

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

Contents

1.Changes made to the proposed schemes by the Council in consideration of the responses to the consultation	3
2.Council’s consideration of feedback from stakeholder organisations	10
3.Council’s consideration of feedback from stakeholder letters and responses from the questionnaire to the introduction of licensing schemes.....	18
a)Responses specific to additional licensing	22
b)Responses specific to selective licensing	24
c)Positive comments about the introduction of licensing schemes	28
d)Suggestions for alternatives to licensing	30
e)Suggestions for alternatives to additional licensing	33
f)Suggestions for alternatives to selective licensing	37
g)Responses concerning fee discounts	39
i.Responses to “Are there any discounts that should be removed?”	40
ii.Responses to “Are there any additional discounts that should be considered?”	43
h)Responses concerning licence conditions	45
i)Responses regarding which licence conditions are unclear for Mandatory Licensing	74
j)Responses regarding which licence conditions are unclear for Additional Licensing	77
k)Responses regarding which licence conditions are unclear for Selective Licensing	79
l)Responses regarding what conditions should be added to the Mandatory HMO Licence	81
m)Responses regarding what conditions should be added to the Additional Licence	88
n)Responses regarding what conditions should be added to the Selective Licence	90
o)Responses regarding what other exemptions should apply to Selective Licensing	91

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

Appendix 13

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/ukxi/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
		<p>of Southwark within 14 days of a written request. (<i>discretionary condition</i>).</p> <p>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</p> <p>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 (<i>discretionary condition that ensures we are meeting mandatory requirements</i>)”</p>	
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. (<i>discretionary condition</i>).”	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	<p>This condition has been amended to:</p> <p>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:</p> <p>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</p> <p>to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (<i>discretionary condition</i>).</p>	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

Appendix 13

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.	<p>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 <u>and for the remaining duration of the licence</u> (<i>discretionary condition</i>).</p> <p>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 (<i>discretionary condition</i>).</p> <p>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 (<i>discretionary condition</i>).</p> <p>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 (<i>discretionary condition</i>).</p> <p>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</p>	Additional Licensing

Appendix 13

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

Appendix 13

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: <ul style="list-style-type: none"> • 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
			<p>licensed addresses have the correct licence in place and to ensure compliance with licence conditions.</p> <ul style="list-style-type: none"> • 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://modern.gov.southwark.gov.uk/documents/b50012529/Appendices%20-%20Part%20%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.

Topic	No.	Issue/question	Council's consideration																
Early bird	9.1	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.	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>																
Licence Fees	10.1	How will the part 1 and 2 fees be split? Not explained in the report	<table border="1"> <thead> <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> </thead> <tbody> <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> </tbody> </table>	Type of licence	Part A – Processing and determining the application	Part B – administration, management and enforcement of licensing schemes	Total	Mandatory Licence	£1,050 (+£70 per bedroom above 5)	£450 (+£30 per bedroom above 5)	£1,500 (+£100 per bedroom above 5)	Additional Licence up to 4 bedrooms	£923	£377	£1,300	Selective Licensing Designations 1& 2	£630	£270	£900
			Type of licence	Part A – Processing and determining the application	Part B – administration, management and enforcement of licensing schemes	Total													
			Mandatory Licence	£1,050 (+£70 per bedroom above 5)	£450 (+£30 per bedroom above 5)	£1,500 (+£100 per bedroom above 5)													
			Additional Licence up to 4 bedrooms	£923	£377	£1,300													
Selective Licensing Designations 1& 2	£630	£270	£900																
Licence conditions	11.1	Selective licence conditions cannot relate to the condition of each property. (Refers to band E rating requirement)	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.																
	11.2	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?	The council agrees with this suggestion and will amend the licence conditions so that this is a recommendation																

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 <i>“Protect their tenants from unnecessary eviction”</i> . 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	<p>As part of the qualifying criteria to achieve the platinum status, a landlord must: <i>"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"</i>.</p> <p>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.</p> <p>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.</p>	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	<p>Several key recommendations (especially to those tenants on Universal Credit):</p> <ul style="list-style-type: none"> • <i>£1000 cash upfront: a cash payment upon signing a tenancy agreement.</i> • <i>Rent guarantee: a written guarantee from the Local Authority that they will cover late or unpaid rent.</i> • <i>Deposit bond: a cash amount equivalent to one month's rent set aside to cover any costs a landlord may incur during the tenancy.</i> • <i>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.</i> 	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	<p>landlords who have legally rented out a property that has later been illegally sublet.</p> <p>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.</p> <p>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?</p>	<p>Tenants will be in breach of tenancy agreement if they illegally sublet.</p> <p>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.</p>
Further alternatives to licensing	<p>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.</p> <p>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.</p>	<p>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.</p>

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	

<p>The rent will go up as simple as that</p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p>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.</p>	
<p>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.</p>	
<p>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!</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>Theme: It will make it harder to rent in the borough</p>	
<p>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.</p>	<p>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</p>
<p>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.</p>	<p>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.</p>
<p>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</p>	
<p>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.</p>	
<p>It deters landlords from renting to sharers and therefore reduces housing supply and raises rent.</p>	

<p>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.</p>	
<p>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.</p>	
<p>Theme: It will not help the overall situation in the borough or improve standards</p>	
<p>It's a distraction from dealing with the real problems.</p>	<p>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.</p> <p>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.</p>
<p>The licensing does not make any noticeable difference to the standards.</p>	
<p>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.</p>	
<p>It won't solve any issues with the rented properties</p>	
<p>I don't think you're addressing a real issue or need.</p>	
<p>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</p>	
<p>The licensing is not going to make a noticeable difference.</p>	
<p>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?</p>	
<p>Introducing a far reaching and expensive scheme for all landlords is unlikely to improve conditions for the minority of substandard accommodation.</p>	
<p>Theme: The council should use its existing powers</p>	
<p>You have existing laws and powers to enforce any issues and should use them</p>	<p>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.</p>
<p>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.</p>	
<p>All you will achieve is to make the rubbish properties more affordable than the well-run ones... bravo!</p>	
<p>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.</p>	

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.
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.	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 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:
This is a bold statement. The hazard comes from the council buildings and not the rental properties which are already under many legal obligations.	<ul style="list-style-type: none"> • 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)
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.	

<p>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.</p>	<ul style="list-style-type: none"> • 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
<p>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.</p>	
<p>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</p>	

a) Responses specific to additional licensing

<p style="text-align: center;">Example comments from consultees</p>	<p style="text-align: center;">Council's consideration</p>
<p><i>Theme: Licensing should not apply to sharers who are friends or family</i></p>	
<p>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.</p>	<p>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)</p> <p>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</p> <p>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</p>
<p>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.</p>	
<p>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.</p>	

<p>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.</p>	
<p>Theme: It will not be enforced</p>	
<p>Without effective enforcement, tenants & landlord will turn to the unregulated sector</p>	<p>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</p>
<p>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?</p>	
<p>The council needs to do more to identify the properties which were not licensed and there more likely to suffer with the issues above</p>	
<p>You pay the charges, and the council doesn't monitor the individual properties or person renting them out.</p>	
<p>Theme: The licence period should be different</p>	
<p>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.</p>	<p>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.</p>
<p>Period covered is too short many every 10years</p>	
<p>Make it less than 5 years.</p>	
<p>I believe it should start in 2022</p>	
<p>Theme: Other</p>	
<p>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 licencing conditions. They say licencing conditions interfere with a quiet enjoyment of their rented property which is their HOME.</p>	<p>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.</p>
<p>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.</p>	
<p>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?</p>	<p>Whilst the council understand that many landlords will already meet these conditions and have responsible lets, licencing 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.</p>
<p>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.</p>	<p>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.</p>

<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>
<p>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</p>	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>

b) Responses specific to selective licensing

Example comments from consultees	Council's consideration
<p>Theme: <i>Selective Licensing should cover the whole borough</i></p>	
<p>I think implementation should be equal across the borough rather than different designations.</p>	<p>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.</p> <p>The council is proposing that they ensure the new approach works before applying to the Secretary of State for approval of the larger scheme</p>
<p>All lettings need to be held to the same standard!</p>	
<p>If you are going to do this it should be for all straight away.</p>	
<p>Tenants across the borough should have the same rights to a safe and suitable home, dividing the borough and introducing selective licensing stigmatises communities.</p>	
<p>Entire London has issues, this should be for the entire borough.</p>	
<p>I'm not sure why some areas should be excluded - surely high standards should be expected of all areas</p>	

<p>Probably would be fairer to make it the same regardless of where in the borough the rented home is</p>	<p>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</p>
<p>It should be the same across the entire council</p>	
<p>This is better than the previous option. But why not apply it uniformly to everyone?</p>	
<p>All areas should be included to be fair re fee charging</p>	
<p>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</p>	
<p>It should apply everywhere equally</p>	
<p>Theme: Areas to be covered by the proposed scheme should not be</p>	
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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</p>
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>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</p>	

"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...	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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</p>
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.	<p>Please see above, <i>Council's consideration of feedback from stakeholder letters and responses from the questionnaire to the introduction of licensing schemes</i> 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.</p>
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?	<p>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</p>

	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 unlicensed 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.

<p>Why does it take so long? Private landlords are profiteering, and delays allow disreputable landlords to avoid or evade licensing.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>You are punishing poorer areas while rewarding those who rent properties in more affluent areas.</p>	

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.	<p>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:</p> <ul style="list-style-type: none"> • 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	<p>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.</p>
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	<p>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.</p>
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.	

<p>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.</p>	
<p>Theme: Better tenant services</p>	
<p>make it easier for tenants to complain to the council and not punish with fees and works normal and good landlords for no reasons.</p>	<p>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:</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>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.</p>
<p>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</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>Better reporting methods for tenants.</p>	
<p>Theme: Inform tenants of their rights</p>	
<p>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.</p>	<p>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</p>

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 additionally 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

<p>voluntarily handover the tenants contact details, and the council could contact the tenants to make sure they feel happy and safe.</p>	<p>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.</p>
<p>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</p>	
<p>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</p>	
<p>Theme: New build properties should be exempt</p>	
<p>Consider on a property-by-property basis - I.e., new builds should be excluded</p>	<p>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)</p>
<p>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</p>	
<p>Theme: Rent controls</p>	
<p>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.</p>	<p>The council does not have the authority to impose rent caps on private properties in the borough</p>
<p>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</p>	
<p>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.</p>	
<p>Theme: Other</p>	
<p>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'!</p>	<p>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.</p>
<p>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.</p>	
<p>There are Plenty of alternatives, e.g.,</p>	<p>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.</p>
<p>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.</p>	
<p>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"</p>	

<p>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.</p>	
<p>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.</p>	<p>The council do check these already and will continue to carry out these checks, and conduct further desktop research</p>
<p>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!</p>	<p>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.</p>
<p>Properties should only be licensed where the number of people exceeds the number of bedrooms and the tenants have signed more than one leases.</p> <p>Properties could be inspected prior to a license being required to check for condition. This could be done through real estate agents.</p>	<p>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.</p> <p>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.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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</p>
<p>Make it a civil offence - with fines - for landlords to not behave properly to their tenants. Introduce easy to access housing tribunals.</p>	<p>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</p>

	standards in the borough, and reduce the instances in which landlords do behave poorly towards their tenants
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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	

<p>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.</p>	<p>As stated above (<i>Suggestions for alternatives to licensing</i>) 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.</p>
<p>Yes, a proper scheme where tenants and residents can complain when there are issues, and you, THE COUNCIL, do something about it.</p>	
<p>Do tenant online surveys to get feedback about landlords - could be cheaper and more informative - rogue landlords can then be identified and managed appropriately</p>	
<p>Investigate investigate investigate when a tenant complains and prosecute THAT landlord</p>	
<p>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.</p>	
<p>Theme: Case by case approach</p>	
<p>Selective licensing, should be, as the name indicate, selective and be imposed on those properties with evidence of bad management and ASB.</p>	<p>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”.</p>
<p>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,</p>	
<p>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.</p>	
<p>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.</p>	
<p>Theme: Other</p>	
<p>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.</p>	<p>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</p>
<p>Don't stagger the implementation of the scheme. Roll this out across the board as there are different issues being addressed.</p>	<p>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</p>
<p>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</p>	<p>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.</p>

<p>agreements so that agents have no choice but to take ownership of the process in order to expedite it.</p>	<p>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.</p>
<p>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</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>

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	
<p>Perhaps rewarding consistent good practice by landlords with bonus discounts.</p> <p>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.</p> <p>Landlords with good track record of repair</p> <p>For good behaviour/management</p> <p>Properties that are inspected and found to be of high standard</p> <p>Discounts where no issues/tenants' complaints have arisen in relation to the landlord's properties - similar to an insurance "no claims discount"</p>	<p>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</p>
Theme: Discount for landlords with small (3 properties or less) portfolios	
<p>Private landlords who only rent a single property (or a very low number of properties) should be entitled to a small discount.</p> <p>For small time private landlords who only have 1-2 properties. The proposals unfairly discriminate against them.</p> <p>Yes, for landlords who just rent out one property</p>	<p>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</p>
Theme: Discount for landlords who were licensed under the previous scheme	
<p>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.</p> <p>It also feels unfair that those of us who currently have licences running will not be eligible for any early bird discount.</p> <p>For landlords who have already been through 5 years of the previous licence scheme and who now are renewing for a new term.</p> <p>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.</p>	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
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 receive 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 (<i>discretionary condition</i>).	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 (<i>discretionary condition</i>).	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>The water saving conditions.</p> <p>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</p>	<p>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.</p> <p>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.</p> <p>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</p>

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
		<p>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.</p> <p>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!</p> <p>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?</p> <p>Safeagent - disagree. Suggest assessment on case-by-case basis</p> <p>NRLA- This discretionary condition is about standards and goes beyond the scope of selective licensing.</p>	
<p>Mandatory (1.7), Additional (1.7) and Selective (1.6 for designations 1, 2 and 4, and condition 18 for designation 3)</p>	<p>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</p>	<p>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?</p> <p>How can a leaseholder significantly influence an EPC if say, Southwark is the Freeholder? Will Southwark be obligated to carry out work?</p> <p>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</p>	<p>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</p> <p>There are many ways to improve your EPC rating, more information is available here New digital service to improve home energy</p>

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
		<p>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.</p> <p>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.</p> <p>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!</p> <p>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!</p>	<p>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.</p> <p>Council properties are legally exempt from licensing under the Housing Act 2004.</p>
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 (<i>discretionary condition</i>).	<p>1.4 - this means that if the licence holder dies, the tenants won't have to pay rent. This needs to be reworded.</p> <p>"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</p>	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.
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 (<i>mandatory condition</i>), 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		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

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 (<i>discretionary condition</i>).	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 (<i>mandatory condition</i>).	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,	<p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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</p>

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	<p>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 (<i>mandatory condition</i>).</p>		<p>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”</p>
<p>Mandatory (3.2), Additional (3.2) and Selective (3.2)</p>	<p>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 (<i>discretionary condition</i>).</p>	<p>Why is PAT testing not allowed to be carried out by a competent trained PAT Tester?</p> <p>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...!</p> <p>the annual PAT test - why annual if you say that the PAT test certificate should last 5 years?</p> <p>The significant requirement to test all appliances every 12 months for long term single household tenants will become an extra cost for tenants.</p> <p>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</p>	<p>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</p>

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 EICR (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 (<i>discretionary condition</i>).	<p>I am not sure about 3.3 but suspect the reference to 2 years in the case of low-risk issues is dubious.</p> <p>Safeagent - Disagree: contrary to the 2020 Government Electrical Safety Regulations.</p> <p>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 <i>Brown v Hyndburn</i> sets out this precedent.</p>	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 (<i>mandatory condition</i>).	<p>In the case of 4.1 again there is no reference to tenant damage?</p> <p>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.</p>	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	<p>Para 5.2 is too wide and vague. it is more relevant to an HMO.</p> <p>Safeagent - Unclear how the licence holder will know what fire precautions needed unless the licence includes property specific conditions. Timescale also unclear</p> <p>LACORs is out of date. You should allow 10year battery RF integrated alarms.</p>	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
	<p>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)</p>		<p>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. (<i>discretionary condition</i>).</p> <p>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</p> <p>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 (<i>discretionary condition that ensures we are meeting mandatory requirements</i>)”</p>

Appendix 13

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 (<i>discretionary condition</i>).	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)	Conform 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 (<i>discretionary condition</i>).	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. (<i>discretionary condition</i>)."
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.

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	<ul style="list-style-type: none"> 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). <p><i>(Discretionary condition specific to this designation)</i></p>		<p>Leaseholders are required to provide this information to their tenants</p>
<p>Mandatory (5.5), Additional (5.5)</p>	<p>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.</p> <p>The Government have issued some guidance to the private sector in relation to fire doors.</p> <p>The licence holder shall carry out a full inspection of any fire doors installed in the HMO. The licence holder shall ensure that:</p> <ul style="list-style-type: none"> 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. <p>The licence holder shall submit to the Council within three (3) months of the date of the licence a</p>	<p>How are landlords supposed to be able to assess the thickness and nature of glass in a fire door they have purchased?</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>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.</p> <p>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)</p> <p>The requirement for glazing is for the glazing in doors, not windows</p>

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	<p>signed declaration stating that the above has been carried out.</p> <p>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:</p> <ul style="list-style-type: none"> • 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; <ul style="list-style-type: none"> ○ 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. <p>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.</p> <p>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</p>	<p>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.</p> <hr/> <p>Safeagent - This condition should be deleted as not applicable for most HMOs /out of context</p> <hr/> <p>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?</p> <hr/> <p>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</p>	<p>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.</p> <p>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</p> <p>The condition states that "Where you are <i>uncertain</i> 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.</p>

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	<p>least provide 30-minute fire resistant if not greater.</p> <p>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 (<i>discretionary condition</i>).</p>		
Additional (6.3) and Selective (6.3)	<p>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:</p> <p>(a) been found not to be a Fit and Proper person, or</p> <p>(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 (<i>discretionary condition</i>).</p>	<p>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?</p> <p>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.</p>	<p>This condition has been amended to:</p> <p>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</p>
Selective (6.4)	<p>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 (<i>mandatory condition</i>).</p> <p>No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (<i>discretionary condition</i>).</p> <p>(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</p>	<p>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.</p>	<p>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.</p>

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 (<i>discretionary condition</i>).	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 (<i>discretionary condition</i>).	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

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	this so that the Council can work with the Licence Holder and tenant to prevent homelessness. <i>(discretionary condition specific to this designation)</i>		
Mandatory (7), Additional (7) and Selective Designation 1 (14)	<p><i>Anti-Social Behaviour</i></p> <p>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 <i>(discretionary condition)</i>.</p>	<p>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?</p> <p>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.</p> <p>Anti-social behaviour is not really something a landlord can tackle effectively.</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>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</p>

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		<p>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.</p> <p>Probably. I would have to think it through. I think existing ASTs cover most relevant requirements.</p> <p>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.</p>	
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 (<i>discretionary condition</i>).	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

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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>onus on licence holder with respect to waste - particularly if it is not generated by them, but the tenants.</p> <p>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?</p> <p>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.</p> <p>Safeagent – 8. 3 Should not charge for HMO waste refuse collections 8.4 - Define the term Regular - Suggest 6 monthly</p>	<p>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.</p> <p>Condition 8.4 has been amended to define regular checks as 6-monthly checks</p> <p>Condition 8.3 refers to circumstances where the property is not covered by the local authority waste collection schemes</p>

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	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. (<i>Discretionary condition</i>).	<p>8.8 sounds like a great excuse for your landlord or agent to come into your home whenever to look at white goods.</p> <p>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.</p> <p>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.</p> <p>Section 8.8 - very onerous</p> <p>Safeagent - Disagree-creates negative feel in property and not feasible</p>	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).	<p>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.</p> <p>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</p>	<p>This condition is to ensure that single family household (or two sharers) is not let as an HMO, which have different standards.</p> <p>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.</p>

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		<p>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.</p> <p>Why only allowing two people or households as a maximum?</p>	
Selective (9.2)	Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted <u>and for the remaining duration of the licence</u> (<i>discretionary condition</i>)	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 (<i>mandatory condition</i>).	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.	<p>Guests are not included in this condition.</p> <p>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).</p>

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			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 <u>and for the remaining duration of the licence</u> (<i>discretionary condition</i>).	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.	<p>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 <u>and for the remaining duration of the licence</u> (<i>discretionary condition</i>).</p> <p>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 (<i>discretionary condition</i>).</p> <p>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 (<i>discretionary condition</i>).</p> <p>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 (<i>discretionary condition</i>).</p> <p>Please note that room size standards within Southwark's HMO standards are greater than</p>

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			<p>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</p>
<p>Mandatory (11.6), Additional (11.6 and 11.7)</p>	<p>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 (<i>mandatory condition</i>). 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 (<i>mandatory condition</i>). 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 (<i>mandatory condition</i>). 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 (<i>mandatory condition</i>). 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 (<i>mandatory condition</i>). 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</p>	<p>The mandatory conditions re size of bedrooms, kitchen and living room as it's not something a landlord can change.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p>

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	<p>the maximum number of persons aged under 10 years specified in the licence (<i>mandatory condition</i>).</p> <p>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 (<i>mandatory condition</i>).</p>		
<p>Mandatory (12.1), Additional (12.1) and selective (1.11)</p>	<p>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 (<i>discretionary condition</i>).</p>	<p>Section 12.1 - access may be restricted by freeholders e.g., London Borough of Southwark</p> <p>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!</p> <p>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</p>	<p>If there was an issue with the freeholder restricting access, we would work to resolve the situation and would not penalise the leaseholder.</p> <p>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. (<i>discretionary condition</i>)."</p>
<p>Additional (13.1)</p>	<p>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:</p> <ul style="list-style-type: none"> • Evacuation arrangements, e.g., an all-out or stay-put policy. • The safest route to safety from the FMO. • The designated fire assembly area. 	<p>Section 13.1 - how can this be complied with if the freeholder e.g., London Borough of Southwark does not provide this information</p>	<p>If this information is not available to the licence holder from the freeholder, the council will contact the freeholder to provide this</p>

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	<ul style="list-style-type: none"> • 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)	<p>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.</p> <ul style="list-style-type: none"> • Details of Training Courses: • London Landlord Accreditation Scheme (LLAS) and: • Accreditation and Training for Landlords & Agents Service (ATLAS) • Website: www.londonlandlords.org.uk <p>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 (<i>discretionary condition</i>).</p>	<p>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.</p> <p>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.</p> <p>The reliance on accreditation schemes should not be included. They prove nothing. It is action that works, not signing up to some scheme.</p> <p>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?</p> <p>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.</p>	This condition has been removed
Selective Designation 1 (14)	<p>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:</p> <p>Report all incidences of anti-social behaviour to the appropriate authority, for example the police or the Council.</p>	<p>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</p> <p>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.</p>	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)	<p>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."</p> <p>For the avoidance of doubt conduct causing a nuisance includes noise nuisance.</p> <p>A further condition shall be added to the tenancy agreement that requires the tenant to obtain written permission to sub-let the property.</p> <p>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</p>	<p>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.</p>	<p>This clause has been amended to apply to all new tenancy agreements.</p>
Selective Designation 1 (14.3)	<p>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</p>	<p>"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?</p>	<p>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</p>

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	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 if 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.	<p>Why are you insisting CCTV is put up? Presumably as evidence for the police. Surveilling and punishing people is not helpful.</p> <p>Installing CCTV is a step too far.</p> <p>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</p>	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].	<p>Emergency lighting in a 3-bedroom flat?</p> <p>Emergency lighting These are not usual or required in a normal family home</p> <p>Why do all bedrooms need a microwave and kettle?</p> <p>The fire safety - microwaves in sleeping areas part [is unclear]</p> <p>Yes - why mention microwaves in bedrooms? Surely this should not be allowed</p>	This condition has been removed

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	<ul style="list-style-type: none"> • Battery operated heat detectors located in [add locations]. • Battery operated hand-held emergency lighting located in [add locations]. <ul style="list-style-type: none"> • A 'waking fire watch' comprising: <ul style="list-style-type: none"> ○ 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]. <p>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.</p> <p>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 (<i>discretionary condition</i>).</p>		

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Selective designations 2, 3 and 4 (15.1)	<p>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.</p> <p>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.</p>	<p>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.</p>	<p>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 holder 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</p>
Selective designations 2, 3 and 4 (15.4)	<p>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).</p>	<p>Safeagent - Suggest 6 monthly inspections</p>	<p>This condition has been amended to include 6 monthly checks</p>
Selective designations 2, 3 and 4 (15.6)	<p>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 (<i>discretionary condition</i>).</p>	<p>Safeagent - Once the tenants have been given the keys, the responsibility for security will pass to the tenant.</p>	<p>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</p>

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 (<i>discretionary condition</i>).	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] <i>(Discretionary condition)</i>	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)	<p>In the event of 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:</p> <ul style="list-style-type: none"> Inform Notify all occupants in writing of 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: <ul style="list-style-type: none"> 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, 	<p>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</p> <p>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</p> <p>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.</p> <p>Section 16 is over the top for my property, a flat occupied by three unrelated sharers. They are perfectly capable of looking after themselves.</p> <p>Section 16 Cleaning - this is not relevant to a typical flat share where the tenants are responsible for the cleaning</p> <p>Infectious disease cleaning - this is tenants' responsibility, not the landlords</p> <p>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.</p> <p>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</p>	This condition has been removed

Licence type	Licence condition	Comment from consultation survey and stakeholder organisation	Council's consideration
	<ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> • 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. <i>(Discretionary condition)</i> 	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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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	
<p>Are fees one-off or recurring please and at what frequency? 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.</p>	<p>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.</p>
Theme: The fire safety regulations are unclear	
<p>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. The language used in 5.4 is legal language that many would not understand.</p>	<p>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</p>
Theme: Condition 1.6 relating to ventilation and natural daylight is unclear	
<p>The one about glazing. I'm assuming this doesn't pertain to rooms such as bathrooms! 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.</p>	<p>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.</p>

<p>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....</p>	
<p>Theme: The number of rooms and households covered by the licence is unclear</p>	
<p>Are you proposing that only HMO house landlords/owners with more than 5 occupants will have to pay the fee?</p>	<p>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.</p>
<p>my 3-bed flat lets to three sharers, who are friends - does that constitute a household?</p>	
<p>Would the 5 bedrooms be included</p>	<p>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.”</p>
<p>Theme: The licence conditions appear to be in draft</p>	
<p>Lots of documents and details left blank or to be added [in brackets like this]</p>	<p>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.</p>
<p>Many parts of the licence conditions document seem to be in draft</p>	
<p>Theme: It is unclear how the scheme will be enforced</p>	
<p>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?</p>	<p>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: <ul style="list-style-type: none"> • 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, </p>
<p>How will these regulations be monitored or inspected?</p>	

	<p>followed by door-to-door visits in unlicensed hot spots to ensure tenants and landlords know their licensing obligations.</p> <ul style="list-style-type: none"> • 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. <p>The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties</p>
<p>Theme: Other</p>	
<p>7.1 is a discretionary condition? This should be mandatory.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>I think there needs to be an ability to complain about landlords who fail to address complaints adequately themselves.</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>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.</p>
<p>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.</p>	<p>Licences are issues per property let out, not per landlord</p>
<p>It's not clear what makes a tenant "fit".</p>	

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
<i>Theme: Fire safety conditions are unclear</i>	
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.	
<i>Theme: How will the scheme be enforced?</i>	
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: <ul style="list-style-type: none"> 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?	

	<ul style="list-style-type: none"> • 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.
<p>Theme: Room specification conditions are unclear</p>	
<p>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...</p>	<p>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.</p> <p>The additional licence conditions do specify the room sizes for bedrooms for a property covered by additional licensing.</p> <p>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</p>
<p>Room sizes for Bedrooms, Kitchens, Bathrooms and Toilets</p>	
<p>Theme: The conditions regarding occupancy are unclear</p>	
<p>What constitutes composition of those sharing, unclear as to numbers relative to families and single individuals</p>	<p>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.</p>
<p>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?</p>	<p>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."</p>

	<p>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.”</p> <p>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</p>
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?	<ul style="list-style-type: none"> 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.	

<p>How long licence lasts, what measures can be brought in to ensure compliance, what steps council will take to ensure compliance</p>	<p>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.</p> <ul style="list-style-type: none"> • 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.
<p>Enforcement isn't clear. Cost isn't clear.</p>	
<p>Theme: Discretionary conditions</p>	
<p>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'?</p>	<p>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.</p>
<p>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.</p>	
<p>Theme: Other</p>	
<p>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?</p>	<p>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.</p>
<p>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?</p>	<p>The condition to install CCTV has been removed</p>
<p>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.</p> <p>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?</p> <p>3.1 - who approves the electrical contractors? The council should not be determining this.</p>	<p>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.</p> <p>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</p> <p>The licence conditions which refer to approved electrical contractors means contractors approved by a national registering body such as NICEIC, not the council</p>

I) 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
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: <ul style="list-style-type: none"> • 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	

	<p>The council will be actively inspecting for unlicensed properties and will take action against those who refuse to license their properties.</p>
<p>Theme: More protection for tenants</p>	
<p>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</p>	<p>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.</p>
<p>Perhaps more emphasis on protecting tenants from other antisocial behaviour from tenants.</p>	<p>Revenge evictions can be referred to the Housing Solutions team in the council for support.</p>
<p>Social support for EVERY tenant.</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>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.</p> <p>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</p>
<p>Theme: More measures to tackle anti-social behaviour</p>	

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	

<p>The licence holder should be responsible for avoiding damage to neighbouring properties, and repairing damage to neighbouring properties, if this is through negligence.</p>	
<p>Theme: <i>Minimum space standards</i></p>	
<p>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.</p>	<p>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</p>
<p>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.</p>	
<p>Minimum floor plan and washing facilities</p>	
<p>Theme: <i>Properties should have a living space</i></p>	
<p>Any Shared house should have a living room as a minimum.</p>	<p>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.</p>
<p>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.</p>	
<p>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.</p>	
<p>Theme: <i>The scheme should apply to more properties</i></p>	
<p>I think landlords even if renting to lodger should have more accountability for safety and fairness /rights to person paying large sum each month</p>	<p>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.</p>
<p>Should apply to smaller houses</p>	
<p>This new mandatory licensing scheme for HMO properties should include 4bedroom as well 5 Bedrooms</p>	
<p>Theme: <i>More checks on landlords and agents</i></p>	
<p>"Fit and proper" person test is far too lax.</p>	<p>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.</p>
<p>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.</p>	

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: <i>Minimum number of shared facilities</i>	
Minimum number of shared facilities. minimum of on bathroom per 3 people. Everyone have access to a functioning kitchen.	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
Theme: <i>Fire safety conditions</i>	
Fire safety inspections should be mandatory. There should be a requirement to provide a fire blanket and/or extinguisher	Information about fire blankets, extinguishers and fire risk assessments can be found on the council website and the LACORS fire guidance
Theme: <i>Existing schemes and agreements are sufficient</i>	
Probably. I would have to think it through. I think existing ASTs cover most relevant requirements. The existing mandatory HMO licencing scheme is sufficient.	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
Theme: <i>Each room should have a sink or bathroom</i>	
Each HMO should have separate bathrooms this is due to the COVID pandemic sharing of personal hygiene. 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.	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
Theme: <i>Deposit regulation</i>	
Regulation regarding deposit. So, tenants actually can afford the flat and so their money is not at risk. 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.	The law requires landlords and letting agents to put tenants' deposits in a government-approved tenancy deposit protection scheme.
Theme: <i>Clarity/more time on notice for lease endings</i>	
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: <i>Allowing pets</i>	
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: <i>Other</i>	
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: <ul style="list-style-type: none"> • 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	

	<ul style="list-style-type: none"> • 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 <p>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.</p> <p>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.</p>
<p>Theme: Waste disposal</p>	
<p>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.</p>	<p>The additional licence has conditions relating to waste disposal, including addressing fly-tipping and informing tenants about the council's recycling services</p>
<p>I think the onus should be on the tenants to recycle properly. Council leaflets already explain procedures clearly.</p>	
<p>Theme: Occupant details</p>	
<p>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.</p>	<p>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</p>
<p>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.</p>	<p>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.</p>
<p>Theme: Maintenance SLAs</p>	
<p>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.</p>	<p>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.</p>
<p>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.</p>	
<p>that the costs for the landlord HMO license / any fines should not be taken out on a rent increase from tenants.</p>	

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

Appendix 13

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