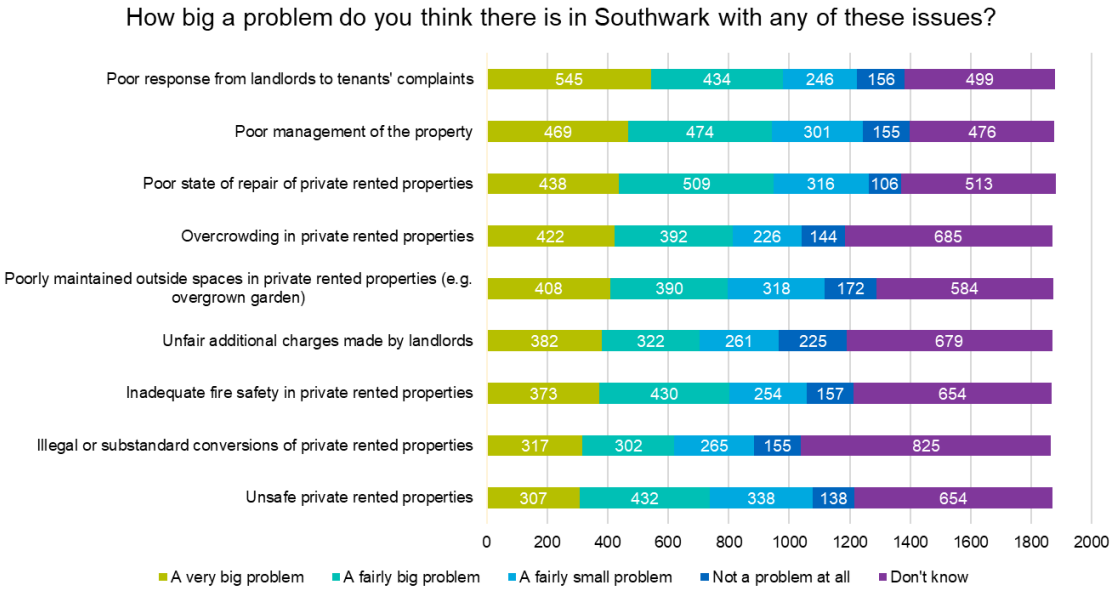


Respondents were also asked where in Southwark they had had experience with poor property conditions in Southwark. There were 2,3657 responses to this question (respondents could select multiple locations). 23% (542) of responses stated they had experienced poor property conditions in the home they live in now.



Respondents were asked to say how big a problem they thought there is in Southwark with different types of poor property conditions in rented properties.

52% of respondents to the question stated that “poor response from landlords to tenant’s complaints” is a very big problem or fairly big problem in Southwark. 50% of respondents to the question stated that “poor state of repair of private rented properties” is a very big or fairly big problem in Southwark, and 50% stated that “poor management of the property” is also a very big or fairly big problem



Views on indices of deprivation in the borough.

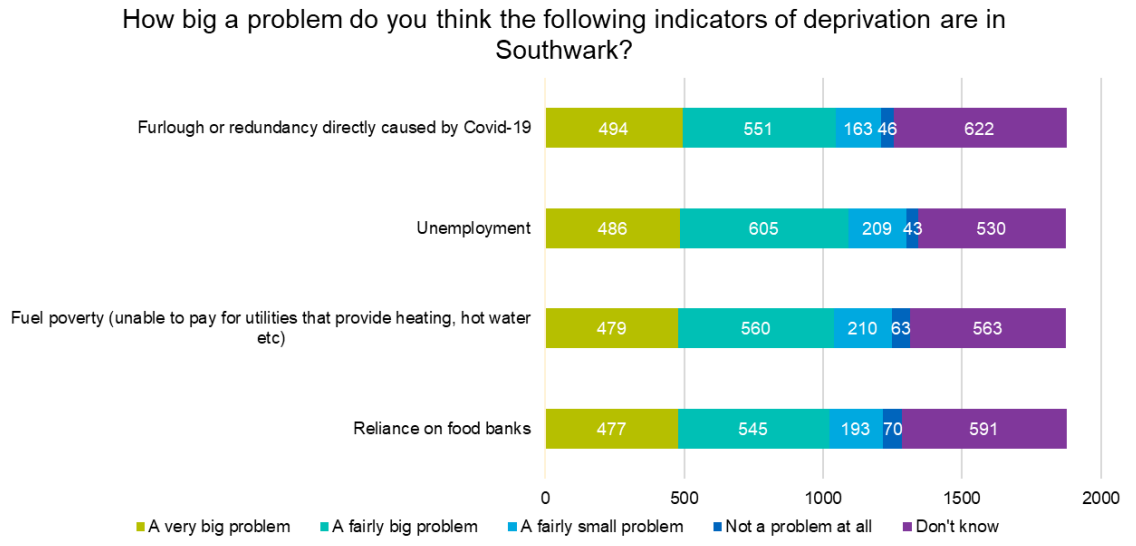
Respondents were asked about their experiences and the experiences of those in their household living in Southwark.

Indices of deprivation	Respondents	% of total respondents
One or more of us owns a car	590	31%
One or more of us is currently unemployed	333	17%

Indices of deprivation	Respondents	% of total respondents
One or more of us has been on furlough because of Covid-19	292	15%
One or more of us has been made redundant as a result of Covid-19	155	8%
One or more of us is a single parent	167	9%
One or more of us is in receipt of housing benefit or universal credit	318	17%
One or more of us struggles to pay gas and electricity bills	218	11%
One or more of us uses a food bank since the beginning of the Covid-19 pandemic	50	3%
One or more of us used a food bank before Covid-19	31	2%

Respondents were asked to say how big a problem they thought there is in Southwark with different indicators of deprivation.

Over 50% of respondents to each question stated they thought that “reliance on food banks”, “fuel poverty”, “unemployment” and “furlough or redundancy directly caused by Covid-19” were very big or fairly big issues in the borough.



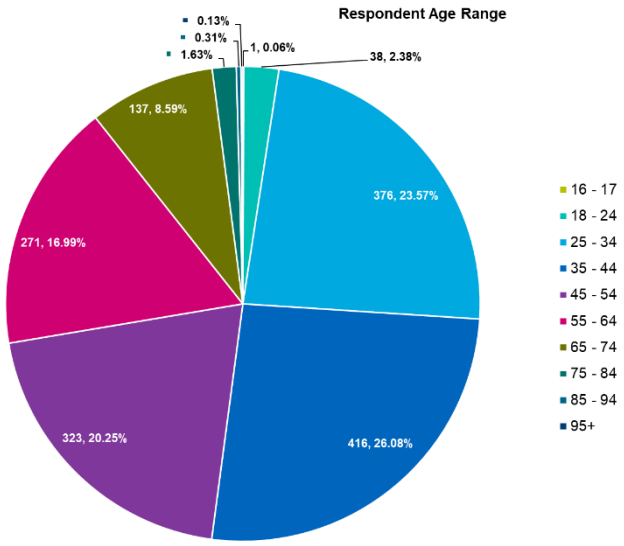
Demographic profile of respondents

The respondents to the consultation survey were asked if they would give their age range, sex and their ethnic background. Their responses were compared with benchmarks for the borough from the JSNA (Joint Strategic Needs Assessment) Factsheets – November 2017.

Age of respondents

The question regarding the age of respondents was voluntary and there were 1,595 responses to the question. This indicates that a broad range of ages responded to the consultation. The rate of responses by age was tracked during the consultation to ensure that responses were comparable to the benchmarking

Age Range	Number of respondents	% of respondents in each age group	Southwark Benchmark Comparison
16 - 17	1	0.06%	
18 - 24	38	2.38%	7.82%
25 - 34	376	23.57%	24.32%
35 - 44	416	26.08%	16.21%
45 - 54	323	20.25%	12.83%
55 - 64	271	16.99%	8.33%
65 - 74	137	8.59%	4.47%
75 - 84	26	1.63%	2.52%
85 - 94	5	0.31%	0.64%
95+	2	0.13%	0.38%
Total	1595		



Sex of respondents

The question regarding the sex of respondents was voluntary and there were 1,540 responses to the question. The sex of respondents was also tracked during the consultation to ensure that the responses were comparable with benchmark figures

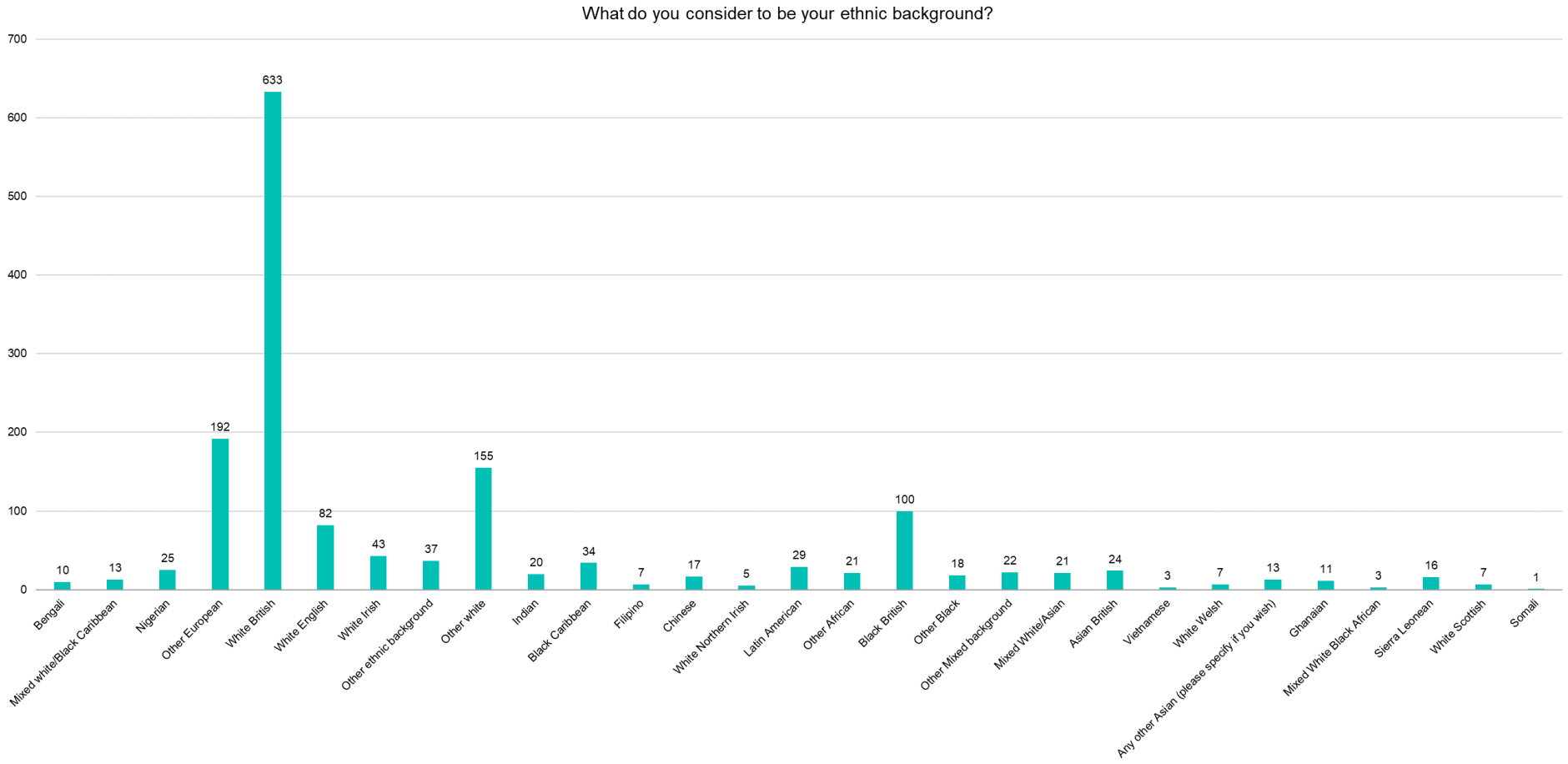
Sex	Number of respondents	% of respondents	Southwark benchmark comparison
Female	819	51.80%	50.18%
Male	670	42.38%	49.82%
Not answered	41	2.59%	
Grand Total	1540	100.00%	

Ethnicity of respondents

The question regarding the ethnic background of respondents was voluntary and there were 1,569 responses to the question. The responses to the question regarding ethnic backgrounds were also tracked during the consultation to ensure that the responses were comparable with benchmark figures. To try and increase awareness of the consultation in groups that were under represented in the

consultation responses, the council engaged with local community groups such as Southwark REACH & Latin American Newsletter.

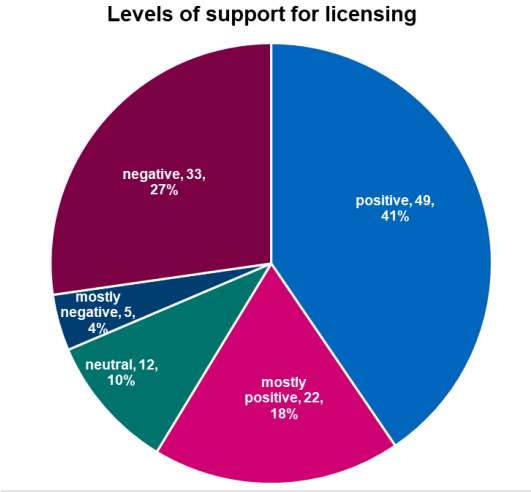
Ethnic background	% of respondents of each ethnic background	Southwark Benchmark Comparison
White British	40.34%	37.26%
Other White	15.87%	14.58%
White Irish	2.74%	2.16%
Black African	2%	15.00%
Black Caribbean	2.17%	5.50%
Black other	7.52%	4.50%
Other Asian	1.27%	3.41%
Chinese	1.08%	3.19%
Indian	1.91%	2.31%
Bangladeshi	0.00%	1.10%
Arab	0.00%	0.99%
White & Black	0.83%	3.60%
Other ethnic group	19.31%	2.80%
Other mixed	1.40%	2.40%
White & Asian	1.34%	1.20%


What do you consider to be your ethnic background?
700
600
500
400
300
200
100
0
10
13
25
192
633
82
43
37
155
20
34
7
17
5
29
21
100
18
22
21
24
3
7
13
11
3
16
7
1
Bengali
Mixed white/Black Caribbean
Nigerian
Other European
White British
White English
White Irish
Other ethnic background
Other white
Indian
Black Caribbean
Filipino
Chinese
White Northern Irish
Latin American
Other African
Black British
Other Black
Other Mixed background
Mixed White/Asian
Asian British
Vietnamese
White Welsh
Any other Asian (please specify if you wish)
Ghanaian
Mixed White Black African
Sierra Leonean
White Scottish
Somali

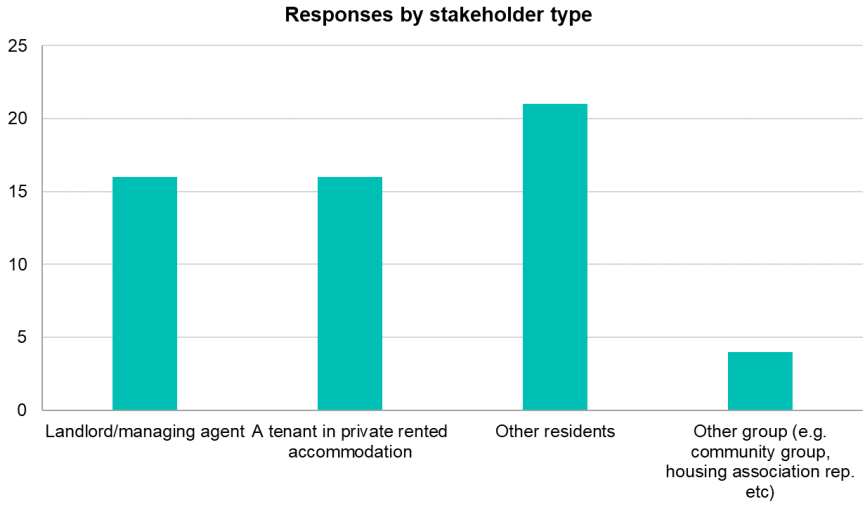
Commonplace map results

The council also gathered feedback on licensing via a Commonplace map. There were 121 responses to the Commonplace map.

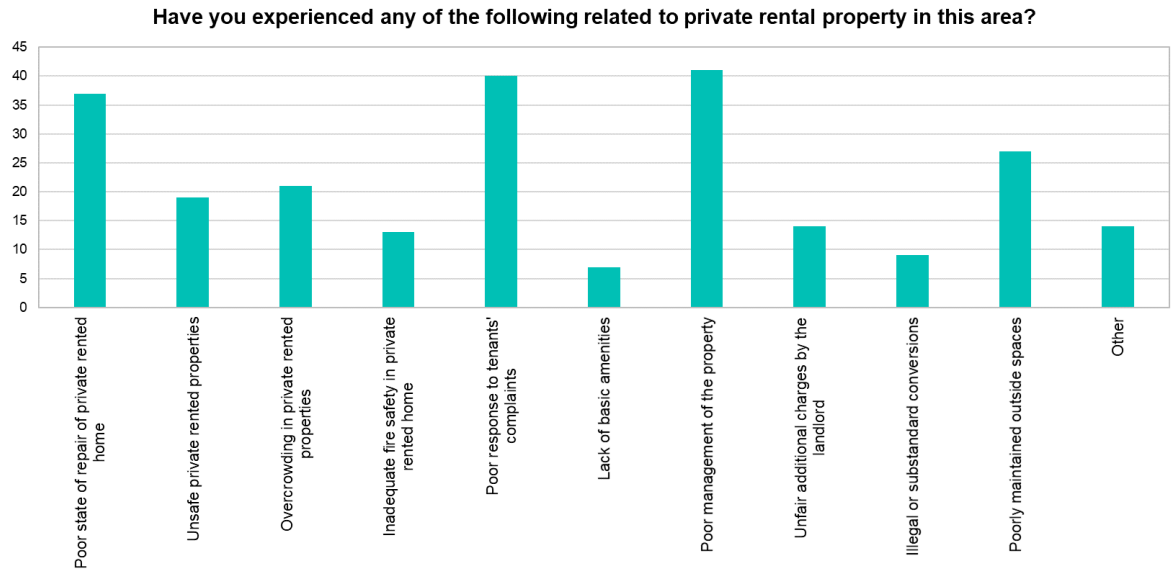
Respondents were asked about their levels of support for licensing. 41% (49) respondents stated that had positive support.



Respondents could also state which type of stakeholder they were. There were 57 responses to this question



Respondents were also asked about their experiences of poor property conditions in the borough. Respondents could select more than one category, and there were 242 responses to this question



Public meeting and written responses

Southwark Council held ten public forums and also gathered feedback through 14 written responses on the proposed schemes by email. Below is a summary of the key themes that came out of both the public meetings and the written feedback. Written responses can be found in appendix 13 of the main report. All representations to the consultation were considered in line with the Housing Act 2004 and published online here.

- The council should address issues in Social housing as a priority before licensing private landlords
- Licensing punishes good landlords/leaseholders
- General criticism of the council
- Landlords with existing licences will not be apply to apply for the early bird discount
- Southwark should use existing powers and regulations
- The fee is too much
- It's a money-making scheme for the council
- The council should introduce a complaints procedure for tenants
- New build properties should be exempt
- Lack of evidence of the effectiveness of existing additional and selective schemes
- Exemption for landlords who let through an agent

Appendices

Please see Consultation Materials document. This includes the materials used for the consultation including:

- Maps of the proposed licensing schemes
- The survey questions
- Communication visuals

Driving Up Standards for the Private Rented Sector

PRS Licensing - Council's consideration of Consultees' responses to the Public Consultation

Appendix 13

19 October 2021

Appendix 13

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A range of responses were received during consultation relating to the proposed schemes and alternatives to licensing, licence conditions; licence fees; the designation area; landlord and tenant support, as well as more general responses. The following is the Council's formal response to these representations, which have been carefully considered and informed a number of changes to the proposed schemes, which are listed below.

1. Changes made to the proposed schemes by the Council in consideration of the responses to the consultation

The following 15 conditions have been removed following feedback from the consultation survey and stakeholders.

10 from selective licensing, 6 from additional licensing and 4 from mandatory HMO licensing:

- All selective licensing designations – Condition 1.1
- All selective licensing designations – Condition 1.6
- Additional and all selective licensing designations – Condition 3.3
- Selective licensing designations 2, 3 and 4 – Condition 5.2
- Selective licensing designation 3 - Condition 6.8
- Mandatory and Additional licensing - Condition 8.8
- All selective licensing designations - Condition 9.2
- Mandatory and Additional licensing - Condition 14.1
- All selective licensing designations - Condition 11
- Selective licensing designation 1 – Condition 14.6
- Mandatory and Additional licensing - Condition 15
- All selective licensing designations - Condition 12
- Additional licensing – Condition 16
- All selective licensing designations - Condition 13
- Mandatory and Additional licensing - Condition 16

The following conditions have been amended following feedback from the consultation survey and stakeholders.

10 for selective licensing, 10 for additional licensing and 5 for mandatory HMO licensing:

- Mandatory and Additional licensing - Condition 1.6
- All selective licensing designations - Condition 1.7
- Additional licensing – Condition 2.1
- Additional and all selective licensing designations – Condition 3.1
- Mandatory and Additional licensing - Condition 3.2
- All selective licensing designations - Condition 3.2
- Mandatory and Additional licensing - Condition 5.1
- Additional licensing – Condition 5.4
- Additional and all selective licensing designations – Condition 6.3
- Mandatory and Additional licensing - Condition 8.4
- Additional licensing – Condition 11.5
- Mandatory and Additional licensing - Condition 12.1
- All selective licensing designations - Condition 11.1
- Selective licensing designation 1 – Condition 14.2
- Selective licensing designation 1 – Condition 14.3
- Selective licensing designations 2, 3 and 4 – Condition 15.4
- Selective licensing designation 3 – Condition 19
- Selective licensing designation 3 – Condition 20

More information on the feedback received and the changes to the conditions and licensing schemes can be found in the table below.

Topic	Feedback	Change	Scheme(s) affected
Additional Licensing and Section 257 HMOs	Suggestion from Safeagent was that additional licensing scheme could be restricted to section 257 HMOs where the whole building and all the individual flats within it are in single ownership or considered to be effectively under the same control and licence where number of flats exceed the number of storeys)	The additional licensing scheme will be restricted to section 257 HMOs where the whole building and all the individual flats within it are in single ownership or considered to be effectively under the same control, and licence where number of flats exceed the number of storeys.	Additional Licensing
Selective Licensing Designation 3 - Licence Conditions	Suggestion from SafeAgent was that the installation of water saving devices/full central heating could be recommendations, not licence requirements	The council will amend the licence conditions relating to the installation of water saving devices and central heating (19 and 20) to be recommendations, not licence conditions	Selective Licensing Designation 3
Selective Licensing – Licence condition 1.1	Feedback from the survey and from Safeagent was that displaying the licence creates an institutional feel and is unnecessary	The condition to display the property licence within a communal area of the property will be removed	All Selective Licensing designations
Selective Licensing – Licence condition 1.6	Feedback from the survey was that this condition was too vague and wide reaching	The condition that the “property must comply with and be maintained in accordance with and any Approved Codes of Practice which the Council or Central Government may from time to time require” has been removed	All Selective Licensing designations
Mandatory (1.6), Additional (1.6) and Selective (1.7) Licence conditions	Feedback from the survey stated that this condition was unclear or not achievable.	There was a typo in the condition which has been rectified. It has been changed to: “An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided.” The previous condition stated that “at least 20% of the internal space of each habitable room” must have an area of openable glazing for ventilation	Mandatory, Additional and all selective licensing designations
Additional Licence condition 2.1	Feedback from SafeAgent was that the requirement to provide the gas safety certificate upon request be amended to within 14 days of a written request.	This condition has been amended to “If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, within 7 days, on request, at any time”	Additional Licensing

Topic	Feedback	Change	Scheme(s) affected
Additional and Selective Licence conditions 3.1	Feedback from SafeAgent was that the conditions for electrical installation and electrical appliances be broken down into two separate conditions	This condition has been amended to remove references to electrical appliances	Additional and all selective licensing designations
Mandatory (3.2), Additional (3.2) and Selective (3.2) licence conditions	Feedback from SafeAgent was that conditions 3.1 and 3.2 refer to electrical applications and they should be two separate conditions	This condition has been amended to "A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out by a competent person every twelve months, or as often as recommended for the type of appliance with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (discretionary condition)."	Mandatory, Additional and all selective licensing designations
Additional (3.3) and Selective (3.3) Licence conditions	Feedback from the NRLA and SafeAgent was that the condition requiring low risk works to be completed by the expiry of the EICR or within two years of the licence date, and that the licence holder would have to inform the council when the works have been complete and provide an updated EICR, should be removed as it is contrary to 2020 Government electrical safety regulations and goes beyond the scope of selective licensing	The licence condition requiring low risk works to be completed by the expiry of the EICR or within two years of the licence date has been removed	Additional and all selective licensing designations
Mandatory (5.1), Additional (5.1) and Selective designations 2, 3 and 4 (5.2) licence conditions	The feedback was that the condition relating to fire safety and precautions was too vague and that it was more relevant to HMOs	The condition was removed for the selective licensing designations. The condition was amended for Additional and Mandatory licences to "In compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (http://www.legislation.gov.uk/uksi/2005/1541/contents/made) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. Reference should be made to a qualified fire safety engineer where necessary. The manager shall supply a copy of the risk assessment to London Borough	Mandatory, Additional and Selective Licensing Designation 2.

Topic	Feedback	Change	Scheme(s) affected
		of Southwark within 14 days of a written request. (*discretionary condition*). Reference must be made to the LACoRs Fire Guidance to ensure that the correct fire precautions are installed at the property appropriate to the size and occupation of the property. Reference should be made to a qualified fire safety engineer for advice where necessary. http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance 5.2 Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified (*discretionary condition that ensures we are meeting mandatory requirements*)"	
Additional Licence condition 5.4	Feedback from Safeagent was that the condition to provide a copy of the fire risk assessment to the council upon request be amended to within 14 days of written request	This condition has been amended to "The manager shall supply a copy of the risk assessment to London Borough of Southwark within 14 days of a written request. (*discretionary condition*)."	Additional Licensing
Additional and Selective Licensing conditions 6.3	Feedback from Safeagent and the NRLA was that licence holders could not know if someone had been subject to a banning order or is not a fit or proper person	This condition has been amended to: The Licence Holder shall not **knowingly** cause or permit any person who has previously applied for a property licence in respect of the property and has either: a) been found not to be a Fit and Proper person, or (b) been made subject to a Banning Order under the Housing and Planning Act 2016 to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (discretionary condition).	Additional and all selective licensing designations
Selective Designation 3 - Licensing Condition 6.8	Feedback from SafeAgent and the NRLA was that the condition requiring the licence holder to contact the council's homelessness team following a missing or late rent payment was excessive.	This condition has been removed	Selective Licensing Designation 3

Topic	Feedback	Change	Scheme(s) affected
Mandatory and Additional Licence condition 8.4	Feedback from Safeagent was that the conditions requiring the licence holder to carry out regular checks and ensure that common parts, gardens and yards are free from waste, should define the term regular	This condition has been amended to define regular checks as 6-monthly checks	Mandatory and Additional Licensing
Mandatory and Additional Licence condition 8.8	Feedback from Safeagent and survey respondents was that this condition was onerous and not feasible	The licence condition requiring the licence holder to label any furniture, soft furnishing and kitchen appliances and white goods provided at the property has been removed	Mandatory and Additional Licensing
Selective Licensing condition 9.2	Feedback from Safeagent was that the condition requiring licensed properties to comply with the occupancy levels stated in the licence was not needed. If the property is occupied as an HMO, then the property will require an HMO licence.	The condition that "Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted and for the remaining duration of the licence has been removed	All selective licensing designations
Additional Licensing condition 11.5	Feedback from Safeagent was that the condition stating that properties must comply with Southwark's standards for HMOs should be changed to clearly state the works needed.	This condition has been amended to "Licensed properties must comply with Southwark's Standards for HMOs (insert links) within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*). A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO *(discretionary condition)*. For the purposes of paragraph 11.5 a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes *(discretionary condition)*. Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be considered in determining the floor area of that room for the purposes of this paragraph *(discretionary condition)*. Please note that room size standards within Southwark's HMO standards are greater than the national prescribed minimum room size standard stated in 11.6 and 11.7 below. The Council has, in accordance with (insert legislation) decided to impose higher standards in accordance with its locally adopted HMO Standards referenced in 11.5 above	Additional Licensing

Topic	Feedback	Change	Scheme(s) affected
Mandatory (12.1), Additional (12.1) and selective (1.11) licence conditions	Feedback from the consultation survey was that the condition to supply tenants with a written document describing the location of utility meters was unnecessary.	This condition has been amended to remove the requirement to provide a written document describing the location of utility meters	Mandatory, Additional and all selective licensing designations
Mandatory (14.1), Additional (14.1) and Selective (11) licence conditions	Feedback from the consultation survey and Safeagent was that would be unnecessary to require landlords to attend training courses	The licence conditions regarding training courses have been removed	Mandatory, Additional and all selective licensing designations
Selective Designation 1 – licence condition 14.2	Feedback from Safeagent was that the condition regarding adding provisions to tenancy agreements about forfeiture of the property if the tenant or visiting the premises causes a nuisance to neighbours, or allowing the premises to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises should only apply to new tenancy agreements	This condition has been amended to apply to all new tenancy agreements.	Selective Designation 1
Selective Designation 1 – Licence condition 14.3	Feedback from Safeagent was that the licence condition stating that the licence holder should caution tenants in instances of repeated anti-social behaviour should be changed as landlords and agents cannot caution tenants.	This condition has been amended to say that “Depending on the severity of the incident or where there are 2 or more corroborated incidents of ASB the license holder shall either send a written warning to the perpetrator or take formal action to evict the tenants in compliance with (whatever the legislation is). “	Selective Designation 1
Selective – designation 1 – Licence condition 14.6	Feedback from Safeagent and the consultation survey was that the condition to install CCTV covering the outside spaces of the dwelling should be removed.	The licence condition regarding installing CCTV in instances of two or more corroborated reports of ASB to the relevant investigating agency, has been removed	Selective Designation 1
Mandatory (15), Additional (15) and Selective (12) licence conditions	Feedback from the consultation survey was that the interim measures required whilst works are being carried out in the property was unclear.	The condition regarding interim measures has been removed	Mandatory, Additional and all selective licensing designations
Selective designations 2, 3 and 4 – licence condition 15.4	Feedback from Safeagent was that the condition to carry out regular checks to ensure the property is free from pest	The condition to carry out regular checks to ensure that the house is free from pest infestation has been amended to include 6 monthly checks	Selective Designation 2, 3 and 4

Topic	Feedback	Change	Scheme(s) affected
	infestation should be changed to 6 monthly checks		
Additional (16) and Selective (13) licence conditions	Feedback from the consultation survey was that the condition to provide missing documents, including asbestos reports, was excessive	The licence condition to provide electronic copies of documents that were missing from licence applications within 3 months of the issue of the licence has been removed	Additional and all selective licensing designations
Mandatory (16), Additional (16) licence conditions	Feedback from Safeagent and the consultation survey was that the condition regarding infectious diseases was not feasible	The licence condition relating to infectious disease control has been removed	Mandatory and Additional Licensing

2. Council's consideration of feedback from stakeholder organisations

The council received feedback from Safeagent, a not-for-profit accrediting organisation for lettings and management agents in the private rented sector. Their points and questions, and the council's consideration of those comments are below. Their comments on specific conditions are in Section h – responses concerning the licence conditions.

Topic	No.	Issue/question	Council's consideration
Previous Additional Licensing Scheme	1.1	Noncompliance: Previous additional scheme-3,156 applications but 9000 HMOs were predicted Cabinet report 2015	For this scheme the council have used tenure intelligence data modelling which is a more accurate methodology to predict the number of PRS and HMO properties in the borough – new updated figure is 5,031 predicted HMOs in the borough
	1.2	Noncompliance: Previous SL scheme-1,940 applications received but 6000 SL properties predicted	Again, the council have used tenure intelligence data modelling to predict the number of selective licensing properties in the borough. The report "An Independent Review of the Use and Effectiveness of Selective Licensing" stated that "A data-based approach through examination of authority tax records, local rental websites, ASB reports, housing benefit data etc. is typically far more effective, especially in larger schemes" in determining licensable properties
	1.3	Low level of enforcement: 35 landlords prosecuted, and 5 civil penalties imposed under the previous scheme	These figures are not the only enforcement activities that were carried out under the previous scheme. There were 991 informal and formal notices, and 168 housing offences prosecuted. The use of civil penalties was only agreed at the end of the previous licensing scheme, from April 2018, and only for offences committed after that date. The council also set up the Rogue landlord multi-disciplinary task force in 2018. The shared intelligence from this group led to a 700% increase in prosecutions from 2018 to 2020, compared to the previous two-year period.
	1.4	The report does not explain how new licensing schemes would overcome high levels of evasion and effectively regulate the private rented sector	Evidence report does not outline as it shows the evidence for licensing and how it will impact the people that live in the properties, however, the measures that we have in place to monitor compliance will include: • Using the Tenure intelligence model (TIMs) to identify privately rented properties in the designated areas. Applications received can be monitored against this database to pinpoint areas which need improvement. A combination of targeted street by street communication will be implemented, followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations. • Intelligence-led 'Compliance days' involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that

Topic	No.	Issue/question	Council's consideration
			licensed addresses have the correct licence in place and to ensure compliance with licence conditions. • Introduction of a new application and case management system which will flag properties that are a high priority for inspection, including multiple properties with the same ownership, large properties that have few tenants and older properties without gas.
	1.5	Council committed to inspect all HMOs-Can the council confirm how many of the additional and selective licensed properties were inspected during the five-year scheme	The council inspected all properties prior to issuing a licence, until the COVID-19 pandemic.
	1.6	Council study found 34% of HMOs had serious hazards, if all HMOs inspected why have these not been addressed already	The evidence shows that there are consistent and persistent issues with poor property conditions. This illustrates the need to continue with licensing, as for example management changes, tenant turnover, wear and tear can contribute to continued issues in this area. Some hazards would have been found during the inspections under the previous scheme
Evidence report	2.1	We could find no information about the proposed Renters' Union within the consultation documents.	The council is not consulting of the introduction of the Renters' Union in this consultation. There will be a future consultation on the Renters' Union
Previous Selective Licensing Scheme	3.1	Was there a reduction in anti-social behaviour within the designated selective licensing areas?	A finding from the previous scheme was that the issues with housing including ASB were not just confined to the selective licensed area. This was one of the main reasons to look at an expanded area for licensing.
	3.2	To what extent were serious hazards resolved in all licensed HMOs?	All properties identified as having a serious hazard would have been dealt with through the enforcement policy.
	3.3	Evidence report-No estimate of the number of licensable HMOs under the proposed additional licensing scheme.	There are estimated to be around 5,000 HMOs in the London Borough of Southwark, These HMOs will be made up of a combination of additional and mandatory licensable properties
	3.4	Evidence report- geographical spread of HMOs across the borough?	The council is proposing a borough-wide additional licensing scheme. As part of the consultation, the council had to show that a significant proportion of the HMOs in the proposed designation are being managed sufficiently ineffectively to give rise to one or more particular problems. Evidence for the geographical spread of HMOs is not required but, as with most London boroughs, HMOs are spread throughout each ward
	3.5	6 months is not long enough to assess phase 1-suggest 12-month review	The council believes that six months will be enough time to assess the scheme.
Proposed Additional	4.1	Report states 86.3% of all HMOs contain serious hazards-where does this figure come from?	The source for this information can be found in Appendix 2 of the Cabinet Report, Private Rented Sector: Housing Stock Condition and Stressors Report December 2019 -

Topic	No.	Issue/question	Council's consideration
Licensing Scheme			https://moderngov.southwark.gov.uk/documents/b50012529/Appendices%20-%20Part%202%20Tuesday%2019-Jan-2021%2011.00%20Cabinet.pdf?T=9
	4.2	No estimate of Selective Licence properties	This information is available in the cabinet report available here - Report Consultation on Proposals for PRS.pdf (southwark.gov.uk)
	4.3	Geographical spread of Selective Licence properties	This information is available in the cabinet report available here - Report Consultation on Proposals for PRS.pdf (southwark.gov.uk)
Evidence report	5.1	Table relating to ASB-what types of ASB this relates to, over what timescale and how they were related to private rented homes.	As stated in the Information on Consultation for Licensing, page 3 ASB is defined as "Behaviour related to a rented property that causes annoyance and irritation to neighbours and the community. Most commonly noise, litter and waste.". On page 19, it states that the ASB is from over a 5-year period, and from properties in the Private Rented Sector.
	5.2	No estimate for the number of private rented properties within the five Phase 1 wards - can council demonstrate this is below 20%?	Please see the cabinet report which is linked from the evidence report - Report Consultation on Proposals for PRS.pdf (southwark.gov.uk)
Staffing levels	6.1	Request confirmation that council have adequate staffing levels to inspect adequate number of properties for all proposed schemes	The council is currently developing a demand model which will inform the level of staffing to enable inspection and enforcement of the scheme, in line with scheme objectives
Section 257 HMOs	7.1	Not reasonable for letting agents to assess when properties converted and whether conversion satisfies legal requirements	We would expect letting agents to refer to building regulations, however, if the letting agent is not sure, they can contact the council for help.
	7.2	Less than 2/3 owner occupied then there is no need for a licence but if then let out without the agent's knowledge agent is liable to licence the property but may not know	If the council finds a property to be a licensable property/Section 257 HMO, the council will give the interested parties in the property (letting agents, landlords, freeholds etc) 28 days' notice to license the property.
	7.3	Long leaseholder owner occupiers not consulted and the implications of licensing section 257 HMOs not explained in consultation, so scheme cannot be approved under general approval rule	The council believes that the implications of licensing section 257 HMOs was explained in Appendix 2 of the Cabinet Report, which was linked to in the evidence report.
	7.4	Suggest: The additional licensing scheme could be restricted to section 257 HMOs where the whole building and all the individual flats within it are in single ownership or considered to be effectively under the same control. Licence where number of flats exceed the number of storeys (see Ealing's scheme as example)	The council agrees with this suggestion, and has added this condition
Application system	8.1	Licence processing system should be effective	The council will be introducing a bespoke IT licensing system for processing licensing applications.

<table>
<tr><th>Topic</th><th>No.</th><th>Issue/question</th><th>Council's consideration</th></tr>
<tr><td>Early bird</td><td>9.1</td><td>Many licences extended so not due for renewal until after the Early Bird-Suggest: 30% discount is offered to applicants who renew their additional and selective licences before their current licence expires.</td><td>If you already have an additional HMO licence, this will remain valid until its expiry date. As and when the new scheme comes in, applicants will have a choice to:
Use any outstanding time on their old licence. This will be automatically brought over to the new scheme system. However, once that licence runs out, they will have missed the opportunity to get your early bird discount and will be required to buy a new licence at the full price.
Buy a new licence during the early bird and take advantage of the discount period.
Depending on how long their licence has left and how long they will be renting their property, they will have to decide which option makes most sense for them.</td></tr>
<tr><td>Licence Fees</td><td>10.1</td><td>How will the part 1 and 2 fees be split? Not explained in the report</td><td><table>
<tr><th>Type of licence</th><th>Part A – Processing and determining the application</th><th>Part B – administration, management and enforcement of licensing schemes</th><th>Total</th></tr>
<tr><td>Mandatory Licence</td><td>£1,050 (+£70 per bedroom above 5)</td><td>£450 (+£30 per bedroom above 5)</td><td>£1,500 (+£100 per bedroom above 5)</td></tr>
<tr><td>Additional Licence up to 4 bedrooms</td><td>£923</td><td>£377</td><td>£1,300</td></tr>
<tr><td>Selective Licensing Designations 1& 2</td><td>£630</td><td>£270</td><td>£900</td></tr>
</table></td></tr>
<tr><td rowspan="2">Licence conditions</td><td>11.1</td><td>Selective licence conditions cannot relate to the condition of each property. (Refers to band E rating requirement)</td><td>Where there is a lack of compliance, enforcement will be under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment)Regulations 2019.</td></tr>
<tr><td>11.2</td><td>Installation of water saving devices/full central heating cannot be licence conditions as not legal requirement. Could council just recommend that these are in place?</td><td>The council agrees with this suggestion and will amend the licence conditions so that this is a recommendation</td></tr>
</table>

Topic	No.	Issue/question	Council's consideration
	11.3	Urge the council to have one consistent set of selective licence conditions so that the requirements in your borough are clear	The council is planning to introduce selective licensing based on different conditions in different wards, and therefore the licence conditions are targeted to address different issues in the different designations
	11.4	A number of conditions that breach the more restricted power to impose conditions under Part 3 of the Housing Act 2004. For selective licensing, conditions can only relate to the management, use and occupation of the property. The Court of Appeal has confirmed that licence conditions cannot relate to property condition and contents (Brown v Hyndburn Borough Council [2018]). All such conditions contravening this requirement should be deleted.	The council has reviewed the responses to the consultation and has made changes to the licence conditions.
	11.5	In some sets of selective licence conditions, we noticed there are conditions on fitness for human habitation, energy efficiency, noise, fuel poverty and water saving. These all relate to 'conditions and contents' which cannot be included on a selective licence.	The council has reviewed the responses to the consultation and has made changes to the licence conditions.
Gold & Platinum Charter	12.1	Can Council confirm that landlords who employ a Safeagent member to manage their property would be eligible for the Gold Standard Charter status. In practice will this be a certificate, logo, or badge that names the licence holder or their managing agent?	Gold standard conditions are that landlords / managing agents must agree to be a member of a recognised landlord's/managing agents association and be a member of an accreditation scheme. The council consider Safeagent to be valid association and accreditation scheme. If a landlord/managing agent joins the gold charter they will be listed on the council website as having gold standard status and a logo they can use on their documentation
	12.2	Could only find a brief summary of what the Charter entails/ unsure what is meant by keeping tenants informed of available services and charging fair rents. How would the council decide whether a market rent is a 'fair rent'. More detail is needed to explain this proposal.	Information about the gold charter was provided on the consultation page, and at the various landlord forums the council held during the consultation. The charter descriptions say that a fair rent is a LHA rent.
Platinum Charter	13.1	Relating to the need to let through councils social letting scheme or Finder's fee: We could find no information about either scheme within the consultation documents.	The council is not consulting on the social letting scheme or the finder's fee.
COVID	14.1	Suggest delay to scheme start due to COVID	It is no longer government guidance that councils pause introducing licensing or carrying out inspections
	14.2	Tenants will be reluctant to allow access due to COVID-suggest delay to the scheme	It is no longer government guidance to pause inspections and social distancing is no longer mandated. However, the council is aware that some tenants may not be comfortable, and therefore tenants will have the option to

Topic	No.	Issue/question	Council's consideration
			have a digital inspection via a smart phone, carried out remotely. Council staff will also wear full PPE when carrying out in person inspections.
Inspections	15.1	Inspection methodology not clear	The inspection methodology will be issued when any scheme is agreed
	15.2	We would ask the council to publish clear service standards setting out the timescale for processing and approving licence applications and to publish regular updates so that performance in this area can be monitored.	The council will publish regular updates and are in the process of developing KPIs and performance measures for the schemes
Engagement with Letting Agents	16.1	Suggest the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as Safeagent licensed firms.	The council is planning to hold quarterly landlord forums. The council also believes that the gold standard encourages landlords to be part of accredited bodies by including the conditions of being a member of a recognised landlord's/managing agents association and being a member of an accreditation scheme to qualify for the charters.

The council also received feedback from NRLA. The NRLA is a newly formed association following the National Landlords Association's and the Residential Landlords Association completed merger. Their membership represents over 90,000 landlords and agents and their members own and manage around 10% of the PRS, equating to half a million properties.

The NRLA stated that the "NRLA has a shared interest with Southwark Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of large scale selective and additional licensing is the most effective approach to achieve this aim."

Their main objections and the council's consideration are below. Their comments on specific conditions are in Section h – responses concerning the licence conditions

Topic	Issue/question	Council's consideration
Gold Standard	The council's proposed charter states that for a licence holder to qualify as a gold member, they must agree to *"Protect their tenants from unnecessary eviction".* This is a wildly unrealistic criterion to place on a landlord, and most landlords will not sign up for this. The council does not define what is classed as an "unnecessary" eviction, which opens it to broad interpretation. In some cases, when all other remedial action has failed, a landlord must issue an eviction notice, especially to those tenants who break their tenancy agreement, build up rent arrears, to name a few examples. This can be unavoidable, and the council's narrow approach to qualifying for the gold charter will not encourage high take-up of such a scheme.	This information can be found in Appendix 2 of the Cabinet report, which was linked to in the evidence report. Protect tenants against harassment or illegal eviction and not evict tenants without an acceptable reason. For example: For portfolio landlords: Tenant's poor conduct, tenant is not occupying the property, tenant has breached the tenancy agreement, rent is in arrears or often late, tenant has a relevant criminal conviction, tenant displays relevant anti-social behaviour, landlord needs to sell or

Topic	Issue/question	Council's consideration
		completely refurbish the property, property is to be sold by the lender, where there has been a change in the tenant's status e.g. tenant is no longer an employee of landlord or is no longer a student & property is purpose-built student accommodation, the tenancy cannot legally continue or the landlord has been issued with an over-crowding notice. For single property landlords (all of the above and the following): A landlord or family member needs the accommodation for their own use and there are no alternatives (i.e., for financial reasons)
Platinum Charter Criteria	As part of the qualifying criteria to achieve the platinum status, a landlord must: "*Both incentive schemes expect landlords to accept the Local Housing Allowance (LHA) rate as rent for the properties. No shortfall of rent can be required from the tenant, and no Platinum Standard discount will be applied where landlords are found to be charging above the LHA rate".* The government's announcement of freezing the LHA rate will serve only to make it more difficult to sustain tenancies and requiring licence holders to abide by such criteria will not encourage a high level of taking up should the scheme come into force. No landlord will agree to such terms, as it has been strongly evidenced that the LHA rate is not sufficient to maintain the tenancy long term, and shortfalls in rent will occur. Despite the council proposing that only Part A of the licence fee would have to be paid to qualify for the platinum charter, it is not financially viable for a landlord to agree to such terms, and the council should not expect a high take-up of this charter. There are other options that the council instead should consider as an alternative which would be more effective.	Landlords are not required to join up to the Gold Standard Charter, Finder's Fee Scheme or the Social Lettings Agency. The council understands that this may not be a suitable option for some landlords.
Alternatives to Charter	Several key recommendations (especially to those tenants on Universal Credit): • *£1000 cash upfront: a cash payment upon signing a tenancy agreement.* • *Rent guarantee: a written guarantee from the Local Authority that they will cover late or unpaid rent.* • *Deposit bond: a cash amount equivalent to one month's rent set aside to cover any costs a landlord may incur during the tenancy.* • *Support from a landlord liaison officer: a dedicated resource that acts as a single point of contact for private landlords who need help with a tenancy.*	As part of joining the council's social lettings agency, the council offers a rent guarantee and support from landlord liaison officer.
Criminal Activity	Among the criminals' activities, rent to rent is a significant issue that the council should consider a barrier to selective and additional licensing effectiveness. Criminals will always play the system. For instance, there is no provision for	Landlords or their appointed agents should be regularly inspecting properties and see if illegally sublet, the council suggests inspecting every 6 months

Topic	Issue/question	Council's consideration
within PRS properties	landlords who have legally rented out a property that has later been illegally sublet. A landlord will tell a tenant how many people are permitted to live in the property and that the tenant is not to sublet it or allow additional people to reside there. Excessive monitoring and contact from the landlord could impede the tenant's right to quiet enjoyment. The licence holder can end the tenancy (of the superior tenant, the subtenants have no legal redress) and support the local authority in criminal prosecution. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened? Will the council support an accelerated possession order?	Tenants will be in breach of tenancy agreement if they illegally sublet. The council's legal actions against the person found to be managing the property might help to end the rent-to-rent situation in that property and penalise the offender. Any penalties imposed, such as a criminal offence, will go towards preventing them from holding any licences and will make it harder for them to rent out properties in such a manner again.
Further alternatives to licensing	The NRLA advocates using council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar and continuing to provide a low standard of housing. Furthermore, the council should consider if the scheme is approved, providing an annual summary of outcomes to demonstrate to both tenants and landlords' improvements of behaviour and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall.	The council have used tenure intelligence data modelling to predict the number of selective licensing properties in the borough. The report "An Independent Review of the Use and Effectiveness of Selective Licensing" stated that "A data-based approach through examination of authority tax records, local rental websites, ASB reports, housing benefit data etc. is typically far more effective, especially in larger schemes" in determining licensable properties The council will publish regular updates and are in the process of developing KPIs and performance measures for the schemes

The council also received a letter from Lewisham Council which voiced their support for the proposed schemes, and stated they were "particularly interested in your plan to introduce tailored licence conditions". They also raised that "one of our concerns about licensing is that while the majority of licensees will raise standards in partnership with Local Authorities, there is a danger that landlords whose business model relies upon poor practice will remove themselves from areas in which Selective Licensing applies and relocate to a less well-regulated environment. Similar approaches taken by adjoining boroughs is going to make following this business model significantly harder for this cohort."

The full details of the letters received during the consultation can be found in Consultation Report Appendices

3. Council's consideration of feedback from stakeholder letters and responses from the questionnaire to the introduction of licensing schemes

Example comments from consultees	Council's consideration
***Theme:** It is a money-making scheme for the Council*	
Fees appear to be excessive and more aimed at generating income for the Council than aimed at protecting tenants.	Under the law, the council is not allowed to make money from the licensing schemes. The proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications we anticipate, under the proposed designations.
This is a money-making scheme	
This seems to be a money-making exercise for the Council, not really to do with tenant safety.	
I believe that licensing is just a revenue generating exercise for the Council. I am not convinced that there are significant numbers of bad landlords. I certainly have seen no evidence of it. I think the regulations are excessive and will drive down the supply of rental accommodation.	
Money grab. As a landlord for a single property - it just adds to costs.	
The scheme seems to be a revenue raising scheme to pay for the council employing staff	
This seems more like a revenue generating scheme, a Landlord Tax.	
***Theme:** It is penalising good landlords*	
I fail to see why upstanding landlords should have to be licenced due to those who are irresponsible.	The council understands that many landlords who rent out properties in the private sector manage their properties responsibly. However, the evidence shows that the borough is experiencing large scale issues in the private rented sector with poor property conditions and management, as well as issues with deprivation and ASB in certain wards. The council will use the regulatory framework provided by additional and selective licensing schemes to focus on those that do not comply and impact negatively on the reputation of those responsible landlords as well as having a detrimental effect on tenants and neighbourhoods. We will develop guidance and work with landlords to bring about compliance where possible, but we will also use robust enforcement against wilfully non-compliant landlords.
his is just a tax on landlords who already provide high quality, well managed properties.	
Penalises those landlords who are honest and law abiding.	
It appears to penalise all, rather than just rogue landlords.	
I object to the whole concept of licensing as it is a sledgehammer approach to managing the quality of housing stock. It penalises legitimate landlords who have to pay the fee, whilst rogue landlords who disregard the law and regulations would never pay the fee anyway. You add to the already substantial burden of legitimate landlords whilst providing no benefits to them whatsoever.	
most of landlords are good and they do not need to suffer and pay heavy fees because a small majority are not so good.	
I'm not sure it's necessary for responsible landlords it seems to unfairly penalise responsible landlords who have to bear the cost and administration for poor landlords	
It's not necessary you should deal with landlords who are complained about or cause the issues, not the rest of us who are already tired of all this witch hunt	
***Theme:** It will result in an increase in rents*	

The rent will go up as simple as that	A selective licence obtained at the start of the five-year scheme for a property will pay a one-off fee of £900 (which equates to around £3.50 per week) and for an additional licence will pay a one-off fee of £1,300 (which equates to around £5.00 per week). Whilst we recognise that the licence fee is a cost to the landlord, this is not considered unaffordable compared to the average rental income obtainable in Southwark at present. Evidence from authorities who have been operating licensing schemes have seen no evidence that landlords have increased rents to cover their licence fee costs or that landlords have moved elsewhere. Similarly, research carried out by an independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) showed that selective licensing did not result in an increase in rents in areas with a scheme, that market forces dictated the rent levels. If landlords want to increase the rent, there are procedures which must be followed and any increase above market rents levels can be challenged via the Residential Property Tribunal.
The large additional costs and work for landlords will drive up rents. It is also another pressure on landlords to exit the sector, again reducing supply and pushing up rents.	
Landlord licensing will not solve the problems listed previously in this survey. Landlords will just pass the costs along to tenants, which will raise the cost of living in Southwark even higher than it already is.	
Such licence fees will very obviously only serve to deter landlords from renting thereby reducing the amount of rental property which will cause rents to rise considerably and will therefore be detrimental to tenants in terms of choice, availability, and cost!	
Scrap the whole scheme. Landlords will pass the fees on to tenants and the biggest problem with housing in the area is already that they are too expensive. This not only fails to address the real problem with renting in your borough, it will make it worse.	
I do not need the license but if the council bring the scheme, then the owner of the letting property needs to pay extra fee then the tenants will have to pay more rent.	
This will add additional costs to the rental sector that will be passed on to tenants. It will also reduce the quality of life for lower income workers and make it more difficult for the unemployed to find rental property.	
***Theme:** It will make it harder to rent in the borough*	
It's going in the wrong direction. It'll make it harder to rent out properties, many ordinary landlords will sell. We will be left with only the professional big companies like Lendlease or Uncle. I much prefer to deal with a real person like my landlord than with a huge organisation where every time you speak to a different person, they don't know the history of the flat, etc.	There is no evidence that licensing leads to an increase in rent, or an increase in difficulty in finding rental properties in a licensable area. The private rented sector is a growing sector, and properties continue to be in high demand, including in areas where licensing has been introduced The council understands that many landlords who rent out properties in the private rented sector manage their properties responsibility. However, as stated above, there is evidence of wide-spread issues with poor property conditions and deprivation. The council believes that all properties, regardless of the number of properties a landlord has, should be held to a good standard. The council believes that many landlords will meet the licence conditions, and do keep their properties in good condition, but licensing enables to council to take action against those landlords who place their tenants in unsafe or overcrowded properties.
Many landlords rent out a property for investment, whilst away or before selling. So, they are keen to keep the property maintained and in good condition. They already are required to carry out repairs under their rental agreement. This scheme would be discouraging these landlords who would find these costs and the red tape prohibitive. As a result, this would reduce the stock of good rental properties.	
It limits the ability of people to rent as most landlords just don't sign up. I have seen so many flats that are empty or have empty rooms because it's too troublesome for landlords to sign up, and then people will continue to illegally sublet	
I think landlords will just try and get around by not tenting to certain groups thus making it harder for people on low income to get decent shared housing.	
It deters landlords from renting to sharers and therefore reduces housing supply and raises rent.	

I'm sure that an Additional Licensing Scheme would lead to a 3-4 occupant flat / house being reduced to a 2 (or with landlord living there) 3 occupant flat / house, which would put more pressure on the homeless people finding a place to live.	
It is right to ensure living conditions are good. The conditions you are proposing to add, however, will reduce the number of lower-income people who can live here, increase density and rents, and reduce choice for people on lower incomes.	
***Theme:** It will not help the overall situation in the borough or improve standards*	
It's a distraction from dealing with the real problems.	The recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' found that selective licensing can be an "effective policy tool" that can achieve demonstrable positive outcomes. The research also found that licensing "provides a clearly defined offence (licensed/unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences". The council believes that licensing will enable them to work with landlords to raise standards of living in the borough and work to tackle the issues of poor property conditions, deprivation and ASB, by holding landlords to a high standard, and by carrying out inspections.
The licensing does not make any noticeable difference to the standards.	
I object on principle to added and inefficient bureaucracy, especially at my expense. I see little evidence that this will change real life in rented properties and lots of evidence that it will increase the bureaucratic load for all concerned.	
It won't solve any issues with the rented properties	
I don't think you're addressing a real issue or need.	
complete waste of time makes the council appear as if they are doing something -- but won't change things. A desperate tenant who can only get into poor housing will select that no matter it is a penalty on good landlords better use of Southwark council is more enforcement officers	
The licensing is not going to make a noticeable difference.	
Licensing does not fix the problem; it just creates revenue for the Council. Where is the evidence to show any of these plans can/will work?	
Introducing a far reaching and expensive scheme for all landlords is unlikely to improve conditions for the minority of substandard accommodation.	
***Theme:** The council should use its existing powers*	
You have existing laws and powers to enforce any issues and should use them	The council have considered a range of alternatives to selective and additional licensing, but do not believe they are as effective in dealing with poor property conditions, deprivations and ASB in the borough. The current powers the council has, including the use of the Part 1 Housing Act 2004, do not require landlords to declare themselves. This means there is no obligation for landlords to make their properties known to the council or to be proactive in improving conditions, including minor issues (that may still pose a health and safety risk) but still need to be addressed, but which a tenant may not complain to the council about. Formal action under the Housing Act can be a slow process, and improvements to properties can take many months.
The council has extensive powers to act where properties are not being maintained properly. There are no excuses for landlords running properties in a poor manner and the imposition of improvement orders and fines will adequately remedy this. All these schemes do is tax the tenants in well managed properties, any landlord who cares so little as to run their properties poorly will treat the scheme with exactly the same contempt. All you will achieve is to make the rubbish properties more affordable than the well-run ones... bravo!	
I think you have sufficient powers already to enforce high standards of let property. I do not see that a universal system is required when you say that the issues relate to a minority of properties.	

Again, the council already have powers to deal with ASB, overcrowding, illegal conversions and alike Adding license fees could mean a drop in properties available to rent.	
Council has enough powers as is fees only go to charge more to good landlords. this doesn't help tenants	
Theme: *Bad/rogue landlords won't register*	
I don't agree, because the landlords who voluntarily come forward for registration are likely to be those who are already looking after their tenants well and complying with the rules re gas and electrical safety etc. 'Problem' landlords will not come forward under this scheme.	The council will be actively inspecting for unlicensed properties and will take action against those who refuse to licence their properties. The recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' found that selective licensing "provides a clearly defined offence (licensed/unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences" and that it "encourages the development of effective intelligence gathering mechanisms – extremely valuable both in identifying unlicensed properties"
I do not think there is any 'carrot' in the proposals for good landlords (e.g., ones where there are no hazards identified in their property). By the Council's own findings, the expected number of licenced properties is greatly exceeds those that actually applied. Therefore, there is an element of self-selection - those that are responsible and apply for a licence etc are the ones that are left with hefty costs whilst more unscrupulous landlords continue to fly under the radar.	
I am not convinced single housing landlords will be aware of and comply with the scheme. Likely the landlords who are "good" safe landlords will do so but the ones you actually want to keep an eye on will not do it at all, so it won't achieve its aim. How will you ensure the "bad" landlords comply??	
I don't approve of any licensing scheme, it will push "rogue" landlords underground and be a financial and administrative burden to good landlords.	
Theme: *It is unnecessary*	
Too much unnecessary meddling in something that isn't broken	The evidence presented during the consultation shows that there are large scale issues with poor property conditions, deprivations and ASB in the borough's private rented sector, that licensing can help to address.
It is unnecessary. There is a mountain of housing legislation already in place.	
Regulation is not necessary; the failure is because tenants are not paying enough in rent - you get what you pay for.	
Tenants and landlords have a tenancy agreement that deals with this already.	
Theme: *The council should address issues in social housing/social properties first*	
Before you levy a hefty surcharge to private landlords sort out your own council properties. Old disrepaired kitchens, stairwells dirty with graffiti. Lack of security as the doors are constantly broken by druggies and young vandals.	Licensing is part of a wider effort by Southwark Council to improve living conditions in the borough for all tenure types. In Southwark's Housing strategy, the council has made a commitment to deliver the Great Estates Programme to make council homes and estates fit for the twenty-first century. This includes: • Delivering the Housing Investment Programme and carrying out improvement works to our stock and the surrounding area. • Providing a quality kitchen and bathroom for all council homes (once this is safe to resume following the COVID-19 pandemic)
This is a bold statement. The hazard comes from the council buildings and not the rental properties which are already under many legal obligations.	
Councils should be forced to ensure all their own properties match up to these criteria first.	
Southwark needs to lead the way as a social housing landlord it is failing, do not be distracted.	

The worst properties here are probably properties owned by Southwark Council, as landlords are Southwark Council going to charge themselves the fee for every property they own? I highly doubt this, you've created this idea to charge private landlords so you can use the money to fix all the buildings you own that are in a terrible state.	• Implementing a repairs improvement plan so more jobs are done right first time • Exploring whether to reprioritise parts of the housing investment programme to increase the installation of door entry systems on estates where there are high levels on anti-social behaviour
I find it ironic that the council is saying HMOs are risking people lives when there is so many council buildings which very much fit these criteria. Of course, I want tenants to be safe, and I do believe a lot of HMO landlords take advantage of their tenants. However, the council has a lot to answer to as well, and this feels like a poorly veiled attempt to blame others for problems which are their responsibility	

a) Responses specific to additional licensing

Example comments from consultees	Council's consideration
Theme: *Licensing should not apply to sharers who are friends or family*	
There should be some differentiation in those individuals renting rooms in a property and those individuals who are choosing to live as a group and therefore could be considered a household.	The council believes that all rental properties should be held to the same standard, regardless of who they are let out to. The council believes that the licence conditions for an additional licence, such as room sizes and fire safety, are relevant to properties let to groups on a single AST or to properties that let rooms out on an individual basis. The fire safety standards do vary according to the size of the property and the type of occupation (for example if the property is an HMO or single-family dwelling) The council is reviewing the fees so there's a smaller charge for 2 bed HMOs, however 3 friends renting a property is still an HMO and whilst the risk might be lower than 3 people who have never met before, the risks are still much higher than that of a family home. This is why they are included in the definition of an HMO and why the requirements for fire precautions are higher than in a family home As stated above, there is no evidence from existing schemes that licensing has resulted in an increase in rents – rent levels continue to be dedicated by market forces
It means a relatively small flat (with 3 bedrooms) is caught by this scheme when 3 flatmates want to share together. If it was a genuine HMO where each tenant is agreed individually so that tenants do not know each other when they move in it could be reasonable (i.e., where each room is private and locked and rented as 'bed-sits') but if it's a group of 3 friends it seems unreasonable. Especially given that the fees are the same for a small 3-bedroom flat compared to a proper 5-bedroom HMO where the total rental income is a lot higher.	
HMO licensing was setup to target large properties with many people who do not know each other and create hostile unsafe environments. Your proposals will target properties where friends are looking to share a property. This had a huge effect the last 5 years. 3 friends looking to share a 3-bed flat in Southwark were denied housing as landlords did not want to get these licenses and would only accept families. Young professionals often rent together in groups of 3-5 people to make life in London affordable. It also helps them to learn social skills and how to live on their own. Your proposed licenses deny these young working professionals from affordable housing. These are also usually excellent tenants, as they have jobs, pay their rent and bills, look after the property, and do not cause social issues.	

It isn't workable, very few landlords have applied for the license. Partly as its difficult to know what the council are going to require you to do (the council are notoriously difficult to communicate with) and partly as the initial fee is so high. Properties that have 3 people living there ought not to be included if the tenants are on a single tenancy and have approached the landlord as a group of friends.	
***Theme:** It will not be enforced*	
Without effective enforcement, tenants & landlord will turn to the unregulated sector	The council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks. The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties
This scheme is neither proportional or reasonable. I'm quite shocked it's been proposed. There are some good ideas in here, but there are many that are grossly disproportionate. Furthermore, I don't imagine they can or will be enforced - so what's the point?	
The council needs to do more to identify the properties which were not licensed and there more likely to suffer with the issues above	
You pay the charges, and the council doesn't monitor the individual properties or person renting them out.	
***Theme:** The licence period should be different*	
I think it should be 2021-2024, three years. Five years is a long time to have to endure mid-management if you're a tenant.	The proposed scheme will be starting in 2022. The five-year period for a licence is set by the Housing Act, however the council has the power to reduce a licence duration where deemed necessary. Tenants can still change properties and tenancies during the licence period.
Period covered is too short many every 10years	
Make it less than 5 years.	
I believe it should start in 2022	
***Theme:** Other*	
Smaller properties are not more difficult than mandatory licenced properties to maintain to a very good standard. Tenants view property licencing and its conditions as interfering with their lives by a third party when they choose to live in a smaller property and wish to use rooms as they see fit and not as prescribed by licensing conditions. They say licencing conditions interfere with a quiet enjoyment of their rented property which is their HOME.	The council recognises that many landlords who rent out properties in the private rented sector manage their properties responsibility. However, as stated above, there is evidence of wide-spread issues with poor property conditions and deprivation. The council believes that all properties, regardless of the number of properties a landlord has, should be held to a good standard. The licence conditions look to address issues with overcrowding and poor property conditions. Whilst the council understand that many landlords will already meet these conditions and have responsible lets, licensing enables to council to ensure this is the case, and focus taking action against those landlords who place their tenants in unsafe or overcrowded properties. The council also acknowledged that while there are many good managing agents operating in the borough, not all provide a good service, or know what the regulations are with respect to privately rented properties.
I do not wish for LBS to have any involvement with my property. It is fully up to code, and I take my duty of care to my tenant very seriously.	
I already manage the property at a loss – I'm just waiting until I find a job so I know where I can settle, then I'll sell my current place and buy somewhere to move into. I'm a student at the moment after a career change. I can't afford even more charges on the property. Can't you apply it for people who are managing more than one property?	
I understand the need to improve standards. However, I believe that landlords that use property management agents (and pay a fee for these services), provide good accommodation, maintain their properties and comply with the applicable laws are being unnecessary burdened with additional costs associated with the license fee.	

Part of the job of the property management agents is to ensure that the landlord satisfies their legal requirements. Flat share is a common phenomenon with renting in London and I feel that those landlords with 3-bedroom properties with 3 people sharing are being unfairly targeted. Additionally I believe poor properties are not restricted to properties that are rented to 3+ unrelated people. I fear the scheme fails to target poorly maintained properties with smaller numbers of people.	Rooms that are too small should not be let as bedrooms and landlords can ask for support from the council to explain to tenants why they cannot use certain rooms if the problem persists. Undersized rooms can be used for purposes other than sleeping and council officers can help to suggest alternative uses for the space. The council is proposing to introduce a selective licensing scheme which would require licences for properties let to single families, and one or two sharers.
I am in favour of your extending the existing scheme but ensuring that those landlords who already have a licence do not need to apply for a new one until their existing licence is 5 years old	If you already have an additional HMO licence, this will remain valid until its expiry date. As and when the new scheme comes in, you will have a choice to: • Use any outstanding time on your old licence. This will be automatically brought over to the new scheme system. However, once that licence runs out, you will have missed the opportunity to get your early bird discount and will be required to buy a new licence at the full price. • Buy a new licence during the early bird and take advantage of the discount period. Depending on how long your licence has left and how long you will be renting your property, you will have to decide which option makes most sense for you.

b) Responses specific to selective licensing

Example comments from consultees	Council's consideration
Theme: *Selective Licensing should cover the whole borough*	
I think implementation should be equal across the borough rather than different designations.	The council can only introduce selective licensing in areas in the borough where there is evidence that the area meets the criteria as laid out in the Selective Licensing of Housing 2015 (Additional Conditions). The council carried out a detail analysis of the evidence available and has been selective in proposing designations for areas that meet the criteria of poor property conditions, deprivation and ASB. The council is proposing that they ensure the new approach works before applying to the Secretary of State for approval of the larger scheme
All lettings need to be held to the same standard!	
If you are going to do this it should be for all straight away.	
Tenants across the borough should have the same rights to a safe and suitable home, dividing the borough and introducing selective licensing stigmatises communities.	
Entire London has issues, this should be for the entire borough.	
I'm not sure why some areas should be excluded - surely high standards should be expected of all areas	

Probably would be fairer to make it the same regardless of where in the borough the rented home is	The evidence shows the prevalence of housing issues is even higher in HMOs, which is why the council is proposing an additional licensing scheme covers the whole of the borough
It should be the same across the entire council	
This is better than the previous option. But why not apply it uniformly to everyone?	
All areas should be included to be fair re fee charging	
Because you single out the ward, I happen to be part of first. It should be applied uniformly and fairly, all at the same time. Alternatively, you could use the powers you already have under Part 1 of Housing Act 2004	
It should apply everywhere equally	
Theme: *Areas to be covered by the proposed scheme should not be*	
Some of the above areas may well have housing issues. However, the North Walworth area has a number of high-end properties which are new buildings that will not have these issues and the landlords of these buildings are being penalized. I believe it would be better to concentrate on the 'buildings, in the area which need it. Not the area as a whole.	The council has evidence of issues with poor property conditions, deprivation, and in some wards ASB, collected over several years, to support the introduction of licensing in the wards proposed. Properties let through Airbnb are short-term, commercial lets and do not legally fall under these licensing schemes. Airbnb properties need planning permission and any ASB issues will be dealt with by the ASB team
This is a blunt instrument to present the Borough as some type of practically slum or no-go area, which is not near the reality. Apart from 2 pockets in Dulwich and near Tower Bridge, it unfairly stigmatises the residents of the Borough.	
Properties in Southwark designated selective licensing areas ARE NOT in poor conditions, also the Southwark council as a freeholder maintains its housing stocks very well including gardens on estates.	
I am in designation 4 and there are no issues with my properties. Most properties in this area are relatively new build and in good condition except the council properties.	
The approach should be limited to areas with very specific housing issues... by phase 4 it looks like the approach is to cover all areas to raise as much additional council revenue as possible Vs deal with the very specific issue at hand... Phase4 covers one ward which is almost entirely new/recent builds... Which I find very difficult to believe are poor quality... And excuses Bermondsey North where housing stock is very poor quality... but council/ex council owned.	
I disagree that there are widespread issues with housing in Rotherhithe. The only issue is Airbnb, and I would support licensing for those types of rentals. However, it would appear that the licensing only impacts longer term rentals? If that is the case, it might become more desirable to let properties on an Airbnb basis.	
Your scheme tars Champion Hill, where I live, with far too broad a brush. SE22 8DL / SE22 8DJ, the two sides of Abbotswood Road, are not ASBO-rich -- at least they haven't been in the 20 years that I've lived in this road. (The house that I rent out is also in this road.) You may be working ward-by-ward for reasons of administrative convenience. That is, however, massively unfair to those who rent out housing in	

"non-ASBO" zones within Champion Hill. Be more selective -- apply the scheme postal code by postal code -- and be fair.	
Properties in Chandler Way and Kelly Avenue are, to my knowledge, well managed by good landlords, yet they seem to be included in the proposed scheme. The consequent burden and fees imposed on those landlords, seems to me unfair.	
The designations are too broad brush. Each probably contains well maintained properties which fulfil all the criteria required as well as a some that do not.	
Property in the Phelp St area is good condition	
***Theme:** It's too expensive*	
Far too expensive. To look around a 3-bed flat, 700 pounds...	As stated above, the fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications we anticipate, under the proposed designations. The council is also running several schemes by which landlords could get a discount: • An early bird discount for application during the first three months of the scheme – 30% discount • Gold standard Charter members – 50% discount on the Part B fee • Gold Standard Charter members who sign up to the Council's Finder's Fee scheme – 100% discount on the Part B fee • Joining the council's social lettings agency – exempt from licensing. The public consultation found that more respondents thought the fee was reasonable or too low, than the number who found the fee to be much or a little too high
This should cost maximum fifty pounds.	
Unless you detail out exactly why the cost is prohibitively high.	
The fee is excessive. It is the equivalent to almost 4 months' rent. I would pay the same amount as someone who has a property with 4 bedrooms whereas mine is a small one bed flat.	
I can't afford additional charges on the property.	
Why would we agree with a proposal which costs a lot of money - not much less than our income from the one property we own - and increases our workload for no benefit to either our tenants, who are extremely happy in the property, or to us? It instantly makes our investment pointless in terms of the income (our pension as it happens) we derive.	
***Theme:** It's additional bureaucracy*	
It creates more bureaucracy.	Please see above, *Council's consideration of feedback from stakeholder letters and responses from the questionnaire to the introduction of licensing schemes* regarding the need to introduce the licensing schemes. The schemes will have an online application and payment process which will meet the statutory requirements whilst being as streamlined and efficient as possible.
You're making it bureaucratic	
I object on principle to added and inefficient bureaucracy, especially at my expense. I see little evidence that this will change real life in rented properties and lots of evidence that it will increase the bureaucratic load for all concerned.	
Please stop the COUNTERPRODUCTIVE red tape al together.	
***Theme:** Licensing is not the right way to deal with ASB*	
Re. Area 1 ASB: I think it would be great to have a specific person to support with ASB in the PRS. However, I simply do not accept your choice to continue including the UK Border Agency on a multi-part team dealing with anti-social behaviour. I saw no mention of social work involvement, mental health team involvement, organisations like Hestia or others. Why do you largely have an ASB advisory group made of enforcement and punishment organisations when you recognise deprivation worsens/increases likelihood for ASB?	Licensing is part of a wider effort by Southwark Council to improve living conditions in the borough. In Southwark's Housing strategy, the council have committed to work in partnership with local residents to tackle crime and anti-social behaviour where it blights neighbourhoods and people's lives. The council works with UK Border agency to address human trafficking and the part that criminal landlords play in that, not to address ASB. Where we uncover human trafficking we do involve social services

	and other supporting agencies to help the people that have found themselves in that situation.
Council needs to tackle the root causes of the high levels of ASB. The fact that these area as within its borders several homes for the mentality ill also high levels of people with alcohol and drugs dependence are house within these boundaries. Better use of the council resources and money would be to fund better facilities to help these groups.	The council understands that is the responsibility of all residents in the borough not to cause anti-social behaviour. The council do not expect landlords to be responsible for the behaviour of their tenants, but the council would encourage landlords to include clauses in their tenancy agreements about ASB, and to manage their tenancies and ensure that ASB caused by their tenants is effectively addresses and if necessary appropriate action taken. The council will be introducing a series of measures to support landlords in introducing ASB, including employing an ASB officer to work with landlords and tenants.
Not sure it is effective. Should not be used to manage ASB as that is not what it is designed for	
I'm so confused. How is anti-social behaviour the landlord's fault? ASB is caused by disrespectful, conceited, people of generally low intelligence. They did not get that way because of their landlord. I'm sure their landlords would be very happy to get rid of them but where do they go? To another poor landlord?	
As I said before, there is no need. Poor condition properties can be fixed with environment enforcement by the council. ASBO behaviour is the tenant, not the landlord. No landlord wants a bad tenant but is helpless to control tenant behaviour.	
Theme: *Other areas in the borough should be covered by licensing*	
Rockingham estate is by far the worse	The council can only introduce selective licensing in areas where there is evidence of issues that licensing can help to address, and therefore some areas are excluded from the proposed selective licensing designations. The proposed additional licensing scheme covers the whole of the borough
Insufficient evidence in Borough & Bankside? This area has markedly deteriorated over the last 6 years	
There are good and bad pockets throughout the borough, not just in the selected areas	
Theme: *The current scheme doesn't work*	
It's pointless the current licensing scheme doesn't work. My old landlord avoiding getting HMO for 5 years may still not have one but happily rented to over the required number of people.	The council is looking to better ways to improve our intelligence to uncover unlicenced properties, including the use of data modelling. The recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' found stated that data-based approaches, using data available to the council to identify privately rented properties and therefore unlicensed properties is effective. The report also states that "research indicates there is a high correlation between failure to license and a failure to manage and maintain a property to a safe standard"
It is poorly run. I have no issue if it was staffed by sensible people whose mandate is to make sure properties are safe, but council has demonstrated time and time again it is poorly staffed by people who place ridiculous and unreasonable requirements to honest landlords	
it clearly doesn't work, or we'd have seen results already	
Theme: *Other*	
It needs to go further and charge more to landlords	The Council can only charge fees that cover the cost of the schemes themselves. Rogue and persistently irresponsible landlords will be subject to civil penalties and fines incurred following a successful prosecution and can even be subject to action under the Proceeds of Crime Act.

Why does it take so long? Private landlords are profiteering, and delays allow disreputable landlords to avoid or evade licensing.	The council has a legal requirement to demonstrate the need for additional and selective licensing schemes, and to carry out a public consultation. Southwark Council's cabinet then has to review the proposals and the responses to the consultation, before making a decision about approving the schemes.
This seems to be a catch all solution, rather than addressing those properties where there are problems. In fact, the only areas not covered by the proposal are the super-rich boroughs in the council.	As stated above, the council has a legal requirement to demonstrate the need for selective licensing. The council does not have the evidence to support introducing selective licensing in all areas in the borough. The aim of selective licensing is to help tackle issues relating to poor property conditions, deprivation and ASB, and is therefore targeted at the areas where there is the evidence that these issues are a consistent and persistent problem.
You are punishing poorer areas while rewarding those who rent properties in more affluent areas.	

c) Positive comments about the introduction of licensing schemes

There were a number of positive comments from consultees. These were mainly in themes:

- It addresses rogue landlords and increases their responsibility
- It addresses and improves the standard of living (housing issues, inequality, rent and conditions)
- Agree if it is properly enforced
- It addresses and improves the lives of tenants (security, safety & health)

There were also a number of specific comments about how the schemes will be able to improve conditions, stop overcrowding and deal with poor standards of properties. A sample of the comments supporting licensing are below:

- We need to tackle unsafe conditions and overcrowding. Living space should also be reasonable and take into account the wellbeing of tenants. People forced to live in a bedroom with no access to communal areas such living rooms, don't *[sic]* rooms and conservatories (all turned into bedrooms for profit) won't be happy people.
- I believe that these schemes will help lot of people living in the properties
- I am a landlord; I would like to renew my license. I believe standards should be maintained.
- I think the tenants need protecting should there be any problems, and this will help them.
- I approve of and support the Council in any plans it has to toughen up the current licensing scheme.
- Better standards of housing lead to improvements in mental and physical health and reduce costs for health services, social services, policing and education.
- as you say, there is evidence there are many with poor conditions and tenants have no protection

- I believe it forces Landlords to ensure there is appropriate living space as opposed to cramming a bedroom into every small space in the house.
- Some Landlords need to be held more accountable for the lack of repair and maintenance; this will hopefully have an impact on them to so.
- Tenants often feel helpless in the face of negligent and exploitative landlords. An extension of the licensing scheme should give more tenants the security that they can report failings and unsafe conditions and expect action to be taken to resolve them. Extending the licensing scheme to currently unlicensed properties can also instil a sense of responsibility in landlords towards their rental properties and should increase oversight.
- I think for tenants the added security of knowing that the council is issuing strict guidelines is very reassuring, and also it will act as a management and benchmark for landlords
- Poor quality PRS homes should simply not be available for habitation. Licensing is a proven effective tool to ensure landlords offer basic amenity and service to tenants whose lives will benefit hugely.
- Selective licensing would resolve the problems of social and economic inequality in the different areas.
- Too many landlords get away with providing sub-standard housing
- as it will help in everybody getting their house in order so their business will run more efficiently and less problems for the tenants
- It can't come soon enough.
- Rents are high and tenants deserve quality housing. There are too many sub-divided properties with slum landlords making a lot of money.
- Landlord accountability and refusing to handle complaints until they really have to is a huge problem which I have experienced, and this seems like a reasonable solution.

d) Suggestions for alternatives to licensing

Example comments from consultees	Council's consideration
Theme: *Use existing council power and enforce existing regulations*	
Council to use existing powers available. And stop passing the buck and looking for one size that fits all. Use a targeted approach for where there is a problem. You are just increasing the rent	As stated above, the council have considered a range of alternatives to selective and additional licensing, but do not believe they are as effective in dealing with poor property conditions, deprivations and ASB in the borough. The current powers the council has, including the use of the Part 1 Housing Act 2004, do not place any obligation on landlords to be proactive in improving conditions, and formal action can be a slow process.
Proper enforcement of existing legislation to protect tenants - there is already plenty of laws, the unsafe properties are only unsafe as unscrupulous landlords ignore legislation. Why would they bother following the licensing either?	
Continue with current system - avoid unnecessary bureaucracy. Overall, you do a great job, thank you.	
There is no need for this extended scheme. More organised policing and reporting of existing schemes would be more effective. This feels like an attempt to introduce more tax.	
You have existing laws and powers to enforce any issues and should use them	
Enforcement of existing law!! Why are perpetrators of poor housing being allowed to continue in this way - charging a fee to get a licence isn't going to help!!	
Again, the council already have powers to deal with ASB, overcrowding, illegal conversions and alike. Adding license fees could mean a drop in properties available to rent.	
Better enforcement of any breaches of current landlord obligations.	
Theme: *Fines for poor properties/landlords*	
Punishing harder the people that don't behave well	The council believes that the use of licensing will give them the ability to look for and address properties with poor conditions and bad landlords. This is supported by the recent Government research 'An Independent Review of the Use and Effectiveness of Selective Licensing' found that selective licensing "provides a clearly defined offence (licensed/unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences"
Tackle the actual slum landlords! Stop harming decent landlords by forever increasing their costs and regulation. The slum landlords will not pay attention to new licencing laws, as they already contravene existing laws/regulations. Increase enforcement and inspection of existing regulations and make penalties harsh to deter and decrease the minority of landlords who act in illegal ways and make life miserable for their tenants.	
Same scheme but fund by fining contravening landlords	
Council effort to identify and clamp down on bad landlords	
crack down on rogue landlords, not financially punish good, accredited landlords who already provide good accommodation	
Licence bad landlords who don't obey laws and take enforcement action	
Licensing for landlords who have been complained about, not good landlords	
Fine poor landlords and make them apply for licences.	
Theme: *Reduce the fee*	
I think the license should be free or not over £100 per year. Making the fee affordable won't compromise the price of the rent itself.	As stated above, the fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs

Depends also on how the license would be issued, if it is just going to be an online application and no one from the council will visit the property physically to review and make sure that the property gathers the safety and conform needed to live on it, it will be waste of time and a way to collect money.	would be met by the expected income from the number of licence applications we anticipate, under the proposed designations The council is also running several schemes by which landlords could get a discount: • An early bird discount for application during the first three months of the scheme – 30% discount • Gold standard Charter members – 50% discount on the Part B fee • Gold Standard Charter members who sign up to the Council's Finder's Fee scheme – 100% discount on the Part B fee • Joining the council's social lettings agency – exempt from licensing.
Just make it a bearable figure and I can live with it. And I am a relatively supportive landlord, I'd love to see the cowboy landlords kicked out, much as they do me a lot of good because my tenants tell me horror stories about other properties they lived in or viewed.	
Fee should be maximum fifty pounds.	
Run the scheme and don't charge landlords - have a fine scheme that covers the costs, this will stop costs being passed on to the tenants	
I think it would be appropriate to have regulations on smaller HMOs, but I do not think licence fees are appropriate for smaller properties.	
***Theme**: More housing and social housing*	
Better social housing provision by the local authority	Licensing is part of a wider effort by Southwark Council to improve living conditions in the borough, across all tenure types. In Southwark's Housing Strategy 2020, the first principle is to increase the supply of genuinely affordable high-quality homes that meet out residents' housing needs and aspirations. The council's commitments under this principle include continuing to deliver 11,000 new council homes at council rents and to maximise the supply of other forms of genuinely affordable housing association social rent and intermediate homes.
focus on more social housing rather than letting the private sector get away with HMO	
No more HMO's. Build more council homes.	
More social homes, only owner occupier properties, discourage private landlords from having properties in Southwark. People cannot afford the high rents demanded and then struggle to pay essential utility bills or put food on tables.	
The council building good quality social housing not private at all ideally	
Need social council homes. Not private rented ones in any form.	
Greater provision of council/housing association housing at social rent	
an alternative would be better and more affordable housing in the borough such as council housing - homes as a profit venture for BTL landlords has clearly failed as a general answer to providing housing, especially for vulnerable people. Landlords don't have the experience/access to other services that councils do or any concern or responsibility for their tenants other than the rent coming in	
***Theme**: Mandatory (5 or more people) Licensing*	
Let the national rules apply and no more	As stated above, the council has evidence presented during the consultation, which shows there are issues to be addressed in the private rented sector. While the council is currently enforcing Mandatory HMO licensing to properties with 5 or more people, the council believes that additional HMO licensing (for 3 to 4 people) and selective licensing are required to effectively target the issues experienced by renters in the private rented sector.
Continue with the current mandatory scheme … everything else seems like money making and squeezing more money out of private landlords.	
To rely on the mandatory licensing in the Housing Act 2004. There are great dangers creating local authorities police forces unanswerable o national legislation such as this.	
I think that there should only be licences for larger properties of 5 or more. There should be better provision for people to be able to complain about genuine issues in relation to their accommodation and to be able to get support in getting something done about it. But at the same time landlords need support if tenants aren't paying rent or are causing problems. It has to be balanced.	

A continuation of the existing mandatory scheme for HMOs. This entire exercise is tax raising to create a power base in the council to go into culture war against private landlords, in an issue to fix a problem of "bad landlords" that is so small will solutions covered by existing national legislation.	
Theme: *Better tenant services*	
make it easier for tenants to complain to the council and not punish with fees and works normal and good landlords for no reasons.	Southwark Council has an existing reporting service on the council website. Tenants can also use the GLA website to make a complaint or raise an issue with the council. Southwark Council has a tenancy relations team, who receive referrals from across the council, and the tenants can also contact the call centre. The council has also outlined commitments in the Housing Strategy 2020 to protect and empower private tenants by providing advice and assistance on their respective rights and responsibilities, which includes: • Providing high quality advice to private tenants (and landlords), including details of any grants and loans available via the council's website. • Providing dedicated housing advice to private tenants threatened with illegal eviction. • Introducing a Southwark Private Renters Union to support the council's work to improve the conditions of private renters If licensing is approved, the council will run a comms and marketing campaign to raise awareness of the schemes, and provide information about the licence conditions, acceptable behaviours from landlords, and the existence of a public register of licenced properties. Licensing will also enable tenants to make complaints to the council anonymously, as the council will be able to approach landlords regarding their licensing obligations, rather than stating that a tenant has made a complaint.
Independent council body that tenants can come to if they consider their property is unsafe or their landlord is not fulfilling their duties. Monitoring of properties that have already been brought to the attention of the council for X amount of years, or mandatory property visits and assessments when new tenants move in Tenant surveys that are carried out yearly	
The minority of tenants who do experience problems with dodgy landlords should have access to a helpline or online service where they can report the problems to the council. The council could then investigate and legally compel the dodgy landlord to make the property safe and habitable.	
There should be a publicly accessible database where prospective tenants can rate/give feedback on the quality of accommodation or have access to information about a landlord/property before they enter into a lease. The council should properly vet the properties they let (Housing Benefit etc) as this is the population who are least able to vote with their feet if housing is inadequate. Rotherhithe has a number of very well-maintained properties, but these are often not accessible to those on housing benefit.	
Offer more support to tenants of private landlords, whereby they can file complaints to the council, which the council can then explore. If the complaint was fraudulently made, the tenant may be fined. If it was a genuine complaint and the landlord is being unethical, the landlord should be fined.	
All tenants should be given an accessible channel to complain to the council about their living conditions. The council then has to treat all such complaints seriously and perform a thorough investigation to see if they really are living in poor conditions. Actions can then be taken directly against the specific landlord that has been reported by the tenants. This allows for a targeted response that penalises only landlords who fail to meet quality standards.	
Better reporting methods for tenants.	
Theme: *Inform tenants of their rights*	
Clear information available to tenants about the condition the property should be in and a way for them to contact the authorities and get an inspection/action taken if it is not up to standard. Also, random inspections, so landlords are not aware if the tenants have asked for an inspection or it's a random one.	As stated above, the council will run a campaign to make tenants aware of licence conditions and acceptable behaviour from landlords. Also, as outlined in Southwark Housing Strategy 2020, the council will support tenants to be a good neighbour by providing

Make tenants aware of the obligations of their landlord and make it easy for council to act on landlords not following. Do not punish good landlords even further.	a pre-tenancy course on how to abide by their tenancy agreement, including acceptable behaviour standards, how to get involved and how to budget.
Educate people to be more intelligent when looking for rental properties. Put pressure of legal system to provide a streamline process for addressing landlords that fail to meet their statutory requirements. Encourage tenants to communicate effectively with landlord managing agents and make use of the deposit schemes complaint procedures	
Theme: *Free market*	
A free-market system where property ownership, land-use, and letting and the terms thereof for each, is left for individuals to decide. Decades of regulation and restrictions have done nothing but make matters worse, and "just a little more" regulation or rules will not change this in any way shape or form. The evidence is clear.	As stated above, the evidence shows that there are persistent issues with poor property conditions, deprivation and ASB in the borough. Whilst the council understands that many landlords keep their properties to a high standard, there are many who are either not aware of their responsibilities or are ignoring them. Licensing would enable the council to work proactively with landlords to bring up the standards in the properties Licensing is also an effective tool for addressing rogue or criminal landlords in the borough
Nothing, let the free market decide.	
Nothing, let the free market solve the issue, some people are happy to accept lower rent for a lower standard property.	
Allow market force to dictate given housing is a demand & supply issue	
Free market. With harsh penalties for landlords who don't maintain safe properties. And equally harsh penalties (or means to quickly evict) tenants who abuse properties and don't pay rent.	

e) Suggestions for alternatives to additional licensing

Example comments from consultees	Council's consideration
Theme: *More checks /inspections*	
Yearly inspections Spot checks. Renewal fee is only passed on to the very people who cannot afford to pay	As stated above, the council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks. The council will be actively inspecting for unlicensed properties and will take action against those who refuse to licence their properties. Licensing is also a tool for ensuring that rented properties are 'declared' to the council via licensing and will be subject to an inspection. Licensed properties must meet licensed conditions throughout duration of licence. Spot checks may be carried out for this, or tenants can notify the council of non-compliance.
I think council should instead have register of rented properties and inspect them. Landlord not complying with regulations should be heavily fined. This would on incentivise landlord to maintain properties in good working order and also make transfer of cost to tenants less of a risk	
The council should do random visits to rented properties to see the conditions, etc...	
more regular checks. A licence means nothing once its granted	
More and intensive checks on properties with steep fines to private landlords whilst simultaneously banning them from increasing their rent for a period of time if transgressions are found. Checks on possible unlicensed properties. Sue to dispossess landlords for egregious infractions. Be a borough that is scary to slumlords.	

***Theme**: Reduce the cost in light of the pandemic*	
Too costly in the current Covid environment	As stated above, the proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications we anticipate, under the proposed designations
Further increment would aggravate the present economic hardship caused by the pandemic.	
Reduce the charges... we are living in a certain situation where thousands of people have lost their jobs, business and are on debts now...	
***Theme:** National standards and enforcement*	
Maximum pressure on central government to change and enforce the law so that this isn't the burden of local authorities whose funding has been reduced to dangerous levels.	Southwark Council cannot change the national law in this area. The council has a responsibility to those who live in the borough, and believes that using the powers made available to the council through additional and selective licensing can help address issues being experienced by those renting in Southwark
As per previous question, some sort of nationwide structure where it was illegal for people to let property unless they could demonstrate that they were properly qualified to do so, and the qualification would be withdrawn if one of their tenants complained to the body issuing the qualification.	
National minimum statutory standards such as EPC, gas safety certificate, electrical certificate at start of tenancies.	
National license, makes total sense, with councils implementing it but not hundreds of different systems costing ridiculous amounts of money to implement the same thing multiple times across the country	
***Theme:** Exemption for Accredited landlords and landlords who use managing agents*	
Accredited landlords should be totally exempt and not forced to pay for the small proportion of really criminal landlords.	Accredited landlords and managing agents can apply to join the council's Gold Standard Charter, which will give them a 50% discount on the Part B fee for their licence.
I let my properties via a respected managing agent. They would not be happy to represent me if the properties were substandard. Surely there must be a way of encouraging other owners to use respected agents and taking the burden from the Council. Or is it, as I strongly suspect, another way of raising revenue? Tenants aren't forced to accept substandard dwellings.	
An exemption to the HMO licence for those landlords that use a licenced / registered property management company to manage their properties. Those landlords / property management agents need to maintain records to demonstrate that they comply with the various requirements outlined in the licence i.e., gas safety certificates, protected deposit scheme, inventory check-in / out etc, but are not required to additional apply and pay for an HMO licence	
***Theme:** Make it voluntary*	
It punishes landlords who are letting properly. Alternatives could be voluntarily signing up to the scheme, so no fees, but a landlord is then proving to the council that they are fit to be a landlord and have a property fit for rental. E.g., the landlord could once a year show the council the property along with all certificates to prove all gas and electric is safe, and	Whilst the council understands that there are many good landlords who operate in the borough, and whose properties are well maintained, the council's experience of dealing with poor property conditions and deprivation in the borough shows that some

voluntarily handover the tenants contact details, and the council could contact the tenants to make sure they feel happy and safe.	landlords do not know or actively ignore their responsibilities, and therefore the council does not believe that a voluntary scheme would be effective in dealing with the issues in the private rented sector in the borough.
The ones outlined all seem better. Voluntary landlord standards setting high standards as outlined is a good idea and I would be interested in that	
A self-regulated scheme where landlords are given a checkbox of regulations, they need to follow in order to rent out to tenants, all conscientious landlords would be doing these anyway and it would greatly reduce the time and red tape for the very simple property types that have to also adhere to the very arduous process of additional licensing	
***Theme:** New build properties should be exempt*	
Consider on a property-by-property basis - I.e., new builds should be excluded	The council believes that all properties should be held to the same standards, regardless of the age of the property. Whilst the planning department is involved in the building approval, they are not aware of how the property is being let once it is completed (for example, a flat build and designed as a single-family dwelling could be let out as an HMO etc)
see previous response. Don't have an issue with licensing, but make it prompt (1 year after the application is not prompt) and questioning a new build already signed off by another department in Southwark is pointless and makes a mockery of the whole process	
***Theme:** Rent controls*	
Introduce a cap on rent that can be charged. Then unscrupulous landlords won't be able to make enough money out of it for it to be worthwhile.	The council does not have the authority to impose rent caps on private properties in the borough
Higher standards for housing, regulating rents and having maximum rent, actually giving renters rights - including the right to stop paying rent in cases of overcharging or insufficient repairs	
Rent controls. Long term vacant properties should be bought under compulsory purchase order to make more social housing. If we had these things in place, then maybe HMO licences would work in addition to this.	
***Theme**: Other*	
Ask past tenants what they think of their landlord. My tenants are always happy that I deal with issues usually within 24 hours and have been described as 'great'! Perhaps just landlords who have 2 or more properties to rent should require a licence. The more properties you have the greater the risk of mismanagement.	The council believes that all properties, regardless of the number of properties a landlord has, should be held to a good standard. The council appreciates that good tenant feedback is important, but the council is aware that many tenants may not be aware of the safety standards that they should expect from rental properties.
There are Plenty of alternatives, e.g., Southwark Council could engage constructively with Landlords and Landlord Representative Groups and try to understand both differing needs and realities. You seem to be very anti-landlord in any engagement with us for a long while now. Then build programmes and strategies in a cooperative manner that would allow Southwark to utilise its systems and resources to make it attractive to Landlords to expand their tenancy options, perhaps sensible long term lets at competitive prices.	Southwark Council plans to create a quarterly landlord forum, to engage with landlords and gather their feedback and input. The council also intends to create a landlord e-newsletter. An Independent Review of the Use and Effectiveness of Selective Licensing (2019) found that "Licensing provides a clear driver for effective engagement between landlords and local authorities and drives up landlord awareness of their responsibilities"

Working with good or engaged Landlords would allow resource to be put towards identifying other Landlords who may not be fully up-to-speed on current ever evolving legislation and focus on educating and engaging them. The rump of Landlords who wish to operate poorly could then be identified and initially engaged with and if that isn't successful subsequently dealt with.	
In order to find the rogue Landlords, the council should be checking every advert for housing on Gumtree, Spare Room, Open Rent etc. where the letting is not going through a lettings agency. Lettings agents will check the properties anyway and refuse to let any that are substandard.	The council do check these already and will continue to carry out these checks, and conduct further desktop research
I am not entirely in disagreement, but Tenants should be part of the solution. They are also part of the problem: the uncaring behaviour related to the rented property is shocking!	As stated above, as outlined in Southwark Housing Strategy 2020, the council will support tenants to be a good neighbour by providing a pre-tenancy course on how to abide by their tenancy agreement, including acceptable behaviour standards, how to get involved and how to budget.
Properties should only be licensed where the number of people exceeds the number of bedrooms and the tenants have signed more than one leases. Properties could be inspected prior to a license being required to check for condition. This could be done through real estate agents.	Real estate agents often do not have the required HHSRS training and housing act hazard training to make a decision regarding the safety of a property. Even in properties where the number of people matches the number of bedrooms, the council wants to make sure that the rooms are of a good size and condition for tenants.
Tax breaks should be given to landlords who upgrade properties and planning laws should be loosened to enable landlords to find alternatives to original wooden windows that are more energy efficient, cost effective and longer lasting.	It has been a legal requirement to have an EPC of E and above for rented properties in the PRS since 2020 (unless you have an exemption). There are many ways to improve your EPC rating, more information is available here New digital service to improve home energy performance - GOV.UK (www.gov.uk) – including information about the government's Green Homes Grant, through which you may be able to apply for a voucher towards the cost of installing energy efficient improvements to your property. Council properties are legally exempt from licensing under the Housing Act 2004.
I think those properties that have no identifiable hazards should be rewarded with a longer licence (i.e., more than five years). There would then at least be an incentive to "get it right" the first time.	The licence period of five years is set by the Housing Act of 2004, not by the council, so we cannot extend licences past the licence period
Make it a civil offence - with fines - for landlords to not behave properly to their tenants. Introduce easy to access housing tribunals.	Landlords who break the licence conditions or are found to be operating a licensable property in the designated area without a licence may be fined or prosecuted. However, the council aims, through licensing, to work with landlords to raise housing condition

	standards in the borough, and reduce the instances in which landlords do behave poorly towards their tenants

f) Suggestions for alternatives to selective licensing

Example comments from consultees	Council's consideration
Theme: *Focus on the worst areas and offenders*	
A focus in poor performing landlords. A much simpler quality control.	As stated above, the council has evidence of persistent issues with poor property conditions, deprivation, and ASB in the wards outlined in the designations. Licensing will enable the council to focus on the worst offenders. An Independent Review of the Use and Effectiveness of Selective Licensing (2019) found that licensing "focuses resources on areas of concern" and also "provides a clearly defined offence (licensed/unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences".
Focus on these alleged private landlords who make their tenants' lives intolerable and also focus on those tenants who make their landlords' - and neighbours' - lives intolerable. Stop this inquisition against all landlords and make them all pay for any transgression of the few.	
As your report says it is a minority of landlords therefore, any scheme should be targeted at those causing the problems, not all landlords. This scheme will charge responsible landlords to fund dealing with unscrupulous landlords which is unfair. Local authorities and housing associations are also causing many housing problems by failing to deal with repairs.	
Focus on the top 3/4 deprived areas, run the scheme longer e.g., 5 years. Monitor Changes and if real positive change occurs then expand to the next 3/4 deprived areas and implement lessons learnt.	
To concentrate on the deprived areas only.	
Targeting individual cases and provide help with deposit to allow tenants to find better accommodation	
Focus on the areas which are of concern.	
Theme: *Keep the existing scheme with selected streets*	
Retain the street-by-street scheme. Do not penalise the whole ward for the actions of a few.	As stated above, the council has evidence of persistent issues with poor property conditions, deprivation, and ASB in more areas than the streets covered by the previous scheme. Licensing will enable the council to address these issues.
Renew the existing scheme only (after the pandemic - when we are back to normal) to cover the selected problem streets. Do not put undue pressure on existing Landlords who do not currently need a selective licence to take up a licence when all they want to do is free themselves of the current tenant and exit the market. This scheme should be deferred and possibly reviewed when we are back to 'normal' after the pandemic and both LL and tenant is fully aware of the licence scheme when a new AST is signed.	
Retain the street-by-street scheme. Do not penalise the whole ward for the actions of a few.	
Theme: *Respond to tenant complaints*	

Run a scheme on a tenant complaint basis. Why do good landlords are punished with additional costs for issues bad landlords are creating? Managing this license scheme will be more effort for the council than a tenant complaint scheme.	As stated above (*Suggestions for alternatives to licensing)* Southwark Council has an existing reporting service on the council website. Tenants can also use the GLA website to make a complaint or raise an issue with the council. Southwark Council has a tenancy relations team, who receive referrals from across the council, and the tenants can also contact the call centre. Whilst the council does already respond to tenant complaints and follow the enforcement protocols, licensing would enable the council to raise awareness with landlords of their responsibilities and work proactively with landlords to raise standards in their properties, so that the situation does not get to a point where a tenant has to complain.
Yes, a proper scheme where tenants and residents can complain when there are issues, and you, THE COUNCIL, do something about it.	
Do tenant online surveys to get feedback about landlords - could be cheaper and more informative - rogue landlords can then be identified and managed appropriately	
Investigate investigate investigate when a tenant complains and prosecute THAT landlord	
The vast majority of private rentals in Southwark are fine. For the minority that are not, the council should run a complaint service. Then when alerted to unsuitable living conditions, the council should investigate and legally compel the landlord to make the property safe and habitable.	
Theme: *Case by case approach*	
Selective licensing, should be, as the name indicate, selective and be imposed on those properties with evidence of bad management and ASB.	As stated above, the council has evidence of persistent issues of poor property conditions, deprivation and ASB in the wards outlined in the proposed designations. Through licensing, the council intends to raise awareness with landlords of their responsibilities and good practise and focus enforcement and resources on areas of concern. An Independent Review of the Use and Effectiveness of Selective Licensing (2019) found that licensing "focuses resources on areas of concern" and also "provides a clearly defined offence (licensed/unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences".
Deal with each property individually, be smart and check all the properties a landlord owns because if they are failing in one property then there's a likelihood, they are making the same mistakes in all their properties, Quit with the revenue generation and start tackling the problems, be led by the tenants and begin with support for landlords but back it up with sanctions.	
Buildings should be judged on individual basis rather than by street. Further, different rules should apply to buildings that are historic and costly to maintain.	
Theme: *Other*	
Select more selectively! Apply your scheme not by ward, but by postal code -- restrict it to the codes in which ASBOs are required, in which housing has been shown to be badly maintained. You have the data at your fingers' tips, I am sure. Now please use those data on a postal-code basis.	The council is proposing to introduce licensing at ward level rather than street or postcode level as the experience of officers during the street-by-street level was confusing. Most other London boroughs use ward-based data, and the evidence that the council has access to is often at ward level
Don't stagger the implementation of the scheme. Roll this out across the board as there are different issues being addressed.	The council has the authority to introduce selective licensing for up to 20% of the borough. For the second set of designations, it is required to apply to MHCLG, therefore the council wants to understand who well the schemes are working before applying to central government
For those things addressed in the proposed licensing, it makes much more sense to have that managed via the letting agreement process as this put the onus on full-time property professionals, i.e., letting agents, to deal with it. They have the relevant capability and competency. If you insist on licensing, then make licensing a requirement of letting	Unfortunately, there are also rogue letting agents and managing agents who operate in the borough. The council works with trading standard to address this issue, but it does mean just having an agent does not mean that a property is well maintained.

agreements so that agents have no choice but to take ownership of the process in order to expedite it.	A managing agent or letting agent can be the licence holder for the property, but that would be a decision for the landlord and agent to take and is not mandated by the council.
rent cap - bring in mandatory health and building quality requirements and actually enforce them - fine landlords - cut ties with property developers making substandard private housing	The council does not have the authority to introduce a rent cap. The licence conditions specify health and safety requirements for properties (for example room sizes, smoke and carbon monoxide detectors etc) and will enforce licences against these conditions. Property developers apply to the planning department to build new properties and are required to meet their standards.
The council should introduce a fee for all properties that are rented without licensing them. Make a non-payment a criminal record like for TV licensing fee. There are no conditions attached to TV licensing fee, and a non-payment may result in a criminal record.	The council does not have the authority to introduce that style of licensing. Selective licensing was included in the Housing Act 2004, which gave local authorities the option to introduce licensing.

g) Responses concerning fee discounts

Southwark Council proposed four possible discounts to the licence fees for both selective and additional licensing:

- An early bird discount for application during the first three months of the scheme – 30% discount
- Gold standard Charter members – 50% discount on the Part B fee
- Platinum Standard Charter members – 100% discount on the Part B fee
- Joining the council's social lettings agency – 100% discount.

The consultation asked respondents which proposed discounts should be removed and if there are any additional discounts that should be considered

Below is a sample representation of comments received that relate to the licence fee discounts and the Council's response to the comments.

i. Responses to "Are there any discounts that should be removed?"

Example comments from consultees	Council's response
Theme: *All of them*	
Discounts should not be provided!! It is discriminatory and does not take into account ability-to-pay or status. That is to say, who do you think is going to benefit from such discounts? The professional corporate landlord OR the non-professional part-time with 1 buy-to-let?? The answer is obvious. You are merely shifting resources from weaker parties to stronger parties. If you are going to give discounts you are merely emphasising that this is more about revenue generation that property standards.	The council wants to reward responsible landlords who apply promptly for a licence, and for those who meet the standards of the gold charters, by offering them a discount
no discounts should be given, these people are in it for profits which always come before residents needs	
Discounts should not be offered as it is favouritism towards people who understand the complex new system the best. It is unfair for elderly landlords and foreigners.	
All of them. You want to be a landlord; you can pay for it. The fees are too low as it is.	
All discounts should be removed. It is not a question of incentives. These requirements are either mandatory or should be and hence discounts are not needed.	
All of them. It's absurd to give landlords a discount for doing the bare minimum required by law. In addition, the 50% discount undermines your pricing scheme overall - landlords will just say 'the council clearly don't need the second 50%, why is it fair that I have to pay it?'.	
No discounts to landlords who are already extracting a pound of flesh and more	
No discounts - it makes a mockery of the system and will be taking advantage of by unscrupulous landlords and estate agents.	
All of them, the minimum standards should be high, and all private landlords should be expected to meet them without a discount to incentivise them.	
Theme: *There should be no fee*	
There shouldn't be a license fee in the first place, just make it legislation that all landlords have to follow these rules. Just because you charge people doesn't mean people will follow the rules.	The schemes are required to be self-funding therefore for the council to be able to implement and run the schemes and carry out inspections, there is a need for a fee.
There should no licence fee	
No fees should be charged in the first place.	
Theme: *The fees are too high*	
early bird discounts? Are you running a restaurant? The fee is far far too high. It should be maximum 50 pounds. 900 pounds is wholly unjustifiable. It equates to 10% of some annual income on rental properties	Under the law, the council is not allowed to make money from the licensing schemes. The proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of
The fees are way too expensive	
Prices in the first place are too high	

	licence applications we anticipate, under the proposed designations.
***Theme:** Discounts only if the property is well maintained/the council checks it is well maintained*	
Discounts okay but should be removed if there are issues with their lettings	Landlords or managing agents applying for the discounts have to provide the council with proof. The council will inspect the properties for compliance with gold standard when inspecting for licensing and tenants will be able to report non-compliance with the gold standard
It's all well and good to offer the carrot of a discount, but where's the stick? What's to stop landlords signing up for the discount and then the Council fails to monitor whether they are adhering to the T&Cs laid down by the Council?	
Obviously any landlords who do not adhere to the charter after signing should have their discounts removed.	
***Theme:** The early bird discounts should be removed*	
The early bird discount should be removed - it rewards landlords who happen to be fast.	As stated above the council wants to reward landlords who apply for a licence promptly
Early bird, not sure why this is needed.	
***Theme:** Just have a flat fee*	
If you have to pay then there should be a set fee for all, the same fee.	The flat fee doesn't cover the difference in work the council has to undertake in different types of properties. HMOs for example are much more complex and are required to comply with a different standard. It would be unfair to charge landlords of single-family properties the same as a landlord of a large HMO for example.
Just have a flat fee	
***Theme:** The gold standard discount should be removed*	
I cannot meet the Gold Standard requirements even though I believe I am an excellent landlord because the type of tenant I serve is a short-term tenant. I don't see why the discount should apply only landlords who serve tenants who want long term rental arrangements. They should be applied to all landlord types or removed	The council wants to reward good landlords who meet the criteria of the gold standard charter. Landlord or managing agents are not required to apply for the gold standard charter
I honestly feel the Gold Standard is largely what is to be expected of a landlord. Some of the factors are literally "comply with existing law" and most of the rest are "this will make your own life easier later if a tenant becomes a problem" standards. So, I'm not sure I think there is much need for a discount incentive, or that the council should reduce its revenue stream in order to get landlords to declare what they should be doing anyway for their own self-interest. I understand financial incentive for the Platinum standard.	
If it costs £199.90 to receive accreditation (e.g., via https://www.londonlandlords.org.uk/courses), why would a rational landlord that only owns one property do it to save £135 or £195 with Gold Standard Charter membership?	
***Theme:** The discounts are too small*	
These are very small discounts for a £900 cost.	The licensing scheme is required to be self-funded. The discounts are based on a financial model that would enable the council to implement and run the schemes
Should be larger discounts	
Theme: The gold and platinum discounts should be removed	

Gold and platinum charter discounts. There is no effective enforcement of obligations under these schemes.	The council believes that many landlords in the borough will already meet the gold standards.
I do not like the Gold/Platinum etc "standard" at all. It punishes those who can't afford to make the payments to become a member.	
The Gold and Platinum Schemes are unsubtle attempts at socialising private property. Southwark should get its own house in order before exploiting the private Rented Sector.	
Theme: *The discount for accreditation or for joining a landlord association should be removed*	
The charter requires landlords to belong to a professional landlord scheme but that is not reasonable for temporary landlords like ourselves.	As stated above, the council wants to reward good landlords, and understands that accreditation involves a cost and also meeting a good standard. Landlord or managing agents are not required to apply for the gold standard charter. It is a voluntary scheme
Discount for chartered members	
Requirement to be a member of a recognised landlords association. Landlords who only have 1 or 2 properties would not be eligible for this.	
Theme*: Further discounts for landlords with no complaints*	
There should be additional discounts for landlords who have not had any complaints against them. You should penalise the problematic landlords	The council appreciates that good tenant feedback is important, but the council is aware that many tenants may not be aware of the safety standards that they should expect from rental properties.
If you have a good record, you should not have to pay	
Theme: *Other*	
Whatever the platinum standard thing is, it is not clear what benefit it is for the tenants/customers and just sounds like the landlord/supplier has ticked some meaningless boxes.	Following the public consultation and the council's consideration of the consultation responses, the platinum standard has been removed
There should be no enforcement fee for applicants unless enforcement action is taken. These schemes require training at an extra cost when a responsible landlord can find out this information without additional costs. Landlords may be happy finding their own tenants.	Landlords are not required to join the finders' fee scheme or the social lettings scheme. Following the public consultation and the council's consideration of the consultation responses, the licence conditions to attend training has been removed. The council will be undertaking proactive enforcement of the scheme, and also will need to implement the scheme and process applications.
Investors who own and rent more than 10 properties (anywhere in the UK) should either not be eligible for any discounts at all or should be receive a much smaller discount. They can easily afford the license fees.	There are portfolio landlords who run many properties which are kept at a good standard, and the council believes that they should be entitled to the same discounts as other good landlords
Properties with unaffordable / very high rents should not be allowed to join the council register. They are there for the richest. House value should play part in how much fee is chargeable. For example I live in a council flat and yet I pay the highest band of council tax; same should apply to license fee; it should be charged as %of monthly rent	As stated above, the licence fee is set based on the cost of the schemes. The fee is not permitted to be set based on the number, size or rental value of the property

ii. Responses to "Are there any additional discounts that should be considered?"

Example comments from consultees	Council's response
Theme: *Discount for good landlords*	
Perhaps rewarding consistent good practice by landlords with bonus discounts.	The council considers that good landlords would apply promptly for a licence, and therefore be eligible for an early-bird discount, or would meet the requirements of the gold-standard charter, which would also give them a discount
Discounts should be far higher to reward landlords who proactively maintain their properties. A clean inspection should be rewarded with very low licensing fees, otherwise you will have landlords only maintain to a minimal viable standard.	
Landlords with good track record of repair	
For good behaviour/management	
Properties that are inspected and found to be of high standard	
Discounts where no issues/tenants' complaints have arisen in relation to the landlord's properties - similar to an insurance "no claims discount"	
Theme: *Discount for landlords with small (3 properties or less) portfolios*	
Private landlords who only rent a single property (or a very low number of properties) should be entitled to a small discount.	As stated above, the licence fee is set based on the cost of the schemes. The fee is not permitted to be set based on the number, size or rental value of the property
For small time private landlords who only have 1-2 properties. The proposals unfairly discriminate against them.	
Yes, for landlords who just rent out one property	
Theme: *Discount for landlords who were licensed under the previous scheme*	
The cost of renewing a licence at the end of five years should be discounted given that it is highly unlikely that there will be any material change in the condition of the property and so this should be relatively straightforward for Council officers. I just can't see how it can cost the full figure again to renew a licence. It also feels unfair that those of us who currently have licences running will not be eligible for any early bird discount.	If you already have an additional HMO licence, this will remain valid until its expiry date. As and when the new scheme comes in, applicants will have a choice to: • Use any outstanding time on their old licence. This will be automatically brought over to the new scheme system. However, once that licence runs out, they will have missed the opportunity to get your early bird discount and will be required to buy a new licence at the full price. • Buy a new licence during the early bird and take advantage of the discount period. Depending on how long their licence has left and how long they will be renting their property, they will have to decide which option makes most sense for them.
For landlords who have already been through 5 years of the previous licence scheme and who now are renewing for a new term. In addition, the Early Bird scheme should be for landlords who renew within 3 months of their present licence expiring NOT the start of the new scheme. Many licenses have been changed to now expire in June or September 2021, so that should be the date for the Early Bird scheme. Alternatively, if a present Additional License is expiring in June 2021, the Early Bird would start April 2021 and expire at the same time the present licence expires.	
Theme: *Discount for landlords who use a reputable agent*	

Discounts for landlords who employ a registered, professional agent to manage their property - which would ensure that many of the problems around inspections and provision of information to tenants were addressed.	As stated above, unfortunately, there are also rogue letting agents and managing agents who operate in the borough. The council works with trading standard to address this issue, but it does mean just having an agent does not mean that a property is well maintained.
For those landlords that use licensed registered property management companies	
Can a discount be considered for landlord who use agents that are members of registered industry bodies therefore ensuring best practice is maintained throughout the lettings process.	
Theme: *Discounts for accredited landlords*	
Membership of a National Landlord Association. Accreditation by a National Landlord Association.	Accredited landlords can apply to the Gold Standard Charter which would entitle them to a discount
Being a member of a landlord's association (such as the NRLA) and having done some relevant training	
NRLA and/or LLAS accredited landlords	
Theme: *Discount for landlords who can provide tenant references*	
Substantial discounts should be offered to properties that can provide tenant references proving they have been good landlords.	As stated above, the council appreciates that good tenant feedback is important, but the council is aware that many tenants may not be aware of the safety standards that they should expect from rental properties.
Discounts for those Landlords with records of good/excellent management and satisfied tenants. Discounts for Landlord with long standing tenants, where tenants had no complains.	
Perhaps the comments of long-standing tenants could be considered, and if favourable, weighted accordingly.	
Theme: *Discounts for continued compliance*	
The additional discount should be offered on the basis of performance not just signing up to something. Or should be revoked if there are problems despite them signing up to the charter	Landlords who sign up to the Gold Standard Charter will be checked to ensure they are complying with the standard.
Discounts for continued compliance with the Licensing Scheme.	
Theme: *Other*	
No - but a scheme that arranges discounts on products and services needed to rectify problems, e.g., electrical work, fire safety equipment and building works could save a lot of time and money for landlords and hence benefit tenants.	Landlords have a responsibility to keep their properties safe for their tenants. Information about repairs to properties can be found via the council website here - Repairs - Southwark Council
Multiple property applications, as presumably you are running checks on the landlord as well, these would only have to be run once.	There isn't a discount for multiple applications because the majority of the work involved in licensing is property based rather than landlord checks
New parents where one not working. The family income for these cases are much lower and should be supported.	Licences are granted to the property and last for up to five years. The tenants may move and change during this time; therefore, the licence is not granted based on the tenants' situation
Unrelated Professional tenants (such as NHS Doctors) should not be licensed	

Maybe for landlords who rent to people not local authority but work and revive benefits, this is still an issue. I see this most commonly among my young colleagues who are not eligible for council help.	
Discounts should be given to private landlords who are complying to an agreement that they will not rent above cost, and who reimburse in the form of equity rent that goes towards mortgages or home improvement.	Landlords who do not rent above cost may be interested in joining the council's proposed gold standard charter, which would entitle them to a discount
People who have owned their property in Southwark for 5 plus years.	The length of time a property has been owned is not an indication of the standard it has been maintained at or its suitability to be rented out to tenants.

h) Responses concerning licence conditions

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
Mandatory (1.1), Additional (1.1) and Selective (1.1)	The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants *(discretionary condition).*	Displaying the licence in a communal area in the rental	Under HMO regulations, landlords are required to show name, contact details and address, so they can also display this – the licence has to be clearly displayed in a prominent position, which will be available to all tenants in the property. This condition is designed to address the rent-to-rent issue and ensuring there is transparency on who is the landlord and licence holder. It also protects the landlords from illegal subletting. This condition will be removed from the selective licence conditions
		Property license displayed in communal areas. Why not just provide it to each tenant?	
		Displaying the licence in a communal area is ridiculous. What if the tenants take it down? A landlord can't be expected to check-in every day to make sure that a piece of paper is kept displayed in a common area. A copy should be e-mailed/given to each tenant at the beginning of the tenancy and that's it.	
		No need for the licence to be "displayed", it can be kept in a file in the property.	
		Safeagent - We disagree with a requirement to have a copy of the licence displayed in every HMO. This creates an institutional feel -Suggest: allow displaying a copy in the property or giving a copy to the tenants.	
Additional (1.2) and Selective (1.2)	The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's	Should not 1.2 refer to any nominated managing agent?	The council are required to be able to contact the licence holder, and a managing agent's information, as an interested party, should also be provided, but the council is required to

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (discretionary condition).		contact the licence holder with any notices or letters
Selective (1.6)	The property must comply with and be maintained in accordance with and any Approved Codes of Practice which the Council or Central Government may from time to time require (discretionary condition).	Para 1.6 is too wide/vague. It gives the Council power to act arbitrarily.	Following the public consultation and the council's consideration of the consultation responses, this condition has been removed.
Mandatory (1.6), Additional (1.6) and Selective (1.7)	Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).	An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor Space of each habitable room must be provided. This may not be permitted under planning rules. 1.7 - Condition relating to light to habitable rooms will be difficult to achieve in some cases for rooms such as bathrooms, unclear if these will be included or not. It will be too difficult for landlords to comply in certain properties. The glazing % rules in all habitable rooms is onerous and should only apply to bedrooms. The glazing/ ventilation- I have a modern property built in 2008, it passed planning permission, but doubt it would meet these requirements. I can't modify the windows according to my lease- you are basically saying that renters deserve a higher standard of living than your planners think necessary. The EICR low risk works being completed in 5 years, if they are low risk and this legislation does not apply to all domestic dwellings, why are they required? The water saving conditions. 1.7 condition about glazing and openable areas of glazing just makes no sense in any dwelling other than fully glassed apartments. Yes, there should be	There was a typo in the condition which has been rectified. It has been changed to: An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided. This condition is to prevent rooms without any natural light being rented out. The council believes that most properties meet this standard. Bathrooms and kitchens are not included as habitable rooms. Following the public consultation and the council's consideration of the consultation responses, the water saving conditions have been changed to a recommendation rather than an enforceable condition

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
		adequate ventilation and glazing but those numbers do not make sense and cannot be applied in most conservation areas/ traditional properties or new build in those areas without creating substantial costs, potential issues and most likely refusal from planning office.	
		Also, "glazed units at min 10% of floor area.... etc." how about relaxing your planning conditions a little bit? I wanted to build my flats super modern with large windows, but you wouldn't let me!	
		para 1.7 simply does not make sense - if the glazing required equals 10% (where does this come from - as far as I can see Central Government do not specify this) why should the ventilation be 20%! Surely the tenancy is either compliant before the licence is granted or not and the first sentence is adequate?	
		Safeagent - disagree. Suggest assessment on case-by-case basis	
		NRLA- This discretionary condition is about standards and goes beyond the scope of selective licensing.	
Mandatory (1.7), Additional (1.7) and Selective (1.6 for designations 1, 2 and 4, and condition 18 for designation 3)	The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'. The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above	Not all landlords can afford to improve their EPC rating. Will the council financially help out with this? Or will the landlord struggle to pay for improvements needed due to a building which was poorly built in the first place?	It has been a legal requirement (The Domestic Minimum Energy Efficiency Standard (MEES) Regulations) to have an EPC of E and above for rented properties in the PRS since 2020 unless you have an exemption. If you cannot comply you have to register for an exemption on the PRS Exemptions Register There are many ways to improve your EPC rating, more information is available here New digital service to improve home energy
		How can a leaseholder significantly influence an EPC if say, Southwark is the Freeholder? Will Southwark be obligated to carry out work?	
		Strongly disagree with the EPC measures - having seen the whole range of reports for the block my property is in (all set up in very similar way), the grades given vary quite wildly (e.g., range from D to G for very similar properties) - but the recommendations given are largely the same! My property is particularly penalised for not having	

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
		mains gas supply, but the cost of the whole building becoming connected to the supply (and installing central heating) is prohibitive. Also, I know for a fact having lived in the property, that energy bills are in fact pretty low compared to the property I'm currently in (with a higher EPC rating) - I don't believe enough weight is given to individual thermostatic heaters improving heating efficiency by room, or to the insulating benefits of being a flat in a block rather than a detached property.	performance - GOV.UK (www.gov.uk) – including information about the government's Green Homes Grant, through which you may be able to apply for a voucher towards the cost of installing energy efficient improvements to your property. Council properties are legally exempt from licensing under the Housing Act 2004.
		Water saving and energy efficient features. Neither LBS-managed or leasehold/freehold properties have this requirement, so this is not inclusive and is disproportionately biased.	
		EPCs should be abolished. They serve no purpose whatsoever due to their complete inaccuracy in assessment methodology. The most energy intensive property I've ever been in had the highest EPC score of the lot!	
		Also, how about reducing the amount of CIL you charge in exchange for improving the EPC of the newly converted flat units? There are clever ways to instigate change, but all you care about is charging people more fees. Guess who is ultimately paying for this? Yes, it's the tenant!	
Mandatory (1.4), Additional (1.4)	No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).	1.4 - this means that if the licence holder dies, the tenants won't have to pay rent. This needs to be reworded. "1.4 and 6.2 - Allow a mechanism for the license holder to designate a single 'emergency next of kin' or similar to avoid a potential situation where the licensee is also the property owner and becomes unexpectedly deceased. If they've bequeathed their property to family or a close friend, who subsequently has to apply for a license in order to	Temporary exemptions will be applied upon the licence holder's death. This condition is designed to address illegal subletting and the rent-to-rent issue. 6.2 is a condition to ensure that tenants are aware of how to address repairs and emergency issues. It is up to the landlord to decide how these issues will be dealt with, for example via direct
Mandatory (6.2), Additional (6.2) and Selective (6.2)	The Licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of		

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).	collect rent payments, the short-term result will likely be that the tenants are evicted. Para 6.2 is excessive and does not address the issue of repair/hazards	contact with the landlord or via a managing agent etc
Additional (2.1)	If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked within the previous twelve months. Any defects noted on the certificate must be promptly rectified (mandatory condition).	Safeagent - Suggest amend to require production with 14 days of a written request.	This condition has been amended to "If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, within 7 days, on request, at any time"
Additional (3.1) and Selective (3.1)	The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g., fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must,	The requirement to ensure that all electrical appliances are in working order would seem to require continuous inspection by the Landlord - not something the Tenant would want. There is no exclusion for those damaged by the Tenant. There is already a requirement for PAT testing annually which itself is onerous. Safeagent - suggest the conditions for (a) the electrical installation and (b) electrical appliances are broken down into two separate conditions. The term 'approved Electrical contractors' is undefined and does not correlate with the 2020 Electrical Safety Regulations. The requirement to undertake remedial works does not correlate with the 2020 Electrical Safety Regulations. There is no requirement to remedy C3 recommendations. C1, C2, and FI issues on an unsatisfactory EICR must be resolved within 28 days.	To inspect that electrical installation, the council would expect this to be checked every 5 years, unless there is reason to inspect more earlier. The council expects landlords to have a deposit scheme in place to deal with issues of tenant damage. This condition has been amended to "The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. Only approved Electrical contractors are to be permitted to

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).		carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works"
Mandatory (3.2), Additional (3.2) and Selective (3.2)	A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out every twelve months with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*).	Why is PAT testing not allowed to be carried out by a competent trained PAT Tester? The PAT testing requirement is impossible to comply with as a landlord. If a tenant purchases a set of hair curlers and these were not PAT tested, then the landlord could be in default...! the annual PAT test - why annual if you say that the PAT test certificate should last 5 years? The significant requirement to test all appliances every 12 months for long term single household tenants will become an extra cost for tenants. Safeagent - Both 3.1 and 3.2 refer to portable electrical appliances, but in different ways. There should be just one condition for electrical appliances. Not practical to require a document on demand. It should be within 14 days of a written request	PAT testing can be carried out by anyone who has carried out a PAT testing course. PAT testing is only required on devices provided by the licence holder, you do not have to test devices the tenants have brought to the property. The tests should be carried out annually, and the documentation should be kept for five years, the test does not last for 5 years. This condition has been amended to "A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out by a competent person every twelve months, or as often as recommended for the type of appliance with records kept for at least five years. Any

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
			necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (discretionary condition)."
Additional (3.3) and Selective (3.3)	Where low-risk (i.e., works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition Report (EICR), the Licence Holder shall at the expiry of the ElCR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR (*discretionary condition*).	I am not sure about 3.3 but suspect the reference to 2 years in the case of low-risk issues is dubious. Safeagent - Disagree: contrary to the 2020 Government Electrical Safety Regulations. NRLA - This discretionary licence condition goes beyond the scope of selective licensing, as it is asking the licence holder to make improvements to the property and focused on standards. Case law *Brown v Hyndburn* sets out this precedent.	This condition has been removed
Mandatory (4.1), Additional (4.1) and Selective (4.1)	The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition).*	In the case of 4.1 again there is no reference to tenant damage? 4.1 How do you enforce such a condition? Don't you just end up with everything being rented unfurnished? That could be really wasteful.	There is a legal requirement for landlords to have a deposit scheme in place to deal with issues of tenant damage.
Mandatory (5.1), Additional (5.1) and Selective designations 2, 3 and 4 (5.2)	Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Southwark. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified. Provide	Para 5.2 is too wide and vague. it is more relevant to an HMO. Safeagent - Unclear how the licence holder will know what fire precautions needed unless the licence includes property specific conditions. Timescale also unclear LACORs is out of date. You should allow 10year battery RF integrated alarms.	This condition for additional and mandatory licences has been amended to " 5.1 In compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (http://www.legislation.gov.uk/uksi/2005/1541/contents/made) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g., resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire. The LACoRs Fire Guide provides guidance on the levels of fire precautions expected in different types of HMO - http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance (discretionary condition specific to this designation that ensures we are meeting mandatory requirements)		purpose of identifying the general fire precautions required at the HMO. Reference should be made to a qualified fire safety engineer where necessary. The manager shall supply a copy of the risk assessment to London Borough of Southwark within 14 days of a written request. (*discretionary condition*). Reference must be made to the LACoRs Fire Guidance to ensure that the correct fire precautions are installed at the property appropriate to the size and occupation of the property. Reference should be made to a qualified fire safety engineer for advice where necessary. http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance 5.2 Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified (*discretionary condition that ensures we are meeting mandatory requirements*)"

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
			The condition has been removed for selective licensing designation 2, 3 and 4
Mandatory (5.3), Additional (5.3) and Selective (5.3)	At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear (*discretionary condition*).	Providing details of a fire route is ridiculous. It is a house, and presumably the way out is through the front door. Equally giving tenants fire safety advice seems completely ridiculous and placing an unreasonable burden on landlords.	Fire safety advice can be a conversation with occupiers informing them of the fire safety measures in the property (such as location of fire blankets and smoke alarms, keeping escape routes clear).
Additional (5.4)	Consummate with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (http://www.legislation.gov.uk/uksi/2005/1541/contents/made) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. The manager shall supply a copy of the risk assessment to London Borough of Southwark on demand (*discretionary condition*).	Safeagent - Suggest within 14 days of a written request	This condition has been amended to "5.1 In compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (http://www.legislation.gov.uk/uksi/2005/1541/contents/made) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. Reference should be made to a qualified fire safety engineer where necessary. The manager shall supply a copy of the risk assessment to London Borough of Southwark within 14 days of a written request. (*discretionary condition*)."
Selective designations 2, 3 and 4 (5.4)	The Licence Holder shall ensure the tenants of Flats in a block are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:	Presumably for 5.4 the Council will equally sign up to such obligations where they are the freeholder?	This condition is to address flats in purpose-built blocks. The council, where it is a freeholder, is responsible for providing this information to their leaseholders.

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	• Evacuation arrangements, e.g., an all-out or stay-put policy. • The safest route to safety from the FMO. • The designated fire assembly area. • Fire Drill arrangements (if any). • Fire Warden and/or waking watch arrangements (where provided). • The nearest manual call point (where provided). (*Discretionary condition specific to this designation*)		Leaseholders are required to provide this information to their tenants
Mandatory (5.5), Additional (5.5)	Following testing, the Government have advised that several fire door manufacturers have failed the standard testing requirements, meaning that the fire doors sold will not hold back fire for a minimum of 30 minutes. This presents a significant safety risk to occupants. The Government have issued some guidance to the private sector in relation to fire doors. The licence holder shall carry out a full inspection of any fire doors installed in the HMO. The licence holder shall ensure that: • The door is sound and in good repair. • Any glazing in the door is in good repair and at least 6mm minimum thick wired cast glass. • The door been fitted with 100mm butt hinges that are securely fixed. • The intumescent strips and cold smoke seals are in place and in good repair. • The self-closer fitted to the door operates correctly, closing the door without intervention. • The gap between the frame and the door is no more than 3mm. The licence holder shall submit to the Council within three (3) months of the date of the licence a	How are landlords supposed to be able to assess the thickness and nature of glass in a fire door they have purchased? I'm not sure if the glazing in my property would meet this requirement and would not want to drill out the windows. I am not happy about the excessive labelling required and the huge amount of additional work on landlords. Also, I have a fire door fitted (after the original license) but I don't have any documentation. It's too much. Also, these are small properties for 3-4 sharers and should not need this level of intervention. Time is money and all this extra work, and the additional fee will mean these sorts of properties are just not worth the hassle for landlords. Please give us a break. If it's a 3- or 4-bedroom ex-council house, surely, it's already up to standard? Just apply these sorts of rules for property conversions. Yes, the fire door requirements are very difficult. A Lot of our Landlords - the properties are their family homes, but work have sent them abroad for 2-3 years and after that time they plan to move back home. Fire doors are extremely expensive if you want to go for the ones that are not plain wood (which you need to if the property has been done to	Under the regulatory reform order, managers of HMOs are required to carry out a regular fire risk assessment including determining if fire doors comply with the standards, and they can employ a qualified fire safety engineer to carry out the assessment. The council's expectation that receipts on the purchase of fire doors would have the level of thickness and can be used as evidence of compliance. Fire doors are not required for every type of property and the guidance on the gov.uk website here Fire safety law and guidance documents for business - GOV.UK (www.gov.uk) The requirement for glazing is for the glazing in doors, not windows

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	signed declaration stating that the above has been carried out. In addition, the licence holder shall submit to the Council within three (3) months the licence manufacturers certification that the door meets the relevant British Standard for fire resistance and smoke control. Where you cannot evidence that the fire door meets the relevant British Standard for fire resistance and smoke control from both sides, carry out the following: • Review your fire risk assessment. • Put in place interim measures to mitigate the risk of sub-standard doors. The level of interim measures will depend on the nature and size of the building but could include; ○ advising the occupants in writing of the evacuation procedures and the reason and need to keep fire doors closed, ○ carrying out fire drills, ○ decreasing the intervals between management inspections, ○ putting in a waking watch, ○ making sure the route of escape is free of obstacles and combustible materials, ○ where it is safe to do so providing escape windows. With the interim measures in place, either: . either obtain third party certification that the in-situ doors meet the relevant British Standard, or . plan to replace the doors. Where you are uncertain that the doors to be purchased are from a manufacturer that can supply actual certified 30-minute fire resistant doors then we would recommend buying and installing doors labelled as 60-minute fire resistant. By doing so you are providing yourself with some assurance that the doors should at	a high standard or it devalues the property). The last scheme was very random with regards to which properties had to have fire doors and which ones didn't and there didn't seem to be set rules around this. It made it very difficult to be able to advise Landlords. The biggest put off of renting a property out (back then which was under the additional licensing scheme) for Landlords was the fire door requirement due to its expense and how much it effects the value of the property. Safeagent - This condition should be deleted as not applicable for most HMOs /out of context If a builder has fitted 30mins fireproof doors and provided an invoice or receipt for this work, is that sufficient 'proof' that they really are compliant? Section 5 on fire doors - will these be required or not? This section also states that if a supplier is certified as supplying 30-minute fire doors, 60-minute doors should be installed instead. The whole section is very muddled	Council houses were designed as single-family dwellings so are not automatically compliant with HMO regulations, so if they are let out as an HMO, they may need to be brought up to HMO standards. There is a wide variety of fire doors in terms of look and prices. Licence holders are only required to provide fire doors that are compliant with British standards The condition states that "Where you are *uncertain* that the doors to be purchased are from a manufacturer that can supply actual certified 30-minute fire resistant doors then we would recommend buying and installing doors labelled as 60-minute fire resistant." If you are confident that the doors to be purchased are 30-minute fire resistant, then they can be purchased.

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	least provide 30-minute fire resistant if not greater. The licence holder shall submit to the Council within twelve (12) months of the date of the licence third party certification that the in-situ doors meet the relevant British Standard or manufacturers certification relating to the resistance of the new fire doors installed at the HMO (*discretionary condition*).		
Additional (6.3) and Selective (6.3)	The Licence Holder shall not cause or permit any person who has previously applied for a property licence in respect of the property and has either: (a) been found not to be a Fit and Proper person, or (b) been made subject to a Banning Order under the Housing and Planning Act 2016 to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (discretionary condition).	Safeagent - There is no way for a Safeagent member to know who is subject to a Banning Order as the information is contained on a confidential national register only accessible to local authorities. unsure how our members could find out if a landlord has previously failed the council's fit and proper person assessment. Will that information be published somewhere for our members to check? NRLA - This an unreasonable as a licence holder or a potential licence holder has no way of knowing if someone is banned or is not fit and proper to take on such responsibilities.	This condition has been amended to: The Licence Holder shall not **knowingly** cause or permit any person who has previously applied for a property licence in respect of the property and has either
Selective (6.4)	The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition).* No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references *(discretionary condition).* (References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check], their ability to pay	Para 6.4 is an example of complete over regulation. It does not address the issue of repair/hazards and is far too prescriptive - so if tenant wants to invite granny to stay, they cannot without references - likewise for children. Also, data protection issues arise. Right to rent is already covered by statute (with criminal sanctions) and is a clear example of the Council wanting to micromanage tenancies in its area and create a huge bureaucracy.	This condition is to help address human tracking, and it a mandatory condition of licensing. The reference to references as a minimum and right to rent is advice to licence holders. Visitors can stay in the property without providing references, however if someone wishes to stay in the property, they will need to provide references.

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.		
Selective (6.5)	The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).	Para 6.5 is too vague - what 'adequate checks and satisfactory proof are suggested in this day and age? Safeagent - Council to please clarify what standard of proof is required to confirm the occupants are all related to each other.	Passport or birth certificates or drivers' licence or other form of photo ID. This information will also be gathered during the right to rent checks. This condition is to prevent properties being used as an HMO which is not suitable.
Selective (6.7)	The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).	Para 6.7 is adequately covered by national legislation and does not address the repair/hazards issues	This condition reiterates the legislative requirement to have a deposit and that evidence of this must be provided to the council if requested
Selective Designation 3 (6.8)	If an occupant misses a rent payment, the Licence Holder must ensure that the occupant is contacted to ascertain whether they still occupies the house; and must ensure that a record of any such contact is kept. If no such contact is or can be made, the Licence Holder must ensure that the house is visited, no later than one month after the date on which the payment became due, to ensure that the house is secure and has not been abandoned. Where a tenant misses a rental payment, the Licence Holder shall notify the Council's Homelessness Team **[add contact details]** of	Safeagent - Excessive to require the licence holder to contact the council's Homelessness Team every time a rent payment is late NRLA - This condition is also unreasonable as part of a proposed discretionary licensing scheme. A council cannot force landlords to notify the homelessness team because it is highly likely to violate GDPR.	This condition has been removed

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	this so that the Council can work with the Licence Holder and tenant to prevent homelessness. (*discretionary condition specific to this designation*)		
Mandatory (7), Additional (7) and Selective Designation 1 (14)	*Anti-Social Behaviour* 7.1 The Licence Holder shall take all reasonable and practical steps for preventing and dealing with anti-social behaviour and undertaking a thorough process of reasonable and effective steps to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police, regarding their occupiers. For the purpose of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the neighbouring area of the house (*discretionary condition*).	Anti-social behaviour conditions. How can a landlord be responsible for the behaviour of tenants they never or rarely see and are not under their care? It is crucial that properties are safe, decent, and comfortable for tenants and that is something the landlord can and must control. They can't control the behaviour of others however. Anti-social behaviour is not really something a landlord can tackle effectively. I didn't read the full document, but I scanned it. From what I see, I think my answer to question 34 is relevant here, i.e. "Yes, there are conditions that should be removed for two reasons: (i) some are already covered in existing ASTs so why duplicate? (ii) some are just too onerous for a part-time landlord who might have a buy-to-let but is not a property professional and hasn't such competency. Put these requirements onto a property professional such as a letting agent OR provide practical support to landlords on these requirements. This, though, due to resources and culture is something I think the council won't be able to provide. I note "7.1 The Licence Holder shall take all reasonable and practical steps for preventing and dealing with anti-social behaviour and undertaking....to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police...." The first point here is that there is no point reporting to Southwark Council because the Council will not act. Second, what if the conflict is between a couple in	The council will be introducing a series of measures to support landlords in introducing ASB, including employing an ASB officer to work with landlords and tenants. The council would encourage landlords to include clauses in their tenancy agreements about ASB. Whether a property is let by a full-time or part-time landlord, the council believes that all rental properties should be held to the same standard

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		the property and one acts vindictively to the other and seeks to involve the landlord in this? What can a landlord reasonably report to police given that the landlord is not there and witnessing things first-hand but going on the word of someone else. And what of the risk this could expose the landlord to if they call the police and there are negative repercussions for the relevant tenant? Separately, some of the additional requirements seem fair. Probably. I would have to think it through. I think existing ASTs cover most relevant requirements.	
		The landlord cannot be responsible or held accountable for tenants'' antisocial behaviour! In the past I have contacted the council regarding anti-social behaviour on the estate where I live and have received no help whatsoever. In this instance, the council is the landlord of the properties in question, so it would be very hypocritical to expect private landlords to be held accountable for their tenants' behaviour, if the council isn't managing the antisocial behaviour of its own tenants.	
Additional (10) and Selective (8)	No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).	Para 8.1 is too wide. It goes further than statutory /contractual powers and is excessive.	This condition is to ensure that single family dwellings are not used as an HMO, or that HMOs with approval for a certain number of people is not let to more people without approval from the council to ensure the change will not breach the conditions of their licence (e.g., minimum room sizes etc)
Mandatory (8.2 – 8.7), Additional (8.2 – 8.7)	*8.2*The Licence Holder must provide the tenants with adequate facilities for the disposal of refuse and recycling. The Licence Holder must ensure that there are suitable and	8.2 through to 8.7 - Some of this is unreasonable and should be amended (not removed). It would be far more practical and reasonable to frame it around tenants potentially obstructing (fire) access routes	This condition is designed to stop fly tipping and refuse being left outside by ensuring that landlords provide suitable receptacles (such

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property. 8.3 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property. 8.4 The Licence Holder shall carry out regular checks and ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling; and that waste such as old furniture, bedding, rubbish or refuse from the property is not left outside the property or in its vicinity. 8.5 The Licence Holder must not leave old furniture, bedding, rubbish or refuse from the property on the immediately outside the property or private land. 8.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner. 8.7 If the Licence Holder becomes aware that the occupiers of the property or their visitors are not using the waste disposal facilities provided and/or leaving waste outside the property or in its vicinity (for example old furniture, mattresses), they must write a warning letter to the occupiers within 7 days advising them to remove the items immediately. A copy must be kept and must	with waste/recycling. There are plenty of very reasonable contexts in which a sealed bag of waste or recycling, or small objects, are temporarily left outside of a property in a way that causes no obstruction or health & safety risk to anyone. onus on licence holder with respect to waste - particularly if it is not generated by them, but the tenants. The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner. Comment: How would the landlord know what the tenant is doing on the property? Similar with waste collection. The landlord / property owner cannot be held responsible for lazy tenants who do not dispose of their waste properly. This is an issue of the tenants themselves. The council also needs to better address fly tipping issues in Southwark - you should not push this issue onto private landlords and shirk your own responsibility. Safeagent – 8. 3 Should not charge for HMO waste refuse collections 8.4 - Define the term Regular - Suggest 6 monthly	as wheely bins) for the tenant's household refuse and recycling. The council would encourage landlord to include clauses in their tenancy agreement regarding fly-tipping and the proper disposal of household refuse. Condition 8.4 has been amended to define regular checks as 6-monthly checks Condition 8.3 refers to circumstances where the property is not covered by the local authority waste collection schemes

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	be provided to the Council within 28 days on demand.		
Mandatory (8.8), Additional (8.8)	The licence holder shall label any furniture, soft furnishing and kitchen appliances and white goods provided at the property, using a suitable indelible marker pen (removable labels are not acceptable) with the address and, where relevant, the room number the articles relate too, e.g., Room 1, 38, postcode. The labelling should be readable and clear. The licence holder will regularly check the labelling and re-label should the existing labelling have faded to the point it can no longer be read. This doesn't apply to articles provided by the tenants. Note. This condition will be applied in defined hotspot areas where there have been significant issues with dumping of articles of furniture, etc. as a way of easily identifying the properties the articles come from. (*Discretionary condition)*.	8.8 sounds like a great excuse for your landlord or agent to come into your home whenever to look at white goods. Condition re labelling furniture is un-practical and will cause damage to items. Personally, I would view this as very deeming on the tenants living in the properties i.e., you live in a bad area where we don't trust you or your landlord, so your furniture needs to be labelled. I reality in the vast majority of cases any labelled would be removed if furniture is dumped. The indelible labelling of white goods, (or any furniture provided,) could damage the appearance of the item and detract from the general appearance of the property as a whole, making it feel like an institution rather than a home. Section 8.8 - very onerous Safeagent - Disagree-creates negative feel in property and not feasible	Upon reflection and review of the feedback on this clause, the council will remove this condition
Selective (9.1)	The maximum occupancy for this property is one household OR two people in two households (mandatory condition).	That only two households may share a house. The size of the house, number and relationship of occupants, and the living conditions should be taken into account, or you risk inadvertently lowering housing standards and reducing choices especially for people on lower incomes. I am an owner-occupier with two lodgers (I realise these licencing conditions won't affect me) so there are three adults living in an ex-council house with two doubles and a single, plus kitchen, living room, garden. There is high demand for my rooms - especially the single - precisely because of the	This condition is to ensure that single family household (or two sharers) is not let as an HMO, which have different standards. If the property is let as three unrelated people forming three households, the property can still be let out, but the property would require an additional licence.

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		high-quality, spacious, low-density living conditions (particularly attractive for lower-income people who don't have many options like this, which is why the single is so popular). You risk taking that choice away from people by unilaterally basing conditions upon numbers of household, bedroom size, etc. Why only allowing two people or households as a maximum?	
Selective (9.2)	Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*)	SAFEAGENT - If the property is occupied as an HMO, the council should instead grant an HMO licence.	This condition has been removed
Mandatory (11.2) and Additional (11.2)	Table to be inserted stating room, room size, maximum people and maximum households.	Table 11.2 is not yet provided so I cannot comment but is obviously critical.	Licence conditions are issued to each specific licenced property. This condition, specifying the room size and maximum occupancy, will depend on how the property is laid out and the facilities available in the property, which are noted during the inspection. The condition is then completed for that specific property
Additional (11.3)	Licence Holder must ensure that no room is used by more than the number of persons specified in the licence (*mandatory condition).*	The Licence Holder must ensure that no room is used by more than the number of persons specified in the licence (mandatory condition) Comment: The landlord is not able to monitor this. They are only able to specify in the tenancy agreement what is allowed. Tenants need to be held liable for non-compliance.	Guests are not included in this condition. The availability of the licence in the property will empower tenants to address issues with other tenants frequently and repeatedly having more people staying in the rooms, which will impact the availability of common resources (such as shower, kitchen).

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
			This condition is also aimed at addressing issues of overcrowding in HMOs
Additional (11.5)	Licensed properties must comply with Southwark's Standards for HMOs within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).	Safeagent - If the council believe that work is needed to make the property reasonably suitable for the proposed number of occupants, these works need to be clearly set out in a table with a timescale for completing each item.	This condition has been amended to "Licensed properties must comply with Southwark's Standards for HMOs (insert links) within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*). A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO *(discretionary condition)*. For the purposes of paragraph 11.5 a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes *(discretionary condition)*. Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be considered in determining the floor area of that room for the purposes of this paragraph *(discretionary condition)*. Please note that room size standards within Southwark's HMO standards are greater than

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
			the national prescribed minimum room size standard stated in 11.6 and 11.7 below. The Council has, in accordance with (insert legislation) decided to impose higher standards in accordance with its locally adopted HMO Standards referenced in 11.5 above
Mandatory (11.6), Additional (11.6 and 11.7)	11.6 The Licence Holder is required: a. to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres *(mandatory condition)*. b. to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres *(mandatory condition)*. c. to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres *(mandatory condition)*. d. to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation *(mandatory condition)*. 11.7 The Licence Holder shall ensure that: a. where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence *(mandatory condition)*. b. where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than	The mandatory conditions re size of bedrooms, kitchen and living room as it's not something a landlord can change. The minimum sizes for rooms should be reviewed and looked at in the context of how many other occupants there are, what other space is available to occupants, and the overall quality of the accommodation. People on lower incomes should have the right to live in low-density, high-quality, central homes if they want to and are happy to choose to rent a single or small double. The size ones are way too restrictive. You will take too much capacity out of housing, which is exactly what we do not need at the moment. Or you will drive landlords underground and more likely to ignore council guidelines. And don't forget that this is PRIVATE rental sector. The tenants are not forced to live anywhere if they don't want. They can go somewhere of their choosing based on the size/price they want. I don't see why there is a ban on a small single room being used by a person over 10 years old, if that's how they want to use the room.	The room sizes are reviewed and looked at in the context of how many other occupants there are and what other space is available. However, the council is obliged to introduce minimum room sizes to ensure that the room let out are not overcrowded.

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	the maximum number of persons aged under 10 years specified in the licence *(mandatory condition)*. c. where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified *(mandatory condition)*.		
Mandatory (12.1), Additional (12.1) and selective (1.11)	The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).	Section 12.1 - access may be restricted by freeholders e.g., London Borough of Southwark 1.11 seems more relevant to an HMO. Requiring an extra piece of paper to say the meter is on the wall by the front door as an example of over regulation! Safeagent- We do not think this condition is appropriate in situations where the landlord charges rent inclusive of all utility bills. The condition could be adjusted accordingly	If there was an issue with the freeholder restricting access, we would work to resolve the situation and would not penalise the leaseholder. This condition has been amended to "The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. (discretionary condition)."
Additional (13.1)	The licence holder shall ensure the tenants of the Flat in Multiple Occupation (FMO) are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to: • Evacuation arrangements, e.g., an all-out or stay-put policy. • The safest route to safety from the FMO. • The designated fire assembly area.	Section 13.1 - how can this be complied with if the freeholder e.g., London Borough of Southwark does not provide this information	If this information is not available to the licence holder from the freeholder, the council will contact the freeholder to provide this

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	• Fire Drill arrangements (if any). • Fire Warden and/or waking watch arrangements (where provided). • The nearest manual call point (where provided).		
Mandatory (14.1), Additional (14.1) and Selective (11)	The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark. • Details of Training Courses: • London Landlord Accreditation Scheme (LLAS) and: • Accreditation and Training for Landlords & Agents Service (ATLAS) • Website: www.londonlandlords.org.uk The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses (*discretionary condition*).	The suggestion of training courses is beyond ridiculous: if a landlord has instructed a managing agent to take care of everything that should be enough, as the whole point of having a managing agent is that they take over the responsibilities. Training is good and should be included as part of the license fee, rather than forcing people to take costly measures in addition to all the other costs. The reliance on accreditation schemes should not be included. They prove nothing. It is action that works, not signing up to some scheme. In 11.1 why should the Licence Holder AND manager attend the courses. Surely the whole point of employing a managing agent (with the conditions specified for competence) is that the Landlord does not require that level of expertise? In any event the requirement is too wide as the Council could specify anything and it says nothing as to cost? Safeagent - Given Safe Agent experience and number of training courses offered by us it is unreasonable to insist that accredited Safeagent members attend the LLAS one day training course.	This condition has been removed
Selective Designation 1 (14)	The Licence Holder shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the flat/ house and to this end shall: Report all incidences of anti-social behaviour to the appropriate authority, for example the police or the Council.	Should not be used for ASB no evidence this would work as it doesn't address the drivers for this. It should be targeted on concentrations of sun standard property The issue I have is that it is difficult to enforce ASB issues and remove tenants who cause them. Therefore, Landlord's do not want them in the first place.	The council will be introducing a series of measures to support landlords in introducing ASB, including employing an ASB officer to work with landlords and tenants. The council would encourage landlords to include clauses in their tenancy agreements about ASB.

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Selective Designation 1 (14.2)	The Licence Holder shall enter into an assured shorthold tenancy agreement (unless an alternative arrangement is more appropriate, e.g. a licence to occupy) with each new tenant of the dwelling for which he/ she is the person having control. The tenancy agreement will include provisions relating to forfeiture of the property in the event of a breach of the tenancy agreement terms in the following circumstances: "That the tenant or someone living in or visiting the premises has been guilty of conduct which is or is likely to cause a nuisance or annoyance to neighbours; or, that a person residing or visiting the premises has been convicted of using the premises or allowing it to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises." For the avoidance of doubt conduct causing a nuisance includes noise nuisance. A further condition shall be added to the tenancy agreement that requires the tenant to obtain written permission to sub-let the property. The Government have produced a model template for an Assured Shorthold Tenancy which can be found here - https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy	Safeagent - The proposed clause to be inserted in all tenancy agreements should be deleted. Section 90(7) of the Housing Act 2004 prevents the council from requiring the wording of tenancy agreements to be altered.	This clause has been amended to apply to all new tenancy agreements.
Selective Designation 1 (14.3)	The Licence Holder shall investigate complaints of anti-social behaviour (as defined in Housing Act 2004, Section 57(5)) arising from their property and being caused by their tenants or tenants' visitors. Where appropriate they shall take legal	"The landlord shall seek legal advice to evict a person exhibiting ASB"! How about calling the police and getting the guy arrested? Who will protect me and my family if I put myself forward in such a way? And who will cover my legal fees to seek advice?	This condition has been amended to "Following any complaints or incidents of anti-social behaviour (as defined in Housing Act 2004, Section 57(5)) arising from their property and being caused by

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	advice and act to either caution or evict the tenants.	Safeagent - Neither the landlord nor agent has the power to caution a tenant. Only a statutory enforcement agency can issue a caution is there is evidence that a criminal offence has been committed.	their tenants or tenants' visitors the Licence Holder shall investigate and take legal advice where necessary. Depending on the severity of the incident or where there are 2 or more corroborated incidents of ASB the license holder shall either send a written warning to the perpetrator or take formal action to evict the tenants in compliance with (whatever the legislation is). "
Selective – designation 1 (14.6)	Where there have been two or more corroborated reports of ASB to the relevant investigating agency, the Licence Holder shall install monitorable and recordable CCTV cameras covering the outside spaces of the dwelling, which can operate in both daylight and nighttime (where there are outside spaces). This is to include cameras covering the access points to the dwellings.	Why are you insisting CCTV is put up? Presumably as evidence for the police. Surveilling and punishing people is not helpful. Installing CCTV is a step too far. Safeagent - Disagree- Part 3 of the Housing Act 2004 does not have power to require CCTV monitoring of the external curtilage of the property and all points of access. Suggest deleting the condition	This condition has been removed
Selective designation 3 (14.2)	The Licence Holder must ensure that the carbon monoxide alarms are kept in proper working order (this can be a check of the battery and operation of the alarm). A declaration as to the proper working order of such alarms must be supplied to the London Borough of Southwark on demand (discretionary condition).	Unfair on the Landlord to be held as solely responsible when he/she is not living in the property. Any issue can only be noted upon periodic inspections or reported b	
Mandatory (15), Additional (15) and Selective (12)	15 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are: [List measures – examples given below] • Battery operated smoke detectors located in [add locations].	Emergency lighting in a 3-bedroom flat? Emergency lighting These are not usual or required in a normal family home Why do all bedrooms need a microwave and kettle? The fire safety - microwaves in sleeping areas part [is unclear] Yes - why mention microwaves in bedrooms? Surely this should not be allowed	This condition has been removed

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	• Battery operated heat detectors located in [add locations]. • Battery operated hand-held emergency lighting located in [add locations]. • A 'waking fire watch' comprising: ○ 24 hour continuously staffed fire patrols of the building. ○ Trained and competent staff. ○ Staff given appropriate equipment and PPE. ○ An 'all out' evacuation plan managed by the watch staff. • Undersized shower cubicles located in [add locations]. • Undersized baths located in [add locations]. • Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]]. • Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]]. • Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms]. These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance. The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).		

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
Selective designations 2, 3 and 4 (15.1)	The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken. Copies of any such written complaint (including by email) and the response referred to in condition 17 must be provided to the Authority within 21 days on demand.	Pest infestation is likely caused by the lack of tenant cleanliness. This is NOT a landlord issue but a tenant issue. In a block of flats this is clearly a shared problem and therefore in the remit of the landlord, but the tenants must be responsible for cleanliness themselves.	The landlord or licence holder is ultimately responsible for the property. If a tenant has made a complaint about pest infestation, the landlord or licence older should work with the tenant to address the issue/ if the tenant continually keeps the property in a poor and unclean condition which would attract pests, the landlord or licence holder may wish to have a condition in their tenancy agreement to address this or allow the landlord or licence holder to evict the tenants if they do not address this
Selective designations 2, 3 and 4 (15.4)	The Licence Holder must ensure that regular checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Authority within 28 days on demand (discretionary condition).	Safeagent - Suggest 6 monthly inspections	This condition has been amended to include 6 monthly checks
Selective designations 2, 3 and 4 (15.6)	The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly (*discretionary condition*).	Safeagent - Once the tenants have been given the keys, the responsibility for security will pass to the tenant.	It's the landlord and agents' responsibility to ensure tenants are meeting their obligations and responsibilities under their tenancy contract. It is also the landlord's or managing agents' responsibility to manage the property to ensure that problems do not arise or are resolved quickly. This relates to the

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
			management of the property, security of the property and dealing with anti-social behaviour.
Selective designations 2, 3 and 4 (15.7)	The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Authority may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the Authority within 28 days on demand (*discretionary condition*).	Safeagent - Recommend 6 monthly inspections	This condition already stated inspections every 6 months
Additional (16) and Selective (13)	Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence: [delete/add as appropriate] i. Energy Performance Certificate (EPC)(s) ii. Written tenancy agreement(s) with the occupying tenants. iii. Lease Agreements/Commercial Agreement with owner (if any) iv. Building insurance certificate v. Inventory of furniture and fittings(s) vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any) vii. Gas Safety Certificate(s) viii. Portable Appliance Test (PAT) report(s) ix. Test certificates for fire alarm system x. Test certificates emergency lighting system xi. Asbestos report(s)	Why provide the council with an inventory of furniture? Request for asbestos report for every license application seems overkill nowadays. For the first application, it makes sense, as long as it's not been demonstrated in the property survey at time of purchase that asbestos was not found. Portable Appliance Test (PAT) report(s) ix. Test certificates for fire alarm system x. Test certificates emergency lighting system xi. Asbestos report(s) xii. Fire Risk Assessment I rent a flat in small block... do you realize the amount of paperwork and additional costs you are proposing? I used to rent from the council, and I NEVER received a fire risk assessment, an asbestos report, emergency lighting certificate, etc. etc. why do you now expect it from me?? I don't	These conditions have been removed.

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	xii. Fire Risk Assessment Email the copies to [email address] (*Discretionary condition*)	have any of those documents for my own home... Who is going to do the fire risk assessment? do you also expect landlords to pay for a professional to carry this out??	
Mandatory (16), Additional (16)	In the event or either a national or local outbreak of an infectious disease (that poses a significant risk to health) that is spread by air, water or touch (or a combination of these), the licence holder shall as a minimum put in place the following measures: • **Inform** Notify all occupants in writing or the nature of the infectious disease, how it is spread, and the measures put in place at the HMO to limit its spread. Provide a Notice, clearly displayed, in an accessible common area, setting out the nature of the infectious disease, how it is spread, and the measures put in place at the HMO to limit its spread. • **Clean** Increase the frequency of the cleaning schedule for all the common areas in the HMO, including (but limited to) living and dining areas, shared bathrooms, toilets and kitchens. The minimum frequency should be three times a week. The cleaning regime should include (but is not limited to) the sanitisation/disinfection of: ○ Door and window handle and locks, ○ Doors, handles and controls of all white goods communally provided, ○ Taps and plugs, ○ Showers, ○ Baths, ○ Wash hand basins, ○ Toilets,	This is simply not practical and is the responsibility of the tenants in a small HMO where tenants are known to each other, and the entire property is let and not on a room-by-room basis the reference of a cleaning schedule in 16.1 should not be mandatory if cleaning is the job of the tenants: this is too much to expect a house share to do this three times a week I would agree and welcome a lot of this but the sections on waste disposal and infectious diseases are totally unreasonable and unworkable. These are mostly tenant responsibilities over which the landlord will have little control once out of the building. Section 16 is over the top for my property, a flat occupied by three unrelated sharers. They are perfectly capable of looking after themselves. Section 16 Cleaning - this is not relevant to a typical flat share where the tenants are responsible for the cleaning Infectious disease cleaning - this is tenants' responsibility, not the landlords Safeagent - Worded too broadly: A letting agent cannot be expected to monitor any local, regional or national outbreaks of infectious disease. The most our members could do is pass on information provided by the council's Director of Public Health. If a property is let to sharers on a single tenancy, or is a building converted into flats, the landlord or agent has no power to go into each letting to carry out cleaning, and there is no explanation about how those extra costs would be met. We would request	This condition has been removed

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	○ Shared surfaces, e.g., dining tables, chairs, coffee tables, etc. ○ All shared surfaces and cupboards used in the storage, preparation and cooking of food and making drinks, ○ The doors, handles and controls of cooking appliances and kettles. • **Sanitise** Provide hand sanitiser stations in each common room including (but limited to) living and dining areas, shared bathrooms, toilets and kitchens and at the main entrance to the HMO. The sanitiser should not be diluted in any way and supplied in pump action containers for ease of use. Examples of an infectious disease that would require these measures to be put in place are, COVID-19, Tuberculosis, SARS-CoV, etc. The licence holder must inform the Council by email [add email] within 72 hours of becoming aware of the occurrence of an outbreak. (*Discretionary condition*)	a meeting with the council to discuss this proposal in detail as we have serious concerns.	
Additional - Exemptions	Exemptions to the proposed additional licensing scheme include: b. properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;		This is a legal requirement of the housing act 2004
Additional - Exemptions	Exemptions to the proposed additional licensing scheme include: i) Student accommodation directly managed by educational institutions, e.g., halls of residence.	The exemption for student housing, young people are not disposable and should not be made to put up with bad housing just because they're students, properties should be made available at an affordable rate rather than being at the whim of the market.	This is a legal exemption in the housing act 2004

i) Responses regarding which licence conditions are unclear for Mandatory Licensing

Example comments from consultees	Council's consideration
Theme: *The fee structure is not clear*	
Are fees one-of or recurring please and at what frequency?	The fee is proposed to be £1,500 + £100 per room above 5 bedrooms. The flat fee covers the first five bedrooms with a small additional charge per bedroom above 5. The licence will last for 5 years. The Council is required to split the fees into two payments. The initial part of the fee is charged to cover the cost of processing of the application. If the application for a licence is successful a further fee will be charged before the full licence can be issued. This second fee is a contribution to the other costs incurred by the council under the licensing scheme, for example for enforcement of the licence. What the actual split will be is to be determined following the consultation. Mandatory HMO Licensing applies to properties let to 5 or more unrelated people, forming 2 or more households, who share amenities such as a kitchen or bathroom.
It is unclear what the fee is for residents living in a 2-bedroom flat	
The charging seems odd, as someone with one property pays almost the same amount as some with lots of rooms. That doesn't seem proportionate.	
yes - how long this licence lasts. Is this an annual fee or a one-off fee? If annual, it may be too high, if one off, it is too low.	
Theme: *The fire safety regulations are unclear*	
A lot of points in your HMO license guide are unclear to landlords. For instance, all it concerns fire regulations. Many landlords are not too sure which kind of smoke detector to install in their HMO. I think you should visit every single HMO and then advice landlords on the work they would need to carry out instead to ask them to comply with regulations that are not clear in your guidelines.	Smoke and Carbon Monoxide Alarm (England) Regulations 2015 are the minimum standards that we require landlords to comply with in regard to fire safety for selective licensing. The BS5839 pt 6, 2019, is a recognised standard for private rented properties and includes a heat alarm in the kitchen and a smoke alarm in each principal habitable room. Ideally, the council recommends an interlinked main wired smoke detector with integral battery back-up located at each floor or alternatively a non-mains wired standalone smoke detectors, fitted with a ten-year sealed lithium battery. Non-mains wired standalone smoke detectors fitted with a standard battery are acceptable as a final alternative but are not recommended as batteries can be easily removed from the units. Information about fire blankets, extinguishers and fire risk assessments can be found on the council website and the LACORS fire guidance
The language used in 5.4 is legal language that many would not understand.	
Theme: *Condition 1.6 relating to ventilation and natural daylight is unclear*	
The one about glazing. I'm assuming this doesn't pertain to rooms such as bathrooms!	There was a typo in the condition which has been rectified. It has been changed to: An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided Bathrooms and kitchens are not included as habitable rooms.
I think there are conditions which can create difficulties in interpretation, I also think the condition relating to the area of glass and the area of ventilation is unclear.	
1.6 requires 10% of floor space of glazing, and then 20% of floor space of openable glazing. The second requirement exceeds the first.	

1.6 please see above in conditions that should be removed. A provision for windows which must be openable makes sense, but then there are already fire regulations and means of escape to take into account, therefore if a human can squeeze through a window, surely that should be enough to air a room regularly....	
Theme: *The number of rooms and households covered by the licence is unclear*	
Are you proposing that only HMO house landlords/owners with more than 5 occupants will have to pay the fee?	Mandatory HMO licensing applies to an HMO let to 5 or more unrelated people, forming 2 or more households, who share amenities such as a kitchen or bathroom. The Housing Act 2004 defines persons forming a single household as members of the same family or a specified exemption made the appropriate national authority. The act states that "person is a member of the same family as another person if— (a)those persons are married to [or civil partners of, each other or live together as if they were a married couple or civil partners]; (b)one of them is a relative of the other; or (c)one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple." A relative "means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin". The act also states that "a relationship of the half-blood shall be treated as a relationship of the whole blood; and the stepchild of a person shall be treated as his child."
my 3-bed flat lets to three sharers, who are friends - does that constitute a household?	
Would the 5 bedrooms be included	
Theme: *The licence conditions appear to be in draft*	
Lots of documents and details left blank or to be added [in brackets like this]	Licence conditions are issued to each specific licenced property and the sections left in draft or in brackets are completed for each individual licence. The sections specifying the room size and maximum occupancy, will depend on how the property is laid out and the facilities available in the property, which are noted during the inspection.
Many parts of the licence conditions document seem to be in draft	
Theme: *It is unclear how the scheme will be enforced*	
How are these conditions going to be enforced? It's good having regulations but generally the ones who want to get away with not complying, generally do. For example Airbnb - that has been in practice where I live, though seemingly not during lockdown. Are the hours checked or is it just left for people to be honest and work within the guidelines? Again, many will comply, but the cheats are the ones that won't and who monitors that?	Properties let through Airbnb are short-term, commercial lets and do not legally fall under these licensing schemes. Airbnb properties need planning permission and any ASB issues will be dealt with by the ASB team The council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks such as: • Using the Tenure intelligence model (TIMs) to identify privately rented properties in the designated areas. Applications received can be monitored against this database to pinpoint areas which need improvement. A combination of targeted street by street communication will be implemented,
How will these regulations be monitored or inspected?	

	followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations. • Intelligence-led 'Compliance days' involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions. The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties
Theme: *Other*	
7.1 is a discretionary condition? This should be mandatory.	The mandatory conditions are the licence conditions required by the Housing Act 2004. Discretionary conditions are conditions that Southwark Council have decided to add to the scheme. The discretionary conditions are applied to all properties which require a licence.
I'm a bit unclear after reading the above information and the Proposed mandatory HMO licence conditions whether conditions marked as "discretionary" are intended to be mandatory or not.	
I think there needs to be an ability to complain about landlords who fail to address complaints adequately themselves.	Southwark Council has an existing reporting service on the council website. Tenants can also use the GLA website to make a complaint or raise an issue with the council. Southwark Council has a tenancy relations team, who receive referrals from across the council, and the tenants can also contact the call centre. The council has also outlined commitments in the Housing Strategy 2020 to protect and empower private tenants by providing advice and assistance on their respective rights and responsibilities, which includes: • Providing high quality advice to private tenants (and landlords), including details of any grants and loans available via the council's website. • Providing dedicated housing advice to private tenants threatened with illegal eviction. • Introducing a Southwark Private Renters Union to support the council's work to improve the conditions of private renters If licensing is approved, the council will run a comms and marketing campaign to raise awareness of the schemes, and provide information about the licence conditions, acceptable behaviours from landlords, and the existence of a public register of licenced properties. Licensing will also enable tenants to make complaints to the council anonymously, as the council will be able to approach landlords regarding their licensing obligations, rather than stating that a tenant has made a complaint.
It isn't clear whether the licence is for a landlord, i.e., an individual who might have several properties, or whether it is for a dwelling.	Licences are issues per property let out, not per landlord
It's not clear what makes a tenant "fit".	

Seems to only apply to the landlord and not the tenant. where are the tenants' obligations and who benefits should (which I doubt) if the tenant is fined?	The council recommends that landlords ask their tenants for references prior to letting out their properties and carry out Right to Rent checks. Landlords can also draft their tenancy agreements and are also expected to take deposits
What's the minimum charge for landlords not complying with the license agreements? A breakdown of estimated costs for certain offences would be useful to get an idea.	The fines for non-compliance are scored on a matrix which factors in the severity of the offence, the harm to tenants and the history of offending, as well as other factors, and the penalties to be issued vary depending on the score. More information about enforcement and penalties can be found on the council website here - https://www.southwark.gov.uk/assets/attach/8753/Prosecutions-and-Civil-Penalties-Enforcement-Policy-22-01-19.pdf

j) Responses regarding which licence conditions are unclear for Additional Licensing

Example comments from consultees	Council's consideration
Theme: *Fire safety conditions are unclear*	
I am unclear of the specification of the smoke alarms. Should they be hard wired, or are working battery alarms sufficient for the license?	Smoke and Carbon Monoxide Alarm (England) Regulations 2015 are the minimum standards that we require landlords to comply with in regard to fire safety for selective licensing. The BS5839 pt 6, 2019, is a recognised standard for private rented properties and includes a heat alarm in the kitchen and a smoke alarm in each principal habitable room. Ideally, the council recommends an interlinked main wired smoke detector with integral battery back-up located at each floor or alternatively a non-mains wired standalone smoke detectors, fitted with a ten-year sealed lithium battery. Non-mains wired standalone smoke detectors fitted with a standard battery are acceptable as a final alternative but are not recommended as batteries can be easily removed from the units. Information about fire blankets, extinguishers and fire risk assessments can be found on the council website and the LACORS fire guidance
Is the implication that fire systems - heat, smoke alarms can or cannot be battery This seems completely over the top for a 3-bedroom flat.	
Theme*: How will the scheme be enforced?*	
It's unclear whether there will be any inspection or regulation to ensure that landlords comply with the licensing conditions.	The council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks such as: • Using the Tenure intelligence model (TIMs) to identify privately rented properties in the designated areas. Applications received can be monitored against this database to pinpoint areas which need improvement. A combination of targeted street by street communication will be implemented, followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations.
How is this going to be enforced with the unscrupulous landlords, who will be the ones making money and not complying with regulations voluntarily? How will you track these properties and landlords down to enforce rules - they manage to stay anonymous!!	
Again, how is the enforcement of these new regs going to be financed?	

	• Intelligence-led 'Compliance days' involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions. • The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties.
***Theme:** Room specification conditions are unclear*	
1.6: which rooms are defined as "habitable"? how can the opening area of glazing be required at 20% of the room's floor space when the area of glazing of the room is required to be 10%? 10% would require an extremely large numbers of properties to have their windows not only changed to larger ones but also for the walls around those windows to be diminished accordingly, which in the case of conservation areas, is unlikely to be accepted by the council. Being retrofitted, they could also endanger the fabric of the building if not fitted in properly. They also pose an issue in terms of privacy due to close proximity of neighbours, and potentially issues in terms of keeping heat in in winter and noise out through being badly fitted, having more surface that could leak, and just because there is a big window, it doesn't mean that tenants will open them. And if they did, the windows will need to be sufficiently small in size not to make it easy for children to fall out or require sufficient protection against this, which in a way, also defeats the purpose of putting in larger windows at a great expense. For new builds, this is more doable, but then again, the amount of openable glazing is usually a fraction of the glazing available. Something must be wrong in that wording as it is...	There was a typo in the condition which has been rectified. It has been changed to: An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided Bathrooms and kitchens are not included as habitable rooms. The additional licence conditions do specify the room sizes for bedrooms for a property covered by additional licensing. Southwark's HMO Standards outline the rooms sizes for kitchens and bathrooms on HMOs. For more information, please see the HMO standards on the council website
Room sizes for Bedrooms, Kitchens, Bathrooms and Toilets	
***Theme:** The conditions regarding occupancy are unclear*	
What constitutes composition of those sharing, unclear as to numbers relative to families and single individuals	Additional licensing applies to smaller houses in multiple occupation to let to 3 or 4 unrelated people forming 2 or more households who share amenities such as a kitchen or bathroom. The Housing Act 2004 defines persons forming a single household as members of the same family or a specified exemption made the appropriate national authority. The act states that "person is a member of the same family as another person if— (a)those persons are married to [or civil partners of, each other or live together as if they were a married couple or civil partners]; (b)one of them is a relative of the other; or (c)one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple."
What is the status regarding occupancy when its purpose-built flats within one building and the owner is subletting rooms which are not bedrooms to occupants over 10. What is the maximum occupancy for unrelated occupants in a flat?	

	A relative “means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin”. The act also states that “a relationship of the half-blood shall be treated as a relationship of the whole blood; and the stepchild of a person shall be treated as his child.” Where the landlord is subletting rooms which are not bedrooms, the council looks at applications on a case-by-case basis. More information is available in the council’s HMO standards and for further information, please contact the council
***Theme**: Other*	
Why the exemptions at the end? Does it mean that the persons/landlords mentioned could let their properties be in a less liveable condition than others? Could safety of tenants be affected?	These exemptions are a legal requirement of the housing act 2004
No, but most of them seem discretionary - it is unclear whether that means they're regarded as best practice, in which case it would be simpler, perhaps to have a 'best practice for landlords' guide and a far clearer, simpler, lest wordy mandatory list.	The mandatory conditions are the licence conditions required by the Housing Act 2004. Discretionary conditions are conditions that Southwark Council have decided to add to the scheme. The discretionary conditions are applied to all properties which require a licence.
As above, simply referring residents to LACoRs guidance is very unhelpful as it is impenetrable. I could not easily find a scenario that applied to my flat, namely a 3-bed room flat on one floor where the tenants were all friends. I do find it bizarre that in a block of flats, a tenanted property seems to require the gold standard in terms of protection but the same flat next door, if owner-occupied, does not.	Owner-occupied flats are not covered by the legislation. The council has to work within the existing legislation to protect people as much as possible. The LACORS fire guidance contains guidance for a 3-bedroom flat on one floor on page 49 of the guidance, under subheading “38. Flats in multiple occupation”

k) Responses regarding which licence conditions are unclear for Selective Licensing

Example comments from consultees	Council’s consideration
***Theme:** The fee is unclear*	
How often is the fee levied? If once off it is ok, if every year, or even every tenant change it is too much	The licence fee is taken in two parts, part a on application, and part b when they licence is approved. Once paid, the licence lasts for up to 5 years. If a tenant changes, you will be able to update your licence with the new information free of charge.
How often is the licence fee renewed / payable?	
***Theme:** How is the scheme going to be enforced?*	
Same concern: as to how all these conditions are going to be enforced and monitored?	• Using the Tenure intelligence model (TIMs) to identify privately rented properties in the designated areas. Applications received can be monitored
Enforcement isn't clear. Cost isn't clear.	

How long licence lasts, what measures can be brought in to ensure compliance, what steps council will take to ensure compliance	against this database to pinpoint areas which need improvement. A combination of targeted street by street communication will be implemented, followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations. • Intelligence-led 'Compliance days' involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions.
Enforcement isn't clear. Cost isn't clear.	
Theme: *Discretionary conditions*	
As previously, it is unclear why discretionary conditions are included. Why not mark some as mandatory and use the word 'best practice' rather than 'discretionary'?	The mandatory conditions are the licence conditions required by the Housing Act 2004. Discretionary conditions are conditions that Southwark Council have decided to add to the scheme. The discretionary conditions are applied to all properties which require a licence.
I am not sure whether these discretionary conditions are to be applied to all properties in the given area even if there are no issues with a given property. This could result in additional costs for a landlord who is already maintaining their property to a good standard.	
Theme: *Other*	
It is not clear how the tenants own electrical devices will be managed. This is as much a problem as a 'landlord owned' device. Are the tenants exempt from having safe electrical devices that could endanger the property safety?	Landlords are only required to check their own electrical products. Tenants have a responsibility not to damage the properties, which should be covered in the tenancy agreement.
There are conditions about installing CCTV where there have been several reports of antisocial behaviour, but what happens with the recordings? Is someone watching the videos and sending out security? Are they just a deterrent? Does anyone even maintain them when they stop working?	The condition to install CCTV has been removed
It is unclear if the water saving devices and thermostatically controllable heating must be installed in properties that already have an EPC rating higher than E. 1.7 - it appears you are saying the windows must be a size at least 10% of the floor space, and yet the openable windows must be 20% of the floor space. How can the openable windows be twice as big as the total window space? 3.1 - who approves the electrical contractors? The council should not be determining this.	The condition to install water saving devices and thermostatically controllable heating has been reviewed, and these steps are now recommendations. The council would recommend adding these devices as good practise. There was a typo in the licence condition which has been rectified. It has been changed to: An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided The licence conditions which refer to approved electrical contractors means contractors approved by a national registering body such as NICEIC, not the council

l) Responses regarding what conditions should be added to the Mandatory HMO Licence

Example comments from consultees	Council's consideration
Theme: *More frequent inspections*	
Compliance and regulatory checks should be carried out with little or very short notice and should be undertaken more frequently, say every quarter or six months.	The council will inspect property on application and carry out risk assessment to determine the regularity of checks after that. The council will also respond to tenant complaints. Licensing will also enable tenants to make complaints to the council anonymously, as the council will be able to approach landlords regarding their licensing obligations, rather than stating that a tenant has made a complaint If licensing is approved, the council will also run a comms and marketing campaign to raise awareness of the schemes, and provide information about the licence conditions, acceptable behaviours from landlords, and the existence of a public register of licenced properties.
regular checks by people who don't take back handers from the landlords	
Spot checks	
the rented place should be visited by the council.	
Theme: *Ensure the cost is not passed onto the tenants*	
Is it possible to levy it in a way that doesn't mean the landlord increases the level of rent to pass on the cost to the renter?	Evidence from authorities who have been operating licensing schemes have seen no evidence that landlords have increased rents to cover their licence fee costs or that landlords have moved elsewhere. Similarly, research carried out by an independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) showed that selective licensing did not result in an increase in rents in areas with a scheme, that market forces dictated the rent levels. If landlords want to increase the rent, there are procedures which must be followed and any increase above market rents levels can be challenged via the Residential Property Tribunal.
Tenant's rent should not be increased to cover these costs for a landlord.	
That the costs should not be added to the tenant's rental payments but should be paid for by the landlord directly.	
Theme: *Ensure the scheme is enforced*	
Enforcement should be stepped up given rented housing is a demand & supply issue.	The council's enforcement capability will be increased in line with the number of licences, including pro-active compliance checks such as: • Using the Tenure intelligence model (TIMs) to identify privately rented properties in the designated areas. Applications received can be monitored against this database to pinpoint areas which need improvement. A combination of targeted street by street communication will be implemented, followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations. • Intelligence-led 'Compliance days' involving concentrated enforcement activity in discrete areas to identify unlicensed addresses, to ensure that licensed addresses have the correct licence in place and to ensure compliance with licence conditions.
It's very well putting hefty fines, but are these actually being enforced? If not, it's wasted.	
Make sure the fees are used properly to oversee HMOs that are unfit for purpose	
Much stricter conditions and much more aggressively enforced	

	The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties.
***Theme:** More protection for tenants*	
Ban on section 21 / no fault evictions. Ban on revenge evictions. Ban on increasing rent by more than e.g., 5% a year. Mandatory option to offer long term rents	Southwark council is actively lobbying the government to remove Section 21 evictions. The proposed Gold Standard for landlords also includes a condition not to evict under section 21, other than under the listed acceptable exemptions. Revenge evictions can be referred to the Housing Solutions team in the council for support. As stated above, Southwark Council has an existing reporting service on the council website. Tenants can also use the GLA website to make a complaint or raise an issue with the council. Southwark Council has a tenancy relations team, who receive referrals from across the council, and the tenants can also contact the call centre. The council has also outlined commitments in the Housing Strategy 2020 to protect and empower private tenants by providing advice and assistance on their respective rights and responsibilities, which includes: • Providing high quality advice to private tenants (and landlords), including details of any grants and loans available via the council's website. • Providing dedicated housing advice to private tenants threatened with illegal eviction. • Introducing a Southwark Private Renters Union to support the council's work to improve the conditions of private renters If licensing is approved, the council will run a comms and marketing campaign to raise awareness of the schemes, and provide information about the licence conditions, acceptable behaviours from landlords, and the existence of a public register of licenced properties. Licensing will also enable tenants to make complaints to the council anonymously, as the council will be able to approach landlords regarding their licensing obligations, rather than stating that a tenant has made a complaint. Rent increases should also be included in the tenancy agreements. The council is also proposing a gold standard for landlord which includes conditions to protect their tenants from illegal or unnecessary eviction and charge fair rents and avoid additional charges
Perhaps more emphasis on protecting tenants from other antisocial behaviour from tenants.	
Social support for EVERY tenant.	
***Theme:** More measures to tackle anti-social behaviour*	

Antisocial behaviour should be penalised with removal of the licence. Landlord to be responsible.	There is a licence condition which addresses anti-social behaviour. The council will also employ an ASB officer who will work with landlords and tenants to reduce ASB. If ASB continues to persist, the council can intervene and may remove the licence
Be stronger on noise, drug use and antisocial behaviour. Much stronger!	
Robust measures to curb antisocial behaviour especially late-night parties	
Theme: Increased fines for non-compliance	
All Landlords should be liable to repay the full rent collected on any properties deemed not fit for habitation by virtue of a landlord's malfeasance, additionally Landlords should be liable to pay compensation to the Tenants by way of recompense for letting substandard property. The idea that a landlord may be liable to penalties benefitting the Local Authority, yet the real victims get nothing is abhorrent!	The fines for non-compliance are scored on a matrix which factors in the severity of the offence, the harm to tenants and the history of offending, as well as other factors, and the penalties to be issued vary depending on the score. More information about enforcement and penalties can be found on the council website here - https://www.southwark.gov.uk/assets/attach/8753/Prosecutions-and-Civil-Penalties-Enforcement-Policy-22-01-19.pdf
Greater fines for failure to adhere to the standards and conditions - to act as a greater deterrent. Greater responsibility for management agents - too often they are slow to respond and slow to escalate	
It should be strict and involve a deterrent punitive fine for non-compliance	
Theme: *Changes to the fee based on landlord income/property size /number of properties*	
I think the cost should increase dramatically for landlords who own multiple properties as a deterrent to this practice. For example, an increase of 200% per additional property, increasing with each one (e.g., £3,000 first property, £9,000 second property, £27,000 third property, etc.)	The fee is proposed to be £1,500 + £100 per room above 5 bedrooms. The flat fee covers the first five bedrooms with a small additional charge per bedroom above 5. The council does not intend to charge more for landlords who own or manage multiple properties as the number of properties is not an indication of how well properties are managed or maintained. The fees are not means tested due to the administrative burden
Much higher charge per bedroom over five bedrooms and also an annual fee should be payable	
Reductions to the fee and the penalty charge should be considered, based on the Landlords income.	
Theme: *Effective pest control*	
Something about vermin	The licence conditions include a requirement to regularly inspect the property, as the licence conditions address the management of properties under the scheme. If vermin or other pests are found in the property, the council will take action under different legislation to address the issue.
To ensure properties are properly maintained so as not to adversely affect neighbouring properties including outside areas regarding effective pest control & hygiene.	
Theme: *Landlord/licence holder should respond to neighbour complaints*	
Landlords should be legally obliged to respond in writing to neighbour complaints to them about problems with their tenants and not just ignored.	The licence condition regarding antisocial behaviour includes "undertaking a thorough process of reasonable and effective steps to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police, regarding their occupiers"
Make sure private landlords take notice when a neighbour complains about noisy private tenants	

The licence holder should be responsible for avoiding damage to neighbouring properties, and repairing damage to neighbouring properties, if this is through negligence.	
Theme: *Minimum space standards*	
Additional conditions should be added to provide for minimum size standards for kitchens and other shared spaces and requiring that such spaces are provided. Rooms with included kitchen facilities should be subject to higher space and ventilation standards.	Licence conditions are issued to each specific licenced property and the sections left in draft or in brackets are completed for each individual licence. The sections specifying the room size and maximum occupancy, will depend on how the property is laid out and the facilities available in the property, which are noted during the inspection. Information about the size and availability of living spaces in HMOs, relative to the number and size of bedrooms, can be found in the council's HMO standards. This guidance also covers the size and number of facilities in kitchens. Bathrooms sizes and regulations are covered the HHSRS guidance under part 1 of the housing act
Conditions about the size of the space you are able to rent to one person (similar to the ones they have in Germany) where a room cannot be below a certain size.	
Minimum floor plan and washing facilities	
Theme: *Properties should have a living space*	
Any Shared house should have a living room as a minimum.	Information about the size and availability of living spaces in HMOs, relative to the number and size of bedrooms, can be found in the council's HMO standards.
Many houses are becoming "dorms" that do not have a living room and an empty space becomes a new bedroom. I guess this is legal, but it should be discouraged, they are making houses less of a place people want to live and do activities in the neighbourhood and more just a place to sleep and leave the next day. Not sure how it could be discouraged through this new licence condition, but it should be taken into account.	
Shared Housing should have shared living accommodation, like a living room. Currently live in a property owned by Ultimate Housing that has 6 Bedrooms with no Share Living Room and a Small Kitchen.	
Theme: *The scheme should apply to more properties*	
I think landlords even if renting to lodger should have more accountability for safety and fairness /rights to person paying large sum each month	The council is proposing to introduce additional HMO and selective licensing schemes. The additional HMO licensing applies to smaller houses in multiple occupation to let to 3 or 4 unrelated people forming 2 or more households who share amenities such as a kitchen or bathroom. The selective licensing scheme covers properties let to single family households or two sharers. Properties where the owner occupier is renting out a room to a lodger are exempt from licensing under the Housing Act 2004.
Should apply to smaller houses	
This new mandatory licensing scheme for HMO properties should include 4bedroom as well 5 Bedrooms	
Theme: *More checks on landlords and agents*	
"Fit and proper" person test is far too lax.	The council will risk assess based on the fit and proper person test. If managing agents and agencies are interested parties in a property, they will also be subject to a fit & proper person test. Managing agents are also subject to regulation under trading standards.
More checks on landlords More check on agencies who get in most occasions get paid to do nothing and postpone jobs that are only in the interest of the tenants to be addressed.	

Previous background check on the landlord or agency history.	
Theme: *Noise controls*	
excessive noise music and antisocial behaviour	The council has included a condition relating to anti-social behaviour, which include noise, in the mandatory HMO licence conditions
Noise controls	
Theme: *Tenants should also be charged*	
If you are making landlord pay a fee... should the tenant also be paying a fee and sign conditions that they will be respectful of the property and its surroundings and maintain and upkeep the property to a high standard too.	The council does not have the authority to charge tenants.
Should only be applicable to rogue landlords. The council should impose fines on tenants also!	
Theme: *The fees are too high*	
Stop over charging	Under the law, the council is not allowed to make money from the licensing schemes. The proposed fees have been calculated based on the cost of operating the licensing scheme.
Way too expensive!	
Theme: *The licence should be free*	
I think the license should be free	As above, under the law, the council is not allowed to make money from the licensing schemes. The proposed fees have been calculated based on the cost of operating the licensing scheme.
take out the costs	
Theme: *Licences should not be given to illegal or unapproved conversions*	
HMO licences should not be granted to properties in Article 4 areas where consent is required to convert C3 (family home) to C4 (HMO) UNTIL the property has received consent for HMO	Licences will not be issued to illegal or unapproved conversions. Properties will be inspected prior to the licence being issues. In instances of illegal or unapproved conversions, the properties will be referred to the council's planning team.
That you cannot change the integral structure of the building to create additional rooms. A 5-bed house is a big house. Where people carve them up into even smaller rooms is frankly criminal.	
Theme: *Licences and conditions should be based on occupancy*	
Based on occupancy	The licence conditions are based on the occupancy of the property. Mandatory licences are applicable to properties let to 5 or more unrelated people. The licence conditions regarding occupancy are specific to the property in question and specify the maximum occupancy, depending on how the property is laid out and the facilities available in the property, which are noted during the inspection.
I would make it about the number of people staying in the house rather than the number of bedrooms, because landlords could get around this by letting out lounges as bedrooms, unofficially.	
Theme: *Landlords should address tenants' anti-social behaviour*	
if there are regular ASB reports from a property the licence should be suspended	Licence condition 7 states that "The Licence Holder shall take all reasonable and practical steps for preventing and dealing with anti-social behaviour and undertaking a thorough process of reasonable and effective steps to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police, regarding their occupiers. For the purpose of these
Yes, the landlord should be required to address anti-social behaviour of their tenants.	

	conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the neighbouring area of the house (discretionary condition)."
Theme: *Minimum number of shared facilities*	
Minimum number of shared facilities.	Information about the number of bathrooms and the amount of shared facilities there should in HMO properties of different sizes can be found in the council's HMO standards
minimum of on bathroom per 3 people. Everyone have access to a functioning kitchen.	
Theme: *Fire safety conditions*	
Fire safety inspections should be mandatory.	Information about fire blankets, extinguishers and fire risk assessments can be found on the council website and the LACORS fire guidance
There should be a requirement to provide a fire blanket and/or extinguisher	
Theme: *Existing schemes and agreements are sufficient*	
Probably. I would have to think it through. I think existing ASTs cover most relevant requirements.	The current scheme has a number of discretionary conditions which are out of date as they were related to the issues with HMOs in 2015. The conditions have been revised to take account of the current issues within the PRS
The existing mandatory HMO licencing scheme is sufficient.	
Theme: *Each room should have a sink or bathroom*	
Each HMO should have separate bathrooms this is due to the COVID pandemic sharing of personal hygiene.	Information about the number of bathrooms and sinks there should in HMO properties of different sizes can be found in the council's HMO standards
It should be added that each room in an HMO should have a bathroom. Bathroom means a bathtub or shower, wc and a hand wash sink. In the 21st century it is unacceptable to have one bathroom in a 3-bedroom house where there may be a couple in each room. Meaning that 6 people must use one bathroom. Personal hygiene and sufficient amount of bathrooms in an HMO should not even be a question in the 21st century U.K. This may mean there will be much less HMOs in Southwark or landlords will make some rooms into a bathroom to accommodate this requirement.	
Theme: *Deposit regulation*	
Regulation regarding deposit. So, tenants actually can afford the flat and so their money is not at risk.	The law requires landlords and letting agents to put tenants' deposits in a government-approved tenancy deposit protection scheme.
Taking a bond/deposit from Council tenants to be forfeited if they engage in anti-social or threatening behaviour, leaving rubbish, defacing or damaging property.	
Theme: *Clarity/more time on notice for lease endings*	
Clarity about notice for lease endings would be helpful - there are different versions of "clear month notice" or "calendar month notice" and so forth. A consistency in how much notice to end a lease on either side would give a lot of clarity and peace of mind as a tenant.	The council cannot dictate notice periods for privately rented properties, but they would recommend a notice period of two months.

longer notice for renter to move	
Theme: *Allowing pets*	
Landlords should allow pets, and allow for personalisation of the property (e.g., painting walls, hanging pictures). Landlords should not be allowed to expel tenants, unless in certain extreme circumstances.	Allowing pets and personalisation of properties are at the discretion of the landlord and should be part of tenancy agreements.
Something about allowing pets. The government were supposed to have introduced something to make it easier for people to have pets, but I don't think a lot of estate agents and landlords have taken much notice - https://www.gov.uk/government/news/new-standard-tenancy-agreement-to-help-renters-with-well-behaved-pets.	
Theme: *Other*	
Appropriate use of garden space. Erecting structures/planting trees which encroach/ obstruct neighbours' properties.	Erecting structure – wouldn't; expect this from tenants- check tenancy agreement as a material change to the property. Check with Emma – trees not in council remit under existing legislation
Good locks must be fitted that conform to the standard typically required by insurers. Must ensure that all window locks are working and supplied with keys.	Requirements for the security of let properties can be found under part 1 of the housing act
Landlords should have to disclose whether the tenants are related or knew each other previous to taking out the tenancy. Where tenants are not legitimately 'joint tenants' i.e., it is a "flat share" situation, the tenants should be allowed to take separate contracts without impacting the rent. This would mean that the tenants are not financially tied to each other.	The council cannot mandate the type of tenancy agreement that landlords give to tenants. It is at the landlord's discretion to issue one tenancy agreement for the property, or individual agreements for each tenant.
Landlords/agents have to meaningfully respond to and resolve tenants request for repairs within a set time frame. Generally something about requirements for timely and professional communication.	Southwark Council has an existing reporting service on the council website. Tenants can also use the GLA website to make a complaint or raise an issue with the council. Southwark Council has a tenancy relations team, who receive referrals from across the council, and the tenants can also contact the call centre. If licensing is approved, the council will run a comms and marketing campaign to raise awareness of the schemes, and provide information about the licence conditions, acceptable behaviours from landlords, and the existence of a public register of licenced properties. Licensing will also enable tenants to make complaints to the council anonymously, as the council will be able to approach landlords regarding their licensing obligations, rather than stating that a tenant has made a complaint.
Registered on a portal online where everyone can see that it is an HMO	There is an online register of licensed properties, it is a legal requirement.

m) Responses regarding what conditions should be added to the Additional Licence

Example comments from consultees	Council's consideration
Theme: *Room specifications*	
Conditions should be added specifying the size and provision of kitchen and other shared spaces. Rooms with kitchens should be subject to higher space and ventilation standards.	Southwark's HMO Standards outline the rooms sizes for kitchens and bathrooms on HMOs. For more information, please see the HMO standards on the council website
Shared Houses should have a Shared Living Room	
Specify that numbers include specifically that children count as counting towards total numbers	
Theme*: Anti-social behaviour should be included*	
Anti-social behaviour should be added.	Licence condition 7 states that "The Licence Holder shall take all reasonable and practical steps for preventing and dealing with anti-social behaviour and undertaking a thorough process of reasonable and effective steps to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police, regarding their occupiers. For the purpose of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the neighbouring area of the house (discretionary condition)."
Antisocial behaviour should be included as this is a significant problem even with small HMOs.	
Re-instate the anti-social behaviour order, with clear guidelines for what noise is permitted/when	
Theme: *More fines / penalties*	
It should be strict and involve a deterrent punitive fine for non-compliance	The fines for non-compliance are scored on a matrix which factors in the severity of the offence, the harm to tenants and the history of offending, as well as other factors, and the penalties to be issued vary depending on the score. More information about enforcement and penalties can be found on the council website here - https://www.southwark.gov.uk/assets/attach/8753/Prosecutions-and-Civil-Penalties-Enforcement-Policy-22-01-19.pdf
The penalty for failing to comply with the licence conditions should be increased.	
Again, the maximum fine for non-compliance is very low and does not provide a lot of disincentives compared to the lucrative amounts that HMO properties can make.	
Theme: *Tenant Protection*	
More emphasis on protecting tenants for unsociable behaviour.	Southwark Council has an existing reporting service on the council website. Tenants can also use the GLA website to make a complaint or raise an issue with the council. Southwark Council has a tenancy relations team, who receive referrals from across the council, and the tenants can also contact the call centre. The council has also outlined commitments in the Housing Strategy 2020 to protect and empower private tenants by providing advice and assistance on their respective rights and responsibilities, which includes: • Providing high quality advice to private tenants (and landlords), including details of any grants and loans available via the council's website.
More enforcement; protection of tenants against eviction for whistleblowing	

	• Providing dedicated housing advice to private tenants threatened with illegal eviction. • Introducing a Southwark Private Renters Union to support the council's work to improve the conditions of private renters If licensing is approved, the council will run a comms and marketing campaign to raise awareness of the schemes, and provide information about the licence conditions, acceptable behaviours from landlords, and the existence of a public register of licenced properties. Licensing will also enable tenants to make complaints to the council anonymously, as the council will be able to approach landlords regarding their licensing obligations, rather than stating that a tenant has made a complaint.
***Theme**: Waste disposal*	
Conditions about fly-tipping/dumping rubbish in public areas when they leave instead of taking what they don't want to a legal refuse tip.	The additional licence has conditions relating to waste disposal, including addressing fly-tipping and informing tenants about the council's recycling services
I think the onus should be on the tenants to recycle properly. Council leaflets already explain procedures clearly.	
***Theme**: Occupant details*	
Exemptions should include 3 or more unrelated people 3+ bedroom properties should not be considered HMOs with 3 unrelated people on the same tenancy agreement.	Additional licensing applies to properties let to 3 or 4 unrelated people forming 2 or more households. The council has evidence of issues in these HMO properties that can be addressed by licensing. For more information please see the council's consultation evidence base - 2021 Private Rented Property Licensing Proposals - London Borough of Southwark - Citizen Space The council cannot mandate the type of tenancy agreement that landlords give to tenants. It is at the landlord's discretion to issue one tenancy agreement for the property, or individual agreements for each tenant.
Landlords should have to disclose whether the tenants are related or knew each other previous to taking out the tenancy. Where tenants are not legitimately 'joint tenants' i.e., it is a "flat share" situation, the tenants should be allowed to take separate contracts without impacting the rent. This would mean that the tenants are not financially tied to each other.	
***Theme:** Maintenance SLAs*	
Landlords need to be held responsible for their properties and the tenant should not be chasing up repairs with a management agency. Contract is with the landlord.	The council will respond to tenant complaints and support tenants if the landlord or managing agent does not address issues with the property. With regards to who should respond to requests for repairs, that would depend on the contract or lease agreement for each individual property.
That any requests from tenants regarding broken gas or electrical appliances be resolved within an SLA - things like Gas central heating, gas boilers, electrical boilers, fridges, freezers and cooking facilities are treated as urgent requests and should not drag on indefinitely. that the costs for the landlord HMO license / any fines should not be taken out on a rent increase from tenants.	

Theme: *Inspections*	
Inspections should be made of premises and surrounding areas and charges for litter removal and graffiti removal could be imposed	The council will inspect property on application and carry out risk assessment to determine the regularity of checks after that
Regular Inspection	
Theme: *EPC*	
Energy certificates should be higher than E, apartments or homes should not be allowed for rent if they are not checked for fire safety so there's no other Grenfell,	There is a legal requirement for properties that are let out to have an E rating. There are many ways to improve your EPC rating, more information is available here New digital service to improve home energy performance - GOV.UK (www.gov.uk) – including information about the government's Green Homes Grant, through which you may be able to apply for a voucher towards the cost of installing energy efficient improvements to your property
More on energy efficiency / insulation / reduced carbon emissions etc	
Theme: *Other*	
More guidance for leasehold properties and what the freeholders' responsibilities are and how the council will ensure freeholders take appropriate action (this should already be the case but is not) Make it clearer that tenants whose actions prevent the managing agent or landlord	If the schemes are approved, the council will provide promote the scheme and to raise awareness of the obligations of interested parties
The property should be forfeited if any condition is broken and handed to the council or the tenants. Landlords should be jailed for any breach, no matter how minor.	The fines for non-compliance are scored on a matrix which factors in the severity of the offence, the harm to tenants and the history of offending, as well as other factors, and the penalties to be issued vary depending on the score. More information about enforcement and penalties can be found on the council website here - https://www.southwark.gov.uk/assets/attach/8753/Prosecutions-and-Civil-Penalties-Enforcement-Policy-22-01-19.pdf
There needs to be something stating that pest control is the landlord's responsibility. This could be within reason (i.e., tenant must keep the property clean). However, for example, if there is structural damage to the property (i.e., holes in walls/floor) where pests can enter the property, these must be dealt with by the landlord.	The licence conditions include a requirement to regularly inspect the property, as the licence conditions address the management of properties under the scheme. If vermin or other pests are found in the property, the council will take action under different legislation to address the issue.

n) Responses regarding what conditions should be added to the Selective Licence

Example comments from consultees	Council's consideration
Theme: *Enforcement*	
Again, the maximum penalty for non-compliance is too low.	The fines for non-compliance are scored on a matrix which factors in the severity of the offence, the harm to tenants and the history of offending, as well as other factors, and the penalties to be issued vary depending on the score. More information about enforcement and penalties can be found on the council
Fines for noncompliance, suspension of rent, doubling of council tax for noncompliance. Lightning visits if complaint received	
Higher penalties, more aggressively enforced.	

	website here - https://www.southwark.gov.uk/assets/attach/8753/Prosecutions-and-Civil-Penalties-Enforcement-Policy-22-01-19.pdf
***Theme:** Anti-social behaviour*	
Antisocial behaviour should be added to all zones (and extended to Wards not currently proposed to be covered).	Anti-social behaviour conditions are only in the designations in which the council has evidence that ASB is a persistent issue. In Southwark's Housing strategy, the council have committed to work in partnership with local residents to tackle crime and anti-social behaviour where it blights neighbourhoods and people's lives.
There has to be a clause where you can remove a tenant swiftly and without repercussions or costs if ASB issues continue.	
Wider involvement of multi-sector agencies in supporting anti-social behaviour situations. Greater mediation involvement.	
***Theme:** Consistency of licensing*	
The council rented homes must also be part of this scheme. The majority of ABS issues come from houses rented by the council!	Council properties are legally exempt from licensing under the Housing Act 2004. The licence conditions have been drafted to address issues in that designated area that the council has evidence are persistent problems
Why would licensing conditions change by area? should there not be a standard met throughout all of them?	
***Theme:** Room specification*	
There should be special care to ensure that overcrowding doesn't occur by the landlord converting a living space into an extra bedroom, but not disclosing this to the council.	Licence conditions are issued to each specific licenced property. This condition, specifying the room size and maximum occupancy, will depend on how the property is laid out and the facilities available in the property, which are noted during the inspection. The condition is then completed for that specific property
While condition specify the maximum occupancy of units, these are not based on size, which may result in some people still living in substandard accommodation.	
***Theme:** Other*	
Something about allowing pets, like in the previous ones.	Allowing pets is at the discretion of the landlord and should form part of the tenancy agreement.
The repair requirements in section 15 are too lenient. Requiring "that a written response is made to any such complaint within 21 days of receipt" isn't enough - three weeks is a long time to have no heating or washing machine etc. "Competent person" doesn't seem strict enough: tenants should be entitled to a skilled and qualified tradesperson, not just the landlord's cousin.	Tenants can apply to the council if their complaint is urgent and not being addressed. The council cannot dictate the tradespersons used by landlords but would recommend the use of tradespersons or companies which are regulated by a national recognised body, where applicable.

o) Responses regarding what other exemptions should apply to Selective Licensing

Example comments from consultees	Council's consideration
***Theme:** Exemption for well-run properties/properties without complaints or evidence of issues*	
Properties let by landlords who comply with all legal obligations, and for properties where there is no evidence of ASBs, deprivation, or other issues this scheme is designed to reduce.	The council understands that many landlords who rent out properties in the private sector manage their properties responsibly. However, the evidence shows that the borough is experiencing large scale issues in the private rented

Properties that have been well run for 20 years, never get complaints, are well maintained and are under an AST where the Landlord is both flexible and helpful. Why are you targeting the law-abiding landlords, licensing will not stop the bad landlords? How will this ever work.	sector with poor property conditions and management, as well as issues with deprivation and ASB in certain wards. The council will use the regulatory framework provided by additional and selective licensing schemes to focus on those that do not comply and impact negatively on the reputation of those responsible landlords as well as having a detrimental effect on tenants and neighbourhoods. We will develop guidance and work with landlords to bring about compliance where possible, but we will also use robust enforcement against wilfully non-compliant landlords.
Theme: *Smaller landlords with one or two properties should be exempt*	
Landlords with fewer than 2 properties, as long as they are not HMOs	Whether a property is let by a full-time or part-time landlord, the council believes that all rental properties should be held to the same standard
Non-professional private landlords i.e., those just letting one property to one household by private agreement and not as a business	
Theme: *Holiday Lets should not be exempt*	
holiday lets should not be exempted and should be subject to the same safety measures as HMOs and single lets.	Properties let through Airbnb or used as holiday lets are short-term, commercial lets and do not legally fall under these licensing schemes
Holiday lets - again, is there a reason why these do not need to be safe? This will result in more Airbnb accommodation and less rental availability. I believe tenancies of 12months plus should be included in these exemptions. Properties managed by managing agents should also be exempt, as managing agents will actively make sure properties comply with current regulations.	
Theme: *Other*	
Add homes for any people in crisis, or refugee families.	Licences are issues to properties and are not based on the situation of the tenants. Tenants can still change properties and tenancies during the licence period. The council is proposing to introduce these schemes to protect tenants from poor accommodation and landlords who do not fulfil their obligations, and the council believes that tenants, regardless of their situation, should have the same protection and live in properties held to the same standard
Anyone fostering or adopting.	
Households renting a room	Properties where the person to whom the licence would be granted occupies the house or dwelling as their only or main residence are exempt from selective licensing. Therefore, if the owner of a property rents out one room, for example to a lodger, this would be exempt from selective licensing.
Students and religious buildings shouldn't be exempt, they both have people living there who should expect the same level of safety as anyone else.	These buildings are exempt from selective licensing under schedule 14 of the Housing Act 2004
Yes, for temporary accommodation (TA), use the Ealing Council Setting the Standard (StS) scheme being run on behalf of Southwark and other Councils (so if I continue with only TA, maybe selective licensing may not be applicable to me).	Properties used for temporary accommodation are exempt from selective licensing

Driving Up Standards for the Private Rented Sector:

Equality analysis

7 October 2021

Appendix 14

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	A public consultation to renew and extend property licensing in the private rented sector and to introduce a Gold Standard Charter for the Private Rented Sector

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Department	Environment & Leisure	**Division**	Regulatory Services
Period analysis undertaken	29 June 2021 – 30 July 2021		

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan
Following the collection of evidence and a public consultation, the Council is proposing the introduction of; a new additional licensing scheme to include all houses let in multiple occupation that are not included in the mandatory licensing scheme and, a selective licensing scheme covering all privately rented properties, not included in the mandatory or additional licensing schemes in the following wards: • Faraday, • Goose Green, • St. Giles, • Champion Hill and, • Newington. The above additional and selective licensing schemes are proposed to run for a period of five years, from 2022. Licensable properties are required to meet conditions that are aimed at ensuring fit and proper management and tenancy, providing a fair environment for all landlords, better choice and standard of rented accommodation, and be adverse to rogue and non-compliant landlords and tenants. The Council has powers to deal with poor living conditions within the private rented sector (PRS). However, the legal standard that is enforceable is relatively basic and does not reflect the council's aspirations for the Borough. With this in mind the Council also plans to consult on the introduction of a Gold Standard Charter for the private rented sector. The standard encompasses a higher standard than that included in the licensing schemes, to reflect good practice and improve the quality of accommodation and conditions for tenants. The Council wants to make sure that private rented properties in the Borough offer residents a choice of safe, good quality and well managed accommodation. Decent housing is the bedrock of people's lives and a strong and cohesive local community. A more stable and high quality private rented sector will lead to better community relations and less of the anti-social behaviour that can hurt our neighbourhoods. The Borough Plan sets out these commitments across eight themes. The designation of discretionary Licensing schemes and the Gold Standard Charter supports a number of the themes that form Southwark's Fairer Future Commitments. They support 'homes for all' and 'tackling health inequalities' by improving living standards in the borough. Licensing specifically will help to address poor housing, as well as dealing with and deterring rogue landlords. These proposals will help give a secure home environment to tenants in the

private rented sector and give them the platform to make the most of the opportunities on their doorstep supporting a number of the themes including; 'thriving neighbourhoods' and 'a great start in life'. The decision maker is Cabinet

Section 3: Overview of service users and key stakeholders to be consulted

2. Service users and stakeholders	
Key users of the department or service	The PRS provides accommodation for roughly one third of the residents of Southwark. Over 40,000 residents live in privately rented dwellings. The types of tenants who occupy properties in the private rented sector can range from the poorest and most vulnerable in our society to students, young professionals and families. It is estimated that there are over 5,000 private sector landlords operating in Southwark. These are important recipients of our services. There is a willingness on the parts of most landlords to comply with basic health and safety requirements. However, lack of incentive, knowledge and so many resources to refer to often means that they are unaware of their responsibilities and do not know what constitutes decent accommodation, good practice or how to achieve a higher standard of accommodation. Private sector tenants are key users of our services as they are able to report to us any problems they are experiencing in their homes that may need intervention by the Council. The general public are also able to report to us any problems that may be experiencing that are arising from private rented dwellings. Monitoring data collated indicates there are a number of key characteristics of clients using the services. Approximately 72 per cent are from black and minority ethnic (BME) communities. This is significantly higher than the proportion of Southwark residents from these communities, which is closer to 50 per cent according to 2011 Census data. This level of take-up by BME

	communities is clearly a key factor when considering how best to commission services able to meet their needs. In terms of service users 3,569 out of a total of 27,696 within a one year period reported having a disability. This indicates a significant level of need relating to ill-health and disability.
Key stakeholders were/are involved in this policy/decision/ business plan	A consultation on the Council's proposals was conducted between 15 February 2021 and 28 June 2021. The purpose of this consultation was to gather opinions from a broad range of stakeholders before finalising the licensing proposals, including the areas in which selective licensing will operate and the content and process for the Gold Standard Charter. The Council received responses and representations to the consultation from 1,916 stakeholders from the following groups: • Landlords groups • Managing agents • Tenants groups • Internally with other council teams that work with the PRS (e.g. Tenancy Relations, Trading Standards) • Relevant charities and other third party groups providing support to the private rented sector. • The general public • Neighbouring Local Authorities The consultation results have been used to establish that the final proposals for additional and selective property licensing and the Gold Standard Charter is inclusive, appropriate, accessible and beneficial. The final proposals will need to be publicised to ensure that all stakeholders are aware of the schemes and any legal obligations they have to comply with the schemes or any rights or benefits they may have from the schemes are communicated with all stakeholders.

Section 4: Pre-implementation equality analysis

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
Potential impacts (positive and negative) of proposed policy/decision/business plan
The private sector houses the full range of age groups. Families with small children and older people who reside in private rented accommodation can have very low incomes and other disadvantages, for example education and language barriers so their ability to mitigate problems is more limited. The conditions in this market in Southwark stretch from the exclusive accommodation provided in the north of the borough to the very lowest end of the rental market. Generally the effect of property licensing is to formalise the lightly regulated private rented housing market by imposing an increased regulatory framework to impose obligations on landlords / licence holders. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion. Better managed PRS properties also improves the quality of life of many other Southwark residents not living in the PRS as they are indirectly impacted by low level neighbourhood anti-social behaviour such as noise. Licensing schemes should affect all equally and the Council's proposals should provide a fairer private rented sector for all. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc.
Equality information on which above analysis is based
Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data, MetaStreet Housing Stock Condition and Stressors Report December 2019 (appendix 1), https://www.gov.uk/coronavirus https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html
Mitigating actions to be taken
Promotional materials and results from the schemes themselves will be monitored to ensure that members of the older generation who may not have access to online materials or younger generations (i.e. 16-24 year olds) will be aware of the licensing schemes and the Gold Standard Charter:

- Publicity on social media around the start of the schemes and at regular intervals throughout the life of the schemes to target this group.
- Direct mailing in areas where specific age groups are likely to reside.
- Contacting charities and third party advice groups that represent such stakeholders, such as Age Concern, Help the Aged, Action for Children, the Children's Society and groups representing ethnic minorities.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Possible impacts (positive and negative) of proposed policy/decision/business plan

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Tenants with disabilities or medical conditions are usually more vulnerable to certain hazards, even those that present at a low enough level to not be a hazard under the HHSRS. Licensing will help the council to improve the management of the PRS and reduce the chances of hazards occurring.

Equality information on which above analysis is based

Census data, DCLG Reports, British Housing Condition Survey Data,
Housing Act 2004 HHSRS data (vulnerable groups), Decent Homes Standard 2006, https://www.gov.uk/coronavirus
https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-disabilities.html

Mitigating actions to be taken

Promotional materials and results from the schemes themselves will be monitored to ensure that anyone with a disability will be aware of the licensing schemes and the Gold Standard Charter:

- Publicity on social media around the start of the schemes and at regular intervals throughout the life of the schemes to target this group.
- Direct mailing in areas where specific age groups are likely to reside.

- Contacting charities and third party groups that represent such stakeholders directly as part of the consultation, such as Mind, Southwark Disablement Association and Together for Mental Wellbeing.

Gender reassignment - The process of transitioning from one gender to another.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No specific impacts have been identified or raised in relation to this.

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based.

https://www.gov.uk/coronavirus

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Marriage and Civil Partnership - In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favorably than married couples and must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination).**

Possible impacts (positive and negative) of proposed policy/decision/business plan
Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.
Equality information on which above analysis is based
Census Data, DCLG data, Anecdotal evidence, https://www.gov.uk/coronavirus
Mitigating actions to be taken
There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavorably because she is breastfeeding.
Possible impacts (positive and negative) of proposed policy/decision/business plan
In general more people are raising their families in the PRS as the supply of social housing is restricted and property ownership becomes less affordable. Therefore more children are being affected by PRS issues. Pregnant women, new mothers and their babies are more vulnerable to certain hazards and require a higher level of self-care and cleanliness in the home. Facilities such as adequate hot water and heating are essential and can cause serious issues if not available for just a short period of time. Whilst legislation allows us to require a landlord to repair boilers and heating systems if they are not working, we cannot legally require the landlord to put measures in place to prevent the issues occurring. Encouraging landlords to have boiler service and repair contracts, for example, will mean that a tenant can arrange for repairs quickly and conveniently reducing the likelihood of a malfunction and reducing the potential impact should their boiler fail in some way. Similarly, as long as a bathroom or kitchen functions legislation does not

allow for its replacement. There will probably be a significant number of expectant mothers living in the PRS and the effect of licensing for these households is positive. Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.
Equality information on which above analysis is based
Census Data, DCLG data, Anecdotal evidence, https://www.gov.uk/coronavirus
Mitigating actions to be taken
There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
Possible impacts (positive and negative) of proposed policy/decision/business plan
There are reported problems with ethnicity and access to PRS lettings. It is also the case that new communities form in Southwark over time. These communities are often exposed to the poorest accommodation as they seek to gain a foothold in the wider community. As the PRS is likely to be the only accessible housing tenure for new communities to Southwark, different faith groups will be well represented and licensing as well as the Gold Standard Charter will have a positive effect for these households. Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality

accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Consulting with tenants and the public should not have any negative effects other than that some groups may not have their opinions represented due to language barriers and their ability to understand the consultation.

There is clear evidence that black and minority ethnic groups are at higher risk of dying from COVID-19 than the rest of the population though that risk may not be the same for all ethnic groups. Data from the ONS published on 7 May show that, after adjusting for age, men and women of black ethnicity were at highest risk. They were more than four times as likely to die from COVID-19 compared to people of white ethnicity.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence, https://www.gov.uk/coronavirus https://www.health.org.uk/news-and-comment/charts-and-infographics/emerging-findings-on-the-impact-of-covid-19-on-black-and-min?gclid=EAIaIQobChMI8rqkiaLc7QIVGoBQBh0IOgt-EAAYASAAEgLSZfD_BwE

Mitigating actions to be taken

Promotional materials and results from the schemes themselves will be monitored to ensure that anyone from black, asian or ethnic minority communities are made aware of the licensing schemes and the Gold Standard Charter:

- Publicity on social media around the start of the schemes and at regular intervals throughout the life of the schemes to target this group.
- Direct mailing in areas where specific age groups are likely to reside.
- Contacting charities and third party groups that represent such stakeholders as part of the consultation, such as Citizens Advice Bureaus, AaIna Women's Group.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan
As the PRS is the likely to be the only accessible housing tenure for new communities to Southwark, various ethnic groups will be disproportionately represented and licensing as well as the Gold Standard Charter will have a positive effect for these households. Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.
Equality information on which above analysis is based
https://www.gov.uk/coronavirus
Mitigating actions to be taken
There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted. However, publicity will also be aimed at local churches to ensure all communities are aware of the schemes.

Sex - A man or a woman.
Possible impacts (positive and negative) of proposed policy/decision/business plan
No specific impacts have been identified or raised in relation to this. Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based
Organisations' equality & diversity policies Monitoring data collected Monitoring information from other programmes e.g. Community Capacity programme Feedback from stakeholders Analysis of impacts of Welfare Reform (Southwark Council, Corporate Strategy unit) https://www.gov.uk/coronavirus
Mitigating actions to be taken
There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
Possible impacts (positive and negative) of proposed policy/decision/business plan
No specific impacts have been identified or raised in relation to this. Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.
Equality information on which above analysis is based
https://www.gov.uk/coronavirus
Mitigating actions to be taken
There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Human Rights There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol
Possible impacts (positive and negative) of proposed policy/decision/business plan
Property licensing and the proposed Gold Standard Charter will support the Human Rights of members of the community of Southwark at a number of levels. Improved property conditions support improved public health, reduction in fear, harassment and uncertainty in the domestic environment. Our focus on improved facilities, safety, security, privacy and improving management and maintenance all contribute to the resident of a PRS property realising the intended benefits of an improved private rented sector and in particular the right to life.
Information on which above analysis is based
The Human Rights Act, Housing Act 2004 HHSRS, https://www.gov.uk/coronavirus
Mitigating actions to be taken
There is no evidence that the schemes will affect the human rights of any stakeholder or member of the public.

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	**Description of issue**	**Action**	**Timeframe**
1	Ensuring that all communities are aware of the schemes and their rights and responsibilities	Comprehensive communication plan Monitoring results of the schemes to ensure they are effective in all areas and communities	To be implemented following approval of the schemes and throughout the life of the schemes.
2			
3			
4			

5. Equality objectives (for business plans)				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	**Lead officer**	**Current performance (baseline)**	**Targets**	
			2022/23	**2024/25**
Monitoring equality outcomes from the schemes	Emma Trott	None	March 2023	March 2025

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