



London Borough of Croydon

Croydon Private Rented Property Licensing Scheme (CPRPL 2020)

Report of consultation findings



Opinion Research Services
April 2020



London Borough of Croydon



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Opinion Research Services

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1. Executive Summary

Summary of main findings

The commission

- 1.1 The London Borough of Croydon ('the council' or 'LBC') is seeking the views of residents, landlords and other stakeholders about the future of Selective Licensing of Private Rented Sector (PRS) properties in the borough.

The consultation

- 1.2 The formal consultation period of approximately twelve weeks began on 16th December 2020 and ended on 9th March 2020. During this period, residents and stakeholders were invited to provide feedback through the following:

A consultation questionnaire available for any interested party to complete;

A face-to-face residents' survey based on 501 interviews representative at borough level, to provide an accurate profile of opinions in the general population across Croydon (plus an additional 104 interviews just outside the borough boundary, to hear views in adjacent areas);

Five events for landlords and letting and managing agents at which 212 participants attended, and four deliberative focus groups with local residents, involving 26 participants in total;

A meeting involving key stakeholders (including the Police, London Fire Brigade, landlord and letting agents' representative bodies, organisations that support local residents/tenants and staff from several local and national government bodies); and

Stakeholders were able to provide their views by writing to the council or ORS (18 longer and 20 shorter written responses were shared with ORS and have been summarised in this report).

- 1.3 The consultation was promoted widely to landlords, the public and other stakeholders via the internet, email, online and print advertising, information stands in public locations, a landlords' meeting and more.

Nature of consultation

- 1.4 The key good practice requirements for consultation programmes are that they should:

Be conducted at a formative stage, before decisions are taken;

Allow sufficient time for people to participate and respond;

Provide the public and stakeholders with enough background information to allow them to consider the issues and any proposals intelligently and critically; and

Be properly taken into consideration before decisions are finally taken.

Accountability

- 1.5 Accountability means that public authorities should give an account of their plans and consider public views: they should conduct fair and accessible engagement while reporting the outcomes openly and considering them fully.

- 1.6 This does not mean that the majority views should automatically decide public policy; and the popularity or unpopularity of draft proposals should not displace professional and political judgement about what is the right or best decision in the circumstances. The levels of, and reasons for, public support or opposition are very important, but as considerations to be taken into account, not as factors that necessarily determine authorities' decisions. Above all, public bodies must consider the relevance and cogency of the arguments put forward during public engagement processes, not just count heads.

The report

- 1.7 It should be noted that consultation reports such as this may appear more 'critical' than really is the case because: critics are often more motivated to respond to a consultation; and ORS has an obligation to report criticisms in order for the council to carefully consider the issues. Future actions, however, should not be determined *only* by consultation; the council must take decisions based on all available evidence.
- 1.8 ORS does not endorse any opinions reported here, but seeks only to portray them accurately and clearly. While ORS offer guidance on consultation methodology and interpretation, our reporting role is to profile the opinions and arguments of respondents; we make no recommendations on decisions taken by LBC.

Main Findings

Quantitative feedback

- 1.9 The two quantitative strands of the consultation differ in methodology, insofar as the self-completion consultation questionnaire is intentionally made widely available for anyone with an interest, and therefore tends to attract participation from those with particularly strong views on the proposals. The interviewer-administered survey, on the other hand, is intended to target a broad cross-section of the general public to obtain results that are representative of the whole borough. Therefore, the results from the two strands cannot simply be amalgamated but ought to be considered side-by-side in these contexts.

Residents survey (face-to-face)

- 1.10 Just under two fifths of Croydon residents felt that anti-social behaviour (37%) is at least a fairly big problem in Croydon. Slightly fewer, although still a third, felt that deprivation (33%) and poor property conditions (33%) are a problem.
- 1.11 Nearly two thirds of Croydon residents (64%) agreed that the current licensing scheme has been effective in improving the quality and management of privately rented properties. Most (62%) felt that if the current licensing scheme stopped and was not continued, there would be no impact on their local area; however, over a quarter (27%) felt that there would be a negative impact.
- 1.12 Seven in ten Croydon residents agreed that the council should continue with some sort of licensing scheme; only 4% disagreed. *Out of those that stated a preference* between the possible options presented¹, most (67%) would prefer a borough-wide scheme.
- 1.13 Regarding the proposed fee structure, around seven in ten Croydon residents agreed with fee reductions for multi-let properties (69%). Similar proportions agreed with discounts for existing licences re-applied for by the start date (72%) and for newly built properties or those being let for the first time (70%).

¹ It is worth noting that 153 respondents out of the 501 interviewed in Croydon (i.e. 29%) declined to give a preference i.e. answered 'don't know'

- 1.14 Around half (52%) of Croydon residents felt that the proposed standard fee of £750 for a single dwelling licence is about the right level, but nearly as many (47%) felt it is too high. The same proportion (52%) felt the proposed standard £650 fee for multi-let dwelling licences is at about the right level, but again, more than two fifths (44%) felt it is too high. Higher proportions felt the discounted fees were at about the right level: 69% for the £350 single dwelling licence fee and 68% for the £300 multi-let dwelling licence fee.
- 1.15 Around two thirds (65%) of Croydon residents agreed that it is reasonable to issue licences for only one year where the council has concerns about the landlord's management or conduct; only 6% disagreed. Most felt the proposed one-year licence fee is about right (60%), but over a third felt it is too high (35%).
- 1.16 Just under three quarters (72%) of Croydon residents generally agreed with having licence conditions such as those outlined briefly in a summary as part of the interview.
- 1.17 An additional, smaller sample of interviews was conducted *outside of Croydon*, in wards adjacent to the borough boundary. This produced a similarly positive set of results, with (for example) a majority of residents agreeing with the general proposal to continue with some form of a licensing scheme (64%). However, these respondents also provided proportionally more neutral and 'don't know' responses compared with the main sample (i.e. of respondents living in Croydon), and fewer said that they would prefer a borough-wide scheme (46%) – though this was still the most popular option overall.

Consultation questionnaire (online and paper)

- 1.18 ORS typically reports the views of distinctive types of stakeholders in the open questionnaire separately, in order to understand any key differences in their points of view. For this reason, the views of individuals who are landlords and letting or managing agents are reported separately from those of general residents who live in the borough, and those of 'other stakeholders', i.e. local businesses and other individual respondents with a different or unconfirmed connection to the borough.
- 1.19 Most landlords and agents (60%) felt that anti-social behaviour is at least a 'fairly big' problem, while nearly half (45%) felt this way about deprivation. Just under a quarter (23%) felt poor property conditions was a fairly big problem.
- 1.20 However, landlords and agents were consistently less likely than residents and other stakeholders to be supportive of the council's proposals: only 13% of them agreed that the current licensing scheme has been effective and only 11% felt that there would be negative impacts as a result of not continuing the scheme. Around a fifth (22%) agreed with the principle that the council should continue with some form of licensing scheme.
- 1.21 On the other hand, clear majorities of residents and other respondents felt that there are problems with anti-social behaviour, deprivation and property conditions. Although there was some mix of opinion in terms of whether the current scheme had been effective, most (63% of residents and 58% of other stakeholders) felt there would be a negative impact on their area if licensing did not continue, and most (68% and 61% respectively for the two groups) agreed in principle with the council introducing a new licensing scheme.
- 1.22 Respondents were also invited to give their first and second preferences for any new selective licensing scheme. Three 'options' were available: a licensing scheme covering the whole of the borough (the council's preferred option), a more limited scheme covering around 97% of privately rented dwellings, and some alternative of the respondent's choosing.

- 1.23 A little over half of landlords and agents stated that an ‘alternative’ was their preference (and from an analysis of their comments, most of these would prefer no scheme or some more restricted or limited scheme). Among residents and other stakeholders, the most widely preferred option was a licensing scheme covering the whole of the borough.
- 1.24 Almost all landlords and agents (93%) agreed with reducing the fee when an existing licence is re-applied for, as did around three quarters of residents and other stakeholders (both 76%). Slightly fewer (63% of landlords, 57% of Croydon residents and 64% of other stakeholders) agreed with the application of a discount where the property is newly built or being used for the first time. The proposal to reduce the fee for a dwelling in a multi-let property was the least widely supported, although most still agreed (58% of landlords and agents, 52% of Croydon residents, and 54% of the businesses and other stakeholders).
- 1.25 Very clear majorities of landlords and agents felt that the proposed standard fees were ‘too high’: 95% for the single dwelling licence fee and 82% for the multi-let dwelling licence fee. In terms of the discounted fees, these were viewed as being slightly more acceptable; however most landlords and agents still felt these were ‘too high’ (62% for a single dwelling licence and 55% for the multi-let dwelling licence).
- 1.26 Residents’ and other stakeholders’ views were far less clear cut. For example, around half of residents living in Croydon (51%) felt the proposed £750 fee for a standard single dwelling licence was too high, while just over two fifths (42%) felt it was ‘about right’, while there was even less consensus around the £650 standard multi-let dwelling licence fee: 41% felt it was too high, and 36% felt it was ‘about right’, while almost a quarter (23%) felt it was too low. In terms of the discounted fees, around half (48%) of residents felt that each of these was at the appropriate level.
- 1.27 An absolute majority of landlords and agents (53%) agreed with the principle of one-year licences being issued in cases where there are concerns about the licence holder; however, a considerable majority (80%) felt the proposed fees for this one-year licence were too high.
- 1.28 Most residents (78%) and other stakeholders (73%) agreed with the principle of one-year licences although again, there was no particular consensus around the fee. In the case of residents living in Croydon, 44% felt the proposed one-year fee was ‘about right’, while 40% felt it was ‘too high’.
- 1.29 Landlords and agents were quite split in terms of their views on the proposed conditions: 41% generally agreed with them while 43% disagreed. However, clear majorities of residents living in Croydon (73%) and other stakeholders (70%) agreed in general with the conditions.
- 1.30 Nineteen organisational responses were also included: these responses were generally (though not universally) positive about the scheme.
- 1.31 The questionnaire also provided three opportunities for all respondents to make open-ended comments: about their preferences in terms of any future scheme, their opinions on the proposed fees and conditions, and any other aspects of the proposed scheme about which they may have had a view.
- 1.32 It is difficult to provide a concise summary of the comments, as they ranged so widely, but in general respondents reiterated many of the views and opinions expressed by participants who offered deliberative feedback (below). The comments typically covered themes such as: views about the effectiveness of selective licensing schemes in general; possible negative impacts of licensing, that the council could consider mitigating (mainly impacts on landlords, but also potentially on tenants); and alternative suggestions, mainly suggestions by landlords and agents seeking a more limited or targeted

scheme, focusing on areas, types of property or particular landlords that are associated with the biggest problems. A fuller summary of the open-ended feedback is presented in the relevant chapter of this report, as well as in Appendix 2.

Deliberative and written feedback

^{1.33} The majority of landlords and representative organisations who attended the events and submitted written responses were critical of selective licensing on a number of points, whilst tenants and residents and stakeholders representative bodies tended to be more positive.

Views on licensing

^{1.34} It was acknowledged among stakeholders and residents/tenants that the PRS sector in Croydon had grown rapidly in recent years, which was thought to be linked with key issues within the sector, such the lack of housing supply, ASB and poor property conditions.

^{1.35} Although a minority of landlords and representative organisations acknowledged that, in principle, the current selective licensing scheme could help to regulate the sector and improve standards, in practice there was substantial scepticism around its effectiveness to date. The primary issues were around the amount of proactive action which had been taken under the scheme to deter poor landlords, whilst all the while protecting good landlords. Specifically, it was believed that the scheme had penalised the majority of good landlords with fees and added bureaucracy, with minimal support available - particularly in light of changes to legislation with regards to no-fault evictions. Conversely, an irresponsible minority of landlords and unlicensed properties were thought to have continued to operate under the radar. Therefore, there was concern that licensing had increased the number of 'good' landlords selling up.

^{1.36} Moreover, landlords argued that the scheme had failed to evidence its effectiveness in improving issues in the PRS, whilst the number of inspections that had taken place were either criticised for being too frequent or too intermittent. These issues led some to question whether the scheme lacked value for money and how the funds raised by it had been spent, thus it was suggested that an 'audit' of spending on the current scheme should be undertaken. It was also recommended that landlords would be able to better gauge the possible advantages of the scheme's renewal and would be more likely to accept its continuation if information clearly detailing its success and potential benefits for good landlords were made available.

^{1.37} However, other stakeholders and organisations argued that the current licensing scheme had been a vital tool in ensuring that standards in the PRS, in terms of properties themselves and the practices of landlords and agents, were being maintained and raised. The council's collaborative approach to enforcement was also praised and considered more effective than solely relying on fines and prosecutions. Residents and tenants who attended the deliberative forums were also generally positive about the scheme, but some expressed disappointment with the apparent lack of enforcement actioned by the council to address the issues they had reported.

^{1.38} Although it was felt that landlords could possibly do more to educate tenants to prevent certain issues such as fly tipping, there was widespread concern that licensing puts an unfair burden on landlords to regulate tenants' behaviour. Indeed, there was agreement that PRS landlords were often at just as much risk from encountering problems with bad tenants as anybody else, and that it was sometimes 'out of their hands.' Moreover, it was argued landlords were not receiving the support and protection they needed to tackle tenant behaviour, and thus it was particularly unfair to expect them to be responsible

for ASB and complex issues related to it, such as mental health and substance dependence issues. Stakeholders and landlords also believed that it was wider societal issues that caused ASB in the PRS, which the council should address via its alternative powers, rather than using the money generated through selective licensing.

Views on proposed options

- 1.39 Due to their strong conviction that the selective licensing scheme was not effective in its current form, landlords were reluctant to offer an opinion as to whether they would support full- versus part-borough licensing, with some explaining that they saw the licensing as a fait accompli that would go ahead regardless of what feedback was received during the consultation process. However, the overall view among the forums was that full-borough licensing was simpler, fairer and that it would raise more money to tackle problems in the borough. A homelessness charity also rationalised that borough-wide licensing to offer clarity, consistency and administrative benefits.
- 1.40 However, some landlord organisations argued that the council's preferred full-borough approach to selective licensing was unrealistic due to the limited resources available and the fact it was not able to achieve the original target of inspecting all PRS properties in the borough. Instead, many landlords and stakeholders felt that going forward, there would need to be a risk-based approach where 'problem' landlords, tenants and specific types of accommodation and tenure are targeted in terms of licensing and enforcement – rather than implementing a 'blanket approach' across all or most of the borough.
- 1.41 Whether a full-borough or an extensive part-borough scheme would even be approved by the UK Government was also questioned, particularly in light of other recent selective licensing applications elsewhere in the country having been rejected in recent months.

Views on proposed fees and conditions

- 1.42 The general view in the residents and tenants' forums was that the proposed licensing conditions were sensible. However, the consensus among landlord and representative organisations was that the standard fees being proposed for the new scheme were too high. There was also scepticism about the figures presented by the council in relation to the costs of running the scheme, leading some to suggest that the licensing was simply a 'money-making scheme.' Furthermore, it was argued that the high licensing and compliance rates under the current scheme should be reflected in reduced costs for the renewed one, whilst the council was additionally urged to be more transparent around the use of money raised by fees going forward.
- 1.43 Although the discounted fees for properties already licensed under the current scheme, and for newly renovated, newly built or new-to-market properties were welcomed by some landlords, there were many calls for additional discounts; for example:
- » For landlords that have more than one property;
 - » For 'compliant' and accredited landlords; and
 - » For landlords with just one or two properties, and for different sizes of dwelling.
- 1.44 Some residents were also in agreement that the fee should be tailored to the size of the property and that landlords should be given the option to be able to pay the fee in smaller instalments.
- 1.45 There was, however, some support for the introduction of multi-dwelling licenses among landlords, both from a perspective of the reduced fees, but also in terms of the burden of administration for the

applicant. Moreover, the council's proposals for a rolling scheme gained support from a number of landlords – although others preferred a move to a pro-rata fee structure instead.

- ^{1.46} Conversely, for other stakeholders, the level of the fees was less important than ensuring that the scheme would be able to improve the quality of the housing stock in the borough in order to protect residents and tenants. However, organisations representing vulnerable people expressed concern about how some of the proposed conditions under the new scheme may impact on tenants who fall under this category. Specifically, it was felt that the mandatory condition for licence holders to secure references for each tenant could act as a barrier – and without guidance and flexibility, homelessness in the borough could increase. How the enforcement of fines and prosecutions of landlords could negatively impact on the already short supply of housing stock for vulnerable tenants was also raised as a potential issue, although it was also acknowledged that this course of action was sometimes necessary.
- ^{1.47} Finally, one landlord felt concerned that the shifted emphasis toward property conditions under the new proposals might put landlords off reporting ASB because it may result in inspections having negative implications for the landlord.

Alternatives and additional suggestions to the current proposals

- ^{1.48} Along with the aforementioned recommendations, additional suggestions as to increase the robustness of the proposals included the following:
- » Going for an accredited landlord scheme;
 - » Landlords should be licensed, not individual properties;
 - » Rewarding current and future subscribers with “tangible” benefits in the form of specific discounts and reduced fees;
 - » Landlords should be able to send third party documents as evidence as a way of cutting the cost of fees;
 - » Including mechanisms for better communication and partnership working between the council and landlords/letting agents;
 - » Delivering a proper inspection and enforcement regime via a well-resourced and effective enforcement team. Moreover, by introducing forms and procedures for landlords to use during their own six-monthly inspections, the council could accept evidence of those inspections taking place as part of any new licensing scheme;
 - » A smaller scheme could enable the council (possibly with a delivery partner) to inspect all licensed properties and work to root out criminal and negligent landlords;
 - » Providing a clear spending and resourcing plan;
 - » Being subject to proper monitoring and impact evaluation (the results of which should be widely communicated); and
 - » Ensuring that adequate guidance, flexibility and support is in place so that vulnerable tenants are not discriminated against.

Additional concerns

- ^{1.49} Landlords and landlord representatives raised additional concerns and further areas for consideration around the following areas:

- » Internet-based short-term lettings being exempt from licensing, despite this type of landlord being on the increase throughout the borough;
- » It is unfair that selective licensing does not apply to landlords in the social housing sector;
- » The need for more efficient IT systems to make applying for and receive licenses easier and quicker, for example, being able to pre-populate online forms with data about the licence holder; and
- » The abolition of Section 21 notices would impact on landlords' ability to deal quickly with misbehaving tenants or repossess their properties. It was also argued that the legislation effectively forces landlords to take court action against tenants, creating problems later on when they try to gain access to other accommodation.

^{1.50} At the residents' focus groups, it was felt that some additional support to help these tenants who might not find it easy to understand the information available about selective licensing would be appropriate.

Overall conclusions

^{1.51} Both the quantitative and deliberate elements of the consultation showed a contrast in views between landlords and agents (who were largely negative about the proposals) and general residents and other stakeholders (who were generally more positive).

^{1.52} Having said that, while many landlords were simply unwilling to countenance any form of selective licensing scheme and often saw it simply as a mechanism for the council to make money, others outlined particular concerns or grievances that they felt currently make licensing less effective and/or more onerous, and which they might wish to see addressed as part of any future scheme. To this end, a large number put forward suggestions for a more targeted or limited scheme (e.g. based on certain types of property or on the landlord's previous 'track record') or asked the council to rethink certain aspects of the fee structure, in order to alleviate the financial burden for responsible landlords.

^{1.53} Other stakeholders (including residents) also put forward several detailed points for the council's consideration. While many were supportive in general about licensing and the proposal for renewing the scheme, some felt that a lack of robust enforcement had limited the current scheme's effectiveness (albeit some landlords and agents welcomed a 'lighter touch' approach). Others echoed concerns expressed by landlords about the level of the proposed fees (particularly the standard fees) and around how far the licence holder can be expected to meet some of the conditions e.g. such as those around managing tenants' anti-social behaviour. Others considered possible impacts on tenants and on the wider area, as a result of rent rises and potentially higher levels of homelessness.

^{1.54} Across all of the various consultation strands, there was some sense that a full-borough scheme would offer greater simplicity and a more consistent approach compared with an extensive part-borough scheme covering 97% of privately rented properties. However, it was also claimed by some landlord organisations that any more or less 'blanket' coverage of the borough was infeasible, and that the council should instead adopt a more targeted, risk-based approach.

^{1.55} In summary, various views were expressed around the proposals for the renewal of selective licensing in Croydon. It will be up to the council to decide how best to proceed, and to consider what (if any) possible mitigations it might introduce to address the various concerns that were raised.

2. The Consultation Process

Overview of the Consultation

The commission

- 2.1 In October 2015, the London Borough of Croydon ('the council' or LBC) introduced a borough-wide selective licensing scheme (CPRPL 2015) for residential properties in the private rented sector (PRS). This was done primarily to help the council to address problems associated with PRS anti-social behaviour issues.
- 2.2 Selective licensing falls under Part 3 of the Housing Act 2004 and, under legislation introduced in 2015, local authorities are required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of the total geographic area of the authority or would affect more than 20% of privately rented homes in the local authority area. By contrast, CPRPL 2015 was covered by a general designation and did not require Secretary of State approval.
- 2.3 To introduce a new selective licensing scheme when CPRPL 2015 ends, the council must undertake a formal consultation process. With the current scheme due to expire after five years, in September 2015, LBC has developed proposals for a new licensing scheme (CPRPL 2020) to cover another five-year period.
- 2.4 To help inform its final decision, the council commissioned Opinion Research Services (ORS), a spin-out company from Swansea University with a UK-wide reputation for social research and major statutory consultations, to undertake an extensive consultation programme and independently report the findings. The formal consultation period ran from 16th December 2019 to 9th March 2020.

Quantitative engagement

- 2.5 A consultation document outlining the issues and proposals under consideration was produced by LBC. With that foundation, ORS and LBC worked together to design a single 'open' questionnaire for all respondents (tenants and residents, landlords and agents, and other stakeholders or interested parties) which combined a series of core questions about the London Borough of Croydon, the current licensing scheme and the proposals put forward by the council. There were also sections inviting respondents to make any further comments and suggestions for alternative approaches, and also to profile those responding.
- 2.6 In addition to the open consultation questionnaire, a face-to-face residents' survey was undertaken in order to achieve a representative profile of opinions among borough residents and those living close by.

Residents' survey

- 2.7 In completing the face-to-face residents' survey, undertaken with residents aged 18 years and over, ORS interviewers conducted 607 structured face-to-face interviews over a period of roughly five weeks beginning 23rd January 2020, using Computer Assisted Personal Interviewing ('CAPI') technology. The survey was conducted using a quota-controlled sampling approach, to ensure a broadly representative sample of residents aged 18 or over in Croydon itself, and in adjacent areas (501 interviews took place in the borough itself, and a further 106 in wards outside of but adjacent to the Croydon boundary).

Consultation questionnaire

- 2.8 The second quantitative engagement strand was the open consultation questionnaire, available for anyone to complete either via the dedicated consultation page on LBC’s website or on paper.
- 2.9 London Borough of Croydon publicised the consultation through a variety of means, including:
- » The council’s website and social media feeds, and local press;
 - » Emails to more than 37,000 PRS landlords at regular intervals during the consultation period;
 - » Emails to all Registered Social Landlords in the borough;
 - » Emails to 46 local residents’ associations and community groups;
 - » Letters or emails to 83 GP surgeries and 75 pharmacies in Croydon, all letting and property management companies, and all council licensed premises (e.g. nail bars, tattoo studios etc);
 - » By email, via Greater London Authority, to all London boroughs;
 - » Advertisements on the London Landlord Accreditation Scheme website and via its newsletter;
 - » An advertisement on the London Property Licensing website; and
 - » Printed versions of consultation documents and questionnaires available at 15 public libraries, 3 mosques and a number of newsagents both inside and outside the borough.
- 2.10 Furthermore, staff from the London Borough of Croydon took part in activities to promote the CPRPL 2020 consultation and questionnaire, in person, via:
- » Information stands at West Croydon, East Croydon, South Croydon, Waddon and Purley Stations, in the Access Croydon space in Bernard Weathrill House and in the town centre;
 - » 2 x 2 hour drop-in sessions in each of 12 libraries across the borough, as well as 4 similar events at Croydon Central Library; and
 - » By giving a presentation just prior to the consultation beginning at the National Landlord Association’s meeting held on 27th November 2019.
- 2.11 Open questionnaires are not random sample surveys of a given population - so they cannot normally be expected to be representative of the general balance of opinion. For example, the more motivated groups are typically over-represented compared with others. However, they are extremely important forms of engagement in being inclusive and in giving people an opportunity to express their views. This open questionnaire also contained equalities/demographic questions to enable comparison and contrast of views and concerns between different groups.
- 2.12 In total, 1,037 responses were received, including 703 from those identifying themselves as private landlords or letting agents. Of the remaining responses, 19 were from organisations, 263 were from other individuals who identified they lived in Croydon, and there were a further 52 responses from respondents with either a different connection to Croydon (including 14 representatives of local businesses), or whose links with the borough are either unknown or unclear.

Deliberative engagement

- 2.13 ORS was involved with eleven events in total: five with landlords, agents, investors and developers; four with residents; one with a local residents association; and one with stakeholder organisations. Taken together all these meetings are best understood as ‘deliberative’ meetings in which the council’s proposals for a new selective licensing scheme were ‘tested’ against landlords’ and other stakeholders’ opinions - in order to see the extent to which the proposal is acceptable or otherwise.

Deliberative forums with landlords

- 2.14 The landlord forums took place on three different dates, with two of them taking place during the approximately quarterly Croydon Landlords' Forum held at Jury's Inn, Croydon on 21st January 2020. The remaining landlords' events took place at the Croydon Town Hall with an evening forum on 20th January 2020, and morning and afternoon sessions on 17th February 2020.
- 2.15 The landlords' forums began with brief introduction, then some short presentations covering the main issues (the current licensing scheme in Croydon and its impacts, reasons for considering a new scheme, the proposed scheme itself and other key aspects, e.g. fees and licence conditions). Each presentation was followed discussion around the proposals, with some questions and answers from council staff.

Residents' focus groups and association meetings

- 2.16 Four focus groups were held with residents in the last two weeks of February 2020, each taking place in a different part of the borough. One was held in New Addington, one in Purley town centre, one in the Town Hall in Croydon town centre and the final group took place in Thornton Heath. Recruitment was a combination of face-to-face, undertaken by ORS' field interviewers when completing the residents' survey, and by telephone from ORS' in-house call centre. The telephone recruitment was a combination of re-contacting survey participants who had indicated an interest in attending, with calls to a purchased sample of landline and mobile phone numbers.
- 2.17 A loose quota-based approach was used to ensure an appropriate spread of participants according to different demographics and geographic areas in the borough, as well as to ensure the inclusion of some private renters. All recruitment calls were conducted in accordance with MRS guidelines for telephone-based research.
- 2.18 In addition to the four formal focus groups, members of the Croydon Council Selective Licensing and Housing team were invited to give a brief presentation at a residents association meeting in Thornton Heath, followed by some questions and answers. A member of ORS' team was also in attendance. Almost all of the discussion was concerned with requests for clarifications on particular points in the council's proposals, rather than feedback, and therefore the proceedings are not reported in this document. However, many attendees did take consultation questionnaires and other details away to complete and the event served the purpose of informing residents about the proposals and promoting the consultation.

Meeting with stakeholders

- 2.19 A stakeholders' meeting was held to give some key stakeholder organisations an opportunity to present their views on licensing in the PRS. The meeting took place on 25th February 2020 at Croydon Town Hall.

Written submissions

- 2.20 ORS was asked to read and summarise written submissions from 18 organisations and individuals. The organisations that contributed were:
- » Royal Borough of Kensington and Chelsea;
 - » Crisis;
 - » Safeagent;
 - » National Landlords Association;
 - » Residential Landlords Association;
 - » DaBora Conway (estate agent); and
 - » 12 individual landlords.

Nature of consultation

- 2.21 Accountability means that public authorities should give an account of their plans and consider public views: they should conduct fair and accessible engagement while reporting the outcomes openly and considering them fully. This does not mean that the majority views should automatically decide public policy; and the popularity or unpopularity of draft proposals should not displace professional and political judgement about what is the right or best decision in the circumstances. The levels of, and reasons for, public support or opposition are very important, but as considerations to be taken into account, not as factors that necessarily determine authorities' decisions.
- 2.22 Above all, public bodies must consider the relevance and cogency of the arguments put forward during public engagement processes, not just count heads. In this context, it was helpful that the consultation programme included both 'open' and deliberative elements, to allow many people to take part via the open questionnaire while promoting informed engagement via the deliberative focus groups and other qualitative research activities.

Interpreting the outcomes

- 2.23 Importantly, the different consultation methods cannot just be combined to yield a single point of view on the future of licensing that reconciles everyone's differences and is acceptable to all stakeholders involved. There are two main reasons why this is not possible. First, the engagement methods differ in type: they are qualitatively different, and their outcomes cannot be just aggregated into a single result. Second, different areas and sub-groups will inevitably have different perspectives on the proposals and there is no formula in the consultation process that can reconcile everyone's differences in a single way forward.
- 2.24 It is also important to recognise that the outcomes of the consultation process will need to be considered alongside other information available about the likely impact of LBC's proposals. Whilst the process highlights aspects of this information that stakeholders consider to be important, appropriate emphasis should be placed on each element. In this sense there can be no single 'right' interpretation of all the consultation elements and other information in the decision-making process.

The report

- 2.25 This report summarises the feedback on the London Borough of Croydon's private rented sector licensing proposals. Verbatim quotations are used, in indented italics, not because we agree or disagree with them - but for their vividness in capturing recurrent points of view. ORS does not endorse any opinions but seeks only to portray them accurately and clearly.
- 2.26 ORS is clear that its role is to analyse and explain the opinions and arguments of the many different interests participating in the consultation, but not to 'make a case' for any proposal. In this report, we seek to profile the opinions and arguments of those who have responded to the consultation, but not to make any recommendations as to how the reported results should be used. Whilst this report brings together a wide range of evidence for the council to consider, decisions must be taken based on all the evidence available.

3. Residents' Survey

Introduction

- 3.1 The primary purpose of the residents' survey was to achieve a representative sample of face-to-face interviews with residents of Croydon, aged 18 and over, thus providing a good guide to the views of all residents in the borough.
- 3.2 It was conducted using a quota sampling approach with targets set on the numbers of interviews required by age, gender, tenure, working status and ethnicity, and with randomly selected sample points based on census Lower Super Output Areas (LSOAs). The questions asked in the survey were a subset of those included in the main consultation questionnaire, with some very minor simplifications to the wording (to make them more easily administered as part of a face-to-face exercise).
- 3.3 To fulfil an additional aim of seeking to understand any impact on residents living in areas neighbouring Croydon, a further 100 interviews were targeted in neighbouring local authorities (i.e. within wards outside but adjacent to the borough boundary)².
- 3.4 In total, ORS conducted 605 interviews with residents between 23rd January and 1st March 2020, of which 501 were conducted inside Croydon and 104 in neighbouring boroughs. A Computer Assisted Personal Interviewing (CAPI) methodology was used, with interviews conducted 'on the doorstep' or in respondents' homes.
- 3.5 A short summary of the proposals was included to be 'read out' within the survey, for the benefit of respondents who had not had the opportunity to read the consultation document or otherwise find out about the proposals. Interviewers also provided respondents with a map of Croydon, on which the areas proposed for selective licensing in the different options were clearly marked.
- 3.6 For the sake of clarity, the views of residents inside and outside of Croydon have been analysed and reported separately.

Respondent profile

- 3.7 The extent to which results can be generalised from a sample depends on how well the sample represents the population from which it is drawn. As is the case for all surveys of this type, the achieved samples were affected by response bias i.e. varying levels of response between different socio-demographic groups.
- 3.8 Statistical weights were therefore derived for each case in order to compensate for and to ensure that the results were broadly representative of residents across Croydon, and of residents in relevant neighbouring areas.

² These interviews were conducted in local authorities neighbouring Croydon i.e. the London Boroughs of Bromley, Lambeth, Merton, Sutton and also Reigate and Banstead and Tandridge.

- ^{3.9} The returned samples were first checked against comparative data for age, gender, tenure³, working status and ethnic group and then subsequently weighted by age and gender (interlaced), ethnic group, working status and tenure. The sample for within Croydon was additionally weighted by ward population.
- ^{3.10} During the weighting process, it is important to ensure that no individual respondent has an unduly large influence on the overall survey results, so the statistical weights are ‘capped’ if necessary; therefore, the survey data may not be identical to the comparative data even after it has been weighted.
- ^{3.11} The survey data for interviews within Croydon, once weighted, is broadly representative of the population of Croydon, while the interviews undertaken outside of the Croydon boundary have been weighted to be representative of the collective population of all wards adjacent to / directly neighbouring Croydon.
- ^{3.12} Tables at figures 1 and 2 showing the weighted and unweighted profiles of respondents to the survey, alongside the comparative data for the population, are provided below.

Figure 1: Profile of residents’ survey responses (unweighted and weighted) and resident population (Note: Interviews inside Croydon only; percentages may not sum due to rounding)⁴

Characteristic	Unweighted Count	Unweighted Valid %	Weighted Valid %	Resident Population %
BY AGE				
18 to 24	51	10	10	10
25 to 34	100	20	21	19
35 to 44	101	20	23	20
45 to 54	87	17	18	19
55 to 64	62	12	13	15
65 to 74	54	11	8	10
75 or over	46	9	6	8
Total valid responses	501	100	100	100
BY GENDER				
Male	232	46	49	48
Female	269	54	51	52
Total valid responses	501	100	100	100
BY WORKING STATUS				
Working	283	56	64	62
Retired	107	21	15	16
Otherwise not working	111	22	21	22
Total valid responses	501	100	100	100

³³ Just like the rest of London, Croydon’s PRS has continued to grow in recent years; therefore, weighting the survey to tenure data from Census 2011 would have under-represented private renters. To obtain a more up-to-date estimate for the tenure profile within Croydon, ORS was provided with data supplied by Croydon Council, and originally produced by MetaStreet 2019, and was thereby able to obtain a reasonable estimate for the current likely tenure profile in the borough.

⁴ Secondary population data derived from Census 2011, small area based mid-year population estimates 2018 and London Data for English Housing Survey 2017-18.

BY TENURE				
Own outright	130	26	23	49
Own with a mortgage/Shared ownership	133	27	27	
Social Rent	118	24	15	15
Private Rent	120	24	35	36
Total valid responses	501	100	100	100
BY ETHNIC GROUP				
White	284	57	57	59
Asian	84	17	18	17
Black	88	18	18	18
Mixed & other	45	9	7	6
Total valid responses	501	100	100	100

Figure 2: Profile of residents' survey responses (unweighted and weighted) and resident population (Note: Interviews outside Croydon; percentages may not sum due to rounding)⁵

Characteristic	Unweighted Count	Unweighted Valid %	Weighted Valid %	Resident Population %
BY AGE				
18 to 24	17	16	9	8
25 to 34	16	15	15	19
35 to 44	20	19	17	20
45 to 54	22	21	25	19
55 to 64	11	11	12	15
65 to 74	8	8	10	10
75 or over	10	10	12	9
Total valid responses	104	100	100	100
BY GENDER				
Male	43	41	47	48
Female	61	59	53	52
Total valid responses	104	100	100	100
BY WORKING STATUS				
Working	67	64	63	64
Retired	17	16	19	18
Otherwise not working	20	19	17	19
Total valid responses	104	100	100	100
BY TENURE				
Own outright	26	25	32	67
Own with a mortgage/Shared ownership	29	28	32	
Social Rent	25	24	20	19
Private Rent	24	23	15	14
Total valid responses	104	100	100	100

⁵ Secondary population data derived from Census 2011 and small area based mid-year population estimates 2018. For areas outside Croydon, comparative data from Census was scaled with reference to London using the English Housing Survey to obtain a reasonable estimate for the likely tenure profile of the area.

BY ETHNIC GROUP				
White	75	72	74	74
Asian	11	11	9	8
Black	13	13	13	13
Mixed & other	5	5	4	5
Total valid responses	104	100	100	100

Interpretation of the Data

- 3.13 Graphics are used extensively in this chapter to make it as user friendly as possible. The pie charts and other graphics show the proportions (percentages) of respondents making relevant responses. Where possible, the colours of the charts have been standardised with a ‘traffic light’ system in which:
- » Green shades represent positive responses;
 - » Beige represents neither positive nor negative responses;
 - » Red shades represent negative responses; and
 - » The bolder shades are used to highlight responses at the ‘extremes’, for example, very satisfied or very dissatisfied.
- 3.14 Blue and orange shading has also been used on some charts where the ‘traffic light’ system is less applicable.
- 3.15 Where percentages do not sum to 100, this may be due to computer rounding, the exclusion of “don’t know” categories, or multiple answers. Throughout the volume an asterisk (*) denotes any value less than half a per cent. In some cases, figures of 2% or below have been excluded from graphs.
- 3.16 Many percentages quoted in the commentary have been ‘grouped’ (by e.g. merging together the ‘strongly’ and ‘tend to’ agree/disagree categories) in order to report the overall proportions in agreement/disagreement.
- 3.17 It should be remembered that a sample, and not the entire population of Croydon (and relevant outlying areas), has been interviewed. In consequence, all results are subject to sampling tolerances.

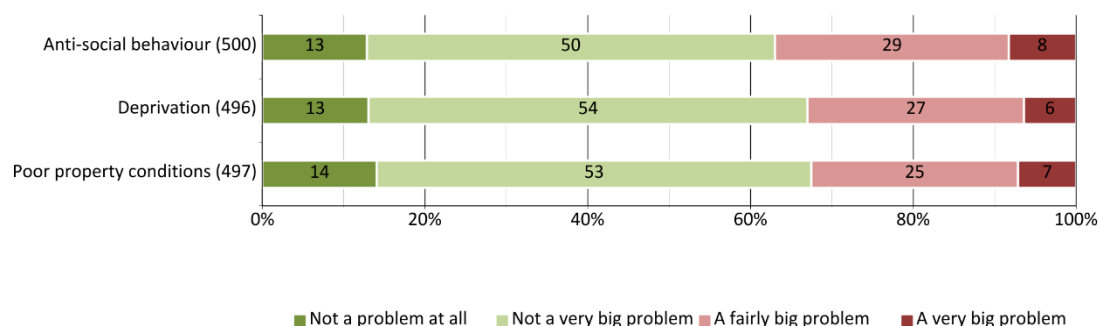
Findings of the residents survey

LOCAL ISSUES?

- 3.18 Just under two fifths of Croydon residents felt that anti-social behaviour (37%⁶) is at least a fairly big problem in Croydon. Slightly fewer, although still a third, felt that deprivation (33%) and poor property conditions (33%) are a problem.
- 3.19 Fewer residents outside of Croydon felt that anti-social behaviour (17%), deprivation (14%) and poor property conditions (14%) are a problem in Croydon.

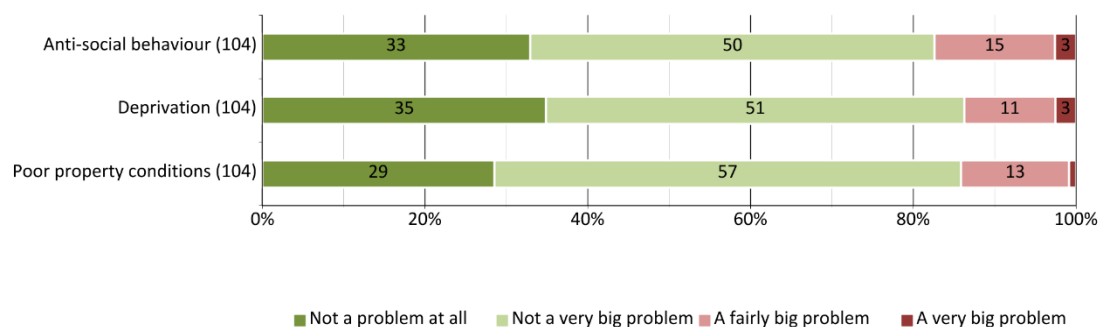
INSIDE CROYDON

Figure 3: To what extent do you believe each of the following to be a problem in Croydon? Base: Residents living within Croydon (number of respondents shown in brackets)



OUTSIDE CROYDON

Figure 4: To what extent do you believe each of the following to be a problem in Croydon? Base: Respondents who live outside Croydon (number of respondents shown in brackets)



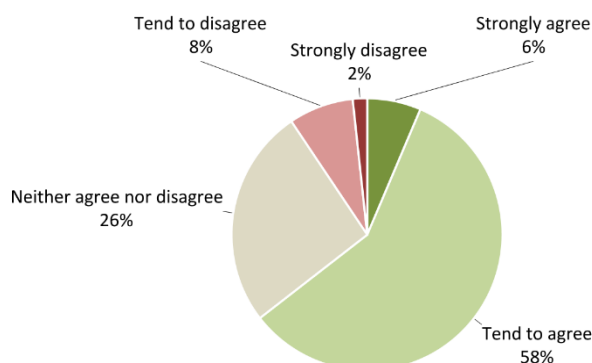
THE CURRENT LICENSING SCHEME

- 3.20 Nearly two thirds of Croydon residents (64%) agreed that the current licensing scheme has been effective in improving the quality and management of privately rented properties in Croydon. Around a tenth (9%) disagreed with this.
- 3.21 A similar proportion of residents outside of Croydon agreed with that the current licensing scheme has been effective (63%), while 8% disagreed.

⁶ The sum of the percentages for grouped answers (e.g. “fairly big” and “very big”) is affected by rounding and therefore will not necessarily be exactly equal to the sum of the two percentages presented in the chart.

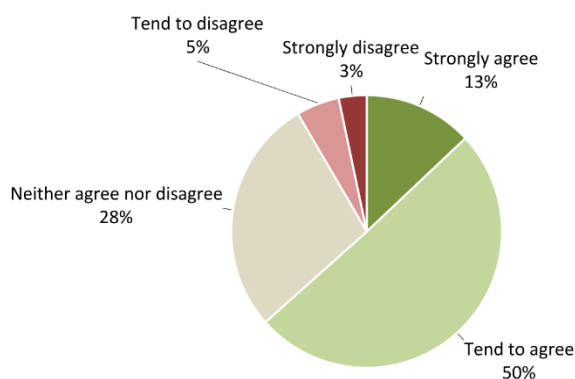
INSIDE CROYDON

Figure 5: To what extent do you agree or disagree that the current licensing scheme has been effective in improving the quality and management of privately rented properties in Croydon? Base: Residents living within Croydon (456)



OUTSIDE CROYDON

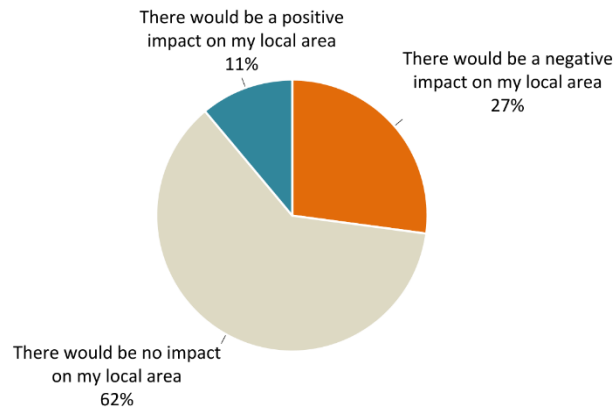
Figure 6: To what extent do you agree or disagree that the current licensing scheme has been effective in improving the quality and management of privately rented properties in Croydon? Base: Respondents who live outside Croydon (95)



- 3.22 Around three fifths (62%) of Croydon residents felt that if the current licensing scheme stopped and was not continued, there would be no impact on their local area. However, over a quarter (27%) felt that there would be a negative impact on their local area, while only 11% felt there would be a positive impact on their local area if this were to happen.
- 3.23 A higher proportion (77%) of residents outside of Croydon felt that if licensing stopped, there would be no impact on their local area. 15% also felt that there would be a negative impact, while 9% felt there would be a positive impact in their area as a result of this.

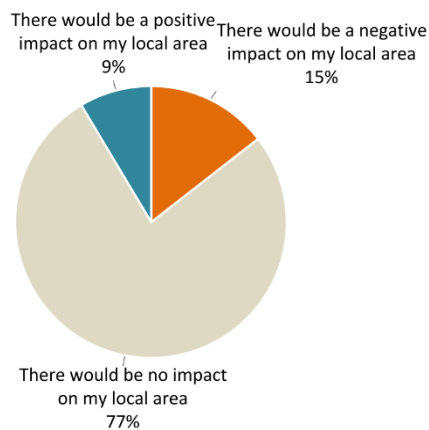
INSIDE CROYDON

Figure 7: If the current licensing scheme stopped and was NOT continued, what impact do you think this would have on your local area? Base: Residents living within Croydon (457)



OUTSIDE CROYDON

Figure 8: If the current licensing scheme stopped and was NOT continued, what impact do you think this would have on your local area? Base: Respondents who live outside Croydon (88)

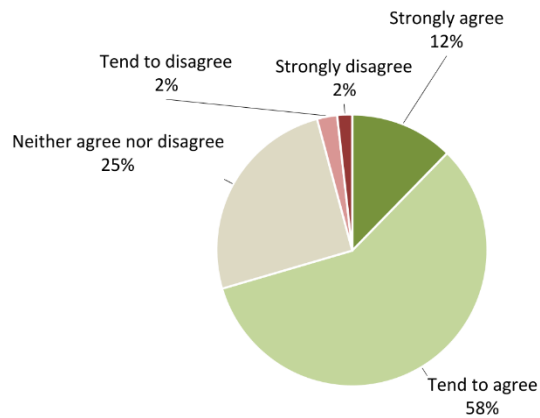


THE PROPOSALS FOR A NEW LICENSING SCHEME

- 3.24 When asked whether the council should continue with some form of selective licensing scheme, seven in ten (70%) Croydon residents agreed; only 4% disagreed with this.
- 3.25 Slightly fewer residents outside of Croydon agreed that the council should continue with selective licensing (64%) and 8% disagreed with this.

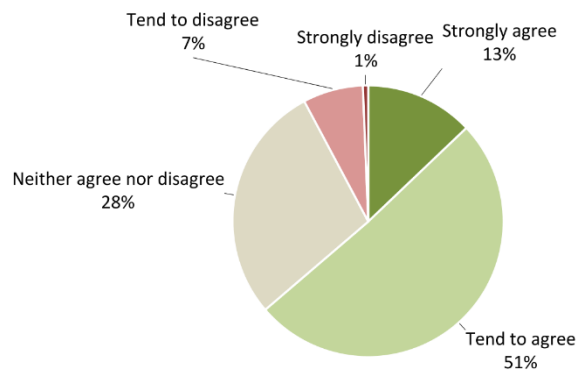
INSIDE CROYDON

Figure 9: To what extent do you agree or disagree that the council should continue with some form of selective licensing scheme? Base: Residents living within Croydon (492)



OUTSIDE CROYDON

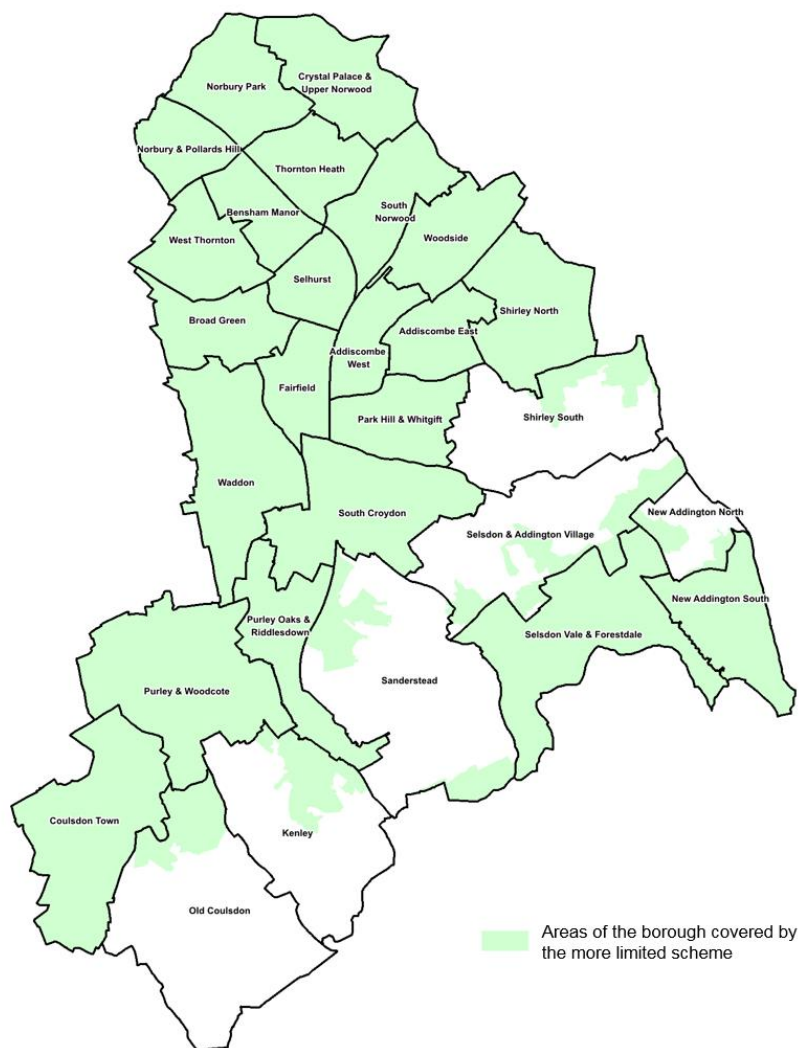
Figure 10: To what extent do you agree or disagree that the council should continue with some form of selective licensing scheme? Base: Respondents who live outside Croydon (100)



3.26 A short summary of the options being considered was read out to respondents, explaining that:

- » the council could continue its current approach by introducing a new selective licensing scheme that covers *the whole of the borough* (the council's preferred approach);
- » but that it was also considering another option for a more limited scheme covering around 97% of Croydon's private rented sector, but partially excluding some wards where the proportion of properties that are privately rented is lower than the national average (shown in white on the map overleaf).

Figure 11: Map of London Borough of Croydon showing areas covered by a more limited licensing scheme in green, and excluded areas in white.

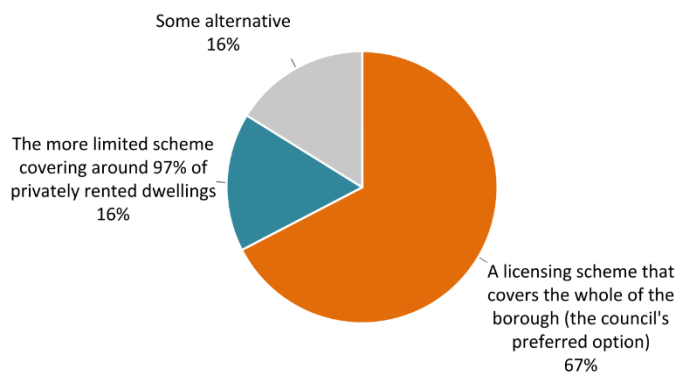


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- 3.27 153 respondents (29%) of the 501 interviewed in Croydon stated that they *didn't know* which option for a new licensing scheme they preferred.
- 3.28 Out of those that stated a preference, an absolute majority of Croydon residents, around two thirds (67%), said that if a new selective licensing scheme was introduced, they would prefer *a licensing scheme that covers the whole of the borough*. Only 16% would prefer *the more limited scheme covering around 97% of privately rented dwellings* and 16% would prefer *an alternative*.
- 3.29 Slightly more (35%) of residents in areas neighbouring Croydon stated that they *didn't know* which option they preferred. Out of those that stated a preference, fewer residents outside of Croydon would prefer *a licensing scheme that covers the whole of the borough* (46%). Around a third (32%) would prefer *the more limited scheme covering around 97% of privately rented dwellings* and over a fifth (22%) would prefer *an alternative*.

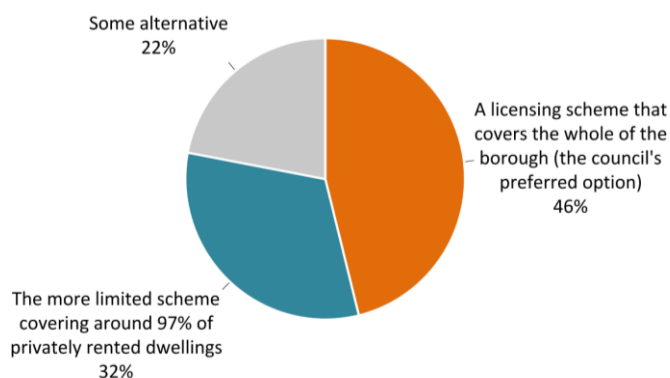
INSIDE CROYDON

Figure 12: If a new selective licensing scheme was introduced, what would you prefer: a licensing scheme covering the whole of the borough, the more limited scheme covering around 97% of privately rented dwellings, or something else? Base: Residents living within Croydon (348)



OUTSIDE CROYDON

Figure 13: If a new selective licensing scheme was introduced, what would you prefer: a licensing scheme covering the whole of the borough, the more limited scheme covering around 97% of privately rented dwellings, or something else? Base: Respondents who live outside Croydon (71)



3.30 The majority of residents that preferred *some alternative*, believed that:

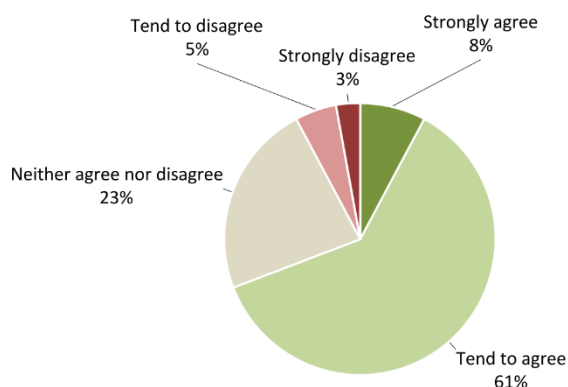
- » there should be no licensing:
 - either because the current scheme had not delivered what it had set out to achieve and should have been better administered; or
 - because they felt there was already enough regulation, it is a money-making scheme and they saw it as additional taxes and/or a further burden on landlords.
- » or instead that licensing should be more targeted, for example:
 - focused only where problems are really bad;
 - where landlords don't comply;
 - where complaints arise;
 - limited to central Croydon where greater numbers of PRS exist; or
 - limited to flats and apartment blocks where more problems may arise.

LICENCE FEES

- 3.31 Around seven in ten (69%) Croydon residents agreed with the principle of reducing the licence fee for dwellings in a multi-let property, while 8% disagreed with this.
- 3.32 Fewer residents outside of Croydon agreed with this principle (51%). A tenth (10%) disagreed with this, while a relatively large proportion said that they neither agreed nor disagreed (39%).

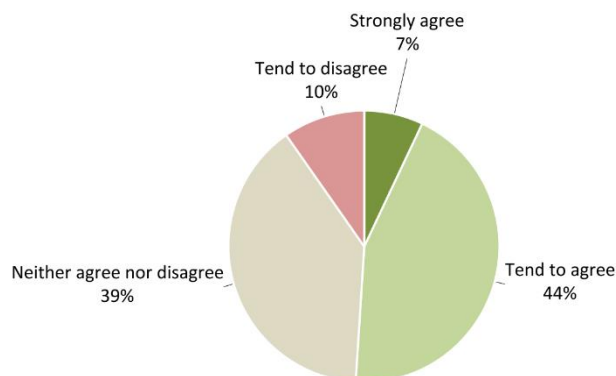
INSIDE CROYDON

Figure 14: To what extent do you agree or disagree with the principle of reducing the fee for dwellings in a multi-let property?
Base: Residents living within Croydon (491)



OUTSIDE CROYDON

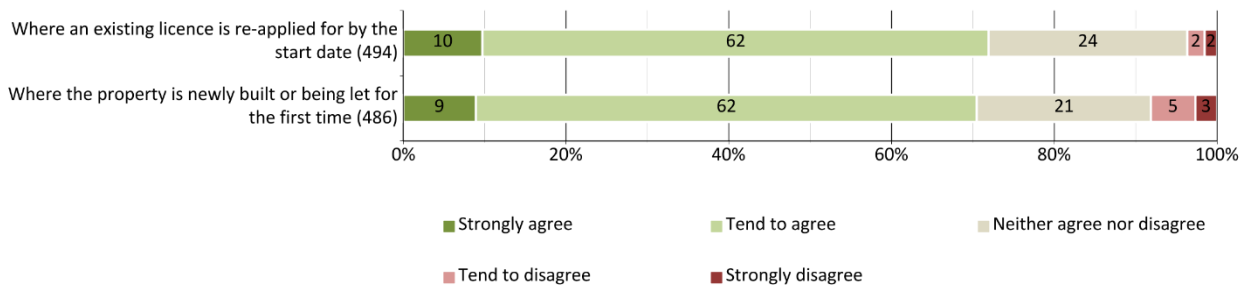
Figure 15: To what extent do you agree or disagree with the principle of reducing the fee for dwellings in a multi-let property?
Base: Respondents who live outside Croydon (99)



- 3.33 Over seven in ten (72%) Croydon residents agreed with the principle of applying a discount where an existing licence is re-applied for by the start date. Only 4% disagreed with this. A similar proportion (70%) also agreed with the principle of applying a discount where the property is newly built or being let for the first time, while 8% disagreed.
- 3.34 Fewer residents outside of Croydon agreed with the principle of applying a discount where an existing licence is re-applied for by the start date (62%), while 8% disagreed. A similar proportion (61%) also agreed with the principle of applying a discount where the property is newly built or being let for the first time, with 7% disagreeing with this.

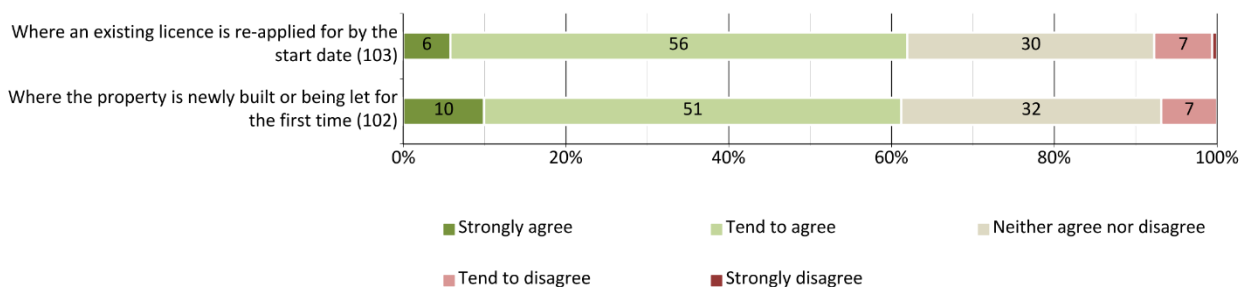
INSIDE CROYDON

Figure 16: To what extent do you agree or disagree with the principle of applying a discount...
Base: Residents living within Croydon (number of respondents shown in brackets)



OUTSIDE CROYDON

Figure 17: To what extent do you agree or disagree with the principle of applying a discount... where an existing licence is re-applied for by the start date?
Base: Respondents who live outside Croydon (number of respondents shown in brackets)



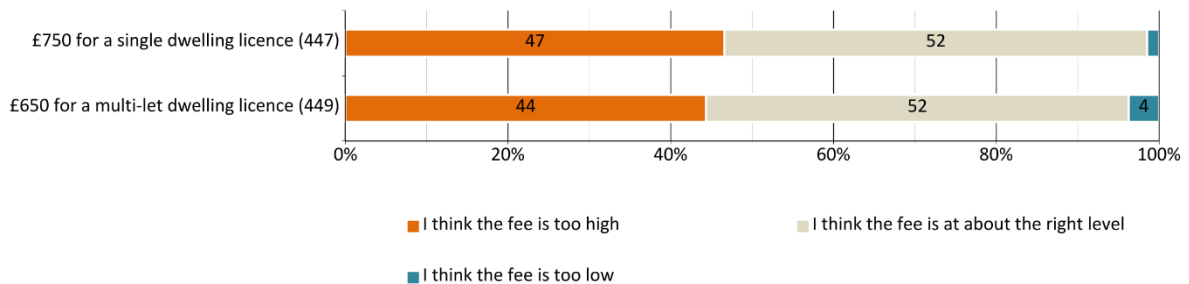
STANDARD FEES

- 3.35 Around half (52%) of Croydon residents felt that the proposed fee of £750 for a single dwelling licence is about the right level, but it is worth noting that nearly as many (47%) felt it is too high. Only 1% felt that the fee is too low. Similar proportions of residents felt the same about the £650 fee for multi-let dwelling licences, with over half (52%) feeling that the fee is at about the right level, but more than two fifths (44%) feeling that the fee is too high; only 4% felt that the fee is too low.
- 3.36 A higher number of residents outside of Croydon felt that £750 for a single dwelling licence is too high (59%), while the remaining two fifths or so (41%) felt that the fee is about the right level. Similar proportions of residents felt the same about the £650 fee for multi-let dwelling licences, with nearly three fifths (58%) feeling that the fee is too high and around two fifths (41%) feeling that the fee is at about the right level (while only one respondent outside of Croydon felt that the fee is too low).

INSIDE CROYDON

Figure 18: STANDARD FEES

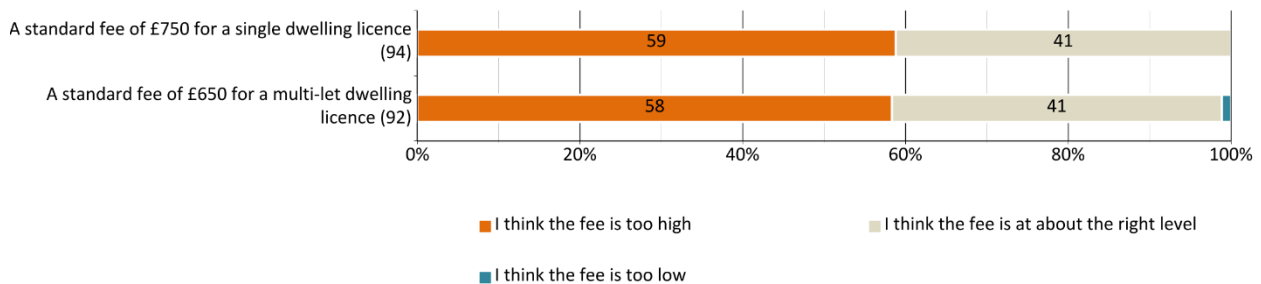
Base: Residents living within Croydon (number of respondents shown in brackets)



OUTSIDE CROYDON

Figure 19: STANDARD FEES

Base: Respondents who live outside Croydon (number of respondents shown in brackets)



DISCOUNTED FEES

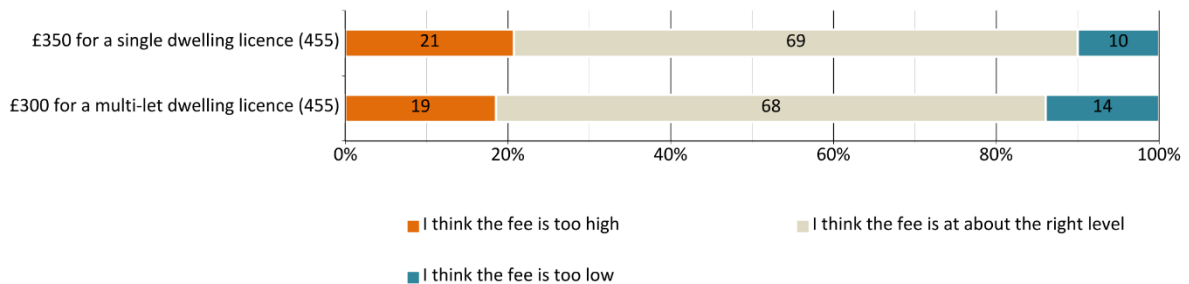
3.37 Around seven in ten (69%) Croydon residents felt that the £350 discounted fee for a single dwelling licence is about the right level, while around a fifth (21%) felt that the fee is too high and 10% felt the fee is too low. A similar proportion of residents felt that the £300 discounted fee for a multi-let dwelling licence is about the right level (68%), while around a fifth (19%) felt that the fee is too high and 14% felt the fee is too low.

3.38 More than half of residents outside of Croydon felt that the £350 discounted fee for a single dwelling licence is at about the right level (59%), although it is worth noting that just over a third felt it was too high (36%), while only 5% felt it is too low. A fairly similar proportion (56%) felt that the proposed £300 discounted fee for a multi-let dwelling was at about the right level, while around a third felt it was too high (32%) and around a tenth felt it is too low (12%).

INSIDE CROYDON

Figure 20: DISCOUNTED FEES

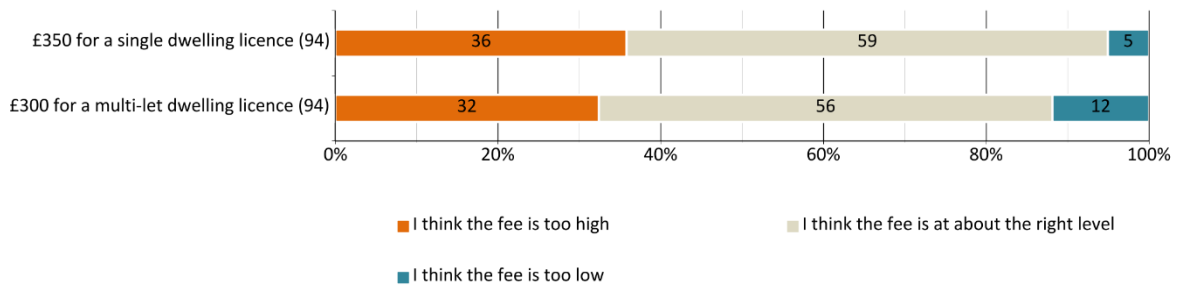
Base: Residents living within Croydon (number of respondents shown in brackets)



OUTSIDE CROYDON

Figure 21: DISCOUNTED FEES

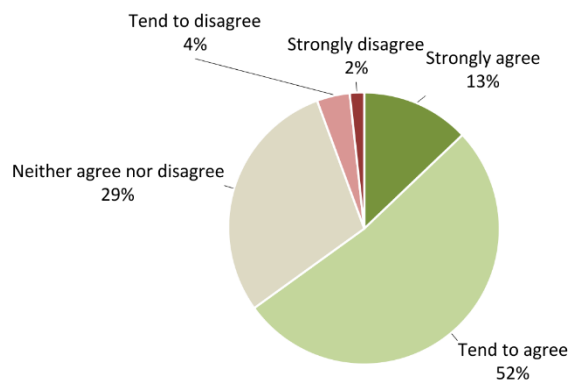
Base: Respondents who live outside Croydon (number of respondents shown in brackets)



3.39 Around two thirds (65%) of Croydon residents agreed that it is reasonable to issue licences for only one year where the council has concerns about the landlord’s management or conduct. Only 6% disagreed with this. A relatively large proportion of residents (29%) said that they neither agreed nor disagreed.

INSIDE CROYDON

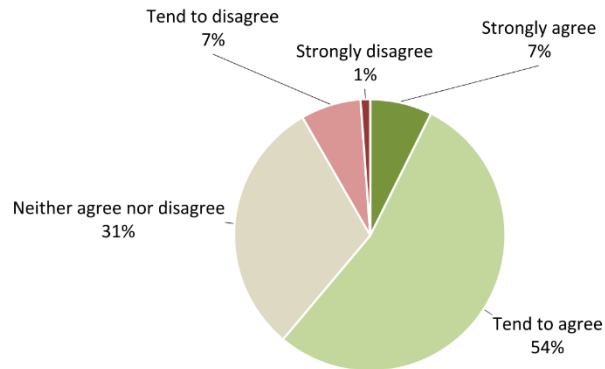
Figure 22: To what extent do you agree or disagree that it is reasonable to issue licences for only one year where the council has concerns about the landlord's management or conduct? Base: Residents living within Croydon (485)



3.40 Slightly fewer (61%) residents outside of Croydon agreed with that this is reasonable. Only 8% disagreed with this. Again, a relatively large proportion said that they neither agreed nor disagreed with this (31%).

OUTSIDE CROYDON

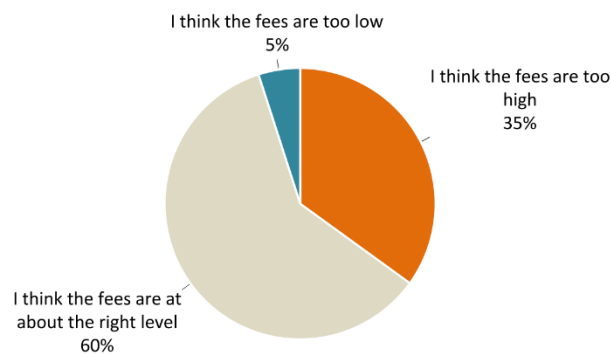
Figure 23: To what extent do you agree or disagree that it is reasonable to issue licences for only one year where the council has concerns about the landlord's management or conduct? Base: Respondents who live outside Croydon (99)



3.41 Three fifths (60%) of Croydon residents felt that the proposed fees for the proposed shorter, one-year licence are at about the right level. However, over a third (35%) felt that the fees are too high, while 5% felt that the fees are too low.

INSIDE CROYDON

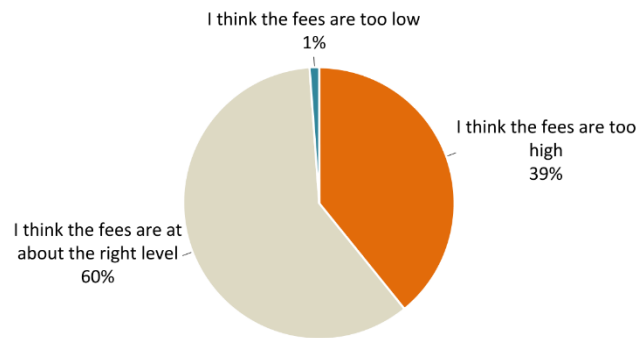
Figure 24: What are your views on the proposed fees for the proposed shorter, one-year licence? Base: Residents living within Croydon (468)



3.42 The same proportion (60%) of residents outside of Croydon also felt that the proposed fees for the proposed shorter, one-year licence are at about the right level. However a slightly higher proportion (39%) felt that the fees are too high, while only 1% felt that the fees are too low.

OUTSIDE CROYDON

Figure 25: What are your views on the proposed fees for the proposed shorter, one-year licence?
Base: Respondents who live outside Croydon (97)



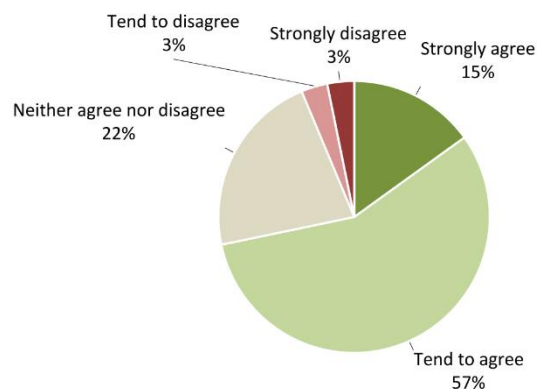
LICENCE CONDITIONS

3.43 The interview script explained that for any licences issued under a new scheme, the council has proposed that landlords should be required to comply with a range of conditions covering: tenancy management; anti-social behaviour; property management; fire safety and a range of other, more general conditions.

3.44 Just under three quarters (72%) of Croydon residents generally agreed with having licence conditions such as these, with 15% strongly agreeing. Only 6% disagreed with this.

INSIDE CROYDON

Figure 26: In general, to what extent do you agree or disagree with having licence conditions such as these?
Base: Residents living within Croydon (491)

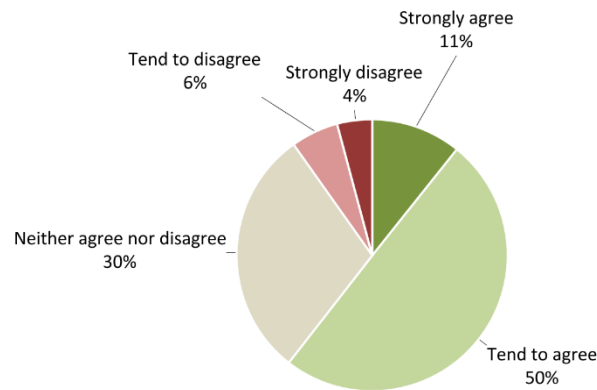


3.45 Fewer (60%) of residents outside of Croydon generally agreed with having licence conditions such as these, while 10% disagreed with the proposed conditions.

OUTSIDE CROYDON

Figure 27: In general, to what extent do you agree or disagree with having licence conditions such as these?

Base: Respondents who live outside Croydon (100)



FURTHER COMMENTS

3.46 Finally, respondents were asked if there were any other things the council should consider to help improve the quality and management of privately rented properties in Croydon, or if there were any other further comments they wanted to make.

3.47 Overall, 87 respondents made some sort of further comment, of whom:

- » 14% stated they generally disagree with the proposals/didn't think they are a good idea;
- » 10% felt that the current/proposed scheme punishes good landlords/only good landlords comply with legislation, and bad landlords avoid it;
- » 10% felt that licensing is just another money-making scheme/additional tax/increased cost/waste of money;
- » 11% think fees are too high/should be lower/should be free;
- » 8% were concerned that the proposed licensing scheme would mean rental prices would go up/costs would be passed onto tenants and rents are too high already;
- » 6% felt that responsible landlords are already adhering to guidelines and meeting requirements i.e. managing tenants properly.

3.48 The remaining comments were varied and covered a range of themes. A few respondents wanted a more focused scheme, or for varying the level of fees based on the landlord's compliance or linking it to the rental yield of the property. A few individuals had concerns about issues such as subletting, the number of HMOs in their locality or the number of properties being converted into flats.

3.49 One respondent living in a neighbouring borough felt that a borough-wide scheme might have a wider impact on their local area, because "if the Croydon area is all covered by the scheme it would mean [more] people now coming to Lambeth as it [i.e. selective licensing] is not working [i.e. operating?] in Lambeth area".

4. Consultation Questionnaire

Introduction

- 4.1 London Borough of Croydon produced a consultation document outlining the issues under consideration, and also worked with ORS to develop a consultation questionnaire. This questionnaire consisted of closed questions intended to elicit views on the various aspects of the proposals, while also allowing respondents to make any further comments. It also captured information about the type of response being submitted and respondents' demographic information.
- 4.2 The consultation document and open questionnaire were available via a dedicated Council webpage between 16th December 2019 and 9th March 2020 (the thirteen-week duration of the consultation period). Paper versions were also made available on request for those who were unable to fill in the questionnaire online.
- 4.3 LBC publicised the questionnaire (and the consultation more broadly) through a variety of means including, among others:
- » The council's website and social media feeds, local press, and advertisements on London landlord's websites and newsletters;
 - » Emails to more than 37,000 PRS landlords at regular intervals during the consultation period, and to all Registered Social Landlords in the borough;
 - » Emails to local residents' associations and community groups;
 - » Information stands at five train stations, 13 public libraries and in Bernard Weathrill House and Croydon town centre;
 - » Letters or emails to GP surgeries, pharmacies and council registered premises in Croydon;
 - » Printed copies of consultation documents and questionnaires available at public libraries and mosques, and in some newsagents in both Croydon and neighbouring boroughs; and
 - » By email, via Greater London Authority, to all London boroughs.
- 4.4 The open consultation questionnaire could be completed by anybody with an interest in the proposals e.g. landlords and agents, local residents or those responding on behalf of organisations. In total, 1,037 responses were received, of which the majority (703 responses) were from those identifying themselves as private landlords or letting agents operating within Croydon. From the remaining responses, 19 were from organisations, 263 were from other individuals who identified they lived in Croydon, and there were a further 52 responses from respondents with either a different connection to Croydon (including 14 representatives of local businesses), or whose links with the borough are either unknown or unclear.
- 4.5 The data from the consultation questionnaire has not been combined to produce "overall" findings because the size of the stakeholder groups, and the numbers of their respective responses, are quite different – and, moreover, they have distinctive views; they cannot, therefore, simply be merged. Thus, this chapter show the results for each main stakeholder group, without an overall percentage.
- 4.6 Each respondent could have had a number of connections to Croydon. For the purposes of reporting, any respondent who identified as a landlord or letting agent has been classified as such in the reporting of

the results, even if they also reported another connection to the borough. Other individuals who reside in the borough, but are not landlords/agents, form another group in the analysis. Respondents who run a local business (other than those who are landlords or agents) form part of a third group, which also includes those with other connections to the borough, or whose connection is unclear.

- 4.7 There were also a further nineteen responses from organisations, which (due to the low number) have been reported separately at the end of this chapter.

Respondent profile

- 4.8 Figure 28 provides a breakdown of the profile of the 1,037 respondents who responded either online or by post to the open consultation questionnaire. Some further demographic information for the second group in the table (i.e. residents living in Croydon) has been provided in Appendix 1.

Figure 28: Response profile for consultation questionnaire (Note: Percentages may not sum due to rounding)

Type of respondent	n	%
Landlords and letting or managing agents	703	68%
Residents living in Croydon (who are not landlords or agents, or responding on behalf of a business or other organisation)	263	25%
Representatives of local businesses and other respondents (e.g. those who work in the borough, have another or no connection to Croydon, or whose connection is unknown)	52	5%
Representatives of organisations (i.e. other than local businesses)	19	2%
TOTAL	1,037	100%

Interpretation of the Data

- 4.9 Graphics are used extensively in this chapter to make it as user friendly as possible. The pie charts and other graphics show the proportions (percentages) of respondents making relevant responses. Where possible, the colours of the charts have been standardised with a ‘traffic light’ system in which:
- » Green shades represent positive responses;
 - » Beige shades represent neither positive nor negative responses;
 - » Red shades represent negative responses;
 - » The bolder shades are used to highlight responses at the ‘extremes’, for example, very satisfied or very dissatisfied.
- 4.10 Blue and orange shading has been used on some charts where the ‘traffic light’ system is less applicable.
- 4.11 Where percentages do not sum to 100, this may be due to computer rounding, the exclusion of “don’t know” categories, or multiple answers. Throughout the volume an asterisk (*) denotes any value less than half a per cent. In some cases, figures of 2% or below have been excluded from graphs.
- 4.12 Many percentages quoted in the commentary have been ‘grouped’ (by e.g. merging together the ‘strongly’ and ‘tend to’ agree/disagree categories) in order to report the overall proportions in agreement/disagreement.

Consultation questionnaire findings

Local issues?

- 4.13 Respondents were asked about the extent to which they felt three issues (anti-social behaviour, deprivation and poor property conditions) are a problem in Croydon.
- 4.14 Three fifths (60%) of landlords and agents felt that anti-social behaviour is at least a 'fairly big' problem, while just under half (45%) felt this way about deprivation. However, only around a quarter (23%) felt that poor property conditions are a problem.
- 4.15 Around three quarters of Croydon residents felt that each of the issues is at least a fairly big problem.

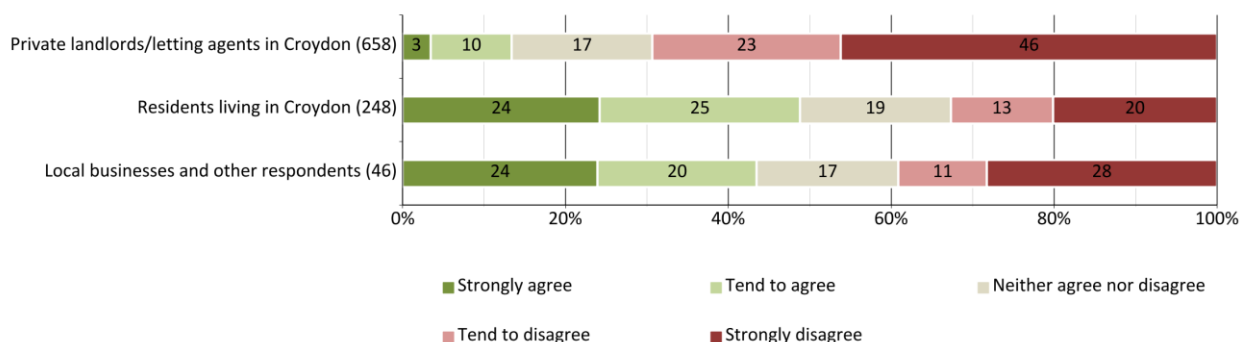
Figure 29: To what extent do you believe each of the following to be a problem in Croydon? Percentages based on proportion of respondents answering a 'very' or 'fairly big' problem.

Type of issue	Respondent group		
	Landlords and agents	Residents of Croydon	Other stakeholders (including businesses)
	%	%	%
Anti-social behaviour	60	74	86
Deprivation	45	78	71
Poor property conditions	23	73	70

The current licensing scheme

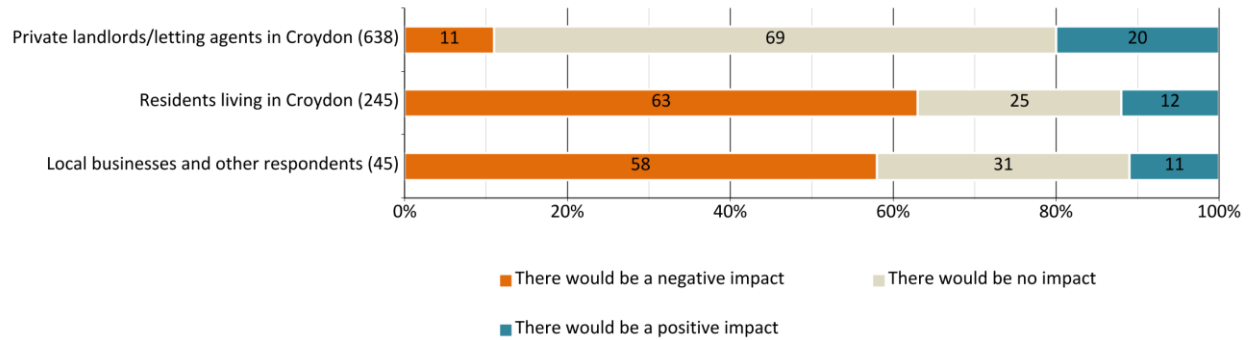
- 4.16 Only 13% of landlords and agents agreed that the current licensing scheme has been effective, compared with around half (49%) of residents and a slightly smaller proportion (43%) of the other stakeholders.

Figure 30: To what extent do you agree or disagree that the current licensing scheme has been effective in improving the quality and management of privately rented properties in Croydon? Base: All Respondents (number shown in brackets)



4.17 Most landlords and agents (69%) said that they would foresee no impacts if the scheme was not continued. However, majorities of residents (63%) and other stakeholders (58%) felt that there would be negative consequences.

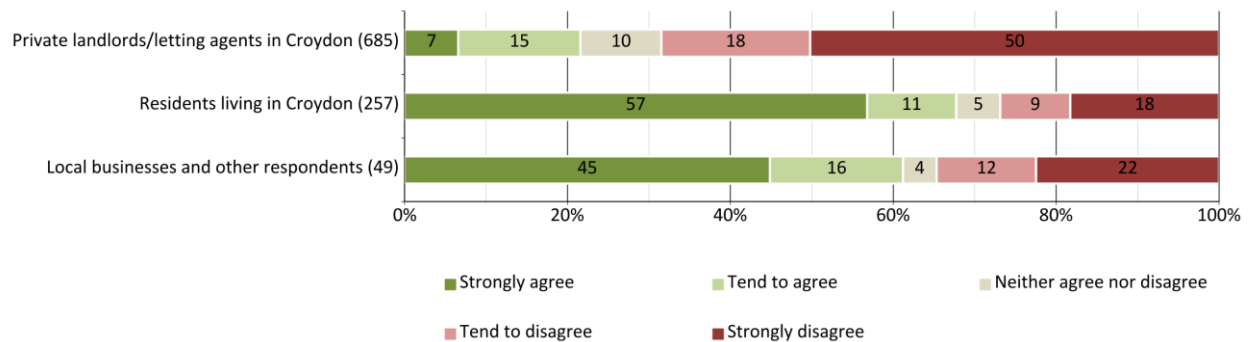
Figure 31: If the current licensing scheme stopped and was NOT continued, what impact do you think this would have on your local area? Base: All Respondents (number shown in brackets)



The proposals for a new licensing scheme

4.18 Only a minority of landlords and agents (22%) agreed with the principle that the council should continue with some form of licensing scheme, whereas residents and other stakeholders were much more supportive (with 68% and 61% agreeing, respectively).

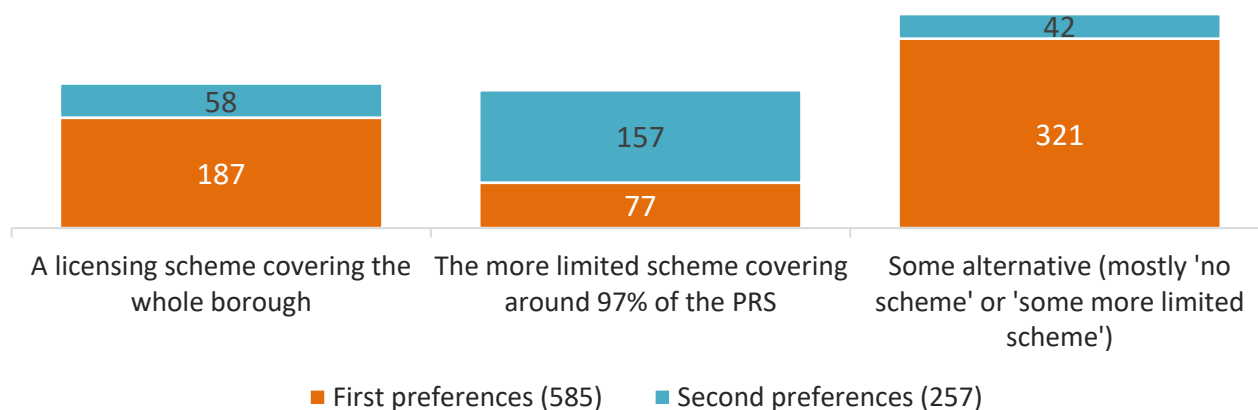
Figure 32: To what extent do you agree or disagree with the principle that the council should continue with some form of selective licensing scheme? Base: All Respondents (number shown in brackets)



Preferred options

- 4.19 Respondents were also invited to give their first and second preferences for any new selective licensing scheme. Three 'options' were available to select: a licensing scheme covering the whole of the borough (the council's preferred option), a more limited scheme covering around 97% of privately rented dwellings, and some alternative of the respondent's choosing.
- 4.20 Although the question invited respondents to give both a first and second preference, this was not required: as the numbers in brackets in the charts below illustrate, only around half (roughly) of respondents who gave a first preference went on to identify a second choice.
- 4.21 Among landlords and agents, 'some alternative' was the clear first preference: out of those who gave a first preference, just over half (321 out of 585 respondents, or 55%) selected this option. Of the two remaining options, the borough wide option attracted more first preferences (187 respondents) than the more limited scheme (77 respondents), although it is worth noting that the limited scheme was the most widely selected second choice among those who gave one.

Figure 33: If a new selective licensing scheme was introduced, please indicate which of the following you would prefer.
LANDLORDS AND AGENTS (counts)



- 4.22 Among residents and the remaining stakeholders (i.e. local businesses and those with a different or unknown connection to the borough), the preferences were clearer cut: most favoured a licensing scheme covering the whole of the borough.

Figure 34: If a new selective licensing scheme was introduced, please indicate which of the following you would prefer.
RESIDENTS LIVING IN CROYDON (counts)

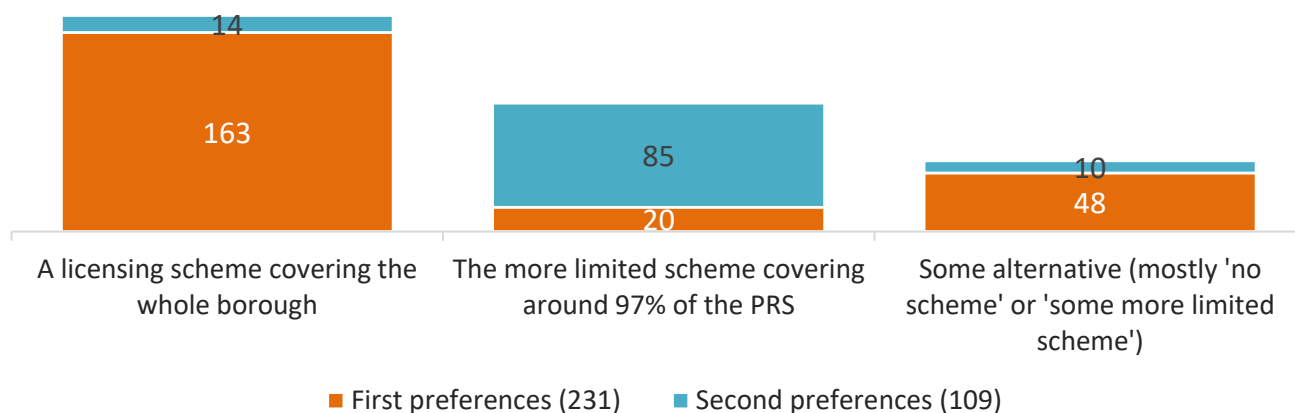
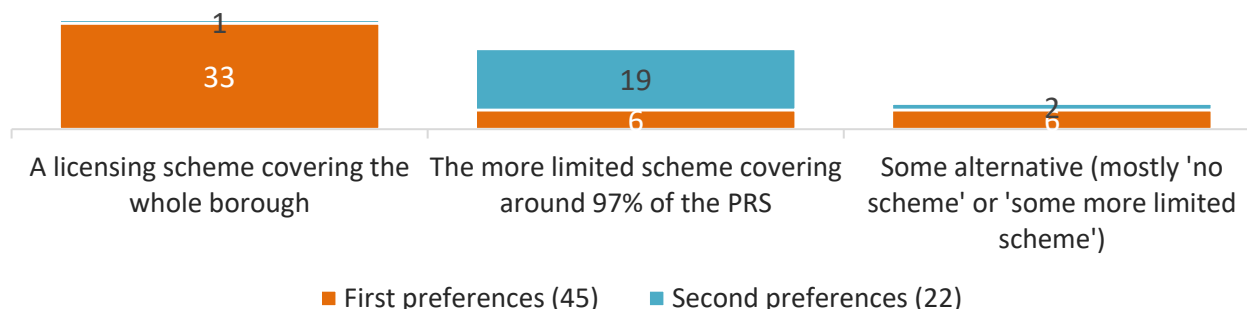


Figure 35: If a new selective licensing scheme was introduced, please indicate which of the following you would prefer.
LOCAL BUSINESSES AND OTHER RESPONDENTS (counts)



Open-ended comments made in relation to preferred option(s)

- 4.23 The questionnaire respondents were invited to state the reasons for their preference(s), as well to explain what alternative they would prefer if they had indicated this as a preferred choice.
- 4.24 Respondents who preferred an alternative were invited to state what this would be. Many respondents who selected this option, particularly landlords/agents, did not want to see any form of licensing scheme whatsoever. Typically, these respondents argued that the scheme punishes good landlords unfairly, while allowing bad landlords to operate without restrictions. Many landlords claimed that they had derived no benefits from the scheme and that the issues could be addressed through legislation. Many said that their properties had not been inspected, in spite of having been licensed for the duration of the current scheme.
- 4.25 Some suggested that they could countenance a more limited or targeted approach. For example, some felt that that the council needed to be more selective in terms of which areas it included in the scheme e.g. only including those with the worst anti-social behaviour or deprivation problems, or where there is felt to be a greater risk of overcrowding issues.

- 4.26 A few named particular wards or areas where they felt licensing was more applicable e.g. Thornton Heath, Broad Green, or West Croydon. One respondent felt it should be limited to ‘central wards’ where the largest % change in population is expected (based on diagrams in the consultation document). A couple of respondents felt parts of the south of the borough e.g. Park Hill should be excluded.
- 4.27 Others advocated an approach based more around targeting particular types of property, or particular landlords, either as part of a selective licensing scheme, or through some alternative approach. A list of the suggestions made is included below, with those at the top of the list typically being mentioned more often than those nearer the bottom:

Limiting the licensing scheme to just those properties that have previously been the subject of a complaint or have caused issues i.e. exempting those landlords with no record of problems;

Relying on tenants identifying problems (e.g. via a dedicated helpline or whistleblowing service) that the council would then respond to and issue fines against the landlord to recoup their costs;

Carrying out an ‘audit’ or inspection of the condition of properties, only licensing those that are likely to have issues i.e. requiring licensing on a case-by-case basis, rather than a ‘blanket approach’;

Introducing some form of free-of-charge landlord registration scheme, with random inspections and fines for non-compliance, with a greater emphasis on self-regulation, e.g. allowing landlords to declare they meet minimum standards (e.g. by using a check list, submitting a maintenance strategy, or providing evidence of conducting inspections and undertaking repairs);

Exempting or reducing fees for landlords who have their properties managed by an accredited agent, as this should already ensure a certain standard;

Limiting the scheme to HMOs and/or larger properties;

Focusing on older properties and exempting or relaxing requirements for new builds, or build-to-rent;

Exempting landlords with just the one property e.g. the more ‘accidental landlords’, to allow greater focus on the more ‘commercial’ landlords with several properties;

Specific exemptions for recently built or completely refurbished blocks of flats with central amenities;

Allowing landlords to submit third party ‘inspection reports’ to confirm a minimum standard, or to submit relevant electricity and gas certificates to be held on record;

Incentivising landlords to show good behaviour e.g. by introducing a ‘points system’ to make responsible landlords more attractive to tenants, or perhaps a council tax rebate;

An ‘opt-in’ scheme with some possible incentive e.g. council tax rebate;

Accreditation as an alternative to licensing schemes, or exempting properties where the landlord or agent is accredited with a relevant body (e.g. NLA/RLA for landlords, ARLA/UKALA for agents) on the basis that the landlord or agent will be up-to-date with latest regulations, is likely to meet a certain minimum standard, etc;

Better efforts to identify the previously unlicensed landlords e.g. through better intelligence gathering and partnership working, by utilising the council tax registration process and other sources (e.g. HMRC, benefits, letting advertisements) to gather data and cross-reference with land registry information;

A shorter licence period e.g. 2 or 3 years rather than 5; or, only licensing the very worst landlords on a one-year rolling basis;

Introducing a scheme that licenses the landlord, rather than every property;

Charging an inspection fee (e.g. of £100) for a five-yearly inspection, with those who fail being subject to further inspections and fees;

A scheme whereby: tenants register with the council and are surveyed on their experiences a complaints and arbitration scheme is setup, with problem landlords being licensed at £1,000 per year for a minimum of 2 years or until the issues have been resolved, then subject to further licensing including regular inspections for another 5 years at a lower fee e.g. £250 per year;

Exempting those who rent their property to the council - on the basis that the property is already vetted and the rent received is below market value;

Charging a fee for an inspection every five years and where there are defects, the landlord will have to pay for an additional inspection and therefore an additional fee;

A scheme whereby all tenanted properties are registered and each year a small number are drawn at random and inspected, for which a one-off fee is paid and the property (if acceptable) is excused from further random inspections for the next three years;

Issuing a 'compliance certificate' to landlords that meet the conditions and only then can a property in question be allowed to be rented;

A centrally-manged online national landlord register as an alternative to local schemes, with mandatory accreditation training, and facilities to upload compliance documents (e.g. certificates) with a 'reasonable' annual fee (with agents not being allowed to let a property that is not registered);

Postponing the scheme until such as time as the council is actually equipped to respond to the issues (suggested by a landlord who had reported issues with other licensed properties to the council, and received no response);

Compelling landlords who repeatedly fail standards to sell their properties to the council for a proportion of the market value, and transferring the property to social rent;

A scheme focused on property conditions rather than on anti-social behaviour (on the basis that only the first of these is within the landlord's control);

Using the inventory and schedule of condition report prior to the first tenancy to replace council inspections, reducing effort and cost;

Only including properties in the lower council tax bands (e.g. A-E) on the basis that landlords have an incentive to take better care of higher value properties;

Introducing an obligation for rented properties to have a minimum energy performance rating of C, to provide better thermal comfort for the occupants.

^{4.28} Evidently, the concerns that were raised ranged widely across a number of different themes, and many respondents also used the question as an opportunity to state their general views on licensing, any wider concerns they had about the proposals, or certain ways in which they felt the proposals might be improved.

^{4.29} A high-level summary of these broader themes that were raised is provided overleaf (Figure 36):

Figure 36: High level summary of comments made in relation to the question seeking reasons for respondents' preferred option(s) and an explanation of any preferred alternative(s). (NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment	Respondent type		
	Landlords/ agents	Live in Croydon	Business/ other
Respondent count for group	515	168	34
Generally support licensing proposals/think they are a good idea	4%	10%	N=4
Generally disagree with licensing proposals/think they are a bad idea	20%	8%	N=4
Comments specifically about any of the proposed options	18%	35%	N=12
Comments about ineffectiveness of current scheme/licensing generally	38%	17%	N=7
Comments about effectiveness of current scheme/licensing generally	1%	4%	N=1
Suggested improvements to how scheme is run/managed	18%	22%	N=2
Possible negative impacts/areas to mitigate	35%	19%	N=10
Comments about fees: fee structure, discounts etc.	18%	5%	N=1
Comments about conditions	10%	17%	-
Alternatives	40%	23%	N=7
Other	22%	24%	N=12

^{4.30} A more detailed breakdown of the most germane comments raised under the broader themes above, is provided in the table overleaf (for a full summary of all comments made in relation to the question above, please consult Appendix 2).

Figure 37: More detailed summary of a sub-set of comments most relevant to the reasons for preferred option(s) and any preferred alternatives. (NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		515	168	34	
Comments specifically about any of the proposed options	Agree with option for full-borough licensing	15%	31%	N=9	
	Agree with option for part-borough licensing (97% of PRS properties)	1%	2%	N=1	
	Disagree with option for full-borough licensing	1%	-	N=2	
	Disagree with option for part-borough licensing (97% of PRS properties)	2%	5%	N=1	
	Support for full-borough scheme as being more consistent/fairer	12%	26%	N=7	
	Support for part-borough scheme as being more focused	*	1%	N=1	
Comments about ineffectiveness of current scheme/licensing generally	Current scheme has been poorly managed / administered /enforced e.g. poor quality of staff/more training required	7%	3%	-	
	Proposed scheme won't work/previous scheme was difficult to implement/nothing changed/improved with previous scheme	10%	5%	N=2	
	Sufficient legislation already in place/should enforce existing legislation rather than complicating issues	7%	3%	N=2	
	Responsible landlords already adhering to requirements e.g. managing/vetting tenants, keeping homes to a high standard	8%	1%	-	
	Just a money-making scheme/additional tax or cost/waste of money	19%	7%	N=4	
	Has not addressed / will not address	ASB	3%	2%	N=1
		Deprivation	*	1%	N=1
		Poor property conditions	1%	-	-
Sub-letting		-	1%	-	
Comments about effectiveness of current scheme/licensing generally	Licensing will improve or has improved/helped/supported the area	*	2%	-	
	Has addressed / will address	ASB	*	1%	N=1
		Deprivation	*	1%	-
		Poor property conditions	1%	1%	-
Suggested improvements to how scheme is managed	Proposals will need to be properly managed/enforced; more inspections will need to be made; licences to be granted after inspections/vetting etc.	12%	17%	N=1	
	More or stricter warnings/penalties/fines/prosecutions needed	7%	5%	N=1	
	Better support/communication from council regarding licensing scheme	2%	1%	-	
	Need contact information for problem properties/need way of contacting landlord/agents if come across any problems with property	1%	1%	-	
	More transparency/information needed about how money is spent	1%	2%	-	
Possible negative impacts / areas to mitigate	Proposals adds unnecessary bureaucracy/red tape; waste time/resources	4%	2%	N=1	
	Doesn't provide any benefits/value for money for landlords/agents	9%	1%	-	
	Punishes good landlords/only good landlords comply	17%	6%	N=3	
	Proposals affect profitability: becomes less worthwhile / landlords will sell	4%	2%	N=2	
	Rents will go up / costs will be passed on to tenants/rents high already	8%	7%	N=4	
	Will reduce the amount of available housing in area due to landlords selling or not investing in area	4%	2%	N=2	
	Will affect vulnerable people/people on lower incomes	1%	1%	-	
	'Bad' landlords will move to unlicensed areas if scheme only part-borough	1%	6%	N=1	
Alternatives	Suggested alternative area for part-borough licensing	*	-	-	

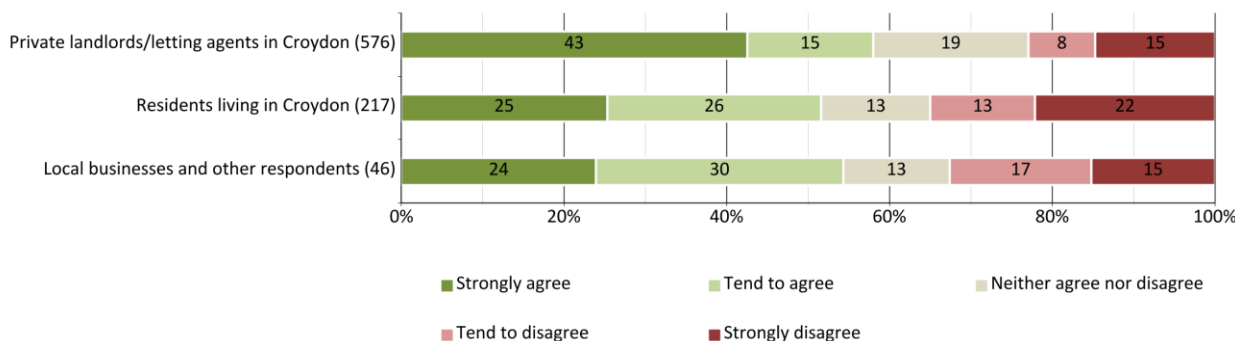
Comment		Respondent type		
		Landlords/ agents	Live in Croydon	Business/ other
Respondent count for group		515	168	34
Suggestions for a more targeted scheme	Only cover bad landlords; certain areas/property types with problems e.g. HMOs	31%	18%	N=5
	Smaller landlords shouldn't be treated same as bigger landlords / tiered approach based on property size	3%	1%	-
	Licensing scheme should be reduced or not applicable if using a letting agent or letting via a social provider	1%	-	-
	Target areas with higher level of PRS	1%	-	-
	Should educate landlords; would be more efficient than licensing scheme	1%	1%	-
	Money should be spent on upgrading properties not licensing scheme	1%	-	-
	Council should fund scheme itself e.g. via council tax	1%	-	-
	Licence should be transferable i.e. you shouldn't be charged again if wishing to change letting or managing agent etc.	*	-	-
	Need to make it easier for tenants to complain e.g. via complaint process	4%	4%	N=2
	Should educate tenants; would be more efficient than licensing scheme	*	1%	-
	Every property should be included e.g. incl. privately owned, social rent	*	1%	-
	Licensing scheme should be for a shorter time period	*	-	-
	Repeat offenders shouldn't be allowed a licence	*	1%	-

Licence fees and conditions

Principles for a new fee structure

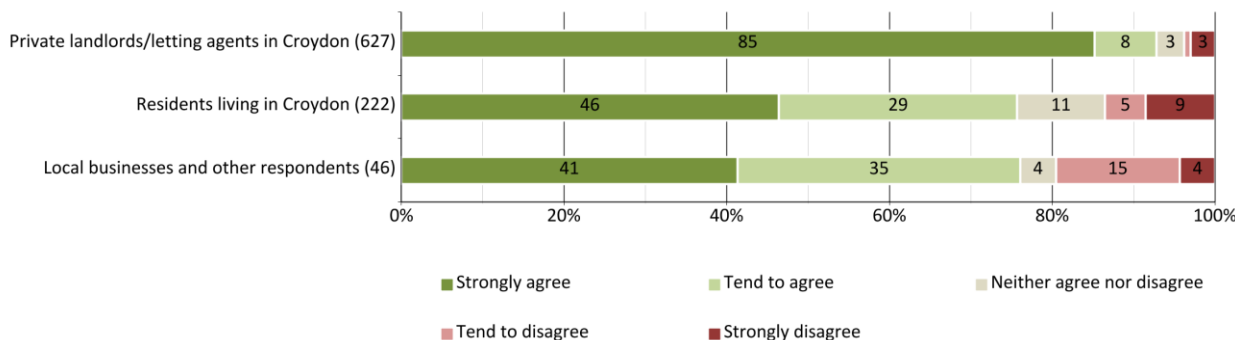
4.31 All stakeholder groups were broadly supportive of the principle of reducing the fee for a dwelling in a multi-let property (with 58% of landlords and agents⁷, 52% of Croydon residents and 54% of other respondents in agreement).

Figure 38: To what extent do you agree or disagree with the principle of each of the following? Reducing the fee for dwellings in a multi-let property. Base: All Respondents (number shown in brackets)



4.32 There was very strong support among landlords and agents (93% agreeing) with the principle of applying a discount where an existing licence is re-applied for by the start date. Around three quarters of residents and other stakeholders also agreed (both 76%).

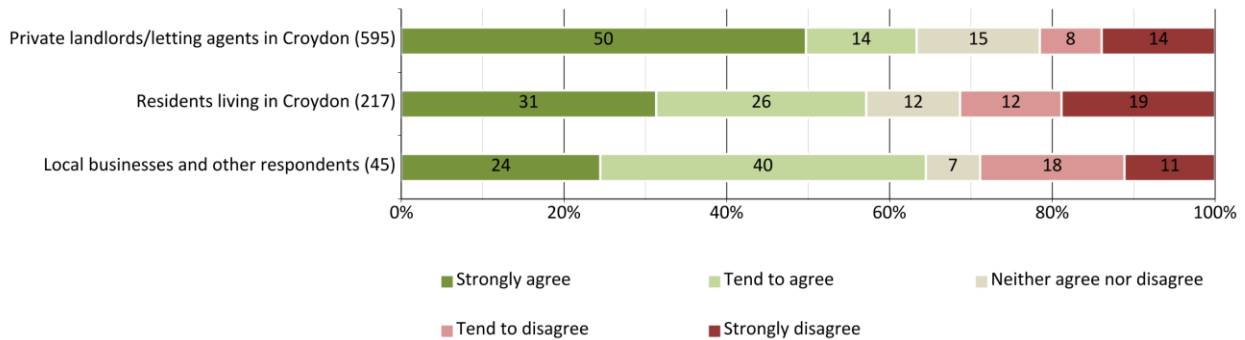
Figure 39: To what extent do you agree or disagree with the principle of each of the following? Applying a discount where an existing licence is re-applied for by the start date. Base: All Respondents (number shown in brackets)



4.33 Most respondents agreed with applying a discount where the property is newly built or being let for the first time, although compared with other results in the questionnaire there was somewhat less of a contrast in views between landlords and agents (63% agreeing) and the remaining groups (57% of residents and 64% of other stakeholders agreeing).

⁷ It is worth noting, however, that letting and managing agents were somewhat more supportive (81% in agreement) than private landlords (56% in agreement).

Figure 40: To what extent do you agree or disagree with the principle of each of the following? Applying a discount where the property is newly built or being let for the first time. Base: All Respondents (number shown in brackets)



Levels of proposed fees: standard fees

- 4.34 Large majorities of landlords felt that the proposed standard fees of £750 for a single (95%) and £650 for a multi-let (82%) dwelling were too high.
- 4.35 Residents living in Croydon were more evenly split between those who felt that these fees are too high (51% for the single and 41% for the multi-let fee), and those who felt that they are at about the right level (42% for the single and 36% for the multi-let fee). It is also worth noting just under a quarter (23%) felt that the proposed multi-let dwelling licence fee is too low.
- 4.36 The responses from local businesses and other respondents followed a generally similar pattern to those of local residents (i.e. showing a split between those who felt the proposed fees were appropriate, and those who felt they are too high).

Figure 41: Please share your views on the proposed fees by indicating whether you feel each fee is too high, about right, or too low. Standard fees: £750 for a single dwelling licence. Base: All Respondents (number shown in brackets)

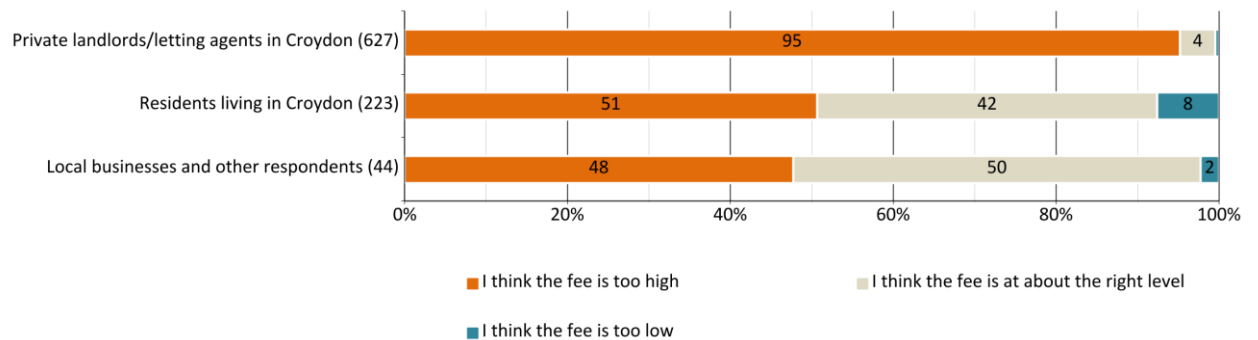
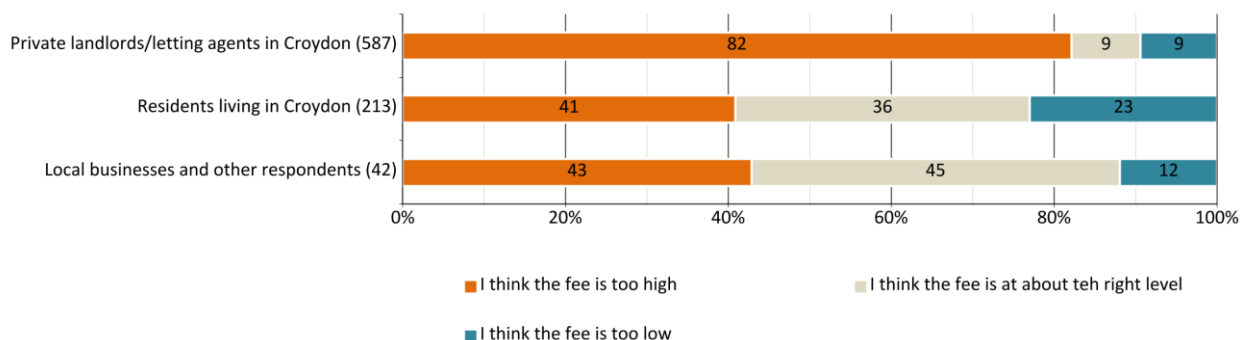


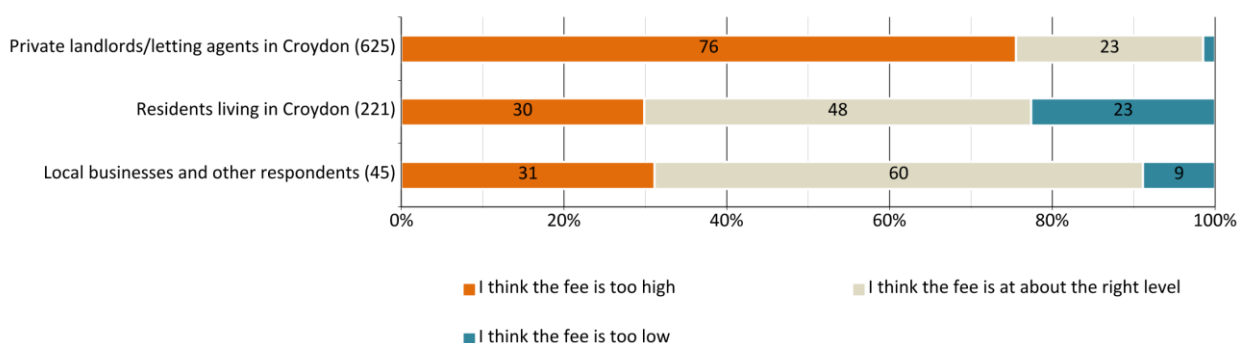
Figure 42: Please share your views on the proposed fees by indicating whether you feel each fee is too high, about right, or too low. Standard fees: £650 for a multi-let dwelling licence.



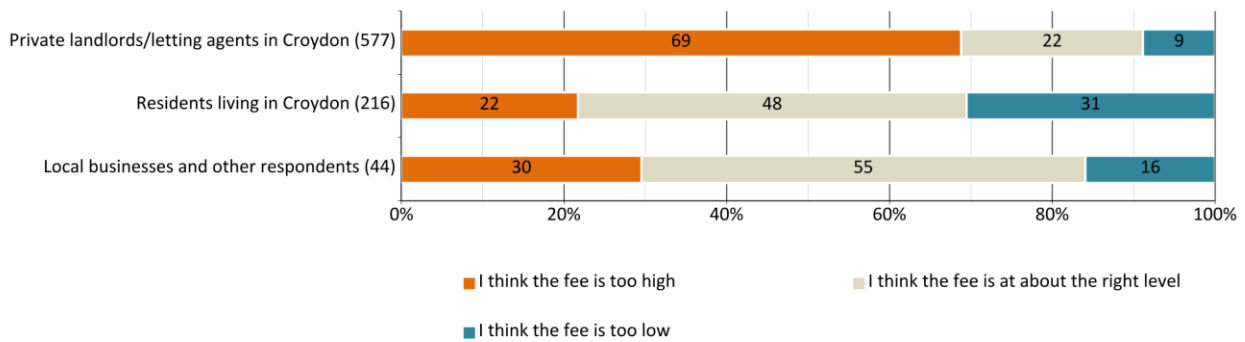
Levels of proposed fees: discounted fees

- 4.37 Respondents were also invited to give a view on the proposed discounted fees (i.e. those for cases where the property was previously licensed and a new application is made by the start date of the new scheme; or where it is a newly constructed dwelling/being let for the first time).
- 4.38 Most landlords and agents felt these discounted fees were still too high (76% for the proposed single dwelling licence fee of £350, and 69% for the proposed multi-let dwelling licence fee of £300). However, more than a fifth (23% and 22% respectively for single and multi-let dwellings) felt the fees were at about the right level, and around a tenth felt the £300 fee for a multi-let dwelling was too low (9%).
- 4.39 Just under half of residents living in Croydon (48%) felt the proposed fee for a single dwelling licence was at about the right level, although sizeable minorities also felt it was either too high (30%) or too low (23%).
- 4.40 The same proportion (48%) felt the proposed fee for a multi-let dwelling licence was about right, though in this instance slightly more felt it was too low (31%) than felt it was too high (22%).
- 4.41 Absolute majorities of other respondents felt that the proposed single and multi-let dwelling fees were at about the right level (60% and 55% respectively).

Figure 43: Please share your views on the proposed fees by indicating whether you feel each fee is too high, about right, or too low. Discounted fees: £350 for a single dwelling licence
Base: All Respondents (number shown in brackets)



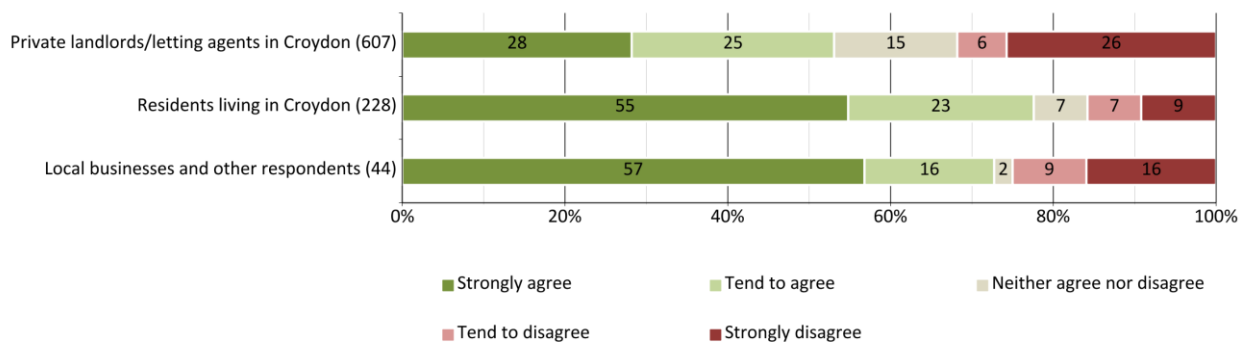
**Figure 44: Please share your views on the proposed fees by indicating whether you feel each fee is too high, about right, or too low. Discounted fees: £300 for a multi-let dwelling licence
Base: All Respondents (number shown in brackets)**



Shorter licences

- 4.42 An absolute majority of landlords and agents (53%) agreed with the principle of issuing licences lasting only one year, in cases where there are concerns about the licence holder’s conduct or management standards. Around a third (32%) disagreed.
- 4.43 Larger majorities of Croydon residents (78%) and other respondents (73%) agreed.

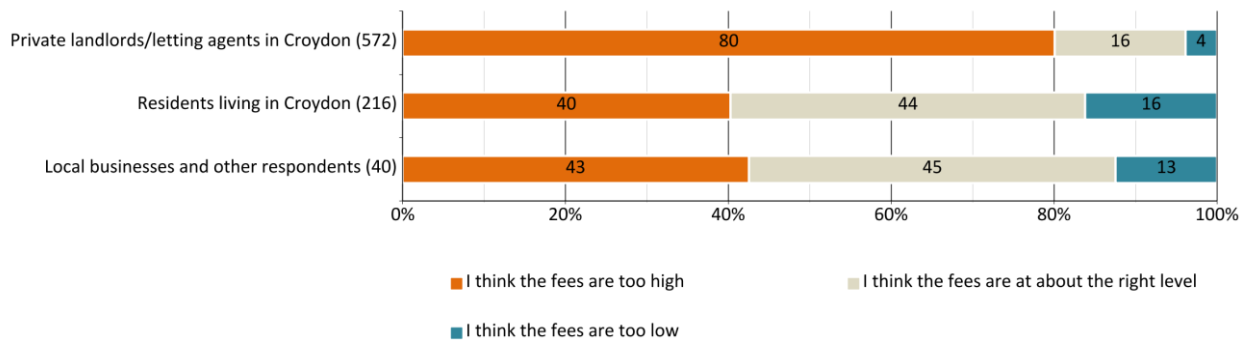
Figure 45: To what extent do you agree or disagree that it is reasonable to issue licences for only one year, in instances where the council has concerns about the landlord's management or conduct? Base: All Respondents (number shown in brackets)



4.44 Four out of five landlords and agents (80%) felt that the proposed fees for a one-year licence were too high.

4.45 Residents were fairly evenly split between those who felt the proposed fees were too high (40%) and those who felt they were at about the right level (44%), as were the remaining other stakeholders (43% and 45%).

Figure 46: What are your views on the proposed fees for the proposed shorter, one-year licence? Base: All Respondents (number shown in brackets)

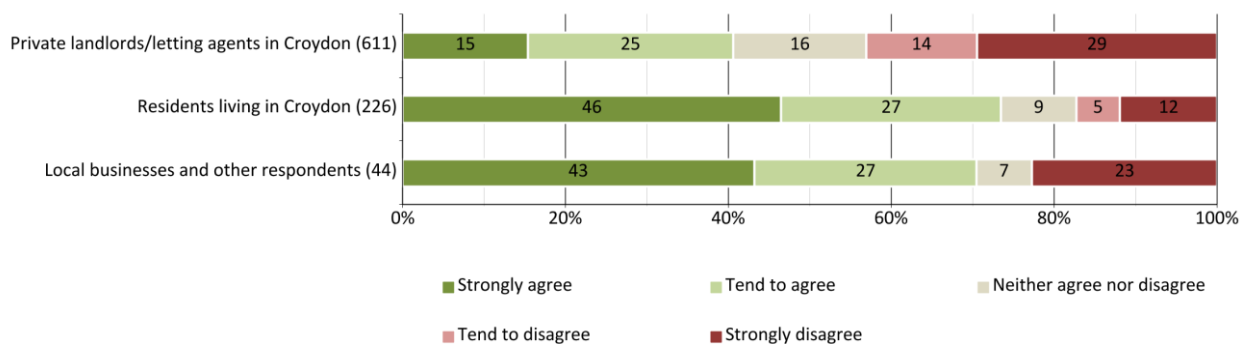


Licence conditions

4.46 Landlords and agents were fairly split as to their views on the proposed licence conditions: 41% agreed, while 43% disagreed.

4.47 On the other hand, clear majorities of residents living in Croydon (73%) and other stakeholders (70%) agreed in general with the proposed conditions.

Figure 47: In general, to what extent do you agree or disagree with the proposed licence conditions? Base: All Respondents (number shown in brackets)



Open ended question about fees and conditions

- 4.48 All questionnaire respondents were invited to provide any further comments about the proposed fees and conditions.
- 4.49 In practice, many used the question as an opportunity to reiterate their general views on licensing and express wider concerns, as the table below (Figure 48) illustrates; however the second table overleaf (Figure 49) provides a more detailed summary of those comments pertaining more directly to the fees and conditions.

Figure 48: High level summary of comments made in relation to the question seeking further comments on the proposed fees and conditions. (NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment	Respondent type		
	Landlords/ agents	Live in Croydon	Business/ other
Respondent count for group	364	79	16
Generally support licensing proposals/think they are a good idea	3%	3%	N=1
Generally disagree with licensing proposals/think they are a bad idea	18%	10%	N=6
Comments specifically about any of the proposed options	1%	1%	-
Comments about ineffectiveness of current scheme/licensing generally	34%	20%	N=5
Suggested improvements to how scheme is run/managed	15%	22%	N=2
Possible negative impacts/areas to mitigate	33%	20%	N=5
Comments about fees: fee structure, discounts etc.	31%	22%	N=1
Comments about conditions	17%	22%	N=1
Alternatives	25%	19%	N=5
Other	29%	34%	N=7

Figure 49: More detailed summary of the sub-set of comments most relevant to the question seeking further comments on the proposed fees and conditions (NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment		Respondent type		
		Landlords/ agents	Live in Croydon	Business/ other
Respondent count for group		364	79	16
General views on fees and discounts	Fees are too low/should be higher to cover cost of administering scheme/no cost should go to taxpayer	-	4%	-
	Generally think fees are too high: should be lower or no fee	18%	10%	N=1
	Agree with reductions being in place in general	1%	-	-
	Fee should be per landlord rather than per property/landlords with multiple properties shouldn't have to pay for multiple licences	2%	-	-
	Shouldn't pay full fee if applying part way through/should be pro rata	3%	3%	-
	'Good' landlords should pay less than 'bad' landlords; should incentivise good behaviour e.g. through rebate,	8%	1%	-
	Money raised through scheme should be 'put back' into local area	1%	1%	-
Views on discounts for dwellings in multi-let property, existing licences being reapplied for, or new builds/lets	Proposed discounted fee for multi-let is too high; should be lower/free	*	-	-
	Agree with providing a discount where existing licence re-applied for	1%	-	-
	Agree with providing a discount for newly built or let properties	1%	-	-
	Proposed discounted fees for renewals and new builds/lets are too high	1%	-	-
Views on shorter / one-year licences	Generally agree with this for some landlords	1%	1%	-
	Generally disagree with this	1%	1%	-
	Proposed one-year fee is about right	*	-	-
	Proposed one-year fee is too high	1%	-	-
Views on conditions	Agree that landlords/agents should be held more responsible/accountable for their tenants, anti-social behaviour etc	*	3%	-
	Agree that landlords should be responsible for maintaining good property conditions/safe housing	3%	8%	-
	Landlords/agents are not responsible for tackling ASB/police/council should be more involved	9%	8%	-
	Tenants should have some responsibility for property standards	3%	3%	-
	Should have similar scheme for tenants/should license tenants	1%	1%	-
	Landlords need more protection/support/help e.g. to evict tenants/retrieve rent from tenants etc.	5%	3%	-
	Enforce conditions on property management companies/letting agents	-	-	N=1
Other relevant themes	Proposal is just a money-making scheme, tax, etc.	20%	8%	N=3
	Does not offer value for money or benefits to landlords	7%	1%	-
	Proposals will affect profitability for landlords	4%	3%	-
	Rents will increase; costs will be passed on to tenants	9%	6%	N=2
	Will reduce available housing in area as landlords will 'sell up' or not invest	5%	4%	-
	Will need to be properly managed / enforced to be effective	8%	18%	N=2

^{4.50} It is important to note that the summary above relates solely to the open-ended question asking about licence fees and conditions. However, some respondents chose to reference fees and conditions as part of their answers elsewhere in the questionnaire i.e. in their response to the open-ended question seeking to understand reasons for preferring one option over another, and in response to the final 'any other

comments' question. Readers may therefore wish to refer to Appendix 2 for a fuller summary of comments made in relation to fees and conditions.

^{4.51} The following views were also expressed by small numbers of respondents (i.e. too infrequently to be added to the list of themes in the table) but may nonetheless be worth noting:

Various comments expressing concerns about breaches of tenants' privacy and other intrusions: e.g. if the licence holder is made to share information with the council, or has to enter the property on numerous occasions to do inspections, measure room sizes etc.

Concern that the council has not provided a timescale for the length of processing time for a licence application, nor stated if tacit consent would apply should the processing go beyond the advertised time;

Disagreement with the one-year licence on the basis that any landlord who gives cause for concern should not be allowed to let out properties at all;

Confusion about why the fee for a newly built or let property would be lower: *"a new landlord takes more work and not less"*, with a suggestion that this may not be legal;

Disagreement with the multi-let discount on the basis it favours the bigger, professional landlords;

The opposite view to the above i.e. concern that having a fee for every dwelling in a building is unnecessarily 'punitive' meaning that the fees for a multi-let should either be reduced further, or the total fee should be capped – a defining factor being whether the building complies with the definition of 'build to rent' within the Mayor of London's policy documents;

Build to rent providers should be considered as being more similar to registered providers (*'whose properties we understand to be exempt from the proposed licence requirements due to other regulatory controls on their property management and tenancies, rather than individual owners of individual and often fragmented properties with no defined management standards'*)

Landlords could be allowed to prepare a *'bespoke'* management plan that would allow a more 'proportionate' set of conditions to be tailored to each particular property, as opposed to a blanket set of conditions for all properties;

There should be conditions relating to central heating and hot water;

Calls for the conditions to place more emphasis on the external appearance and condition of the property (e.g. no weeds, rubbish) and security (lighting etc) for communal areas;

Concern about a lack of clarity over some of the terms used in the conditions e.g. what is meant by 'timely manner', tenants being given 'reasonable time' to settle in, and so on;

Concern about licences being non-transferable as it means landlords get 'stuck' with poorly-performing agents, if the agent is named on the licence;

Suggestions that the council use council tax registrations to gather information rather than relying on the licence holder to provide this;

More action should be taken against 'rogue tenants' who cause significant damage to the property;

Tenants need to be offered clear tenancy information in a standard, very easy-to-understand format;

Tenants should be provided with a list of reputable landlords by the council;

Neighbours should be given more information when they live next to a rented property, and should also be encouraged to report unlicensed properties e.g. via a ‘reward system’;

The council should ‘lend its weight’ to help landlords with gas, plumbing or electrical issues, by ‘leaning’ on engineers and companies to help solve the problems quickly.

Further comments

- 4.52 The questionnaire also provided respondents with an opportunity to make any final further comments, via the question: Are there any other things you think the council should consider to help improve the quality and management of privately rented properties in Croydon, or are there any other comments that you would like to make about the licensing proposals?
- 4.53 Around half (512 of the total 1,037 respondents) provided some form of comment. The views expressed ranged widely; however, a high-level summary is provided in Figure 50 below.
- 4.54 It can be seen that around a quarter of landlords and agents who commented expressed general disagreement with the proposals (24%) or stated some sort of alternative (24%), and around a third went on to give further comments about why they felt licensing is or has been ineffective (32%) or about possible negative impacts and other concerns (31%).
- 4.55 Residents and other respondents were generally less negative: for example, more residents living in Croydon made generally supportive comments about the proposals (11%) than expressed disagreement (7%). However, a third (33%) identified ways in which they felt the scheme might be managed better.

Figure 50: High level summary of comments made in relation to the question seeking any further comments or views on other things the council should consider. (NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment	Respondent type		
	Landlords/ agents	Live in Croydon	Business/ other
Respondent count for group	378	112	22
Generally support licensing proposals/think they are a good idea	3%	11%	N=2
Generally disagree with licensing proposals/think they are a bad idea	24%	7%	N=1
Comments specifically about any of the proposed options	6%	7%	N=1
Comments about ineffectiveness of current scheme/licensing generally	32%	12%	N=7
Suggested improvements to how scheme is run/managed	22%	33%	N=9
Possible negative impacts/areas to mitigate	31%	12%	N=7
Comments about fees: fee structure, discounts etc.	23%	10%	N=3
Comments about conditions	13%	12%	N=4
Alternatives	24%	19%	N=5
Other	36%	40%	N=8

- 4.56 The table overleaf (Figure 51) provides a more detailed breakdown of some of the more germane comments, specifically: those suggesting ways to improve the running/management of the scheme, possible negative impacts, alternatives and other themes not covered elsewhere. However, a fuller summary covering full list of themes above (e.g. fees and conditions) can be found in Appendix 2.

Figure 51: More detailed summary of comments made in response to the question seeking further comments or views on other things the council should consider. (NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment		Respondent type			
		Landlords /agents	Live in Croydon	Business/ other	
Respondent count for group		378	112	22	
Suggested improvements to how scheme is run/managed	Proposals will need to be properly managed/enforced; more inspections will need to be made/licenses to be granted after inspections/vetting etc.	12%	28%	N=8	
	More or stricter warnings/penalties/fines/prosecutions needed	6%	9%	N=4	
	Better support/communication needed from council regarding scheme	3%	1%	N=1	
	Need contact information for problem properties/need way of contacting landlord/agents if come across any problems with property	1%	2%	-	
	More transparency/information needed about how money is spent	4%	-	-	
Possible negative impacts/areas to mitigate	Proposals adds unnecessary bureaucracy/red tape; waste time/resources	3%	1%	N=1	
	Doesn't provide any benefits/value for money for landlords/agents	7%	2%	-	
	Punishes good landlords/only good landlords comply	16%	3%	N=2	
	Proposals affect profitability: becomes less worthwhile/landlords will sell	6%	2%	N=1	
	Rents will go up / costs will be passed on to tenants/rents high already	6%	5%	N=3	
	Will reduce the amount of available housing in area due to landlords selling or not investing in area	6%	4%	N=2	
	Will affect vulnerable people/people on lower income	1%	-	N=1	
Alternatives	Suggestions for a more targeted scheme	Only cover bad landlords; certain areas/property types with problems e.g. HMOs	16%	10%	N=3
		Smaller landlords shouldn't be treated same as bigger ones/tiered approach based on property size	2%	2%	N=1
		Target areas with higher level of PRS	*	-	-
	Should educate landlords; would be more efficient than licensing scheme	2%	-	-	
	Money should be spent on upgrading properties not licensing scheme	1%	-	-	
	Scheme should last longer than 5 years	*	-	-	
	Council should fund scheme itself e.g. via council tax	1%	-	-	
	Licence should be transferable i.e. you shouldn't be charged again if wishing to change letting or managing agent etc.	*	-	-	
	Need to make it easier for tenants to complain e.g. via complaint process	3%	4%	N=2	
	Should educate tenants; would be more efficient than licensing scheme	1%	1%	-	
Other	Every property should be included e.g. incl. privately owned, social rent	1%	-	-	
	Repeat offenders shouldn't be allowed a licence	1%	4%	N=1	
	Criticism of consultation i.e. biased/flawed etc.	2%	-	-	
	Minds are already made up/ licensing will go ahead anyway	*	-	-	
	Proposals are too complicated/difficult to understand	1%	-	-	
	More/better evidence needed to justify continuing with scheme	2%	1%	-	
	More information needed e.g. on differences from current scheme/who will only be given a 1-year licence etc.	3%	4%	-	
	Other council services mentioned: street lighting/recycling/rubbish etc.	3%	1%	N=1	
No evidence for of a link between high ASB areas and the PRS	*	-	-		
Other	25%	33%	N=7		

4.57 Other views, expressed less frequently, were that the council should:

Publish more guidance on how it assesses property standards and how it maintains impartiality if dealing with similar issues in council-run properties;

Penalise the freeholder (if he/she is not the licence holder) if they fail to work with the licence holder to resolve issues;

Look at other socio-economic factors linking poverty and poor living conditions instead of going after landlords 'indiscriminately';

Improve the regulation of estate agents;

Increase regulation of AirBnBs;

Allow landlords to form a sub-committee to influence the running of the scheme;

Undertake more critical evaluation of 'build to rent' schemes i.e. not just rubber stamping them without proper consideration of sustainability, parking issues etc;

Increase the use of tools such as Google Maps to identify 'beds in sheds' etc;

Support the use of training courses for landlords to build up facilitation and negotiation skills, and other promotion of continued professional development, gaining qualifications;

Become a 'leader' in looking at longer term lets, in order to bring greater security to tenants;

Focus primarily on Victorian and Edwardian buildings that have been converted into multiple dwellings;

Provide a website or cloud system for landlords to upload documents so they can easily be checked by the tenants/council.

4.58 A few other respondents:

Made specific criticisms of the consultation evidence being unclear;

Detailed their experiences of administrative errors made by the council under the current scheme that would need to be resolved;

Expressed concern that new rules around the definition of a HMO risk greater levels of homelessness

Expressed a view that much social housing is just as bad, if not worse than, properties in the private rented sector;

Outlined concern about a lack of information sharing e.g. when vulnerable tenants from other boroughs are placed in Croydon and, after a period of time cease to be seen as the council's responsibility, leaving landlords unsure about what to do.

Responses from organisations

4.59 Nineteen responses were received from organisations other than businesses. These identified themselves as:

- » Addiscombe & Shirley Park residents association (ASPRA);
- » Churches Croydon Housing Association;
- » Crisis, the national charity for homeless people;

- » Croydon Bowling and Sports Club Ltd;
- » Croydon Communities Consortium;
- » Croydon Labour Party;
- » Deepdale Residents Association Ltd;
- » Gingerbread Corner (childcare charity)
- » London Fire Brigade;
- » Praxis Community Projects;
- » Rental London Ltd., Solari Masson Ltd, Solari Masson Capital Investment;
- » The Home Safe Scheme Ltd, the organisation works with local authorities on delivering effective licensing schemes, improving the private rented sector for the benefit of tenants;
- » Plus: three responses from local councillors responding on behalf of residents, or with some other connection to the council; and four who did not provide any further details.

- 4.60 Most of the organisations felt that there are issues with anti-social behaviour, deprivation and poor property conditions in Croydon. Specifically, 17 out of 19 felt that anti-social behaviour is at least a fairly big problem, as did 16 out of 19 for deprivation. Slightly fewer, but still a majority (13 out of 18 respondents who answered) felt that poor property conditions are a problem.
- 4.61 Most of the organisations (13 out of 18) agreed that the current scheme has been effective, and a similar number (14 out of 19) felt there would be a negative impact if licensing did not continue.
- 4.62 Out of 19 respondents, 16 agreed with the principle of the council continuing with some form of licensing, while 3 disagreed.
- 4.63 When asked to give a preference, 15 out of 19 said that a borough-wide scheme would be their preferred option if a new licensing scheme is to be introduced.
- 4.64 When asked to give a view on the principles that might underpin a new licensing scheme fee structure:
- 4.65 10 out of 18 agreed with reducing the fee for dwellings in a multi-let property;
- 4.66 16 out of 19 agreed with the application of a discount where an existing licence is re-applied for by the start date; and
- 4.67 12 out of 19 agreed with applying a discount where the property is newly built or being let for the first time.
- 4.68 When asked to give a view on the proposed level of fees for a standard licence, 10 out of 17 felt that the proposed fee for a single dwelling was at about the right level, but all of the remaining 7 felt it was too high. With the multi-let dwelling fee, 7 felt this was too high, while the same number felt that it was about right.
- 4.69 For the discounted fees, 11 out of 17 felt that each fee was at about the right level, while 4 respondents felt each of these was too high.
- 4.70 Nearly all of the organisations (17 out of 19) agreed that it is reasonable to only issue one-year licences where there are concerns about a landlord's management or conduct, and most (10 out of 17) felt the proposed one-year fees were appropriate, although a substantial minority (6 out of 17) felt they were too high.
- 4.71 Nearly all (16 out of 19) agreed in general with the proposed licence conditions.

4.72 In summary, respondents felt there are issues in the borough that need to be addressed, and were generally supportive of the council’s proposals, favouring a borough-wide scheme over a more limited or other alternative. They were also generally supportive of the proposed fee structure (albeit some felt some of the fees were a little high) and very supportive of the proposed licence conditions.

Open ended comments made by organisations

4.73 The points raised by Crisis have been summarised elsewhere in this report (in the written submissions chapter).

4.74 Praxis Community Projects is a charity that has supported migrants in London for over thirty years and works with a partner organisation to deliver a temporary housing project to families and single women. This organisation raised concerns about potential restrictions on occupancy and room sizes, specifically that licensing might lead to a reduction in the number of bed spaces it can offer to service users. While stating that it understands there is a need for regulations, it asked that some leeway might be allowed given the important nature of the service provided.

4.75 The Home Safe Scheme response encouraged the council to consider working with a recognised delivery partner “*with a proven track record of enhancing the outcomes of any licensing scheme*”, and further suggested that a minimum of 3 property inspections in the five-year period, and the introduction of a ‘compliance management system’ to enable a better focusing of resources on criminal or negligent landlords.

4.76 Other comments made by organisations covered issues more similar to those raised elsewhere. There were a number of supportive comments. For example, it was suggested that licensing would help to ensure that landlords are providing housing to meet the requirements of the Housing Act and the Fire Safety Order where applicable. Another respondent felt the current scheme had worked well and supported further action.

4.77 A few commented that a full borough scheme was preferable, to make things straightforward, pre-empt changes that might occur in unlicensed areas over time, and prevent landlords moving into unlicensed areas.

4.78 A few comments were less supportive, however. For example, licensing was claimed to be unnecessary extra regulation that puts off landlords from investing in the area. There was also concern that the scheme would be ineffective if inspections or enforcement do not take place, or if not all landlords register, while one respondent was concerned about the extent to which a landlord could be expected to address tenants’ anti-social behaviour.

5. Deliberative Meetings

Introduction

- 5.1 ORS conducted a total of ten deliberative engagement events: five forums with landlords and agents (hereafter ‘landlords’ forums’), four focus groups with Croydon residents in different localities in the borough, and a meeting of key stakeholders. Taken together, all these engagements are best understood as ‘deliberative’ meetings which ‘test’ the council’s proposals to introduce a new selective licensing scheme for privately rented homes in Croydon against landlords and other stakeholders’ opinions.

Arguments rather than numbers

- 5.2 In deliberative meetings it is not appropriate to ‘count heads’. This is because the results cannot be certified as statistically significant due to the small samples. However, such meetings are effective and important in revealing issues, arguments, considerations, implications, assumptions and experiences that deserve to be taken into account by those making decisions. That was the case in the engagement activities reported here.

Landlords and agents

- 5.3 The landlords’ forums took place on three different dates during the consultation period. Two took place during the quarterly Croydon Landlords’ Forum held at Jury’s Inn, Croydon on 21st January 2020. The other three took place at the Croydon Town Hall, with an evening forum on 20th January 2020, and morning and afternoon sessions on 17th February 2020.
- 5.4 More than 36,000 landlords in Croydon were informed of the dates and times for the events by the council via an e-newsletter. There was a total of 212 attendees over the five events comprising a mixture of private landlords, agents and other relevant stakeholders. ORS is satisfied that, with this mix, and because the attendees were diverse by age, class, ethnicity and borough area, the meetings were broadly representative of Croydon landlords.
- 5.5 Each landlords’ forum adopted the same format. Approximately two hours was given to short presentations by the council’s Selective Licensing and Housing Manager and whole group discussions chaired by an ORS researcher. Every effort was made to ensure that as many voices as possible were heard, conveying a variety of perspectives. Attendees were invited to make their thoughts and feelings known in an atmosphere of mutual respect and professionalism, facilitating robust and detailed discussions.
- 5.6 Participants were able to express their opinions freely and to highlight issues and areas for clarification while suggesting improvements to the proposals and alternative solutions to the challenges in the PRS in Croydon for the council officers to consider.
- 5.7 Many landlords and agents held strong views which opposed PRS licensing in general. In particular, these views related to ‘blanket’ schemes covering either entire geographic areas or all types of PRS properties. A considerable number of comments focused on the perceived negative impacts of the current and proposed schemes on responsible landlords; scepticism that landlord licensing is effective, being administered or enforced effectively; or that landlord licensing is simply a “money-making exercise” for Croydon Council.

- 5.8 However, many attendees expressed the view that a new selective licensing scheme was almost inevitable. They therefore made suggestions about how a new scheme could be improved, particularly in terms of providing “value-for-money” for licence holders. A smaller but not insignificant number of landlords spoke in favour of at least some aspects of PRS licensing, albeit with caveats ranging from increased inspections and enforcement, to reduced fees and improved administration of the scheme.
- 5.9 Finally, as with all deliberative engagement activities, the nature and strength of the arguments from the landlords’ forums are more important than the numbers in support of or against particular options. The council should therefore consider carefully the issues raised by the landlords, agents and other attendees. These are explained below and illustrated with some verbatim quotations.

Stakeholders

- 5.10 A stakeholder meeting was convened in order to give key organisations an opportunity to present their views on selective licensing of PRS properties in Croydon. Invitations were sent by both the Croydon Council Selective Licensing Team and ORS to a range of expert stakeholders who the council knew to be well-informed about the PRS or involved in work that relates to privately rented properties in the borough.
- 5.11 The meeting lasted approximately two hours and took place on 25th February 2020 at the Croydon Town Hall. It followed a similar format to the landlords’ forums, with some short presentations by the council’s Selective Licensing and Housing Manager followed by extended discussions chaired by an ORS researcher. Representatives of the following organisations were present:
- » National Residential Landlords Association (NRLA) - previously the RLA and NLA separately;
 - » Safeagent;
 - » Hanbury Homes;
 - » Brymore Group;
 - » Metropolitan Police Service;
 - » London Fire Brigade;
 - » Crisis;
 - » CAYSH - a London-based charity providing accommodation, advice and support services for young people facing homelessness; and
 - » Valuation Office Agency.
- 5.12 In addition, several members of Croydon Council staff from teams with responsibility for PRS accommodation in the borough attended. Some of these representatives made brief contributions to the discussion, generally to provide points of clarification or to share specific information. However, they were primarily present to observe and hear the discussions of stakeholders as they took place. Council departments represented included:
- » Strategy and Communities Team in Gateway, Strategy and Engagement;
 - » Neighbourhood Safety; and
 - » Homelessness and Housing Needs.
- 5.13 With a relatively small number of expert and experienced stakeholders from a range of organisations with distinct viewpoints, the discussions were well-informed and at times highly detailed. Each point

explained below is therefore illustrated with a number of quotes to provide as much detail as to the reason behind stakeholders' views as possible. The council will wish to consider the nature and strength of the issues raised by stakeholders, assessing each issue raised on its own merit.

Residents and tenants

- 5.14 The four residents and tenants' (henceforth 'residents') focus groups were recruited by ORS using fieldwork staff going door-to-door in target geographic areas, supplemented by telephone recruitment from ORS' in-house call centre using a combination of random digit dialling (RDD) and use of a purchased list of mobile and landline numbers. Attendees were offered the opportunity to claim reasonable expenses, up to a value of £25 per person, to cover travel, childcare and subsistence incurred by attending. The meetings lasted about 90 minutes each and were successful in explaining the issues and proposals and encouraging wide-ranging debate.
- 5.15 The following residents' groups were held:
- | | |
|---|----------------|
| Monday 17 th February 2020, St. Edward's Church Hall, New Addington | – 5 attendees |
| Tuesday 18 th February 2020, United Reformed Church, Purley | – 5 attendees |
| Tuesday 25 th February 2020, Croydon Town Hall, Fairfield, Croydon | – 6 attendees |
| Wednesday 26 th February 2020, Life Grace Ministries, Thornton Heath | – 10 attendees |
- 5.16 Therefore, 26 residents in total took part in the meetings, one of whom was also a PRS landlord who had not been able to attend the landlords' forums. The groups were recruited according to quotas to ensure diversity in terms of area of residence, tenure, age and ethnicity with the aim that the meetings (taken together) were broadly representative of Croydon residents.
- 5.17 The focus groups began with a short introduction by ORS about the consultation process and the council's reasons and evidence for proposing a new selective licensing scheme. This was followed by short presentations by Croydon Council representatives and group discussions which were captured via voice recordings, live notetaking by ORS facilitators, and by attendees writing down comments if they wished to. Participants were able to express their opinions freely and to highlight areas on which they required clarification while suggesting matters for the council officers to consider.
- 5.18 Residents were less emphatic in their views than landlords and expressed a diverse range of views. Most attendees broadly supported licensing in principle and in practice as a legitimate and sensible way of trying to raise standards in the PRS. Some shared similar concerns and reservations to landlords and agents about the impact of licence fees and enforcement on PRS rental prices in the borough.
- 5.19 While the discussion predominately focused on PRS licensing, several attendees raised specific personal concerns and circumstances. These residents were encouraged to discuss their specific needs with the council staff present after the meetings. However, where relevant to the proposals, these sentiments and views are included in this report.
- 5.20 While there was some Q&A with the Croydon Private Housing Manager, the priority was to gather views, even when some opinions may have been based on misconceptions. Nonetheless, the discussions and activities were productive and enabled a broad range of cogent views to be captured. The council will wish to consider these issues and concerns, which are explained below and illustrated with quotes where possible.

Views on the PRS in Croydon and predicted growth trends

5.21 At all the deliberative events, the first point for discussion was the PRS in Croydon, in general terms, including the numbers of private-rented properties, growth in the market and some of the issues in the sector. In some of the meetings, these issues were discussed “in isolation”, while in others the attendees were keen to move directly to discussing selective licensing itself.

Landlords and agents

5.22 At each of the landlords’ events, the attendees were generally eager to move straight to discussing selective licensing and the council’s proposals for a new scheme as quickly as possible. There was, however, time given to discussing the current state of the PRS in Croydon.

Anti-social behaviour

5.23 One topic which landlords were eager to discuss was the link between anti-social behaviour (ASB) and private-rented properties. While there was some recognition that there are challenges in this area, landlords frequently questioned:

- » The extent, if any, of a direct link between private tenancy and ASB – particularly as many of the same anti-social and criminal behaviours take place in other types of properties; and
- » The extent to which landlords and agents should be held responsible for tenants’ actions, particularly in light of a perceived lack of empowerment of and support for landlords faced with problem tenants.

5.24 A persistent theme arising in the landlord’s forum was that landlords, rather than being *responsible* for the behaviour or their tenants, were often the *victims* of disruptive and tenants, and yet provided with little legal or practical support to address ASB. Landlords questioned the extent to which landlords should be considered responsible for ASB and the behaviour of their tenants:

What you’ve done is made us responsible for [ASB]. That’s the reason why the scheme was brought in in the first place. The government only allowed you to bring the scheme in because of anti-social behaviour and making us responsible. So, we’re doing the job for the council or the Police in fact.

You’re talking principally about anti-social behaviour, which I consider as not on the [responsibility] of the landlord... maybe we should have a scheme to license tenants.

5.25 One landlord attending a forum summed up the feeling of many of those present by arguing that the scheme was unnecessary for those that already had a letting agent:

I don’t feel that we have a scheme that tackles anti-social behaviour in the correct way. Making the landlords responsible is nonsense as far as I’m concerned. I would imagine that the majority of us here have managing agents. The managing agents tackle all these issues in regard to the tenant who is put into the property... I suggest that Croydon look at tackling anti-social behaviour in a different way, rather than penalising the better landlords.

5.26 Other landlords felt that the use of selective licensing was simply shifting the responsibility of tackling ASB away from the council and on to the landlords, without then providing the support that landlords would need in order to take any effective action:

You said that licensing has probably not reduced anti-social behaviour; we didn’t expect it to... That’s the reason why the scheme was brought in in the first place. The government only allowed you to

bring the scheme in because of anti-social behaviour and [you are] making us responsible. We're doing the job for the council or the Police.

When we have a problem, you're not interested. You're all about the tenant. And the tenants have so much protection legally and also through all these licence schemes they have more protection than the landlords. We're the ones that pay and we're the ones that get absolutely no protection whatsoever.

- 5.27 Some landlords felt that selective licensing was a method the council is using to fund efforts to combat ASB, whereas dealing with ASB should be happening regardless of licensing and funded in other ways:

It's a pseudo tax. Anti-social behaviour - the council had provisions for that before the licencing thing came in place. Loading up the landlords with ways of funding the council, rather than through Council Tax, is a bit disingenuous.

- 5.28 A common theme was that, if landlords were to be held responsible for trying to deal with ASB – an unpopular premise in the first place – then they need to be offered more support by the council and other agencies, particularly because many “problem tenants” had social care needs:

I wonder if council services and benefits services can interact with landlords better than they do. I own a property... and there was anti-social behaviour going on in one of Croydon Council's own properties - it took more than a year and a half to get anywhere near solving it.

- 5.29 One landlord summed up views shared by several people: that ASB was sometimes linked to tenants who had moved into PRS properties after being forcibly moved out of social housing:

I was thinking, with anti-social behaviour, when a [social housing] landlord has evicted a tenant. Where do they go? Into private rented accommodation - but the real problem isn't the landlord, it's because there are no systems there to support people who need social care and all sorts of support.

- 5.30 Indeed, some landlords felt that focusing on anti-social behaviour veered off from the initial purpose of the scheme, with some people wanting the scheme to solely focus on the quality of properties.

I just think the only goal or objective is to make sure we have landlords that follow the law of the land basically and who have housing that is habitable... I think that the original goal was to make sure we had a housing stock that is decent, and we are [getting] side-tracking here from the objectives.

- 5.31 Another theme raised by some landlords was that licensing schemes unfairly place a burden on good landlords, while failing to deal with problems cause by “rogue landlords” and criminals operating in the PRS in Croydon, and by persistently problematic tenants:

This is unfair on the law-abiding landlords who pay a lot for their licence. It would be nice to have a rogue landlord and a rogue tenant database.

It's the tenants that should be licenced to be fit.

Stakeholders

- 5.32 At the stakeholders' meeting, while the topic quickly moved on to licensing itself, there was recognition that the PRS in Croydon is growing rapidly and is likely to continue to do so. One of the main reasons for this is that is relatively affordable, in the context of Greater London accommodation, while providing good access to the city. Young people in particular are drawn to the area and – either willingly or by necessity – rent properties which may not be of the highest standard:

People who graduate gravitate toward London; Croydon is incredibly convenient for getting into central London and people just look to find a home that they can afford.

National Residential Landlords Association (NRLA)

- 5.33 It was also pointed out, while there are problems in the PRS in the borough, there are other social factors (deprivation, criminality, exploitation etc) which were often more responsible for many of those issues than the actions of individual landlords:

The private rented sector has grown; the problem is that there is a criminal element operating in the sector. They come in, rent a property from a landlord, subdivide it and rent it out to lots of tenants. They are not landlords, but they are the ones who are causing the problems.

NRLA

No-one going into a house with no heating and the ceiling collapsing thinks that is ok; they know what they are living in is rubbish but, for whatever reason, they have to accept it. When a property is inspected, what else is going on in that property? Is there a problem – is the tenant vulnerable? The council has to look a bit further; it's about adult social care, children's services, mental health services, drug addiction services – they need joining up.

NRLA

Residents and tenants

- 5.34 When asked for their views on the state of the PRS in Croydon, most residents said that they had seen a noticeable change in the last 15 years. These included increases in the population in the borough, which in turn meant that more properties were being privately rented, some of which were unsuitable for the purpose:

I think a lot more properties are becoming flats and flats or bedsits, so you're getting more people that before weren't there, so it is getting crowded and we don't have the provision I think to manage all of that.

Croydon Town Hall focus group

It's part of the general demographic shift in terms of owner-occupied to rental, especially around big cities, and [London] being the biggest in the country. I think even if you're not a landlord or a private tenant, you are not immune from the fact that rental is becoming an increasing norm for a larger number of the population. I think that will lead to increased demand. I guess personally that has meant that it's harder to find property and especially that fits your needs.

Thornton Heath focus group

- 5.35 Rapidly increasing property prices were cited as a factor in an increase in private renting in Croydon and in London more generally. Some residents said that this, along with employment-driven migration between areas, was placing more pressure on people looking for accommodation:

I haven't got much experience with rental, but from family and friends I can see that they can't get on the property ladder, so they are looking more towards rental properties. I think that's why there's an increased demand.

Purley focus group

When I first moved into my property, it was one of the cheapest ones I managed to find for myself... When I've looked elsewhere now, it's £200 more than what I'm paying here - plus utilities - so that's £1,000 a month to live in and sometimes is also just a room with a stove; a room and a bathroom or and that's it, but I'm supposed to pay £1,000 and live in there. It doesn't make sense to me.

Croydon Town Hall focus group

Mortgages are going up through the roof, fewer and fewer people can afford to even start thinking [about buying]. Obviously, there must be more people coming into Croydon because there's more work around. A teacher I used to know said 15% of the children (and families) at his school moved every month.

Purley focus group

- 5.36 Some residents were of the view that some landlords were not really concerned with how the properties they owned were being used, as long as they received the rent payments:

As long as the landlords are getting the money, I feel they don't care. The rent might be a grand and a half, two grand... I'm in a one-bedroom apartment and the property below me is one bedroom and there was 6 people living there so the rent there is split - there is just too many people. And they're licensed, I've checked.

Thornton Heath focus group

Anti-social behaviour

- 5.37 Anti-social behaviour was a main concern among residents of Croydon, with a lack of checks by landlords, and support for their tenants when there are issues, specifically raised as issues:

If someone's got problems with their properties or if they have ASB going on in the area. Who do you notify and what sort of support can you get as a tenant?

New Addington focus group

I think the issue with PRS is that sometimes the landlord doesn't check to see how many people are living in a property...They turn a blind eye, they don't want to know how many are there, because they know it is a requirement [of licensing].

Croydon Town Hall focus group

- 5.38 The use of rented properties by criminals and drug users was of concern to a few residents, who pointed out that it was the responsibility of landlords to know who their tenants are:

There are a lot of drug dealers that live in these properties, they smoke weed, pot or whatever they're doing and they it just smells, the whole environment just smells, you can't even walk through the door and this whiff just comes at you.

Thornton Heath focus group

It is the normal duty [of landlords] to check the people before they rent their house. There are a lot of people coming with drugs; I don't know how, but landlords need to check before they rent their house.

Croydon Town Hall focus group

- 5.39 A few residents pointed out that ASB and other problems were not limited to the PRS, with one attendee relating problems they had faced with a neighbouring housing association property:

I don't think it's just the private sector. I believe housing associations have to [deal with ASB]. Because we had issues; we had problems with our neighbours and the [housing association] knew they were drunk. We couldn't enter the building, we had lots of problems.

Croydon Town Hall focus group

- 5.40 Other causes of ASB and other issues in the PRS raised by residents included the unaffordability of renting in Croydon, which they felt meant that families were moving out of Croydon:

I have lived here for 15 years next to a council estate and most houses have been bought privately now. A lot of them have been rented out for expensive rent, for about £2,000 a month. None of them are rented out by families because they can't afford to pay that rent, that's having an impact in terms of rubbish collection, parking and ASB.

Thornton Heath focus group

80% of market rent is not affordable. So you end up with this growth of, this kind of verging sector of cheaper rented properties, not so high quality rented properties, particularly a massive growth in HMOs, and those are the things that really impact on the legality of what is going on - what problems people are having.

Thornton Heath focus group

- 5.41 Waste disposal and fly-tipping were issues that were raised by some residents in relation to the PRS, along with the suggestion that landlords could take a role in educating their tenants about how things need to be done:

On the tipping side of it. I don't know what's happening in that side because we see rubbish everywhere. I'm not saying [the council] doesn't come and take the rubbish, but still [some tenants] just find places and put the rubbish everywhere.

Croydon Town Hall focus group

Our landlord told us, "These are the things you need to do, there's a requirement - make sure these are done, you can't do this, you can't put these things this way..." If you don't inform the new people that are coming in that, "You don't hang clothes on your fences, you can't leave all the drained bottles and cans around...", then there will be problems.

Croydon Town Hall focus group

Poor property conditions

- 5.42 Concerns about very poor property conditions in the PRS were shared by several residents, both from their personal experience as private tenants, and from working with local families:

The place hasn't been painted; the house is cold; the heating doesn't work very well. They're old fashioned heaters, the back door is broken, the draft come in from the back and the front doors.

New Addington focus group

We're really worried about the standard of housing that we see families being moved into, and landlords not responding to requests for repairs. People live in dreadful conditions: damp, no heating, no fire alarms, windows not closing, front door not shutting properly. I didn't realise that it was being regulated, because I don't know how these landlords are charging so much [given the] conditions people are in.

Thornton Heath focus group

- 5.43 Some current private tenants expressed concerns that landlords were sometimes slow to make repairs when needed, despite charging a service fee and being notified of significant issues with the properties:

Who do you notify and what sort of support can you get as a tenant? If you're renting with the council and you've got the windows not closing properly, trouble shutting the front door or a leaky pipe somewhere – you know you can ring them up and it might take 2 or 3 weeks [but] someone will come and look at it but it gets done. When you're private renting, you say something to your landlord, and nothing seems to get done.

New Addington focus group

- 5.44 Tenants also stated that, in some of their experiences, their landlords had used tradespeople who were either unqualified to do the required work, or did not complete repairs satisfactorily:

Recently I had boiler problems, but they were trying to fix my boiler, but they damaged my floor. People don't know what they're doing; they have to use people that know their job. When I applied for a job you need lots of qualifications, but the landlord - I don't know - I have no idea how they're recruiting people but I'm not happy at all.

Croydon Town Hall focus group

Some landlords won't use professional people, they'll get their mates to come and fix something.

Croydon Town Hall focus group

Impacts of increased number of developments

- 5.45 As well as issues with ASB and property conditions, some residents to other issues which they saw as linked to the increase in the PRS in Croydon:

Increased demand [for accommodation] is quite obvious... You can see it, especially in Purley. Houses have been sold and flats have been made; it's just causing a lot of havoc around the local area in terms of traffic. The houses in Purley generally have a lot of land around them, so this is prime to be developed into flats, and flats don't have just one or two cars, more like twelve cars.

Purley focus group

Examples of good practices among landlords

- 5.46 While residents expressed concerns about problems that they felt were linked to issues in the PRS, there were also examples given of good practice by landlords operating in the borough, including trying to secure long-term tenants and ensuring that their properties are maintained to a good standard:

On the landlord side, I know there are some people who are just in it for the money; but I also know a lot of people who will make sure their tenants are fine and will do everything they can not only maintain their homes - for their own benefit, but also for the tenant's. Unless you speak to people individually, I don't know if you can separate those two and get a healthy quantifiable percentage.

Purley focus group

There are a number of rented properties in our estate, they have been rented for five years and that's really good for stability for the neighbourhood... I know some landlords advertising cheaper rent, because they want tenants who are going to take care of their properties – people are working together and have a relationship.

Thornton Heath focus group

Landlords' responsibilities in relation to issues in the PRS

- 5.47 Several residents at the groups expressed concern that some problems in the PRS are outside of landlords' control, and that they were often just as at risk from problems with difficult tenants as anybody else:

I don't think the landlord is entirely responsible for everything; I've seen in many cases [of damp] where the tenant wouldn't open the windows, so there's nothing much you can do about it. Rent wise, [landlords] can't get housing benefit directly to your account now so under the new legislation the rent is being sent to tenants directly; in many cases they don't pay.

Thornton Heath focus group

In order to maintain a happy medium, perhaps there ought to be licensing of tenants as well?

Purley focus group

- 5.48 A few attendees shared the view that measures taken to ensure the rights of tenants had, in some instances, led to an imbalance at the expense of landlords:

It seems like tenants have more rights, which is ridiculous. If I stop my mortgage now, then my property is repossessed; but if I'm a tenant and paying rent, I can [stop paying] it for months and months and months and I can still live there.

Thornton Heath focus group

There are restrictions on [landlords] before they can check the property. I think the regulations make it harder for landlords to ensure that their properties are rented by people that are responsible and are not causing ASB and other things.

Purley focus group

- 5.49 It was also pointed out that many of the problems which selective licensing seeks to address are symptomatic of wider issues in society, which licensing itself could not address:

In society there are many problems. We know the mental health services are stretched so what is the impact on these people? I think there's merit in how to address that balance, but there are some issues that we would never be able to address through a licensing scheme. Too big an issue.

Purley focus group

We have a lot of problems with drug addicts, because they tend to get housed in HMOs and we have people with mental health problems as well who are not cared for by the services, because the services are almost non-existent now. The police come quite often to a [nearby] house, because there was an addict there... that involves all kinds of problems and theft and screaming and shouting... People that should be cared for aren't being cared for.

Thornton Heath focus group

Views on the current selective licensing scheme (CPRPL 2015)

- 5.50 Before discussing the proposals put forward for by Croydon Council for consultation, time was taken at all meetings to discuss the selective licensing scheme that has been in place in the London Borough of Croydon since 2015 and which comes to an end in October 2020.

- 5.51 The views arising at the different meetings often, although not exclusively, depended on the type of attendee. Landlords and their representatives, even those who were supportive of the principles and aims of licensing, were frequently sceptical about the way the scheme was administered and enforced. A considerable number of landlords went further and were outright opposed to licensing and felt that the current scheme had been unwarranted and ineffective, with some accusing the council of having introduced it under false pretences and simply as a way of “raising money for the council”.
- 5.52 Tenants, residents and organisations representing them tended to be more positive about the current licensing scheme, although there were a few exceptions among attendees at the focus groups. Likewise, other stakeholders such as the emergency services viewed selective licensing as an appropriate tool to help to raise standards in the PRS in Croydon.

Awareness of the current scheme

Landlords and agents

- 5.53 Attendees at the landlords’ forums were generally well informed regarding both the existence and details of the current licensing schemes, as was reflected in the comments and views reported elsewhere in this chapter.

Stakeholders

- 5.54 Without exception, the stakeholders were knowledgeable about the current PRS licensing scheme and were able to discuss every aspect in considerable detail. However, there was some discussion about the extent to which tenants in the borough are aware of the scheme, whether they would be interested if they did know, and whether raising their awareness would make the scheme more effective.
- 5.55 Some stakeholders felt that tenants were not interested in licensing at all, before going on to suggest that the more important question was why people were willing to tolerate poor living conditions, and whether action could be taken to educate them about what they should expect from their landlords:

I don't think it makes a blind bit of difference to the tenants; I don't think that they know or particularly care... Has anyone done any research on people who are found to be living in unlicensed properties? Why do they put up with the conditions?

Brymore Group

Licensing is not what is important to the tenant. We should be focusing on educating the tenants around expecting a good quality standard of properties. The prompt to the tenant needs to be, “Are you living in a warm house? Are you living in [a suitable] property?” We should be raising awareness of what should actually be the norm in terms of the standard of properties that people are living in.

NRLA

- 5.56 A representative from one of the larger landlords operating in Croydon felt that while many tenants were unaware of the scheme, making them aware would enable them to contribute to addressing problems and improving standards in the PRS. This theme was echoed by other stakeholders:

I don't think tenants know that the properties are licensed, but I think they are interested. When the council are doing their checks, they do actually write to tenants and tell them that they are living in an unlicensed property. Sometimes it's a mistake – Flat A instead of Flat B – but the tenants do ring us up to ask, “Am I in trouble – am I renting an unlicensed property?” I don't think tenants know about

licensing but, if they did, they might be more proactive in calling the council and saying that there is a problem with the property.

Hanbury Homes

Residents and tenants

^{5.57} At the residents' focus groups, awareness of the current selective licensing scheme in place in the London Borough of Croydon was mixed. Some attendees said that they had been unaware of the scheme prior to the invitation to the event. Others felt that it was important that people were made aware of the scheme and encouraged the council to do more to raise awareness:

I think it's a good thing but the fact that it's been around for four-and-a-half and a half years and I'm sure a lot of people are just hearing about this licensing thing, and because we have been in PRS for six years and we've never heard about it.

New Addington focus group

For me, one of the issues is that the tenant doesn't know that the landlord should be licensed. Is there a way of making a decent number of tenants aware of the licensing scheme?

Thornton Heath focus group

I think it's important that everyone knows about it and it has to be simplified; you also have to have a website and make sure when you click it says, "OK, this gives you information for the landlords, you need to know about it." There needs to be simplified information available for each group - tenants, landlords, council tenants - so people coming into the borough can say, "OK, this is what I need to look for when I'm looking for a property for me to rent, these are the things the council can support me with.

Croydon Town Hall focus group

The impact and effectiveness of the current scheme

Landlords and agents

^{5.58} Landlords often expressed concern about the current scheme and its effectiveness. The primary issues raised were:

- » The number of inspections that had taken place during the current scheme;
- » The action being taken to find unlicensed properties and landlords;
- » The track record of the council in taking enforcement action against poor landlords;
- » The way that the money raised by the current scheme had been spent;
- » The efficiency and competence of the council in administering the current scheme; and
- » Lack of protection and support for good landlords when, for example, faced with problem tenants.

Inspections

^{5.59} Many landlords held the view that an insufficient number of inspections had been made. They drew on their own experiences and the figures presented by the council to emphasise the point that not enough inspections had been taking place during the time that the current scheme had been in place:

I've reported rogue landlords that live around by me and nothing has happened about it; I'm frustrated to pay this money out and nothing happens.

On the current scheme, I have four houses in Croydon, we've had no inspections. It's really not good enough. I wonder where our money is going to.

Your statistics seem to say you've inspected 12,000 properties over the licence period out of 35,000 - a 30% strike rate. My original understanding was that you were going to be inspecting everything, so do you therefore consider this scheme to be a success or a failure?

- 5.60 Conversely, some landlords recounted instances of excessive inspections of their properties, which they blamed on administrative or IT errors:

I've had a lot of problems. We had all our properties proactively inspected by a few inspectors and then a few years later we were requested again to have an inspection. I wrote to [the council] saying, "All these properties have already been inspected; why are they being re-inspected?" It's because they weren't put on the database.

We've had an inspector just arriving at a property because he didn't have the properties on the licencing database because the addresses were slightly different, because it was a flat 1-2-3-4, but on the licence, it was "rear flat", "front flat" etc. He went banging on the door and we had a very unpleasant scenario.

- 5.61 Other landlords complained that they had been given little notice when told that their properties were going to be inspected, making it difficult to comply:

About two years ago, I had this email from somebody in licensing, it happened to arrive on Friday to inform me that, on the Monday, they would be coming to inspect the flat. I immediately emailed back to say this is ridiculous, you should give me five working days' notice. My tenants are [working]... You need to do it in a normal, business-like manner and give landlords and tenants a good three- or four-week's notification.

Targeting unlicensed landlords

- 5.62 There was consensus among many contributors at the forums that the council's licensing team needed to be more proactive in finding and taking action against unlicensed landlords:

I would like to see more teeth shown by the council about people who don't comply... those who just flagrantly just operate without a licence should be chased down by the full force of the council.

Rogue landlords seem to be getting away with not paying for a licence and not having suitable housing – this is unfair on the law-abiding landlords who pay a lot for their licence. It would be nice to have a rogue landlord and a rogue tenant database.

From our perspective, there should be more focus on the landlords that are rogue... the ones that haven't been found due to your facts and figures; because we do have many, many landlords that are compliant.

Meeting the objectives of CPRPL 2015

- 5.63 One landlord felt that, by focusing on anti-social behaviour, the current scheme had moved away from what they understood as the original purpose of selective licensing. Their preference was for the scheme to solely focus on the quality of properties:

I just think the only goal or objective is to make sure we have landlords...who have housing that is habitable. But...there are other parameters coming into the equation such as anti-social behaviour ...I think that the original goal was to make sure we had a housing stock that is decent, and we are deviating and side-tracking here from the objectives.

Stakeholders

5.64 Views on the effectiveness of the current selective licensing scheme varied considerably among those present at the stakeholders' meeting. While everyone recognised that improvements could and should be made to the way that the current scheme is managed and enforced, landlords' representatives tended to challenge the success of the scheme most strongly.

5.65 Representatives from the NRLA referred to Croydon Council's own data on the number of inspections and enforcement actions that had taken place under the current scheme; they felt that the relatively low numbers reported were evidence that licensing was not needed in the borough:

The reason that licensing was introduced was that there was a problem; these figures [on prosecutions] indicate that there wasn't fundamentally a problem. For what licensing was introduced for, those figures should be higher. Whether other licensing schemes around the country, the numbers are much higher. The properties in Croydon must be of much higher standard.

NRLA

5.66 Furthermore, the NRLA argued that some of the most pressing issues in the PRS in Croydon were not, and never would be, adequately addressed by landlord licensing schemes as they related to criminality, not to the actions of landlords:

Licensing isn't dealing with illegal subletting; the property is licensed, but landlords may not be aware of how the property is being used. Landlords are victims of this as well and licensing is such a blunt tool to deal with very complicated problems: people-smuggling, drug-dealing etc. Landlord licensing is just one part of the toolkit and politicians don't understand the challenges that councils face. They just think that introducing licensing solves the issue, but it's just a simple sticking plaster and politicians are not dealing with the actual problem.

NRLA

5.67 Some other stakeholders, however, held that view that selective licensing – along with other types of PRS licensing – was a vital to maintaining and raising standards in the PRS. This applied to properties themselves and the practices of landlords and agents:

Anything that is going to raise standards of property is a good thing. The poor landlords - the ones who have poor properties – generally target people who are on benefits. We get involved with cases where landlords have cut off the electricity or changed locks; we would hate to see licensing go as then nobody has to keep up those standards; we [would] see more evictions as well.

Homelessness and Housing Needs Team, Croydon Council

5.68 Some of those who supported licensing felt that the fact that a landlord had paid for a selective licensing was, on its own, a strong indication that they were committed to ensuring that appropriate standards would be met in their properties:

People who license their properties for private rent are the ones who want to make sure that their properties are up to standard. The ones that don't and avoid paying the fee are the people that [London Fire Brigade] are interested in. Generally, they're going to be housing vulnerable people and vulnerable families; that's where we see the main risks around fires in homes.

London Fire Brigade

For CAYSH, when placing our clients, it's a kite mark; it shows that a standard is being met. When placing vulnerable people in the private rented sector, it gives a sense of security that someone has gone through the process of being approved.

CAYSH

- 5.69 This point did not meet with universal agreement, however. Landlords' representatives said that licensing alone does not improve standards in the PRS beyond those that are already required by law:

Licensing doesn't put a higher standard on properties; it just means the council inspecting properties to ensure they are meeting legal minimum standards.

NRLA

Inspections and targeting unlicensed landlords

- 5.70 The extent to which the Croydon Council has achieved its original aim – to inspect all PRS properties in the borough – was called into question; Representatives of landlords suggested that that the council's decision to shift the focus away from inspections toward getting every landlord in the London Borough of Croydon licensed was to move away from the original purpose of the scheme:

[Pursuing unlicensed landlords] is not what the scheme was introduced for; the council has not inspected the properties, so therefore there are people have paid £750 and you have no way of knowing if that property is meeting standards or not. That tenant could be living in a substandard property and there is nothing been done... that tenant's still at risk.

NRLA

The worry is that two-thirds of the properties haven't been inspected; is there something that we are not seeing? Out of the 12,000 which have been inspected, they seem to be decent properties. What about the 24,000 that haven't been seen? Moving forward in the next licensing period, they need to be inspected. Was the number of properties that would need to be inspected underestimated [in 2015]?"

Brymore Group

- 5.71 Other stakeholders, while recognising the importance of inspections, argued that the process of getting landlords licensed itself was valuable as it would potentially identify poor landlords who had thus avoided the scheme:

Licensing is really important; it's good for Croydon. How we capture the landlords who aren't registered is the biggest problem for the Fire Service; they are the ones we are interested in.

London Fire Brigade

If I was paying money, I would want to know that my money was going towards tackling those [landlords] who haven't registered; they are the biggest risk. If you register and pay money for a license, you are saying something about yourself – it's a step in the right direction. [The council] should be working with them rather than penalising them; if [landlords] are coming forward and saying,

“Here’s my money, how do I do things properly?”, then we should be working with them, not penalising them for that.

Metropolitan Police Service

When we are supporting someone into a property, we wouldn’t knowingly put them into one that is not licensed.

Homelessness and Housing Needs Team, Croydon Council

- 5.72 The value of inspections to landlords themselves was mentioned by their representative organisation. However, they saw the pursuit of non-compliant landlords and criminals operating in the PRS in Croydon as a higher priority:

There are landlords who have had inspections and are quite happy because they know that if there is something wrong then they will fix it straightaway. It’s an annual compliance check. What landlords want to see is criminals who are renting out properties down the road being driven out of the sector. [Landlords] want to have a level playing field for the whole of the private rented sector so that you don’t have that small number of people, who aren’t landlords, who are illegally evicting tenants etc. Those people are making money, while the good landlords are paying the fees.

NRLA

- 5.73 One stakeholder specifically asked about Croydon Council’s approach to searching out unlicensed landlords and properties. They specifically wanted to know whether data sharing between different agencies would be effective:

How much is council able to share information with different people who may be dealing with households who are living in unlicensed properties, in order to create a database of unlicensed properties that could then be targeted? Are you finding that the ‘hidden’ unlicensed private properties are in specific areas or are particular types of properties?

Valuation Office Agency

- 5.74 While acknowledging that there is some value in ensuring that landlords are licensed, representatives of individual landlords pointed out that the ultimate aim is to identify and deal with unfit landlords, rather than 100% licensing being an end in and of itself:

Bringing in a licensing scheme is all well and good. What good landlords care about is whether the council has a clear concrete plan for finding those landlords who are clearly not up to scratch and not licensed.

NRLA

- 5.75 The representative of the Metropolitan Police Service reiterated that the council needed to ensure that the appropriate effort was being made to ensure that landlords know about any selective licensing scheme:

Property licensing has to be properly publicised; landlords need to know what they have to do so that they can be compliant.

Metropolitan Police Service

Enforcement

- 5.76 The discussion then moved onto to the approach to enforcement of the current licensing scheme. Some stakeholders representing landlords in Croydon suggested that what they viewed as that Croydon Council's low number of inspections, enforcement actions, and particularly prosecutions, was more evidence that the scheme was not working:

The council is not prosecuting enough people; after four years [of the current scheme] that number needs to be a lot higher... According to the data, 23.8% of properties have got a Cat 1 hazard, yet you've not done the inspections. You've only issued 1000 improvement notices on the 12,000 inspections, and there are 10,000 unlicensed properties that haven't been found. Do you have confidence that you will ever have the ability to deliver this? There is no evidence that you have got the ability to deliver.

NRLA

- 5.77 There were, however, differences of opinion on the extent to which the council should be using enforcement actions such as fines and prosecutions. Attendees gave several reasons for this, with representatives of organisations representing vulnerable residents and those who might find renting PRS accommodation difficult pointing out that excessive enforcement actions might reduce the available housing stock:

It depends on what your approach is; if your focus is on increasing standards then you wouldn't necessarily go down the route of prosecutions... [The council's approach] is far better. For the young people we work with, there are enough hurdles to finding privately rented accommodation. To limit the supply is going to put more pressure on the borough and more pressure on accessing that kind of accommodation. We need to ensure that standards are maintained. However, one should always try to bring people up to that standard rather than to prosecute because that will just reduce the availability of properties in the area.

CAYSH

Croydon Council should be working with [landlords] rather than penalising them. If they are coming forward and saying, "Here's my money, how do I do things properly?", then we should be working with them, not penalising them for that.

Metropolitan Police Service

- 5.78 There was some agreement from representatives of large landlords who were present in the meeting that the council's collaborative approach to enforcement was preferable and potentially more effective than relying on fines and prosecutions. One contrasted their experience in another London borough with that in Croydon and preferred the latter's approach:

From a landlord's point of view, I disagree. It's better to have a relationship with the council and get the property improved – spending money on the building sooner rather than paying a fine.

Hanbury Homes

Camden and Croydon operate differently. Camden are really happy to whack you with loads of paperwork. The Croydon approach, in my experience, is that the property inspector comes along and if he has an issue, he talks to you about it, you agree on site and generally the points are reasonable, then you get it done. If you look at Camden, they issue more bits of paper but for the same result.

Brymore Group

- 5.79 The representative of an accreditation scheme working with letting agents suggested that judging the effectiveness of Croydon Council’s approach by comparing it with the number of enforcement actions taken by councils elsewhere in London and the UK, was not necessarily the best measure to use:

It’s difficult to do comparisons. One of my concerns about simply looking at high levels of enforcement actions as a sign of success is that we see examples of some places in the country where they are being served for technical breaches like non-compliance with specific wording of Condition 16, rather than it being a problem with the property, then a civil penalty is imposed. I’m quite supportive of the idea of working with landlords and agents to try to achieve compliance. That may sometimes mean civil penalties, but [they are] not necessarily a sign of success.

Safeagent

- 5.80 Nonetheless, most stakeholders recognised that enforcement actions (including prosecutions) were necessary for serious breaches of conditions or where there were genuine hazards in properties:

Of those [landlords] who are targeted, and from inspection it turns out that there is a risk to life, then there absolutely should be enforcement action. That is where I would want my money going... The council needs to make sure where landlords are paying the money then the properties are being inspected and that the capacity is there to take enforcement action where there is a risk to life.

Metropolitan Police Service

[You are] going to get better results by working to both protect tenancies and by encouragement [to the landlords]. Put the carrot before the stick, but you sometimes you do have to use the stick.

Valuation Office Agency

- 5.81 However, representatives of landlords reiterated their point that the low numbers of enforcement actions taken under the current scheme indicated a high level of compliance among landlords in Croydon:

[The council] can only issue a civil penalty notice if the work hasn’t been done. What the figures are saying is that all of the landlords in Croydon are incredibly compliant, which doesn’t match Ministry of Housing, Communities and Local Government or other government or council figures. There is inconsistency here.

NRLA

Residents and tenants

- 5.82 Tenants and other residents were generally positive about the current scheme. Some mentioned instances where the scheme had been helpful in addressing problems with rented properties:

I think it’s a good thing. When I had the issue, I was able to read the information about licenses, what they’re supposed to do and reasons for objecting and it’s very clear about the timeline, so I found that very helpful.

Croydon Town hall focus group

I’d say yes, [licensing is] definitely of benefit because without it there’s far less control over private landlords.

Thornton Heath focus group

- 5.83 While perhaps not as emphatically as landlords, there were some residents who – while feeling the current scheme has been a good thing – expressed disappointment at the actions taken by the council to address problems in the PRS:

I would say the issue is manpower within the council to actually do enforcement, because enforcement can be an issue. You've got a big scheme going, you've got a borough with loads of rented properties. You need people, you need bodies and I don't know how well staffed you are.

Thornton Heath focus group

It's the action afterwards, what the enforcement [team] have done, what came out of that that has been a bit disappointing. I felt I've had to do a lot of the work myself. Where I found an issue with my landlord, I'm the one that has done all the investigation to find out what is going on... Relay that to the council and I just find that there's been no follow-up.

Croydon Town hall focus group

The proposals for a new selective licensing scheme

- 5.84 When considering Croydon Council's proposals for a new licensing scheme, several themes were explored at the different deliberative events, including:

- » The evidence base to support the case for a new scheme;
- » The "value-for-money" of continued selective licencing of the PRS in Croydon;
- » The options being proposed; and
- » The benefits of taking a more targeted approach to licensing in the borough.

Landlords and agents

The evidence for selective licensing

- 5.85 There was a strong view among some of the landlords and other attendees of the five forums that there was lack of evidence showing that the current selective licensing scheme had been effective in tackling ASB or any of the other issues in the PRS which it was supposed to improve. Furthermore, there was considerable concern that – as one landlord described – the council was still drawing on models rather than reliable data:

The council are going to go forward with a new scheme, and they're going to give figures to central government. All the figures I've heard so far - they are vague, they have been based on the models. Surely after five years we should have some accurate figures that show if the current scheme has been a success. If it has, then obviously the scheme could go forward. But after five years, it's changed nothing or its failed, why would we continue going forward with it?

- 5.86 Some landlords went further and suggested that the evidence being put forward by Croydon Council was not just vague, but misleading:

I think your modelling and statistics are misleading. Surely you should have those lists, the actual data from the enforcements and the inspections from this licencing scheme which would be better statistics to show us which say, 'In private rented properties, we've carried out X number of inspections in the last year, on reflection and that's how many had Category 1 hazards'. [The data] you're presenting says that 25% of us - private landlords - had a property [with] a significant failure in safety. And I think

that's really misleading to the government to present that to them to get your licence scheme approved again to tax our landlords, who as some said are doing a good job.

- 5.87 An issue raised by several landlords (and echoed in the stakeholders' meeting) was a perceived lack of monitoring and reporting of any measures of success in relation to the current licensing scheme. They noted that this would need to be addressed if a new scheme were to go ahead:

They have introduced a scheme that seems to have no monitoring or validation whatsoever, so that having to say what you did, you didn't have information to give us of any improvement in any of the zones for which the existing scheme has come. That's history - I would hope that in any new licensing scheme, there would be monitoring, fact-based, evidenced-based; you could perhaps give a report to the landlords and the rented sector every year. Otherwise you'll never hit the target because none of us will know what the target is.

- 5.88 There were, however, some landlords who felt that the evidence presented by the council did provide justification for the continued use of selective licensing in the borough, albeit that they felt – like many other landlords – that they had not particularly benefited in terms of support or contact from the council under the current scheme:

These statistics [on deprivation] are pretty galling... It demonstrates to me why Croydon needs a licencing scheme, because there's all sorts of issues which are related to housing. The focus I can see of the licencing scheme is a bring properties and management up to an acceptable standard and I can see where the council are coming from with that. From my point of view, I have three or four properties, and regulatory schemes have focused my mind on certain things - like the newsletter - which is a good thing, but I have had no contact from the council about it at all.

Value for money

- 5.89 A common thread through the landlords' forums was the concept of "value for money" from the licensing scheme. This followed two discrete but overlapping lines of thought:

- » Is the money collected via the selective licensing of landlords being used to achieve the stated goals of the council in regard to improving the standard of the PRS in Croydon?
- » What do landlords get out of licensing in return for the fees they are paying?

- 5.90 The perceived lack of punishment directed towards 'rogue landlords' and not enough inspections carried out in properties made landlords question whether the scheme provided value for money. The primary concern expressed was the perception that the scheme had failed to punish landlords that did not sign up to the scheme. This created a feeling of unfairness for those people that complied with the scheme:

How many people have you had [inspecting properties]? Have you got five people? I know of houses where there are bunk beds, you can visibly see them from the road, and there are so many people living there it's just a nightmare. I take it quite personally because I'm having to pay as a landlord - because I do things properly - and then there are these rogue landlords – and I've reported two of them and I can see nothing's happen.

- 5.91 Returning to the theme of inspections of properties in the borough, some landlords felt that the fact that they had seldom, if ever, been subject to inspections was evidence of poor value for money for selective licensing:

I'm a pretty new landlord but I haven't really received any checks whatsoever; I haven't been given inspections, but I pay for the license... Do I get a discount based on the last three or four years? I didn't even realise that there were checks that were supposed to happen because no one has even contacted me.

I have been a member of the scheme for the last five years. Just in the last few months, I've had two inspections in my properties [which] lasted five minutes. Is five minutes' worth the £750 licence I've paid?

- 5.92 In the context of value for money, many landlords felt that they get nothing in return for the fees that they pay for licensing schemes, particularly in terms of support from the council and other agencies in dealing with problems arising in the PRS. one landlord summed up the view of many of those present:

I just feel the licence didn't help me when I had a problem. I was able to get a licence but had no help for six months. You talk about anti-social behaviour, but the tenants I had were [causing problems] but I couldn't get close to them. You couldn't get into the flat because that will be harassment. I don't see how the licence that we pay for that helps [with ASB].

- 5.93 There was a strong conviction among some attendees at the landlords' forums that the scheme was simply not cost-effective, and should either be reviewed or simply scrapped:

Efficiency and value for money has been raised by so many people. That keeps coming up and has to be brought into question. If someone sat down and worked out a scheme with the kind of money and budget that you're talking about, surely you could achieve a much better and efficient results with far less money.

- 5.94 Linked to discussions about value, many landlords expressed strong concerns about the lack of support they feel that they receive when dealing with problems in the PRS. One landlord recalled previous measures that the council had put in place, which had since been removed at the expense of the support given to landlords:

We used to have a landlord liaison for many years. I think that the landlord liaison was wonderful - it has absolutely disappeared. There is no support for landlords. The landlord licencing fee [...] hasn't served much purpose. We have a tenant [causing problems] with anti-social behaviour, substance abuse... We've been emailing the council backwards and forwards, and we feel the licencing department should be looking after such cases.

I genuinely think [selective licensing] is just a tax on landlords. I get no benefits from it. I don't even know what the benefits are that the council provides. And I've got council tenants in my flat and I want to evict them. Where do we stand? I see no benefits and no support, and I'd like to know what I actually get from this.

- 5.95 Some landlords felt that the scheme would be more acceptable if it could provide some genuine benefits to landlords in addition to trying to improve conditions in the PRS:

I think the council is really missing an opportunity here. We could change this whole discussion by simply putting something in place that actually helps us as landlords. Maybe helping agents also, if we have issues. If we saw that we were getting something back, rather than this just being a tax, the price or the level of discount would actually be a much-reduced discussion.

Can the council confidently get in a new scheme in, whereby the majority of landlords in this group are going to benefit... I'm hearing quite a lot of disappointment in the current scheme.

Full versus part-borough licensing

- 5.96 When asked about the geographical coverage being considered by Croydon Council as part of their proposals for a new selective licensing, one landlord simply asked, “*What can landlords do to stop it?*”. Another summed up the feelings of many with regards to the “choice” between a scheme that covered the whole borough, and one that covered part of the borough but still meant that approximately 97% of PRS properties would be covered:

It’s a nonsense though because when you’re asking what we think, you’re asking, “Do you want the whole cake, or do you want 97% of the cake?”.

- 5.97 One landlord raised the issue of other full-borough licensing schemes in the UK having been rejected in recent months, calling into question whether Croydon Council proposals would be likely to be approved:

I understand Liverpool applied for a blanket scheme and has been rejected by government. I don’t know a lot about the rental sector there, but I imagine that there are issues with property conditions and anti-social behaviour and deprivation in the private rental sector there as well. So why do you think your application is going to be successful when Liverpool’s hasn’t?

- 5.98 Some landlords suggested that a new scheme ought to cover the whole borough because it was simpler, fairer and would raise more money to tackle problems in the area:

If you have a borough-wide scheme, it would make it easier as everyone would understand. It would create more finances from the entire borough and less confusion. I think that would make more sense.

I just think the added complexity, and the excuses that the a very small number of landlords might make that they didn’t know that their street was in it, for just 3% of the total [number of PRS properties]- it makes very little sense to separate it off.

I would have thought it would help spread the cost as well. It would be cheaper if it was all of the borough rather than part-borough.

- 5.99 Another landlord felt that part-borough licensing was not an appropriate way forward and supported full-borough licensing, although they shared the view of many other landlords that the number of inspections undertaken under the current scheme was disappointing:

The option for going for selective wards under the present regime is a complete non-starter. And I happen to agree with [full borough] licensing. If licences are continued, it should be borough wide. Of all the landlords. I’m one of those few you’ve mentioned who actually think licencing is a good thing. I am a bit perturbed by [the fact that] a team is now being put in place to actually carry out inspections more thoroughly. The number of inspections seems to be woefully low.

A more targeted approach

- 5.100 Many landlords felt that the full and part-borough proposals were not sufficiently targeted. In their view, both licensing *and* enforcement need to be targeted at those landlords, tenants and types of accommodation and tenure which were they viewed as particularly prone to the types of problems that selective licensing is intended to tackle:

You’re focused on certain areas for your inspections, and I get that - I get that [there are] certain parts of Croydon which are bad; but the way that the licensing scheme works is that you deem all of Croydon

bad - which it is not - and therefore you're penalising every landlord because you've got a problem in certain areas. Effectively, the majority of us here are subsidising the council to focus on what you deem to be the bad areas. You know areas like Coulsdon and Purley [are fine] - it is complete nonsense to say they're bad areas and you have landlords in those areas subsidising [the scheme].

Stakeholders

Full versus part-borough licensing

5.101 Representatives of landlords and agents questioned the validity and effectiveness of adopting blanket approaches to licensing across broad geographic areas, arguing instead for a risk-based approach, both to target problem areas and to provide robust evidence that the licensing scheme was working:

One of our concerns would be that a larger blanket licensing schemes are harder to manage because they are so vast. Even if you have a team of 50 people or more, it is such a vast undertaking to try to cover in a five-year period; it's almost impossible. Safeagent's preference would be a more risk-based or smaller area-based approach on a rolling programme, so that you can put resources into a particular area. The map shows that there are areas with much higher PRS properties; if you start on a smaller area then you can go door-to-door and you can make sure that they are licensed, and you can inspect. If that smaller area is resolved, then you can move onto the next.

Safeagent

It doesn't make sense not to use all the data that is available to the council and target; I don't understand why it is not a much more targeted approach. All of our properties were inspected; after the first 50, it should be obvious that they are all up to standard. It feels like it is just about making things look good for the stats.

Brymore Group

5.102 The fact that Croydon Council had not reached its target of inspecting all PRS properties in the borough under the current scheme was cited as evidence that a full-borough, or even a large part-borough approach, was not the right direction to take:

There are a lot of problems in Croydon; you've got a scheme and you've charged landlords an awful lot of money, and there is still 23.8% of people living in properties that are dangerous. Good landlords are getting tarnished [by these problems] but the council is not taking action against those people, who aren't actually landlords, who are undercutting compliant landlords and renting out substandard properties.

NRLA

5.103 Landlords' organisations argued that the councils' preferred full-borough approach to selective licensing, inspections and enforcement was unrealistic with limited resources available and, furthermore, focusing primarily on geography was not what was required to improve standards in the PRS:

[Landlords] care less about which parts of a ward or borough are covered; they want to know if you have a clear methodology for rooting out where those landlords who are not licensed and are likely to be the ones who are serving up substandard properties to often vulnerable tenants. Local authorities are missing the point; it's not about geographical boundaries, it's about how you use the data sources that you can bring together, working with the police, fire brigade and other authorities

and services, root out where those bad landlords. You must be able to utilise the limited resources you have to focus in on those people.

NRLA

- ^{5.104} A council officer posed the question as to whether only licensing certain parts of the borough might lead to poor landlords migrating to unlicensed areas to avoid the scheme. However, the view of those representing landlords was that it would be of those who illegally sublet properties who moved, rather than landlords themselves:

If you go for [part-borough licensing], will that not push landlords to buy-to-rent in those unlicensed areas?

Neighbourhood Safety Team, Croydon Council

Landlords are not going to move and pay Stamp Duty for a saving of £500 over five years. Licensing is not a decision-making factor... It's about creating a robust system that prevents [illegal sub-letting]; that is what is required. If you have a targeted approach in one ward, then that criminal element may move to unlicensed areas or boroughs... There may be migration, but that's where intelligence and working with the police comes in. It is that joint working, which happens elsewhere in the country, that works.

NRLA

- ^{5.105} The theme of targeting licensing was picked up by several other stakeholders. There was some discussion about how data and intelligence gathered during the course of the current scheme could be used to increase the effectiveness of the council's efforts and bring landlords on board:

If you are going to get the confidence of landlords, you have to move away from, 'pay the fee and get an inspection' towards, 'pay the fee as part of a drive to bring up standards in the borough'. This could be via a targeted approach. After a period of five years, you could have visited quite a number of properties. Where there were particular types of properties that might be an issue, with this licensing scheme [and] a second five-year period [...] other properties could be identified and if staff have targets for inspections then should be able to have that as a priority.

Valuation Office Agency

You have to have a targeted approach; you have to focus on the landlords who are causing problems. There are people's lives at risk – 23.8% of properties, according to council figures, have a Category 1 hazard. That's a serious problem.

NRLA

- ^{5.106} The fact that Croydon Council was proposing either a full-borough or an extensive part-borough scheme was viewed by some stakeholders as a high-risk strategy which might reduce the chances of the scheme being approved by the UK Government, particularly in light of other recent selective licensing applications elsewhere in the country:

One of the difficulties for Croydon is that you haven't left yourself with an option of less than 20% [of PRS properties] that you can fall back on. In Liverpool, the Government has rejected city-wide selective licensing; it stops at the end of March and then there won't be anything. The council can bring in a scheme that is less than 20% without approval. A different approach could have been to consult on a smaller more focused scheme.

Safeagent

You could go higher than 20% - generally the government has approved schemes between 20%-50%; it's when it goes above 50% that they take a very dim view with a few exceptions where they definitely have the evidence.

NRLA

We know where government sits on this; there must be an Option 3 somewhere. What is it going to be? Ultimately the people in this room want to see a scheme that is going to work and deliver. What is that going to look like? A more targeted scheme is going to give stakeholders and landlords confidence.

Brymore Group

Support for landlords

^{5.107} As at the landlords' forums, those representing landlords at the stakeholders' meeting also questioned what landlords were getting out of the licensing scheme:

I don't think you have a service that you are selling. I don't see what benefit I get whatsoever; there is no communication, there's no help. We had issues [with waste dumping] and contacted the council and the result was that we got served with a pre-enforcement notice. We have CCTV footage of people dumping the waste, but none [in the council] is interested."

Brymore Group

^{5.108} In particular, the sense that landlords were not supported by the council or other agencies when attempting to deal with disruptive anti-social behaviour was strongly felt by landlords' representatives, particularly in light of changes to legislation with regards to no-fault evictions:

Can landlords depend on council support for Section 8 eviction applications in the future, if it is needed? Getting rid of Section 21 and amending Section 8 [evictions] is going to cause a massive problem for local authorities. There is going to have to be an evidence base in court against the tenant and the only way that is going to work is through the council giving landlords support if it is based on anti-social behaviour.

NRLA

There is no support whatsoever; if [landlords] are trying to be responsible and try to do the right thing, then because they are there and are not going to run away, they get the full force of the council hitting you. What is the "service"?

Brymore Group

^{5.109} Representatives of vulnerable tenants also pointed out that illegal evictions remain a problem in the PRS in Croydon. Citing their own experiences of supporting tenants, they pointed out that the police were sometimes slow to get involved in illegal attempts by landlords to remove tenants from their homes:

An illegal eviction is a criminal offence but very often, when the police are called, they say, "This is a civil matter...", and they don't get involved or they will support the landlord in evicting the tenant. I would like to meet with the police and say that, when we call them about legal evictions, it is a criminal offence. We need to get [the eviction] stopped in its tracks and then look to see if the property is licensed or not.

Homelessness and Housing Needs Team, Croydon Council

- 5.110 Another area where landlords’ representatives felt that support for landlords was needed in terms of appropriate legislation was in dealing with difficult or absentee freeholders and leaseholders, who they felt were unlikely to take action when needed to address property conditions and other issues in communal spaces in buildings:

Where you have an absent or missing freeholder, you get communal areas with no fire safety equipment or emergency lighting. There isn’t really any legislation you can use to make them put it in. From an enforcement point of view, the council wouldn’t have much legislation to help [landlords] – they would have to try to find all the separate leaseholders and work with them. The freeholders aren’t going to spend thousands of pounds on installing it.

Overall views on licensing

- 5.111 Stakeholders representing young tenants and vulnerable tenants, and those responsible for pursuing landlords of dangerous properties, spoke out in support of licensing as a tool for increasing standards in PRS in Croydon. They also recognised that supporting landlords to meet those standards was an important aspect of any new scheme that might be introduced:

Licensing in Croydon is important for us. There are a lot of unlicensed properties out there that we don’t know a lot about. Last year one resulted in a fatal fire – it’s important that we try to license all landlords and rented properties so that we catch those central risks.

London Fire Brigade

Landlord licensing is a good thing, but there does need to be support for the landlords.

CAYSH

Residents and tenants

Evidence and overall views on licensing

- 5.112 Residents generally accepted the evidence presented by the council in support of the proposal. Most thought that the scheme was a good way of protecting tenants.

As a tenant, the 23% of households having hazards was shocking. It’s quite a striking figure, anything to keep people safe is important.

Purley focus group

I think the best bit is that the landlord should look after the tenant... When you’re paying the rent, there are certain damages in the property that need to be fixed, and you can’t really move into a property where you’ve got leaks and all that. [The landlord] should be responsible.

Thornton Heath focus group

Licence fees

Landlords and agents

- 5.113 The balance of opinion at all of the landlords’ forums was that the standard fees being proposed for the new scheme were too high:

I would also like to flag up the amount of money that we're paying - £750. I would like to know how that calculation is made because I feel that it should be a minimum amount of money [possible] which might encourage those landlords that haven't paid you any money yet.

5.114 Although some landlords welcomed the discounted fees for properties already licensed under the current scheme and for newly renovated, newly built or new-to-market properties, there were many calls for additional discounts; for example:

- » For landlords that have more than one property;
- » For 'compliant' and accredited landlords; and
- » For landlords with just one or two properties, and for different sizes of dwelling.

5.115 A common question related to the need for a licence holder to be a 'fit and proper' person to rent out accommodation in the borough, yet the licences are issued on a property-by-property basis:

If I own more than one car, why do I have more than one licence?

5.116 There was some support for the introduction of multi-dwelling licenses because of the reduced fees and administrative burden associated with it:

On a positive note, I'm pleased to see the block licensing. I think that's a step forward where the one license application can be made for somebody that owns a block of accommodation. There is still a fee payable for the properties in that block. That's something positive because the actual licensing application process can be very difficult for people.

5.117 The council's proposals for a rolling scheme, in which licences would last for five years regardless of when they are applied for, gained support from a number of landlords. Some others, however, would prefer to move to a pro-rata fee structure:

One the major concerns is how will we pay for it? I think it should be pro-rata. I will be renting property in the next month. I have to pay the full amount for six months. Then, in October, I would have to pay again. It's not fair.

5.118 A recurring theme was around the amount of money that the current selective licensing scheme had raised, and how that money had been spent. Many landlords expressed doubts about the figures presented by the council in relation to the costs incurred when running the scheme:

Efficiency and value for money: that has been raised by so many people. That keeps coming up and has to be brought into question. If someone sat down and worked out a scheme with the kind of money and budget that you're talking about, surely you could achieve a much better and efficient results with far less money.

5.119 As well as questioning the way that money was being spent, numerous landlords called for more transparency with regard the income and expenditure related to selective licensing:

I think you need to be a lot clearer on the money side, how much money comes into the scheme and what the incremental costs to the council are. Because it seems to me to be another pseudo tax.

5.120 Finally, several landlords suggested alternatives to the proposed licence fees, which included:

- » Introducing an accredited landlord scheme, so that those applicants who were members of specific landlords' associations did not have to pay extra for a licence (or received a discount);
- » Charging per landlord, rather than per property; and

- » Charging licensing fees on an annual or bi-annual basis, rather than every five years.

Stakeholders

- 5.121 Representatives of landlords felt that there was a particularly high level of licensing and compliance with conditions among landlords in Croydon. This meant that the costs to landlords should be reduced accordingly to a more nominal level:

The high level of compliance [in Croydon], the issue is those people who don't have licenses. This time around, for those landlords who already have a licence, it should just be a paper exercise and cost about £100. The council can then go ahead and pursue the 10,000 who are unlicensed – that should be the council's priority.... Most landlords wouldn't have a problem with paying a couple of hundred pounds, if that money was going toward properly investigating finding poorer, substandard properties being let by criminal landlords.

NRLA

- 5.122 For others, the level of the fees was less important than ensuring that the scheme would be able to improve the quality of the housing stock in the borough in order to protect residents and tenants:

It's not about fees, it's about making sure that we capture those who might be at risk of poor housing accommodation.

London Fire Brigade

- 5.123 As with landlords at the forums, representatives of landlords called for genuine transparency around the use of money raised by fees, stating again that their members would want to know that the money they pay is being used to target poor properties and criminals operating in the PRS in Croydon:

Whatever the result is at the end of this consultation process, the landlords will want to know where the transparency is around how the money is being used. Money is coming in – where is it going? Is it being used, not just for bureaucrats to process and application and produce a piece of paper; how do we know that there is a proportion of the money being spent on going and finding criminal landlords? Is it going to go into enforcement activities that will find the properties that are not up to scratch?

NRLA

Residents and tenants

- 5.124 As already mentioned, many residents were not aware of the licensing scheme prior to the focus group. Consequently, the fee structure did not make immediate sense to all of them. Echoing the views of landlords, some residents suggested that landlords should be able to pay the fee in smaller instalments.

Why is the licensing scheme not paid in monthly instalments, like £20 a month? Some landlords may only just be able to cover a mortgage with the monthly rent, so [a lump sum payment] isn't feasible.

- 5.125 One resident suggested that the fee should be tailored to the size of the property, rather than being the same for all landlords:

I think the fees are too high and not appropriate. I should think they should be tailored to the size of the property; it doesn't seem fair. Maybe a percentage based on the rent or square footage? I think the licenses are appropriate, but a lot needs to be added to make sure it's a level playing field.

Licence conditions

Landlords and agents

5.126 The majority of the sentiments expressed by landlords in relation to the proposals about licensing conditions have already been covered in this chapter, focusing as they did on the obligations of landlords to address issues of anti-social behaviour by tenants.

5.127 There were, however, some other views expressed – including that of a landlord who felt that the shifted emphasis toward property conditions under the new proposals might actually put landlords off reporting anti-social behaviour, as they would be concerned that doing so might result in inspections that had negative implications for the landlord:

I think we understand that there will be more to do with property conditions [in a new scheme], and I would be wary of reporting ASB as how might these inspections affect the landlord?

5.128 In terms of providing evidence to the council, a few landlords suggested that they should be able to send existing third-party documents as a way of cutting the cost of fees for administering a new scheme:

Inventory control is one, when a new tenant comes in, property inspection is another one. The tenant signs what he's getting, in terms of the walls, the fittings, everything. So why can't we hand it over?

Stakeholders

5.129 There were some specific comments in regard to the proposed licensing conditions under a new scheme. This included the suggestion that, by introducing forms and procedures for landlords to use during their own six-monthly inspections, the council could accept evidence of those inspections taking place as part of any new licensing scheme:

One of the conditions that is supposed to be followed is for landlords to provide gas safety certificates. I don't think that anyone does that until there is an inspection. Another is that the properties are meant to be inspected by the landlord themselves twice per year. Why can that information not be fed back into the licensing scheme? Everyone has different inspection procedures. A standardised inspection form that is not too complicated could be fed back to the council.

Hanbury Homes

5.130 In respect to specific aspects of the proposed licensing conditions put forward by Croydon Council for a new licensing scheme, one stakeholder questioned whether the council has the authority to charge for an exemption notice in those circumstances where a selective licence would not be needed for a period of time:

Does council have power to charge for a temporary exemption notice? The only power they have is to charge for a licence application.

Safeagent

Residents and tenants

5.131 Residents generally felt that the licensing conditions proposed by the council for a new selective licensing scheme were appropriate. During the focus groups, several tenants made comments about the characteristics they associated with good landlords. These included:

» Good communication with tenants;

- » Attending to repairs in a timely fashion; and
- » Complying with legal requirements, e.g. fire safety, fire alarms, etc.

5.132 One drew from their own experience of working with tenants when describing good practice by landlords in the PRS in Croydon:

From the work I do, I came across somebody that has a really good landlord and they were good because the minute something was wrong, [the tenant] would always contact them and say, “Oh, this isn’t quite right”, and [the landlord] responded always, straight away. The good landlords are responding to the tenant.

Thornton Heath focus group

I used to rent from a landlord, and he had 12 properties and he was complying by the law, he had fire safety, had fire alarms, everything. It made me feel very safe. He was a good landlord.

Thornton Heath focus group

5.133 Other residents shared examples of landlords who had not adhered to licensing conditions. They felt that there needed to be measures in place to ensure that landlords or their representatives could always be contacted:

One of my friends’ rents [and] their property had a plumbing issue; they couldn’t get hold of the landlord [who was] on holiday for months and [the tenant] had to fork out the cost on their own. When the landlord came back, the tenant handed over the receipt and they didn’t want to pay it. So again, there should be a better way of communicating with each other.

Thornton Heath focus group

Other considerations

Short-term letting

5.134 The increased use of internet-based short-term letting by some landlords was a concern for some attendees at the landlords’ forums, particularly because the owners were then exempt from licensing. Some asked whether there were moves being made to license those properties:

Where does Airbnb fall under this? There are lot of properties which are rented out by social media, such as Booking.com, for short periods of time. Will this scheme cover those properties?

Administration and IT systems

5.135 Landlords raised a number of concerns during the forums about the process of applying for and receiving licences. Many called for more efficient systems to make it easier. One agent said that the challenge of applying for a large number of licences was particularly frustrating, and asked that the council take action to make it more efficient:

I manage 300 properties in a managing agency. Is there any way there could be something put in place to make this more manageable in this short frame of time? It’s a massive load of paperwork and time for us.

[It can be] difficult for people, especially to navigate the system, the IT, the way it has been set up. One of the things I wanted to suggest was, rather than have to do a completely new application for the landlords that have already been licensed for five years, could the council not look at a renewal

scheme. If there's no change since first application, rather than having to submit an individual license for each property again. I'm sure this could be achieved quite easily.

Letting agents, landlords' forum

- 5.136 Representatives of letting agents and larger landlords at the stakeholders' meeting raised the same question, saying that even being able to pre-populate online forms with data about the licence holder would make the process much less time consuming when applying for hundreds of licences:

It would be helpful for larger portfolio landlords and agents if there was scope to save recurring information, the details of freeholders and leaseholders - the applicants – and then to populate it efficiently. Anything that speeds up process of application is helpful.

Safeagent

Is there going to be a new IT system? Last time I had to scroll down through every single date on every application. It's a very time-consuming process.

Brymore Group

Changes in legislation related to evictions

- 5.137 Upcoming changes to the law in relation to actions that landlords can take to remove tenants from their properties, particularly the removal of no-fault evictions, raised considerable concerns for landlords and their representatives. Attendees at the landlords' forums pointed out that, without Section 21 notices, their hands might be tied when trying to deal with poor tenants or when trying to repossess their properties:

I think my perception that there is an imbalance as regards the focus on landlords, and not much evidence of trying to work with landlords to help tenants, especially those in HMOs, deal with anti-social behaviour. If section 21 goes, we have no powers at all... It is very, very difficult from a landlord's perspective.

Private landlord, landlords' forum

- 5.138 Landlords' representatives shared the same concerns. Several went further, pointing out that by removing the option of no-fault evictions, the UK Government was effectively forcing landlords to take tenants to court. This would create problems later on when they tried to gain access to other accommodation:

Under a Section 8 eviction, the tenant is going to have a housing conviction against them. Then no landlord in Croydon will want to house them. You are going to reduce the capacity for people to be housed in licensed areas. Under licensing, landlords have to get a reference, and a housing conviction is going to be a big red light. Landlords are not going to house them. It's going to cause a massive cost to the council and create a hurdle for tenants finding housing.

NRLA

- 5.139 Furthermore, landlords' representatives were concerned that the removal of Section 21 powers from landlords, something that was intended to give greater protection to tenants, might actually cause more problems in the private rented sector by pushing vulnerable tenants into the path of rogue landlords and criminals:

The tenants with housing convictions are going to be fed into unlicensed landlords. They're not going to find good housing.

Brymore Group

The removal of Section 21 is going to give tenants a criminal record, which pushes them into the hands of criminals who are renting out properties and won't use Section 8 to evict. They will just turn up and evict people. There is a group of people who are going to be exploited. Wherever there is a vulnerability, somebody is going to exploit it.

NRLA

Regulation of letting agents

5.140 Although not directly related to selective licensing, there was a call to ensure that current legislation was also going to be used to protect both tenants and landlords from the actions of fraudulent letting agents:

[We] want the council to be looking at making sure that, alongside what is done with selective licensing, there is work on regulating letting and management agents through trading standards so that client protection measures are in place to reduce fraud against tenants and landlords.

Safeagent

Support for tenants

5.141 At the residents' focus groups, some tenants felt that additional support to help those tenants who might not find it easy to understand the information available about selective licensing would be needed. For example, they pointed out that those who struggled with a written format still needed to be able to access and fully understand important information:

Not everyone has that understanding of different issues. I'm dyslexic so I find things quite daunting when it comes to doing things on computers and paperwork... I get put off by looking at things because once I start reading things, some words don't make a lot of sense to me. Some information is better to have verbally - to, have someone actually talk to you rather than having to go into this website.

New Addington focus group

Views on the consultation process

5.142 Some attendees at the landlords' forums expressed the view that the consultation process itself was a "pointless exercise" and that PRS licensing was "going to happen anyway", regardless of what landlords and agents said. Others, however, were grateful for the opportunity to share their views both at the landlords' events and via the other feedback opportunities. As the report in this chapter demonstrates, the vast majority, regardless of their frustrations, were ready and willing to engage with the process and contribute valuable insights and suggestions for the council to consider when making their decision.

5.143 Stakeholders and residents, regardless of their viewpoint on selective licensing in general or on the council's specific proposals for CPRPL 2020, were generally content with the process and appreciative of the opportunity to have their voices heard.

6. Written Submissions

Introduction

6.1 During the formal consultation process, 18 organisations and individuals provided detailed written submissions. The contributors were:

Royal Borough of Kensington and Chelsea;

Crisis;

Safeagent;

National Landlords Association;

Residential Landlords Association;

DaBora Conway (estate agent); and

12 individual landlords.

6.2 20 shorter emails were also received, the issues raised in which have been summarised here.

6.3 ORS has read all the written submissions and summarised them in this chapter; none have been disregarded even if they are not expressed in a ‘formal’ way. It is a painstaking but necessary process to identify the main issues raised by respondents.

6.4 The detailed written submissions do not lend themselves to easy summary and so readers are encouraged to consult the remainder of the chapter below for an account of the views expressed. However, the following overview gives a sense of the types of issues raised - a ‘summary of the summaries’ if you like. It should be noted, though, that although they are very detailed and expand upon many of the points raised elsewhere, the submissions represent the views of only a small number of organisations and individuals and should not be considered as representative more generally.

6.5 It is important to note the following section is a report of the views expressed by submission contributors. In some cases, these views may not be supported by the available evidence - and while ORS has not sought to highlight or correct those that make incorrect statements or assumptions, this should be borne in mind when considering the submissions.

Summary of main findings

There was some support for private rented sector licensing in principle – and for the council’s proposed licensing scheme...

- 6.6 There was some support for the principle of private rented sector licensing from a minority of individual landlords – and from the Royal Borough of Kensington and Chelsea (as a means of regulating the private rented sector and driving up standards).
- 6.7 Crisis recognised the clarity, consistency and administrative benefits of borough-wide licensing – and Safeagent welcomed certain aspects of the proposed scheme (the various discounts and the proposal that most licences will be issued for five years from the date approved for example).

...but there were many more concerns and questions about both the existing and proposed licensing schemes

- 6.8 Despite the positivity reported above, many concerns were expressed – not least that selective licensing schemes penalise compliant landlords while allowing others to continue operating under the radar. Similarly, the apparent lack of inspections and prosecutions undertaken during the lifetime of the current scheme was frequently raised.
- 6.9 Several submissions suggested that selective licensing is viewed by many landlords as both a ‘money-making scheme’ on the part of the council and a tax on landlords. Moreover, the current scheme was thought to have brought little in the way of tangible benefits for either landlords or tenants. Indeed, several requests were made for further information on the success of the scheme (particularly in terms of raising standards generally and improving anti-social behaviour [ASB] specifically) in order for people to gauge the possible advantages of renewal.
- 6.10 On a related note, several submissions proposed the need for an ‘audit’ of spending on the current scheme to demonstrate effective and efficient implementation – and to increase perceptions of accountability and transparency among landlords/letting agents.
- 6.11 There was significant concern about the burdens placed on landlords to reduce ASB, when much of the behaviour categorised as such is ‘out of their hands’. Several submissions noted that landlords should not and cannot be responsible for their tenants’ behaviour (especially in the event of mental health issues and/or drug and alcohol dependencies).
- 6.12 Moreover, respondents questioned landlords’ and letting agents’ specified responsibilities in dealing with issues such as sub-letting, overcrowding and fuel poverty – as well as the regularity with which they can be expected to check and/or maintain fire and gas safety and electrical equipment, furniture and waste management arrangements given they only undertake bi-annual property inspections.
- 6.13 Other commonly raised issues were that: landlords should be licensed, not properties; licensing increases the possibility that ‘good’ landlords will sell up and worsen housing shortages in the borough; it is unfair the licensing does not apply to landlords in the social housing sector; and that councils already have alternative powers to tackle problems in the public rented sector.

The proposed new scheme could be amended to alleviate some concerns

- 6.14 In order to address at least some of the issues outlined above, it was suggested that the proposed new scheme could or should:
- » Reward current and future subscribers with “tangible” benefits in the form of specific discounts (such as for multiple properties, multi-let licenses or accreditation) and reduced fees (such as for a transfer of a licence when a property changes hands) – and better information, advice and support in, say, dealing with ‘chaotic’ and antisocial tenants of otherwise difficult tenancies;
 - » Include mechanisms for better communication and partnership working between the council and landlords/letting agents;
 - » Allow landlords to pay the license fee in instalments;
 - » Deliver a proper inspection and enforcement regime via a well-resourced and effective enforcement team;
 - » Be accompanied by a clear spending and resourcing plan; and
 - » Be subject to proper monitoring and impact evaluation (the results of which should be widely communicated).
- 6.15 Arguments were also made that there should be more flexibility for landlords to pay the licence fee on a pro rata basis: some objected to the fact that they would potentially need to reapply for licences less than five years after their previous applications, and others considered it unfair that they had to pay the full amount for a licence of less than five years under the current scheme. Tapered fees that differentiate between landlord and property type were also suggested.
- 6.16 Finally, it was said that borough-wide licensing is unjustifiable in Croydon inasmuch as ASB, deprivation, poor housing conditions and serious hazards are not widespread across all wards – and recent judgements against borough-wide schemes in Liverpool and Brent were noted, as was the trend toward smaller, more targeted schemes. Indeed, the NLA suggested that a smaller scheme could enable the council (possibly with a delivery partner) to inspect all licensed properties and work to root out criminal and negligent landlords.

Summaries of detailed submissions

Royal Borough of Kensington and Chelsea (RBKC)

- 6.17 RBKC supports the proposal to implement a borough-wide scheme as a means of regulating the private rented sector “*in the absence of market forces which would normally drive up standards*”. The council also feels that when licensing schemes are implemented well, they provide high level data to enable targeted and effective enforcement.
- 6.18 RBKC notes that the number of licensing schemes in London has increased significantly, and that Boroughs that do not have one run the risk of displacement whereby “*rogue landlords who provide poor quality accommodation move into areas that are unregulated*”.

Crisis

- 6.19 Crisis acknowledges that there are administrative benefits to having borough-wide licensing, and that it is *“easier for landlords and tenants to understand if [there are] no exemptions, less chance of confusion”*. It is also said that having a consistent approach makes it *“much easier for advice agencies to advocate and support vulnerable tenants”*.
- 6.20 Crisis is, though, concerned that the mandatory condition for licence holders to secure references for each tenant could act as a barrier for more vulnerable tenant groups, especially those moving out of homelessness where references may be impossible to obtain. There is worry that this condition, if not supported with some guidance and flexibility, could exacerbate homelessness in the borough.
- 6.21 Overall, while Crisis supports the principle of borough-wide licensing, it is mindful that some conditions could lead landlords to discriminate against more vulnerable tenant groups. Adequate guidance, flexibility and support should, it is said, be available to overcome that.
- 6.22 Crisis says it is crucial that the income from any licensing scheme is fully invested into the enforcement and regulation of the sector – and that the council commit to inspecting all PRS properties in the borough with the lifetime of the proposed scheme given that *“vulnerable tenants tend to be provided with properties where criminal landlords operate underneath the licensing regime”*.

Safeagent

Existing licensing schemes

- 6.23 Safeagent thinks that before renewing the borough-wide selective licensing scheme, it is important for the council to demonstrate they have effectively implemented and enforced the existing one. In this respect it suggests that:
- » There is a lack of assessment as to how effective licensing has been in tackling perceived problems of ASB associated with private rented properties (one of the main drivers for the existing scheme). It is thus essential that a full evaluation of the current scheme is undertaken before developing future proposals; and
 - » Figures indicate there could be up to 20,000 unlicensed properties in the borough currently. Moreover, with such high levels of non-compliance, *“just 33 financial penalties have been issued and prosecutions taken”*.

Evidence base

- 6.24 Safeagent notes the evidence base showing a huge growth in Croydon’s private rented sector over the last twenty years, as well as the considerable variation in the number and percentage of private rented homes within each council ward. Moreover. It notes the variation in the levels of serious hazards, deprivation and ASB across the borough.
- 6.25 It is said that the consultation document highlights 13 ASB hotspots across Croydon, which could be examined to identify any perceived link to private rented homes, thereby forming the basis of a more compact, targeted and intelligence-led scheme. Essentially, *“the [evidence] does not support a contention that ASB is uniformly spread across the borough and justifies a blanket licensing scheme”*.
- 6.26 Safeagent thinks it is unlikely that the Secretary of State will support either of the consultation proposals as the government have recently rejected licensing scheme proposals in Liverpool and Brent – and while

Waltham Forest was successful, its scheme has been scaled back to exclude two wards. Safeagent encourages the council to develop further proposals for and reconsult on a smaller selective licensing scheme that focuses on the areas of greatest concern.

Licence fees

- 6.27 Safeagent welcomes the 50% plus discount for licence renewals, but encourages the council to adopt a more flexible approach to the cut-off date to account for implementation delays. It suggests offering this discount over a 3-month period leading up to the replacement scheme start date to ensure larger portfolio landlords and letting agents have sufficient time to get their applications submitted during the discount period.
- 6.28 Safeagent also welcomes the proposal to offer a 50% fee discount for new build properties and following a change in tenure, provided the licence application is submitted within the one month of the first tenancy starting. It also encourages the council to consider offering a licence fee discount where the licence holder, or their designated manager, is accredited.

Temporary Exemption Notices

- 6.29 Safeagent notes that the council (under section 86 of the Housing Act 2004) has no power to charge a £100 fee to receive and process temporary exemption notice applications, as is proposed. It requests that the council withdraw this proposal.

Single block (Multi-Let) licences

- 6.30 The acknowledgement that a selective licence can apply to blocks of flats where all the flats are privately rented and under the control of the same person is welcomed to *“streamline the licence application process for buildings that fall into this category”*. However, Safeagent encourages the council to reconsider the proposed standard fee of £650 per flat inasmuch as *“processing just one licence application for the building will ... result in considerable cost savings for the council”*. It suggests a fee of £400 - £500 per flat, or fee bands depending on how many flats are contained in the building.

Length of licence

- 6.31 Safeagent welcomes the proposal that most licences will be issued for five years from the date approved, rather than being restricted to the end date of the licensing scheme. Moreover, while it has no objection to shorter licences being issued to landlords or letting agents of concern, Safeagent encourages the council to publish clear guidelines about how the policy will be applied to *“reassure the majority of compliant landlords and agents that shorter licences will not be unfairly applied for minor unintended transgressions where no harm has been caused”*.

Licence conditions

- 6.32 Safeagent makes the following comments on specific proposed licence conditions.
- » 1.6: The council should produce a template property inspection form.
 - » 1.7: It is unclear how overcrowding is being defined as the glossary refers to the Housing Act 1985 and the proposed bedroom standard.
 - » 2.0: The council should publish a framework tenancy management document.

- » 2.1.5: It would be helpful to know what support services the council can offer to help address perceived ASB and/or help to explore if a tenancy can be sustained.
- » 3.4: Given the need to carry out six-monthly inspections, clarification is sought that six-monthly checks would satisfy this condition, assuming no complaint is received from the tenant in the intervening period.
- » 4.1.2: Given the need to carry out six-monthly inspections, clarification is sought that six-monthly checks would satisfy this condition for checking smoke alarms are in good working order in a single family let.
- » 4.1.5: It would be helpful to clarify that ‘multi-let’ property licences are referring to a selective licence for a block of flats, and that this is not referring to all selective licences granted for HMOs.
- » 4.3: The council should publish an appropriate fire safety procedure.
- » 5.1.2: If information is required on room sizes, this should be included on the licence application form rather than within 14 days of a request once the licence has been approved. Also, if the property is let to a single family, a landlord or agent could only provide information about the family members authorised to live there. The landlord or agent would have no knowledge or control about how bedrooms are allocated between those family members once the tenancy has started.
- » 5.5: Compliance with planning and/or building regulation requirements should not be made a condition of the licence as those provisions are enforced under their own statutory regime. It is common practice to add a clause at the end of the licence to confirm that granting the licence does not indicate compliance with planning and/or building control approval.

Inspection regime

- ^{6.33} If properties are to be inspected as part of the licence application process, Safeagent considers it vital that the council has sufficient officers available to conduct inspections in a timely manner so that licence approvals are not unduly delayed. It asks the council to publish clear service standards for processing and approving applications, as well as regular updates so performance can be monitored.
- ^{6.34} Safeagent also notes that implementing a selective licensing scheme on the basis of poor housing conditions would require inspections of a significant number of those properties. It asks the council to confirm that they will have the staffing resources needed to meet this requirement.

Delivering effective enforcement

- ^{6.35} Safeagent considers it vital that the council has a well-resourced and effective enforcement team because “without effective enforcement, new regulatory burdens will fall solely on those that apply for a licence whilst the rogue element of the market continue to evade the scheme and operate under the radar”. This, it is said, creates unfair competition for Safeagent members who are saddled with extra costs, whilst others evade the scheme completely.

Recognising the important role of letting agents

- ^{6.36} Safeagent encourages the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents.

Regulation of letting agents

6.37 To achieve better regulation of the private rented sector and improve consumer protection, Safeagent considers it important that the council *“takes a holistic approach that extends far beyond the proposed licensing scheme”*.

National Landlords Association (NLA)

General feedback

6.38 The NLA feels that selective licensing schemes must consider the difference between Local Housing Allowance and market rent, which continues to expand. This is a problem for the council and landlords as it *“can inadvertently push people further away from Croydon and create problems, with certain areas becoming stigmatised”*.

6.39 The NLA believes a smaller scheme should be delivered that will inspect all licensed properties, even if this means using a delivery partner for the inspections.

6.40 The NLA feels that regulation of the private rented sector must be balanced, and that additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of housing stock, driving out criminal landlords and recognising and encouraging good practice. The Association suggests that working with a delivery partner would support this in allowing the council to focus on criminal and negligent landlords.

6.41 The licensing scheme proposals should, it is said, take into account rent-to-rent and illegal sub-letting. This is apparently increasing, and *“with changes to section 21 being proposed, [this may] push more tenants who do not have an adequate reference into the criminal sector”*.

6.42 Overcrowding is difficult for landlords to manage inasmuch as they *“will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet ... beyond that, how is the landlord to manage this matter without interfering with the tenant’s welfare?”* The NLA says the council already has the powers to deal with this issue, and that an inspection regime would help address it.

Anti-social behaviour

6.43 The NLA makes the following points in relation to anti-social behaviour (ASB):

- » Landlords are not usually experienced in managing ASB and do not have the professional capacity to resolve tenants’ mental health issues or drug and alcohol dependencies.
- » There is no obligation within selective licensing for landlords to resolve allegations of ASB. Rather, they have tenancy agreements with tenants, and these are the only things they can legally enforce. If there are allegations of a tenant causing issues and a landlord ends the tenancy, they will have dispatched their obligations under the scheme, even if the tenant has mental health or alcohol/drug dependency issues. This moves problems around Croydon and could result in tenants becoming *“lost in the system”*.
- » Referencing is not a panacea, as *“a landlord can provide a reference where no offence has been prosecuted and was/is simply an allegation”* and *“if a landlord is trying to move a tenant on who has been causing problems, but no prosecution has taken place, they might give a good reference to speed up the move”*. Moreover, a credit reference would only show the credit history of a tenant but would still count as a reference.

- » Landlords and agents can only enforce a contract; they cannot manage behaviour – and in most cases the only remedy available will be to seek vacant possession, most likely via a Section 21 notice. In this instance, no affected party needs to offer evidence against an antisocial householder, and so the issue of ASB will not appear as a factor in the repossession. However, when providing evidence to support a licensing application, the document should clarify the position of all the relevant issues under landlord and tenant law.
- » Landlords can manage tenants only to the extent of their mutually-agreed contract for living in the rented property, not for a tenant’s activities outside that property. Furthermore, in the case of, say, noise complaints, how are landlords to know if allegations are false or disingenuous?
- » Ending tenancies will be a way for landlords to resolve allegations of ASB, waste mismanagement or malicious complaints. This will not resolve high tenancy turnover; it will exacerbate it.
- » Often when tenants are in the process of moving out, they will dispose of excess household waste in many ways. Local authorities with a large number of private rented sector properties need to consider a strategy (like the Leeds Rental Standard) for the collection of this waste. The Association would be willing to help develop such a strategy.

Changes to Section 21

^{6.44} The NLA has concerns over how the proposed scheme will interact with the current government consultation on Section 21. It says that changes to how tenancies will end (via a court case) will mean *“landlords will become more risk adverse to take tenants that do not have a perfect reference and history”* and will *“increase the number of people with housing convictions and unable to obtain property”*. The Association suggests a tribunal system whereby problems can be resolved before going to court.

Energy efficiency

^{6.45} The NLA says that one of the challenges for a proposed licensing scheme will be to bring the housing stock in Croydon up to EPC D by 2025 – but by working with a delivery partner, it can add more value to by leveraging in third parties to improve the private rented sector.

Tenant issues

^{6.46} The NLA questions how the council expects private rented sector landlords to solve *“chaotic”* tenants’ issues when the social housing sector has failed. It says that many tenants who have been removed from the social sector are now living in the private rented sector without any support, and that there should be *“a support mechanism ... in place for landlords who have problem tenants so that issues can be resolved ... a tribunal system to overcome these issues at the earliest stage”*. The Association urges the council to publish a strategy for dealing with chaotic and antisocial tenants.

^{6.47} Better partnership working is suggested to tackle specific tenant-related issues: the NLA says that *“the challenge for local authorities is to work with all the people involved and not simply to blame one group ... landlords”* because in many situations, when problems arise it is due to other underlying issues. The Association also suggests the need for a *“non-adversarial”* route for landlords to highlight problems.

^{6.48} The NLA would also like to see the council develop a strategy that includes action against tenants who are persistent offenders – one that looks at street drinking, mental health and drugs.

- 6.49 These measures, the NLA feels, represent a targeted approach to specific issues, rather than a blanket licensing scheme that would *“adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly”*.

Residential Landlords Association (RLA)

- 6.50 The RLA is of the view that selective licensing *“does not raise standards in the PRS and has an overall negative impact on landlords, tenants and the housing market”*.

Fee structure

- 6.51 The RLA says the proposed Temporary Exemption Notice fee of £100 is unlawful. It notes the Housing Act 2004, which states that a fee must reflect the cost of running a scheme only – and that fees are only chargeable in respect of the application itself, not ancillary matters. The council should, it is said, remove this proposed charge if the scheme is approved.

Licence conditions

- 6.52 With respect to licence condition 3.1.2 (all electrical appliances must be tested regularly, and copies of electrical appliances test certificate(s) retained for the duration of the licence and provided to the council within 14 days on request), the RLA states that the section of the Housing Act 2004 that governs Selective Licensing Schemes permits a licence to include *‘such conditions as the local authority consider appropriate for regulating the management, use or occupation of the house concerned’*. This is in contrast to equivalent provisions for HMO licensing schemes, which further allows for conditions to regulate the conditions and contents of the property.
- 6.53 The RLA’s position (supported by a recent Court of Appeal judgement) is that the different wording concerning permitted conditions between selective and HMO licensing schemes represents an intentional distinction between permissible conditions in the two different types of scheme. It feels that any licence condition that seeks to regulate the condition or contents of the house is unlawful, and the local authority has no power to impose such a condition. Therefore, it is suggested that the council should remove these proposed conditions should the scheme be approved.

Raising standards

- 6.54 The RLA says there is little evidence that licensing schemes improve housing standards inasmuch as staff focus becomes the processing and issue of licences, while prosecutions *“centre on whether a property is licensed or not, rather than improving management standards and property conditions”*.
- 6.55 Moreover, it is said that the council already has the necessary tools to tackle poor housing management and conditions in the private rented sector – and *“rather than introduce a bureaucratic licensing scheme that will see scarce resources wasted processing applications, it should continue to direct these limited resources at identifying private rented properties and taking effective enforcement action, where necessary”*.

Existing powers

- 6.56 The RLA notes *“over 150 Acts of Parliament and more than 400 regulations affecting landlords in the private rented sector”* and says these should be fully utilised instead of relying on licensing schemes to regulate landlords. The Controlling Migration Fund (which allows local authorities to tackle local service

pressures associated with any recently increased migration, including tackling rogue landlords and driving up standards) and the Tenant Fees Bill (which has introduced a lead enforcement authority to provide guidance and support to local authorities on the enforcement of letting agent requirements) were also noted as possible tools.

- 6.57 The RLA advocates using council tax records to identify private rented properties and landlords because, unlike licensing, this does not require self-identification by landlords, *“making it harder for the small minority of criminals to operate under the radar”*.

Demonstrating benefits

- 6.58 Finally, the RLA suggests that if the licensing scheme is renewed, the council should consider providing an annual summary of outcomes to demonstrate any benefits to both tenants and landlords. This, it feels, *“would improve transparency overall”*.

DaBora Conway (estate agent)

- 6.59 DaBora Conway says it is currently unable to obtain exemptions for any Private Licensing Properties (PLAs) let to the London Borough of Croydon (only housing associations and Registered Social Landlords [RSLs] are entitled to do so), even though these properties meet the same requirements and standards as those procured by a not-for-profit provider. They feel it would be much fairer and more sensible that *all* PLA units be exempt from licensing, as is apparently the case in other boroughs with selective licensing.
- 6.60 While it is unable to offer an exemption, DaBora Conway says this leaves it uncompetitive alongside other providers who can offer new PLA landlords this saving. This has, on a number of occasions resulted in loss of business.
- 6.61 DaBora Conway currently manages approximately 80 PLA units, of which a quarter are owned by one portfolio owner. It is said that it would be *“lucrative for them to seek vacant possession and re-offer these properties to a provider who can apply an exemption”*, which would mean a dramatic increase in the Borough’s handback list and an unnecessary need for households to be re-housed. Being able to offer an exemption should enable DaBora Conway to further secure said portfolio.

Individual landlord 1

- 6.62 The landlord congratulates the Croydon Private Rented Property Licence Team for *“successful introduction and setting a standard for the private rental sector...”*
- 6.63 However, they are of the opinion that the new scheme is *“all stick and no carrots”* for landlords who have subscribed to the 2015 scheme – and that the proposed new scheme should reward current and future subscribers with *“tangible”* benefits.
- 6.64 The landlord proposes:
- » Licence fee discounts based on Energy Performance Ratings;
 - » 25% discounts for accredited landlords;
 - » 20% discounts for landlords who are members of a recognised residential landlord organisation;

- » A simple, flat fee of £250 per rented property/dwelling for five years, designated for the whole of the borough of Croydon – with discounts as above and capped at 50% of the maximum total licence fee;
- » 50% penalties for late payment of fees; and
- » During property inspections, landlords should be issued with floor plans (with marked locations of smoke and heat detectors). These should be attached to the licence.

6.65 The also propose that the property register be enhanced to include: the ability to search by street name/address rather than postcode; EPC ratings at the time of registration/inspection; whether properties are HMO registered; the date of any property inspections; whether properties are under any prohibition/overcrowding/enforcement action; and whether properties are managed by accredited licence holders.

Individual landlord 2

6.66 The landlord describes the Croydon scheme as *“an abuse of the legislation from the start”* inasmuch as licensing was supposed to be used on a selective basis in specific problematic geographical areas, rather than borough-wide. They say that in order to introduce the scheme without cost to the council, Croydon had the entire borough labelled as a social problem area when it is not - and that *“it is hard to see how Croydon can justify the need for a licensing scheme for the whole borough, other than as a fund-raising measure to pay for the scheme”*. It is also said that as Councils are no longer allowed routinely to designate more than 20% of their area as requiring selective licensing, the council should return to the legislation and consider whether it can justify the scheme being applied to the whole borough.

6.67 The landlord cites a lack of evidence that the council’s scheme has contributed to improving standards in the private rented sector, and does not feel that it represents value for money or adequate protection for tenants. They are also concerned that the scheme does not apply to the social housing sector, which must contribute to at least a proportion of anti-social behaviour, asking: *“if anti-social behaviour is not equally addressed in these areas, how can the scheme be designed for the benefit of tenants?”*

6.68 The landlord claims the licensing scheme is resented by most landlords as it *“seems designed more to ‘pass the buck’”* to them. They also say that tenants get little from the scheme (for example, when they are visited by inspectors, they are apparently expected to meet them with their landlords despite the fact that tenants’ are generally unwilling to complain about standards at all, let alone in front of their landlord).

6.69 Finally, the landlord claims that licensing staff (inspectors in particular) are improperly trained and equipped, and do not have enough time to spend on each piece of work. They also alleged the use of *“insecure, short-term, badly paid contracts that mean they won’t be investing too much in the job”*.

Individual landlord 3

6.70 The landlord feels that regulations should be introduced for *“bad”* tenants in addition to those for landlords which, they feel, have *“encouraged [tenants] to cause deliberate damage, avoid paying rent or housing benefit to the landlords, ASB and sub-letting and other criminal activities...”*

6.71 The landlord also suggests that the council should open an office for landlords seeking advice and support with the above issues, similar to that which they have for tenants.

Individual landlord 4

- 6.72 The landlord is aggrieved that they are taxed on each of their seven properties – and notes that as some are listed, this creates a challenge in balancing the need to make modifications/improvements and not compromising the innate nature and character of the building. They suggest that listed properties should be granted an exemption or at least a reduction in the licence fee.
- 6.73 The landlord feels that the current licensing scheme has *“clearly attempted to deal with the problem of bad landlords”* and that this must be considered a good thing. But they also say that any market of this nature can only function if the whole system is working, and that the danger for Croydon is that *“whilst tenants may be attracted to the borough, many of the good landlords they seek will be discouraged from renting and either look to rent elsewhere or ... sell up instead”*. This would lead to fewer properties available to rent in Croydon, and higher rents for tenants. The goal going forward must thus be to *“make the scheme attractive to landlords and tenants alike”*. Specific suggested changes include: exempting landlords of listed buildings (as mentioned); and not charging landlords per property.
- 6.74 The landlord congratulates the council for showing concern for good tenants but feels that the aim of the scheme should be wider in targeting bad tenants more efficiently and quickly, and ensuring that good landlords are not lost to the borough. They say that since the scheme was introduced, much of the feedback they’ve received has been along the lines of ‘Croydon is now a better place to rent but a worse place to be a landlord’.
- 6.75 Finally, the landlord says that *“unless and until all boroughs tax landlords it’ll be harder for Croydon to attract and keep the private landlord...”* They have no issue with the licence but more of an issue with the fee itself, and consider the scheme *“a bit too one size fits all ... rather than tar all with the same brush wouldn’t it be better to target the minority of bad tenants and minority of bad landlords without negatively impacting the good ones?”*

Individual landlord 5

- 6.76 The landlord states that the licensing scheme is “merely a tax on good landlords who pay up when asked” but that the council has an opportunity to change this perception if landlords “receive something in return ... for their money”. They suggest that:
- » Where a licensed landlord reports ASB in or around their licensed property, the council should demonstrably prioritise action to address the problem;
 - » Where a licensed landlord rents to a tenant on housing benefit, the council should provide direct assistance to tenant and landlord if the tenant is in arrears;
 - » Where a licensed landlord reports to the council that they cannot inspect/repair/maintain a licensed property due to a refusal by a tenant or neighbour to allow reasonable access, the council should provide direct and demonstrable support to the landlord;
 - » The council could offer a clearing agency service for private tenants who are looking for somewhere to live. Fees could be charged to landlords for placing tenants; and
 - » Where a licensed landlord needs to sell a licensed property or otherwise take possession of it for his/her own/family use, the council should demonstrably offer support to the tenant in finding alternative accommodation.

6.77 The landlord says that “if some modest services are offered to landlords for the licence fee, then it is possible to create a “ground-breaking” council/landlord partnership.

Individual landlord 6

6.78 The landlord is supportive of licensing as a means to regulate the private rented sector – but seeks clarification that the fees paid are ring-fenced for use on regulating the private rented sector and that the current licenses will be for five years. In relation to the latter issue, the landlord considers it “*highly unfair if license was granted in say February 2020 that the landlord would have to then pay again from 1 October 2020, whereas people who had a license in say January 2016 have had nearly five years for the same cost*”.

The landlord also makes the following points:

- » They are confused as to why there is such an increase in the license fee from the first application to renewals (£350 for initial and £750 for a renewal) as “*surely the initial application is more expensive to process?*”
- » They do not consider it fair that there is no discount for multiple properties, as “the administrative process should be significantly less once an applicant is set up on the system”;
- » Properties under investigation should be red/orange flagged publicly;
- » There should be a bi-annual report on the progress made as a result of the funding raised by the license fees;
- » A non-executive committee made up of volunteer landlords could help create two-way dialogue with the council and overcome the current “*combative stance*” between the two.

Individual landlord 7

6.79 It is proposed that any landlord who has had no issues during the current five-year licensing period should not be required to renew their licence for the following reasons:

- » The initiative is to prevent rogue landlords, and no issues after five years would indicate a good one;
- » The licence fee is passed on to residents, making their current (often “*perfectly suitable*” accommodation more expensive; and
- » The licensing team has expressed a lack of understanding as to what the scheme is supposed to achieve.

6.80 The landlord suggests that rogue landlord issues can “easily be dealt with under current legislation already available” and that good landlords must not be penalised for fear that “they stop providing accommodation altogether leaving [Croydon] with an even bigger problem, no money and no housing!”

Individual landlord 8

6.81 The landlord feels that “central government's work is duplicated by the local borough ... having a Property Licensing Scheme and this is a waste of public funds”. They also say that:

- » The licence fees are too high;

- » The licensing team has a small staff structure and so *“not many inspections have taken place in the last 5 years”*;
- » An *“online questionnaire/tool should be implemented for the landlords to acknowledge the requirements instead of having a local borough property licensing scheme”*;
- » Landlords are only able to take five weeks deposit from tenants, and any further licensing costs to landlords are unnecessary;
- » The council should *“concentrate on spending time [on] rent/benefit claims so that tenants do not fall into arrears and misuse public funds ... council officers should be constantly in touch with the tenants to ensure there are no rent arrears”*; and
- » The council should *“urgently implement a system for troublesome/challenging tenants to better manage their way forward with responsibility and stability instead of the same tenants returning to the council due to evictions”*.

6.82 In implementing these suggestions, the council “would target the local borough problem from the bottom end ... rather than targeting the landlords who are already governed by the Housing Act”.

Individual landlord 9⁸

6.83 The landlord considers it *“comforting”* that the proposed new licensing scheme will include shorter licences for properties that fall short of required standards. However, they feel it is unclear how the council will determine which applicants will require shorter licences.

6.84 As for the current scheme, the following matters of concern have led the landlord to reconsider whether it should be renewed.

- » Only 11% of the fees raised has gone towards tackling ASB (the main rationale for current scheme);
- » There is no clear benefit to landlords. For example, as a member of the NLA, they receive helpline support, document templates, discounts on services used by landlords etc. As a licensed landlord, they say they *“don't see any tangible benefit, not even the benefit of council tax exemption or reduction during void periods ... or a clear path to help with support evicting a troublesome ASB tenant...”* and
- » There is a push to hold landlords to certain standards, but nothing to hold tenants to account. The latter, it is felt, *“will go a long way towards establishing a more balanced PRS arrangement”*.

6.85 The landlord believes an independent audit should be performed on how monies have been spent because *“we need clearer explanations on how our money was spent especially if it deviated from the original plan”*. This, it is said, would give landlords the confidence that their licence fees are being spent efficiently. Moreover, if the scheme is renewed, they suggest developing a *“proposed budget on how the licensing monies raised are going to be spent so there is a basis to review actual expenses and be accountable for any deviations”*.

6.86 The landlord would also like to see more tangible benefits for licensed landlords *“so they feel they're getting something for the hard-earned money they are forking out”*.

⁸ Please note that this submission was received as an open text response to the online questionnaire.

Individual landlord 10⁹

6.87 The landlord says that the statistics quoted in the consultation document are “*vague and generic and read like an attempt to justify a pointless tax*”. They particularly cite the lack of information around hazards, poor conditions and ASB around council properties for the purposes of comparison to private lets.

6.88 The landlord also:

- » Expresses concern about the “constant references” to ASB in the consultation document, questioning how landlords can be responsible for their tenants’ behaviour and other social issues;
- » Questions the suggested positive correlation between local economic improvements and selective licensing;
- » Suggests that any further financial demands on landlords will eventually be reflected in tenants’ rents;
- » Questions what fuel poverty has got to do with landlords – as well as how the scheme will ‘help focus’ on the climate emergency;
- » Notes that the proposed new scheme is intended to give landlords ‘*an additional tool to tackle problems associated with private renting*’, but that there are no specifics as to what the problems or tools are;
- » Suggests a lack of transparency and accountability as to where the money raised through licence fees has been spent;
- » Requests further information about the consultation document’s reference to multi-agency projects; and
- » States that every ‘scheme requirement’ listed in the document is already a legal requirement and “*a result of your scheme*”.

Individual landlord 11¹⁰

6.89 The landlord feels that “selective licensing schemes are just taxation schemes for councils to raise funds, and not in the spirit of the original legislation [as] it was intended to be selective streets, not borough-wide”. They also note that the Housing Act 2004 says selective licensing should only be used as a last resort if all other measures have failed, and only if it achieves objectives – and that this consultation shows “other measures haven’t been tried, only lip service given”.

6.90 The landlord raises the issue of ‘low housing demand’ and says that the council’s own figures show that rental demand and provision is increasing in Croydon – and that with respect to ‘value relative to other areas’, Croydon “*only compares with 6 neighbouring boroughs, all of which have more stable populations and wealthy. Thus just a matter of being the poorest of the rich*”.

6.91 The landlord is concerned that looking at the evidence of ASB is anecdotal and not statistically justified – especially given social housing and registered providers are not properly considered. They also note the lack of evidence that private landlords are failing to take action over ASB.

⁹ Please note that this submission was received as an open text response to the online questionnaire.

¹⁰ Please note that this submission was received as an open text response to the online questionnaire.

- 6.92 The landlord suggests that the council “conveniently” blends together proactive inspections and those of complaints in relation to ABS, so it is hard to know the relative breakdown: *“for all we know, proactive inspections account for 99% while only 1% is attributed to ABS”*. Moreover, it is said that *“there is ... no comparison of ABS stats to social housing and owner occupier housing, so no real perspective on the matter”*.
- 6.93 In relation to crime, it is said that laws and powers already exist to deal with these matters and that *“that is what is problematic with much of selective licensing”*. The landlord feels it places additional financial and administrative burdens onto good landlords, while criminal landlords continue to operate. Moreover, they say that if selective licensing has truly accomplished its goals, it is no longer required – and that if it hasn't, *“there is no rational/legal basis for it to continue”*.
- 6.94 Ultimately, the landlord feels the scheme has *“never been about anything more than revenue raising”* and highlights the fact that Liverpool and Brent councils have had their licensing renewals rejected *“because they are based on similar fiction that Croydon Council is relying upon - some notion of law rental demand, and areas of deprivation”*.

Individual landlord 12¹¹

- 6.95 The landlord submitted a substantial and detailed response which combined a critique of the council's proposals and the rationale presented in both the landlords' forums held in January 2020 as part of this consultation, and in the consultation document. It also included specific comments on some of the evidence presented by the council and several of the proposed licensing conditions.
- 6.96 The landlord also included some verbatim quotes and sections from web articles and reports by third parties. Where appropriate, and where the source has been verified by ORS, these are included in the summary below.
- 6.97 The landlord begins by quoting verbatim from a web article which gives an account of the Residential Landlords Association's views of licensing schemes, before going on to question the necessity and effectiveness of selective licensing schemes given that, *“There are already over 150 Acts of Parliament and more than 400 regulations affecting LLs in the PRS and councils have a range of powers already at their disposal to enforce them”*.
- 6.98 The landlord goes on to say that, *“just because a property has a licence, it doesn't mean it is safe to live in”*, suggesting that there is no point to selective licensing if the issuing of a licence by the council is not evidence that the licensed properties are free of hazards and defects. They question the effectiveness of selective licensing given that, *“With 35,000 landlords now registered, if SL worked, the standards in the PRS would have risen significantly over the past 4.5 years and there would be no need to extend SL for a further 5 years”*.
- 6.99 The landlord emphatically questions the need for a selective licensing generally, and in Croydon in particular, citing sources such as the English Housing Survey and the Rogue Landlords and Agents Database, as well as the London Borough of Croydon's consultation documents and forum presentations, as evidence that, *“selective licensing is a sledgehammer to crack a nut”*, and that, *“selective licensing has not been a key factor in enforcement action”* by the council.

¹¹ Please note that this submission was received as an open text response to the online questionnaire.

6.100 After including some text from reports written by Liberal Democrat Member of the London Assembly (and posing the question, “Does [the number of inspections undertaken in Croydon] indicate that Croydon doesn’t have a problem with landlords, or that Croydon is inept at prosecuting poor landlords?”) the landlord cites an RLA “PEARL Research” report which questioned the lack of evidence to show a significant difference in enforcement rates before and after PRS licensing schemes have been introduced by local authorities.

6.101 The landlord’s submission continues by critiquing the evidence presented by Croydon Council in the consultation documents and at the landlords’ forum held on 21st Jan 2020, raising the following issues:

- » The length of time taken by the council’s Selective Licensing Team to, “*get up to speed*”, with inspections and enforcement after 4½ years of the current scheme;
- » The lack of evidence, justification and budget breakdowns to support the new proposals;
- » The perceived lack of evidence and/or questionable modelling of numbers of PRS properties in Croydon; and
- » The use of funds raised by selective licensing, which the landlord said can be used for, “*the operation of the scheme itself, necessary inspections, promoting education and all enforcement activity to ensure the scheme is effective*”, but not for activities unrelated to the PRS.

6.102 The landlord goes on to question the validity of the rationale used by the council in their proposals and in any subsequent application to introduce a new licensing scheme. In particular, the respondent challenges the basis for the council’s applications:

6.103 Property condition

- » That the council’s own data, including the low number of prosecutions undertaken, was evidence that property condition is not a major factor in Croydon;

Anti-social behaviour (ASB)

- » That not all wards in the borough have issues with ASB, so that borough-wide or extensive part-borough licensing cannot be justified;

Deprivation

- » That not all wards in the borough are deprived;
- » That some indices of deprivation are either irrelevant (e.g. distance to a Post Office), have been exacerbated by, “*over-regulation and taxation of the PRS*” which, “*forces landlords out of the market*” (e.g. homelessness) or are only relevant to HMOs (e.g. overcrowding);
- » That Croydon is one of the cheapest London boroughs for rental accommodation; and
- » That crime rates and the proportion of residents out-of-work and on benefits in Croydon are, “*about average for London*”, and that selective licensing, “*does not provide more income, better education, health or employment for residents*”.

Low demand

- » That there is no evidence of low demand in Croydon (although it should be noted that low demand is not a basis for Croydon Council’s proposed application).

- 6.104 The respondent raises a number of concerns about the licence application process if a new scheme were to be introduced, including:
- » The unnecessary waste of time and money if landlords who are already licensed have to go through a full application again;
 - » The length of time required for the council to process applications and the failures in planning and management if existing data cannot be migrated across to a new scheme; and
 - » The need for the council's existing IT system for PRS licensing requiring replacement after only five years.
- 6.105 Regarding the council's proposed fees for selective licenses, the landlord questions the size of the fees in comparison to other areas of London and the UK. They point out that some local authorities have discounts in place for landlords who are accredited with particular bodies or members of landlords' associations, or where schemes are co-regulated, going on to question how the London Borough of Croydon could justify fees of £350-£750 per application.
- 6.106 The landlord suggests several ideas regarding discounts under a new selective licensing scheme, including:
- » Discounts for landlords with multiple properties in the borough on the basis that the landlords' details are the same on all applications;
 - » Increasing the discounts for multi-let licences on the basis that there are savings to the council on the basis of the dwellings being in a single building *and* owned by a single landlord; and
 - » Reduced fees for the 'transfer' of a licence when a property changes hands.
- 6.107 The landlord states that landlords in Croydon receive low net yields from their properties and that, "the average landlord having 2 properties, £700 has to be paid for somehow, and will ultimately be passed on to the tenant, most likely amortised over the first year or two".
- 6.108 Still on the theme of licensing fees, the respondent goes on to challenge the perceived lack of explanation regarding the way that the "*unexpected bonus*" from the larger than anticipated number of applications under CPRPL 2015 had been spent, stating that, "*As the law says the scheme can only use funds for running the scheme, this windfall should be used to reduce the fees to compliant landlords*".
- 6.109 The landlord also addresses the rationale for the proposed fees on the basis that, "staff are already employed and have been trained over the past 4.5 years, the systems are already in place and 35,000 out of 38,500 properties have already been registered", and that the future fees had to be, "in line with the work required". They go on to estimate income and outgoings for the proposed scheme, questioning the efficiency and aptitude of council staff and concluding by asking why the council had not provided a breakdown of how selective licensing fees and income from fines and prosecutions are spend.
- 6.110 The respondent next comments on several other aspects of the council's proposals in relation to the criteria for licensing, refunds, payment by instalment and the need for the council to supply the landlord with information and process applications promptly:
- » "*Why do new build properties require selective licensing when they already must conform to strict building criteria and with new blocks, there cannot be any evidence of ASB?*"

- » *“Why is there no pro-rata refund if a landlord sells, as there is no ongoing cost to the council for management or enforcement?”*
- » *“Why can landlords not pay in instalments over the life of the licence, or at least 1 year?”*
- » *“Why are the T&Cs of the licence not provided at the time of application so that an applicant understands, in advance, exactly what will be expected of them?”*
- » *“As the council insists that we agree to supply any documentation they request within 14 days, can the council please agree to reply to licence holders within 14 days, including the issuing of licences?”*

6.111 The landlord raises concerns about tenants receiving help from the council to contest Section 21 evictions, arguing that funds raised by landlords should not be used to do so. They continue by reiterating that their belief that selective licensing is not effective in tackling overcrowding, as well as crime (over which they state that landlords have ‘no control’) and ASB (on which they question the assertion that landlords should be held responsible for the actions of their tenants).

6.112 On several occasions, the landlord criticises a lack of detail in the proposals about the measures which the council will take to run and enforce the licensing scheme, citing a lack of detail on how budget will be spent, how resources will be allocated, what actions will be taken to find unlicensed landlords, and how the scheme will be enforced. In particular, they question how the success of the scheme will be measured, saying:

6.113 “What does this [the council being more proactive] mean? I cannot find any targets for CPRPL 2015, nor any information as to how the borough performed against them, so how can the borough evidence being more or less anything if there are no targets against which to be measured? “More proactive” than what?”

6.114 In another criticism of the council’s lack of detail with regards to its stated aspiration to issue decisions on selective licence applications in ‘reasonable time’, the landlord asks how this aspiration will be measured and what a reasonable period might be considered, going on to ask, *“What penalties will the council suffer, or compensation will applicants receive, if the council is unable to meet its own aspirations or timing?”*

6.115 The landlord goes on to address several of the licensing conditions proposed by the council for CPRPL 2020, including:

Tenancy management

1.0.5 Asking landlords to supply details of tenancy agreements with their licence applications makes no sense, as tenants would have to be found prior to the licence application taking place, as well as being in breach of GDPR;

1.4.2 That there are several practical concerns around supplying tenants’ references with licence applications, including not being able to contract tenants without a licence already in place, and GDPR breaches if sharing those references with the council. Furthermore, the landlord questions the legality of, for example, preventing first-time tenants or new arrivals from overseas from renting accommodation on the basis that they cannot provide references;

Anti-social behaviour

2.0.2 That the condition and occupancy of properties are not relevant to ASB;

- 2.1.7 That it may not be possible to enforce a requirement for licence holders to provide correspondence to the council if a neighbour or tenant has complained confidentially;
- 2.1.8 The landlord questions how ‘telephone conversations’ can be kept for the duration of the license (although it should be noted that the clause actually states that, “notes following telephone conversations; related to conditions 2.1 (2.1.1 -2.1.6)”, should be kept by the licence holder or their agent);

Property management

- 3.0 That a licence holder cannot ensure that all gas installations and appliances are in safe condition at all times as, *“The law requires an annual Gas Safety Certificate and the licence requires a 6-monthly inspection. A licence holder is not able to ensure anything about the installations and appliances in between these events, except where a problem has been brought to the attention of the LL by the tenant.”*;
- 3.1.2 That, in relation to licence holders ensuring regular testing of electrical appliances, *“there is no legal definition of “regularly”, this cannot be a mandatory nor enforced condition.”*;
- 3.1.3 That, in asserting that a portable appliance test (PAT) is effective way of identifying appliance defects, the council is providing, *“an editorial note or piece of advice, not a condition”*, and that the statement should be removed;
- 3.2 That, *“As the landlord does not live in the property and only does 6 monthly inspections, it is not possible for a landlord to comply with a condition that states they are responsible that the furniture “must be kept in a safe condition””*. (Although it should be noted that this condition only applies to furniture supplied by or on behalf of the licence holder);
- 3.4 In relation to the condition that licence holders must ensure regular checks take place to ensure that waste is not accumulating, that, *“Either there is an obligation [on licence holders] to inspect twice a year or the council should stipulate another, specific requirement. Unless rubbish dumping is brought to the attention of the landlord, they cannot be held accountable”*;
- 3.7 *“It is not automatically the responsibility of the licence holder to deal with pest infestations, especially if the infestation is caused by the tenant’s lifestyle.”*;

Fire safety

- 4.0 That, *“Landlords are responsible for the installation and testing of fire, smoke and CO alarms at the start of the tenancy”*, and that, *“these can only be checked by a landlord on the 6-monthly inspection so [licence holders] cannot be held responsible for maintaining them.”*;
- 4.1.2 That, in regularly checking the working order of smoke alarms/fire detection systems, *“landlords can only check the working order of the alarms bi-annually, unless this is what the council classifies as ‘regularly’”*;
- 4.3 The landlord asks, *“What constitutes “fully briefed” with regard to actions in the event of a fire?”*;

General

- 5.1.1 That the condition that a licence holder should, if required, provide the council with the names, sexes and ages of occupants of their properties, *“breaches GDPR and is intrusive”*.

- 6.116 The landlord suggests that there may be unintended consequences of a new licensing scheme; having fixed 5-year licences might incentivise landlords to leave properties vacant until the end of a licensing period, rather than pay the fee for just a few months of licence.
- 6.117 The landlord concludes by providing comments and quotes from several individuals and organisations in relation to selective and other licensing schemes. However, as the sources of these quotes were not provided and their veracity could not be confirmed independently, they have not been included in this summary. It should be noted, however, that one of the individuals quoted by the landlord has provided a detailed written submission which is included elsewhere in this chapter.

Main issues raised in shorter email submissions

- 6.118 While there was some support for licensing in principle, some practical objections were raised in landlords' shorter email submissions as below.
- 6.119 One of the key issues raised was that selective licensing schemes penalise compliant landlords while allowing others to continue operating under the radar. Related to this, a few submissions noted the apparent lack of prosecutions undertaken during the lifetime of the current scheme.

Those landlords who don't look after the property or their tenants are not the ones registering for the scheme and are adept at abusing the system.

As a kind landlord I resent having to pay again due to the idiot landlords out there. Penalise them fully don't share the burden with the rest of us!

... the council should schedule inspections every so often and possibly prosecute landlords that are not adhering to standards after warning. Making everybody pay for the failure of a few Landlords is unfair.

I don't believe the results in prosecution of landlords justify the exorbitant (or more to the point), recurring fee.

- 6.120 Several submissions suggest that selective licensing is viewed by many landlords as both a 'money-making scheme' on the part of the council and a tax on landlords.

I have come to the conclusion that this has been created to provide an extra income stream for the local authority and I am wholeheartedly against it!

- 6.121 Moreover, the current scheme was thought to have brought little in the way of tangible benefits for either landlords or tenants. Indeed, several requests were made for further information on the success of the scheme in order for people to gauge the possible advantages of renewal.

While I am sure this has generated a substantial avenue of revenue for Croydon Council, I am yet to see any tangible evidence this has benefitted either myself or my tenant in anyway?

I propose there is absolutely no point in this license. It does not improve or protect tenants, nor does it mean that any property is habitable or up to standard and the cost like everything will eventually be passed on to the tenants making home more unaffordable.

Are there any statistics available about how Croydon has fared during the last 5 years ... is this a cost-effective, worthwhile thing for the council to pursue again?

In order to evaluate the proposed changes to the CPRPL Scheme, it would be most helpful to appreciate the efficacy of the existing scheme. As it has been running for some years, I assume that some progress reports have been published. Clearly the council believe it to be a worthwhile use of resources, it would be most helpful to be able to understand their basis for that conclusion.

- 6.122 Arguments were made that there should be more flexibility for landlords to pay the licence fee on a pro rata basis: some objected to the fact that they would potentially need to reapply for licences less than five years after their previous applications, and others considered it unfair that they had to pay the full amount for a licence of less than five years under the current scheme. Tapered fees that differentiate between landlord and property type were also suggested.

I recently had to pay for the landlord licensing scheme, the full amount for five years, even though the scheme will be ending 30 September 2020. I will only get 10 months for the 5 year fee paid. Please can you ensure that any new scheme takes into account this unfair practice and that the payment is valid for 5 years from the date of payment?

I want to mention that having the license for 5 year is not fair, as not all landlords rent long term (e.g. when this scheme was launched I was about to sell the house and needed the licence for just 6-7 months). It should be annual with refund options if property is not on rent.

As a family who rent out a tiny studio it seems extremely unfair to pay the full licence fee that a professional landlord would pay. Perhaps the fee could be tapered?

- 6.123 Other issues raised were that: landlords should be licensed, not properties; licensing increases the possibility that landlords will sell up and worsen housing shortages in the borough; and that councils have alternative powers to tackle problems in the public rented sector.

If your testing if Landlords are fit for purpose why are you licencing per property? One licence should be based on the landlord.

It is important that any success should be measured against the alternative measures you can bring against rogue landlords already - which number in excess of 70.

- 6.124 Some specific suggestions were made in relation to the proposed new scheme.

I believe that if a landlord rents property to the council they should be exempt as the council ensures that the property is suitable and in good condition prior to signing up the landlord.

Whilst I agree with the scheme in general, I should like to make you aware of MY STRONG OBJECTION to the new scheme including properties which have already passed an inspection to a good standard. To do so penalises good landlords and adds an unnecessary burden to their costs and to your workload. Having completed an inspection of all registered properties in the borough over the last 5 years you should, in my view, now be in a position to concentrate your resources upon properties which your data shows are poorly managed and be making attempts to identify unlicensed properties.

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Appendix 1: Profile of Croydon residents responding to the consultation questionnaire

Demographics (residents of Croydon only): Percentages

Characteristic	Count	%
BY AGE		
Under 35	44	21%
35 to 44	51	24%
45 to 54	36	17%
55 to 64	43	20%
65 or above	36	17%
Total valid responses	210	100%
<i>Not known</i>	53	
BY GENDER		
Male	88	43%
Female	116	57%
Other	1	*
Total valid responses	205	100%
<i>Not known</i>	58	-
BY TENURE		
Owner occupation	110	56%
Private rent	60	30%
Other	27	14%
Total valid responses	197	100%
<i>Not known</i>	66	-
BY ETHNIC GROUP		
Non-white	78	41%
White	113	59%
Total valid responses	191	100%
<i>Not known</i>	72	-

Appendix 2: Full summary of coded comments from questionnaire

Please outline the reasons for your answer [i.e. for the question about the preferred option for a licensing scheme], and explain any alternative approaches to improving property condition and management that you think we should consider

(NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		515	168	34	
General views	Generally support licensing proposals/think they are a good idea	4%	10%	N=4	
	Generally disagree with licensing proposals/think they are a bad idea	20%	8%	N=4	
Comments specifically about any of the proposed options	Agree with option for full-borough licensing	15%	31%	N=9	
	Agree with option for part-borough licensing (97% of PRS properties)	1%	2%	N=1	
	Disagree with option for full-borough licensing	1%	-	N=2	
	Disagree with option for part-borough licensing (97% of PRS properties)	2%	5%	N=1	
	Support for full-borough scheme as being more consistent/fairer	12%	26%	N=7	
	Support for part-borough scheme as being more focused	*	1%	N=1	
Comments about ineffectiveness of current scheme/licensing generally	Current scheme has been poorly managed / administered /enforced e.g. poor quality of staff/more training required	7%	3%	-	
	Proposed scheme won't work/previous scheme was difficult to implement/nothing changed/improved with previous scheme	10%	5%	N=2	
	Sufficient legislation already in place/should enforce existing legislation rather than complicating issues	7%	3%	N=2	
	Responsible landlords already adhering to requirements e.g. managing/vetting tenants, keeping homes to a high standard	8%	1%	-	
	Just a money-making scheme/additional tax or cost/waste of money	19%	7%	N=4	
	Has not addressed / will not address	ASB	3%	2%	N=1
		Deprivation	*	1%	N=1
Poor property conditions		1%	-	-	
Comments about effectiveness of current scheme/licensing generally	Licensing will improve or has improved/helped/supported the area	*	2%	-	
	Has addressed / will address	ASB	*	1%	N=1
		Deprivation	*	1%	-
		Poor property conditions	1%	1%	-
		Sub-letting	-	1%	-
Suggested improvements to how scheme is managed	Proposals will need to be properly managed/enforced; more inspections will need to be made/licenses to be granted after inspections/vetting landlords etc.	12%	17%	N=1	
	More or stricter warnings/penalties/fines/prosecutions needed	7%	5%	N=1	

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		515	168	34	
	Better support/communication from council regarding licensing scheme	2%	1%	-	
	Need contact information for problem properties/need way of contacting landlord/agents if come across any problems with property	1%	1%	-	
	More transparency/information needed about how money is spent	1%	2%	-	
Possible negative impacts / areas to mitigate	Adds unnecessary bureaucracy/red tape; wastes time/resources	4%	2%	N=1	
	Doesn't provide any benefits/value for money for landlords/agents	9%	1%	-	
	Punishes good landlords/only good landlords comply	17%	6%	N=3	
	Proposals affect profitability: less worthwhile/landlords will sell	4%	2%	N=2	
	Rents will go up / costs will be passed on to tenants/rents high already	8%	7%	N=4	
	Will reduce the amount of available housing in area due to landlords selling or not investing in area	4%	2%	N=2	
	Will affect vulnerable people/people on lower incomes	1%	1%	-	
	'Bad' landlords will move to unlicensed areas if scheme only part-borough	1%	6%	N=1	
	Landlords effectively being made to pay to police themselves	*	-	-	
	Comments about fees	General views	Fees are too low/should be higher to cover cost of administering scheme/no cost should go to taxpayer	*	1%
Generally think fees are too high: should be lower or no fee			8%	2%	-
Fee should be per landlord rather than per property/landlords with multiple properties shouldn't have to pay for multiple licences			2%	1%	-
Shouldn't pay full fee if applying part way through/should be pro rata			1%	-	-
'Good' landlords should pay less than 'bad' landlords; should incentivise good behaviour e.g. through rebate			5%	1%	-
Money raised through scheme should be 'put back' into local area			1%	1%	-
Views on discounts for dwellings in multi-let property, existing licences being reapplied for, or new builds/lets		Agree with reduction for dwellings in a multi-let	1%	-	-
		Proposed discounted fee for multi-let is too high; should be lower/free	*	-	-
		Agree with providing a discount where existing licence re-applied for	4%	-	-
		Agree with providing a discount for newly built or let properties	1%	-	-
		Proposed discounted fees for existing licences/new builds or lets are too high	2%	-	-
		Discounted fees are too low; should be higher	-	-	N=1
Views on shorter / one-year licences		Generally disagree with this	*	-	-
		Disagree on basis this is too strict/unfair	*	-	-
		Proposed one-year fee is too high	*	-	-
Comments about conditions		Agree that landlords/agents should be held more responsible/accountable for their tenants, anti-social behaviour etc	1%	5%	-
	Agree that landlords should be responsible for maintaining good property conditions/safe housing	3%	12%	-	
	Landlords/agents are not responsible for tackling ASB/police/council should be more involved	2%	1%	-	

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		515	168	34	
	Tenants should have some responsibility for property standards	2%	2%	-	
	Should have similar scheme for tenants/should license tenants	2%	1%	-	
	Landlords need more protection/support/help e.g. to evict tenants/retrieve rent from tenants etc.	3%	-	-	
	Enforce conditions on property management companies/letting agents	*	1%	-	
Alternatives	Suggestions for a more targeted scheme	Suggested alternative area for part-borough licensing	*	-	-
		Only cover bad landlords; certain areas/property types with problems e.g. HMOs	31%	18%	N=5
		Smaller landlords shouldn't be treated same as bigger landlords / tiered approach based on property size	3%	1%	-
		Licensing scheme should be reduced or not applicable if using a letting agent or letting via a social provider	1%	-	-
		Target areas with higher level of PRS	1%	-	-
	Should educate landlords; would be more efficient than licensing scheme	1%	1%	-	
	Money should be spent on upgrading properties not licensing scheme	1%	-	-	
	Council should fund scheme itself e.g. via council tax	1%	-	-	
	Licence should be transferable i.e. you shouldn't be charged again if wishing to change letting or managing agent etc.	*	-	-	
	Need to make it easier for tenants to complain e.g. via complaint process	4%	4%	N=2	
	Should educate tenants; would be more efficient than licensing scheme	*	1%	-	
	Every property should be included e.g. incl. privately owned, social rent	*	1%	-	
	Licensing scheme should be for a shorter time period	*	-	-	
	Repeat offenders shouldn't be allowed a licence	*	1%	-	
Other	Criticism of consultation i.e. biased/flawed etc.	1%	1%	-	
	Proposals are too complicated/difficult to understand	*	-	-	
	More/better evidence needed to justify continuing with scheme	2%	2%	-	
	More information needed e.g. on differences from current scheme/who will only be given a 1-year licence etc.	1%	1%	-	
	Other council services mentioned: street lighting/recycling/rubbish etc.	*	1%	-	
	More publicity needed	-	-	N=1	
	No evidence for of a link between high ASB areas and the PRS	1%	1%	N=1	
	Other	17%	20%	N=9	

If you have any further comments to make about the proposed fees and/or conditions, please write them here.

(NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		364	79	16	
General views	Generally support licensing proposals/think they are a good idea	3%	3%	N=1	
	Generally disagree with licensing proposals/think they are a bad idea	18%	10%	N=6	
Comments specifically about any of the proposed options	Agree with option for full-borough licensing	*	1%	-	
	Agree with option for part-borough licensing (97% of PRS properties)	*	-	-	
	Disagree with option for full-borough licensing	*	-	-	
	Disagree with option for part-borough licensing (97% of PRS properties)	*	-	-	
	Support for full-borough scheme as being more consistent/fairer	*	1%	-	
	Support for part-borough scheme as being more focused	1%	-	-	
Comments about <u>ineffectiveness</u> of current scheme/licensing generally	Current scheme has been poorly managed / administered /enforced e.g. poor quality of staff/more training required	3%	3%	N=1	
	Proposed scheme won't work/previous scheme was difficult to implement/nothing changed/improved with previous scheme	5%	4%	-	
	Sufficient legislation already in place/should enforce existing legislation rather than complicating issues	10%	5%	N=2	
	Responsible landlords already adhering to requirements e.g. managing/vetting tenants, keeping homes to a high standard	4%	3%	N=1	
	Just a money-making scheme/additional tax or cost/waste of money	20%	8%	N=3	
	Has not addressed / will not address	ASB	1%	1%	-
		Deprivation	*	1%	-
		Poor property conditions	1%	1%	N=1
Overcrowding		*	-	-	
Subletting		-	-	N=1	
Comments about <u>effectiveness</u>	Licensing will improve or has improved poor property conditions	-	-	N=1	
Suggested improvements to how scheme is managed	Proposals will need to be properly managed/enforced; more inspections will need to be made/licenses to be granted after inspections/vetting landlords etc.	8%	18%	N=2	
	More or stricter warnings/penalties/fines/prosecutions needed	3%	8%	N=1	
	Better support/communication from council regarding licensing scheme	3%	1%	-	
	More transparency/information needed about how money is spent	3%	3%	-	
Possible negative impacts / areas to mitigate	Proposals adds unnecessary bureaucracy/red tape; waste time/resources	4%	5%	N=1	
	Doesn't provide any benefits/value for money for landlords/agents	7%	1%	-	
	Punishes good landlords/only good landlords comply	18%	9%	N=2	
	Proposals affect profitability: becomes less worthwhile / landlords will sell	4%	3%	-	
	Rents will go up / costs will be passed on to tenants/rents high already	9%	6%	N=2	
	Will reduce the amount of available housing in area due to landlords selling or not investing in area	5%	4%	-	
Comments about fees	General views	Fees are too low/should be higher to cover cost of administering scheme/no cost should go to taxpayer	-	4%	-
		Generally think fees are too high: should be lower or no fee	18%	10%	N=1

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		364	79	16	
	Views on discounts for dwellings in multi-let property, existing licences being re-applied for, or new builds/lets	Agree with reductions being in place in general	1%	-	-
		Fee should be per landlord rather than per property/landlords with multiple properties shouldn't have to pay for multiple licences	2%	-	-
		Shouldn't pay full fee if applying part way through/should be pro rata	3%	3%	-
		'Good' landlords should pay less than 'bad' landlords; should incentivise good behaviour e.g. through rebate	8%	1%	-
		Money raised through scheme should be 'put back' into local area	1%	1%	-
	Views on shorter / one-year licences	Proposed discounted fee for multi-let is too high; should be lower/free	*	-	-
		Agree with providing a discount where existing licence re-applied for	1%	-	-
		Agree with providing a discount for newly built or let properties	1%	-	-
		Proposed discounted fees for existing licences/new builds or lets are too high	1%	-	-
	Views on shorter / one-year licences	Generally agree with this for some landlords	1%	1%	-
		Generally disagree with this	1%	1%	-
		Proposed one-year fee is about right	*	-	-
		Proposed one-year fee is too high	1%	-	-
	Comments about conditions	Agree that landlords/agents should be held more responsible/accountable for their tenants, anti-social behaviour etc	*	3%	-
Agree that landlords should be responsible for maintaining good property conditions/safe housing		3%	8%	-	
Landlords/agents are not responsible for tackling ASB/police/council should be more involved		9%	8%	-	
Tenants should have some responsibility for property standards		3%	3%	-	
Should have similar scheme for tenants/should license tenants		1%	1%	-	
Landlords need more protection/support/help e.g. to evict tenants/retrieve rent from tenants etc.		5%	3%	-	
Enforce conditions on property management companies/letting agents		-	-	N=1	
Alternatives	Suggestions for a more targeted scheme	Only cover bad landlords; certain areas/property types with problems e.g. HMOs	15%	11%	N=3
		Smaller landlords shouldn't be treated same as bigger landlords / tiered approach based on property size	5%	3%	N=2
		Licensing scheme should be reduced or not applicable if using a letting agent or letting via a social provider	2%	1%	-
		Target areas with higher level of PRS	*	1%	-
	Should educate landlords; would be more efficient than licensing scheme	*	-	-	
	Money should be spent on upgrading properties not licensing scheme	1%	-	-	
	Council should fund scheme itself e.g. via council tax	1%	-	-	
	Licence should be transferable i.e. you shouldn't be charged again if wishing to change letting or managing agent etc.	*	-	-	
	Need to make it easier for tenants to complain e.g. via complaint process	1%	1%	-	

Comment		Respondent type		
		Landlords/ agents	Live in Croydon	Business/ other
Respondent count for group		364	79	16
	Should educate tenants; would be more efficient than licensing scheme	1%	1%	-
	Licensing scheme should be for a shorter time period	1%	-	-
	Repeat offenders shouldn't be allowed a licence	1%	-	-
Other	Criticism of consultation i.e. biased/flawed etc.	1%	-	-
	Proposals are too complicated/difficult to understand	1%	-	-
	More/better evidence needed to justify continuing with scheme	*	-	-
	More information needed e.g. on differences from current scheme/who will only be given a 1-year licence etc.	2%	3%	-
	Other council services mentioned: street lighting/recycling/rubbish etc.	1%	4%	-
	No evidence for of a link between high ASB areas and the PRS	*	-	-
	Other	23%	29%	N=6

Are there any other things you think the council should consider to help improve the quality and management of privately rented properties in Croydon, or are there any other comments that you would like to make about the licensing proposals?

(NB: percentages have been calculated as a proportion of all respondents who made comments, rather than as a proportion of all respondents who completed the questionnaire)

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		378	112	22	
General views	Generally support licensing proposals/think they are a good idea	3%	11%	N=2	
	Generally disagree with licensing proposals/think they are a bad idea	24%	7%	N=1	
Comments specifically about any of the proposed options	Agree with option for full-borough licensing	1%	2%	-	
	Agree with option for part-borough licensing (97% of PRS properties)	-	1%	-	
	Disagree with option for full-borough licensing	*	-	-	
	Disagree with option for part-borough licensing (97% of PRS properties)	1%	-	-	
	Support for full-borough scheme as being more consistent/fairer	*	2%	-	
	Support for part-borough scheme as being more focused	-	1%	-	
Comments about ineffectiveness of current scheme/licensing generally	Current scheme has been poorly managed / administered /enforced e.g. poor quality of staff/more training required	5%	4%	N=1	
	Proposed scheme won't work/previous scheme was difficult to implement/nothing changed/improved with previous scheme	10%	1%	-	
	Sufficient legislation already in place/should enforce existing legislation rather than complicating issues	5%	1%	N=2	
	Responsible landlords already adhering to requirements e.g. managing/vetting tenants, keeping homes to a high standard	6%	1%	N=1	
	Just a money-making scheme/additional tax or cost/waste of money	18%	7%	N=2	
	Has not addressed / will not address	ASB	2%	2%	N=1
		Deprivation	1%	-	-
		Poor property conditions	3%	1%	-
Overcrowding		*	-	N=1	
Comments about effectiveness	Licensing will improve or has improved/helped/supported the area	-	1%	-	
	Licensing will improve or has improved poor property conditions	*	-	-	
Suggested improvements to how scheme is managed	Proposals will need to be properly managed/enforced; more inspections will need to be made/licenses to be granted after inspections/vetting landlords etc.	12%	28%	N=8	
	More or stricter warnings/penalties/fines/prosecutions needed	6%	9%	N=4	
	Better support/communication from council regarding licensing scheme	3%	1%	N=1	
	Need contact information for problem properties/need way of contacting landlord/agents if come across any problems with property	1%	2%	-	
	More transparency/information needed about how money is spent	4%	-	-	
Possible negative impacts / areas to mitigate	Proposals adds unnecessary bureaucracy/red tape; waste time/resources	3%	1%	N=1	
	Doesn't provide any benefits/value for money for landlords/agents	7%	2%	-	
	Punishes good landlords/only good landlords comply	16%	3%	N=2	
	Proposals affect profitability:. becomes less worthwhile / landlords will sell	6%	2%	N=1	
	Rents will go up / costs will be passed on to tenants/rents high already	6%	5%	N=3	

Comment		Respondent type			
		Landlords/ agents	Live in Croydon	Business/ other	
Respondent count for group		378	112	22	
	Will reduce the amount of available housing in area due to landlords selling or not investing in area	6%	4%	N=2	
	Will affect vulnerable people/people on lower incomes	1%	-	N=1	
	'Bad' landlords will move to unlicensed areas if scheme only part-borough	*	-	-	
Comments about fees	General views	Generally think fees are about right	-	1%	-
		Fees are too low/should be higher to cover cost of administering scheme/no cost should go to taxpayer	-	2%	-
		Generally think fees are too high: should be lower or no fee	11%	5%	N=2
		Agree with reductions being in place in general	*	-	-
		Fee should be per landlord rather than per property/landlords with multiple properties shouldn't have to pay for multiple licences	1%	-	N=1
		Shouldn't pay full fee if applying part way through/should be pro rata	2%	-	-
		'Good' landlords should pay less than 'bad' landlords; should incentivise good behaviour e.g. through rebate	7%	2%	N=1
		Money raised through scheme should be 'put back' into local area	1%	1%	-
	Views on discounts for dwellings in multi-let property, existing licences being reapplied for, or new builds/lets	Proposed discounted fee for multi-let is too high; should be lower/free	*	-	-
		Agree with providing a discount where existing licence re-applied for	*	-	-
		Agree with providing a discount for newly built or let properties	1%	-	-
		Proposed discounted fees for existing licences/new builds or lets are too high	*	-	-
		Generally agree with one year licence for some landlords	*	-	-
	Comments about conditions	Agree that landlords/agents should be held more responsible/accountable for their tenants, anti-social behaviour etc	1%	4%	N=1
Agree that landlords should be responsible for maintaining good property conditions/safe housing		2%	6%	-	
Landlords/agents are not responsible for tackling ASB/police/council should be more involved		5%	1%	-	
Tenants should have some responsibility for property standards		4%	4%	N=1	
Should have similar scheme for tenants/should license tenants		1%	1%	-	
Landlords need more protection/support/help e.g. to evict tenants/retrieve rent from tenants etc.		5%	2%	N=2	
Enforce conditions on property management companies/letting agents		-	1%	N=2	
Alternatives	Suggestions for a more targeted scheme	Only cover bad landlords; certain areas/property types with problems e.g. HMOs	16%	10%	N=3
		Smaller landlords shouldn't be treated same as bigger landlords / tiered approach based on property size	2%	2%	N=1
		Target areas with higher level of PRS	*	-	-
	Should educate landlords; would be more efficient than licensing scheme	2%	-	-	
	Money should be spent on upgrading properties not licensing scheme	1%	-	-	
	Scheme should last longer than 5 years	*	-	-	

Comment		Respondent type		
		Landlords/ agents	Live in Croydon	Business/ other
Respondent count for group		378	112	22
	Council should fund scheme itself e.g. via council tax	1%	-	-
	Licence should be transferable i.e. you shouldn't be charged again if wishing to change letting or managing agent etc.	*	-	-
	Need to make it easier for tenants to complain e.g. via complaint process	3%	4%	N=2
	Should educate tenants; would be more efficient than licensing scheme	1%	1%	-
	Every property should be included e.g. incl. privately owned, social rent	1%	-	-
	Repeat offenders shouldn't be allowed a licence	1%	4%	N=1
Other	Criticism of consultation i.e. biased/flawed etc.	2%	-	-
	Minds are already made up/ licensing will go ahead anyway	*	-	-
	Proposals are too complicated/difficult to understand	1%	-	-
	More/better evidence needed to justify continuing with scheme	2%	1%	-
	More information needed e.g. on differences from current scheme/who will only be given a 1-year licence etc.	3%	4%	-
	Other council services mentioned: street lighting/recycling/rubbish etc.	3%	1%	N=1
	No evidence for of a link between high ASB areas and the PRS	*	-	-
Other	25%	33%	N=7	