

Appendix 4

Consultation Report 15 January 2018 Selective Licensing Scheme for Private Rented Sector

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1. Introduction

Walsall Cabinet (26 April 2017) approved a public consultation exercise in line with the prescribed (statutory) process for the Selective Licensing of 2 areas to be known as:

- Willenhall
- Town Centre and adjoining areas

This consultation included the proposed boundaries and a range of proposed licensing conditions and fee levels.

It is important to note that under the legislation governing Selective Licensing the local authority is required to consider any representations made in accordance with the consultation.

The outcome of the consultation programme and the feedback received is summarised in this report without making any recommendations to the Council about specific policies.

The report summarises the views of key stakeholders in turn based on individual submissions and written responses to the online survey alongside the quantitative results from the survey questionnaires.

2. Statutory consultation

The approach was primarily governed by the provisions of the Housing Act 2004 and the DCLG guidance (Revised April 2010) and recent relevant case law.

2.1 Timelines:

Legislation dictates the minimum form of consultation for Selective Licensing. The Council undertook the consultation from 9 October 2017 to 8 January 2018. This is a period in excess of the minimum statutory requirement.

2.2 Overall Format of consultation:

The aim of the consultation was to provide local residents, landlords/managing and letting agents with an opportunity to provide their views about the Proposals to adopt selective licensing schemes for two key parts of the borough. Consequently, the consultation covered the following areas:

- Opportunities to provide views about the problems in their local (Willenhall / Town Centre area and in relation to their homes
- Opportunities to provide views as to how the private rented sector PRS as a whole might be improved
- Opportunities to provide views on the proposed licensing conditions
- Their opinion as to what introducing selective licensing would achieve

The Council in developing its strategy for consultation has in addition to legislation taken account of best practice adopted by other councils and legal cases relating to selective licensing consultation. The consultation comprised a range of activities and methods of communicating to interested parties about the proposals. These are summarised below. The vast majority of the work was focused on an external audience, although internal channels were used to engage staff whose work is public facing to act as ambassadors for the consultation and encourage more responses.

2.3 The forms of consultation / information provision.

Council Website:

Banner news item on Council home page

Detailed information on Council Website https://go.walsall.gov.uk/selective_licensing .

This included:

- Original April 2017 Cabinet report
- Answers to frequently asked questions
- Maps showing the proposed boundaries to the areas
- A link to the online survey for landlords and agents

Direct mailing:

- All households within the area (and surrounding areas)
Provided with bespoke letter (including map) and questionnaire
- All businesses (including but not limited to landlords and agents) within the area (and surrounding areas)
Provided with bespoke letter (including map) and questionnaire
- Landlords and agents who have attended previous Walsall landlord forums.
Provided with via e-mail a link to a bespoke online questionnaire.

Key stakeholders contacted including:

- West Midlands Police
- West Midlands Fire and Rescue
- National Landlords Association
- Walsall NHS
- Walsall AgeUK
- Local ward members for Birchills Leamore, St Matthew's, Willenhall South
- Community and voluntary groups in the proposed designation areas
- Neighbouring councils.

Internal services involved:

Planning, environmental health, public health, clean and green services.

Staff notice boards throughout Walsall Civic Centre (a key place of employment for local people)

Social media used / Promotion via:

Council Facebook pages <https://en-gb.facebook.com/Our-Walsall-281925178567/>

Council Twitter account: <https://twitter.com/WalsallCouncil?lang=en>

Voluntary sector consulted

Promotion to voluntary organisations via One Walsall who also promoted the consultation online from 9 November 2017

<https://onewalsall.org/residents-businesses-landlords-and-letting-agents-have-your-say-on-a-new-licensing-scheme-for-private-landlords/>

External publication / publicity about the proposals and consultation

Separately other agencies / individuals have promoted the consultation / the scheme for example:

- The National Landlord Association website – news article and details under heading: Walsall Council’s Selective Licensing Proposals to Punish Energy Inefficient Properties – published 14 November 2017.
<https://www.landlords.org.uk/news-campaigns/news/walsall-councils-selective-licensing-proposals-punish-energy-inefficient>
- Residential Landlords Association: Selective Licensing Plans Announced in Walsall
<https://news.rla.org.uk/selective-licensing-plans-announced-walsall/>
- Landlord Information network - Walsall Council’s Selective Licensing Proposals to Punish Energy Inefficient Properties. 16 November 2017
- UK Association of Letting Agents - Local Council tries to Ban all but the most Energy Efficient homes! <https://thelettingblog.com/2017/11/20/local-council-tries-to-ban-all-but-the-most-energy-efficient-homes/>
- Article in Express and Star 13 November 2017 mentioned proposals the authority has also made efforts to improve circumstances for tenants of private landlords by making plans to introduce a selective licensing scheme, which helps to ensure landlords stick to their responsibility.
- Daniel Barker – Councillor for Short heath.
<https://danielbarker.mycouncillor.org.uk/2017/10/13/willenhall-selective-licensing-of-the-private-rented-sector/>

Public Consultation Sessions

A range of public consultation sessions were also held in each of the proposed areas. These were undertaken at:

WILLENHALL

Date (all 2017) Time

Venue

1st November	09:00 to 16:00	Willenhall Chart Community Hub, 19 Gomer St Willenhall WV13 2NS
1st November	17:30 to 19:30	Willenhall Chart Community Hub, 19 Gomer St Willenhall WV13 2NS
8th November	09:00 to 16:00	Willenhall Chart Community Hub, 19 Gomer St Willenhall WV13 2NS
6th December	10:00 to 16:00	Willenhall Library, Walsall Street, Willenhall, WV13 2EX
20 th December	14.00 to 16.00	Willenhall Library, Walsall Street, Willenhall, WV13 2EX

WALSALL

Date (all 2017) Time

Venue

31st October	17:30 to 19:00	Caldmore Community House, Carless St, Walsall WS1 3RH
2nd November	14:00 to 18:00	Aaina Community Hub, Bath Road, Caldmore, Walsall, WS1 3BS
6th November	19:30pm-21:00pm	Bentley Moor Club, Bentley Drive, Birchills, WS2 8RX
7th November	10:30 am-14:00pm	St Matthews Centre, St Matthews Close , Walsall, WS1 3DG
7th November	16:00pm-18:00pm	Butts Primary School, Butts Road, Walsall WS4 2AH
8th November	10:00am-12 noon	Caldmore Community House, Carless St, Walsall WS1 3RH
14th December	14:00 pm - 16:00 pm	Walsall Main Library Lichfield Street Walsall

Posters displayed

Posters were displayed in a range of the following across both selective licensing areas which gave information about selective licensing and how people could get involved and included the web-address and times of consultation meetings:

- Doctors surgeries
- Schools
- Health centres
- Libraries
- Supermarkets
- Social clubs

3. Consultation Responses Overall:

There were two key methods of respondents making representations on the proposals to the Council Housing Standards Team:

- Questionnaire completion (online or via freepost return)
- Direct letter / email

Section 3.1 to 3.4 inclusive has the findings of the questionnaire representations and the Council's proposed responses to comments made. Please note that some low bases (less than 50 responses) exist for certain questions where this is the case percentages have not been quoted as they can be misleading. Also note that due to rounding some total percentages may be slightly over 100 or slightly under.

Section 4 has the findings of the direct letter / email representations and the Council's proposed responses to comments made.

3.1 Overall Questionnaire responses.

<p>Willenhall A total of 271 residents completed the questionnaire. The tenure for respondents was as follows:</p> <ul style="list-style-type: none"> • 59% owner occupiers • 17% private landlords • 22% housing association • 3% other <p>There were a total of 14 landlord / agent responses.</p> <p>Additionally there were a total of 28 business responses.</p>	<p>Town Centre and adjoining areas A total of 344 residents completed the questionnaire. The tenure for respondents was as follows:</p> <ul style="list-style-type: none"> • 52% owner occupiers • 12% private landlords • 34% housing association • 2% other <p>There were a total of 15 landlord / agent responses.</p> <p>Additionally there were a total of 39 business responses.</p>
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3.2 Top line Demographic Information

As a result of specific questions we are able to report on demographic information for respondents (residents) as follows.

<p>Willenhall</p> <p>Gender</p> <table border="1"> <tr> <td>Male</td> <td>42%</td> </tr> <tr> <td>Female</td> <td>54%</td> </tr> <tr> <td>Prefer not to say</td> <td>4%</td> </tr> </table> <p>Age Average age of respondent: 58 years of age</p> <table border="1"> <tr> <td>196 residents detailed their age</td> </tr> <tr> <td>Average age stated 58</td> </tr> <tr> <td>63% Under 65</td> </tr> <tr> <td>37% Over 65</td> </tr> </table>	Male	42%	Female	54%	Prefer not to say	4%	196 residents detailed their age	Average age stated 58	63% Under 65	37% Over 65	<p>Town Centre and adjoining areas</p> <p>Gender</p> <table border="1"> <tr> <td>Male</td> <td>40%</td> </tr> <tr> <td>Female</td> <td>55%</td> </tr> <tr> <td>Prefer not to say</td> <td>5%</td> </tr> </table> <p>Age Average age of respondent: 57 years of age</p> <table border="1"> <tr> <td>235 residents detailed their age</td> </tr> <tr> <td>Average age stated 57</td> </tr> <tr> <td>66% Under 65</td> </tr> <tr> <td>34% Over 65</td> </tr> </table>	Male	40%	Female	55%	Prefer not to say	5%	235 residents detailed their age	Average age stated 57	66% Under 65	34% Over 65
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Health and disability

Responses on health and disability showed that residents day-to-day activities were limited because of a health problem or disability (which has lasted, or is expected to last, at least 12 months):

Yes - Limited a lot	18%
Yes - Limited a little	14%
No	61%
Prefer not to say	6%

Ethnicity of respondent

White	88%
Mixed / multiple ethnic groups	1%
Asian or Asian British	3%
Black / African / Caribbean / Black British	2%
Chinese	0%
Other ethnic group	1%
Prefer not to say	5%

Residents also raised equality issues that they thought should be taken into account when considering selective licensing in their local area. These have been considered but there are no adjustments considered by the Council to be necessary to the proposal at this stage.

Section 5 has the resident responses to the Mental Wellbeing questionnaire *WEMWEBS”

Health and disability

Responses on health and disability showed that residents day-to-day activities were limited because of a health problem or disability (which has lasted, or is expected to last, at least 12 months):

Yes - Limited a lot	18%
Yes - Limited a little	18%
No	58%
Prefer not to say	6%

Ethnicity of respondent

White	75%
Mixed / multiple ethnic groups	2%
Asian or Asian British	11%
Black / African / Caribbean / Black British	4%
Chinese	1%
Other ethnic group	1%
Prefer not to say	5%

Residents also raised equality issues that they thought should be taken into account when considering selective licensing in their local area. These have been considered but there are no adjustments considered by the Council to be necessary to the proposal at this stage.

Section 5 has the resident responses to the Mental Wellbeing questionnaire *WEMWEBS”

3.3 Business Information

Businesses were asked to provide information about themselves

<p>Willenhall</p> <p>Details of business size for respondents For the businesses responding 86% where businesses with 1 to 9 employees and the remaining 14% had 10-49 employees</p> <p>The business premises For the business respondents when asked</p>	<p>Town Centre and adjoining areas</p> <p>Details of business size for respondents For the businesses responding 32 where businesses with 1 to 9 employees and the remaining 6 had 10-49 employees</p> <p>The business premises For the business respondents when asked</p>
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about the premises they operated from 36% operate from premises they own and 32% rent premises whilst 29% lease their premises.	about the premises they operated from 53% operate from premises they own and 31% rent premises whilst 16% lease their premises.
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3.4 Key consultation findings

The key findings are organised into themes for each of the areas where selective licensing is proposed:

- A Support for the licensing scheme and on what would be achieved and whether the Council Have more control over landlords and how they manage their property.
- B Views about the problems in the selective licensing areas including anti-social behaviour and property management
- C Views on local solutions
- D Views about the proposed licensing conditions and proposed boundary for licensing
- E Views on the fees proposed

A. Support for the selective licensing scheme and on what would be achieved

<p>Willenhall A clear majority (75%) of all questionnaire respondents, but mainly residents including tenants and other stakeholders agree that the council should introduce selective licensing in the area.</p> <p>The majority of landlords were opposed to licensing. From the other consultation findings some landlords and their representatives were opposed to licensing schemes in principle (irrespective of boundary, fee levels or conditions).</p>	<p>Town Centre and adjoining areas A clear majority (75%) of all questionnaire respondents, but mainly residents including tenants and other stakeholders agree that the council should introduce selective licensing in the area.</p> <p>The majority of landlords were opposed to licensing. From the other consultation findings some landlords and their representatives were opposed to licensing schemes in principle (irrespective of boundary, fee levels or conditions).</p>
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Figure 1-4 below show the results to the key question included within the questionnaires “Overall to what extent do you agree or disagree that Selective Licensing for private landlords should be introduced in this local area?”

Figure 1 Resident respondents		
	Willenhall	Town Centre and Adjoining area
Strongly agree	53% (138)	51% (172)
Agree	26% (68)	33% (113)
Disagree	3% (9)	2% (7)
Strongly disagree	7% (19)	6% (20)
No Opinion	10% (26)	8% (26)

Landlord / agent respondents

Note:

As landlords completing the questionnaire with primarily properties in one area have also commented on the other areas too (as their portfolio often covers both areas). As some low bases (less than 50 responses) exist for certain questions where this is the case percentages have not been quoted as they can be misleading.

Figure 2 Business respondents		
	Willenhall	Town Centre and Adjoining area
Strongly agree	11	11
Agree	11	10
Disagree	3	4
Strongly disagree	2	10
No Opinion	1	3

Figure 3 Landlord / agent respondents		
	Willenhall	Town Centre and Adjoining area
Strongly agree	4	7
Agree	1	5
Disagree	1	4
Strongly disagree	15	18
No Opinion	2	10

Overall findings on proposal to introduce Selective Licensing

Figure 4 Total questionnaire respondents		
	Willenhall	Town Centre and Adjoining area
Strongly agree	49%	45%
Agree	26%	30%
Disagree	4%	4%
Strongly disagree	12%	11%
No Opinion	9%	9%

Based on the consultation questionnaire survey, landlords disagree but the majority of residents, tenants and businesses agree that introducing selective licensing would tackle problems.

Responses to why respondents agree or disagree with Selective Licensing

Residents:

The following are the written representations from residents received by the Council in response to the question as to whether they agree or disagree with selective licensing. 351 comments were received which supported the proposal. These can be grouped into observations such as:

- “I want my local area to be a safer, cleaner area for vulnerable people like myself to live in.”
- “I have moved 3 streets in the past 10 years and I have seen what bad landlords have as an effect on the community. They attract poor tenants. Drug farms/dealers/ noise/ drunks/ anti social behaviour”.
- Provide a better service / more accountable

- It will improve property conditions
- Will make things better for everyone
- Anything to try to improve these areas
- A lot of landlords don't care except getting rent / control rogue landlords
- Anything to improve how tenants act as some cause lots of problems
- At the moment anyone can rent out a property and tenants are in dirty disgusting houses
- Because of problems with HMOs including next door
- Currently I am a private rented property and the landlord is too laid back at getting issues resolved but increased the rent
- constant changes of tenants- never know who is living next door
- I feel strongly about the area where I live
- Give protection to applicants
- "I own my property and take care of it. it would be good to see rented properties and tenants keep responsible"
- "I don't expect landlords to be ringing everyday. I just want them to respond and act quickly when there's a problem"

37 comments were received opposing the proposal as detailed below

Respondents	Council response to observations made
Already paying tax- council tax, all insurances, tenants pay too much why target the poor/needy	The landlord will make the decision whether to pass on the cost to the tenant. They will not always do so. The average fee is equivalent to £2.27 per week.
An extra cost to the landlords. it is expensive enough	
The rent will be more	
Because this bill of £590 will get passed down to us tenants just another way to xxxx us	
Because they will put the cost of selective licensing on tenants	
It will put rents up or people will sell the houses because of the hassle	
I manage my property very well. This is another scheme to make money	
Rent will go up and the goal won't be achieved	
Will cause my rent to increase and my letting agent is already very good	
Will make no difference if they pay all they will do is put rent up to cover the cost	
Not sure my landlord would be willing to pay this. I worry I will loose my house I have been in 15 years.	
It will put rent up and create bigger shortage	
This will make landlords give up renting and sell homes. Making tenants homeless. The fee will put up our rent.	
Will dramatically increase rent to	

unmanageable levels	
Because it is not good for landlord	Selective Licensing will be beneficial to good landlords by driving out rogue landlords and creating a level playing field for the sector.
Because tenants are responsible for rubbish anti social behaviour but the landlords are been targeted	Landlords have a responsibility to effectively implement tenancy conditions, there will be support from the Council and the Police in this area.
By doing some research you see which houses and landlords are good honest people. The money is only going to increase rent.	See above , the money from the fee will be used to implement the selective licensing approach which will enable the Council to take a more proactive approach to regulating the private rented sector
Will be waste of money just another way of taxing people/landlords	Noted, however Selective Licensing will enable the Council to more effectively tackle the problem of rogue landlords.
I think the council cant sort out their own tenants. I think they should sort this out first	The Council does not own housing stock
It will affect the value of my house	There is no evidence that selective licensing will impact on property prices
Its fine as it is	Noted however the evidence compiled by the Council strongly supports the introduction of selective licensing
No issues with landlords dealing with complaints well	
Shouldn't go ahead	
This just a money making scam	
No landlord gives the property in bad condition. If tenants don't look after the property or are noisy/ bad in any manner, they are tenants not landlords	The evidence compiled by the Council shows that this is not the case , see previous response
Putting all of blame onto landlords, Neither LA or agents are taking responsibility	The legislation applies to both landlords and agents and will enable the Local Authority to take a pro-active approach to regulating the private rented sector
Thornbury Road is modern well managed housing. its just an excuse to subsidise poorer housing stock and to create jobs for the council	The data held by the Council shows high levels of housing related public health / housing / environmental health issues for example during the period 2013 to 2017 there were 25 complaints about pests and infestations, 20 for domestic accumulations of waste and fly-tipping a further 14 Noise domestic / neighbour disputes and 12 other complaints. These figures show a high level of housing issues
Use current laws to deal with rogues- not get all landlords	Selective Licensing will enhance exiting powers to tackle rogue landlords and enable a more pro-active approach to the issue.

Responses to why respondents agree or disagree with Selective Licensing

Businesses:

The following are the written representations from businesses received by the Council in response to the question as to whether they agree or disagree with selective licensing.

Comments were received which supported the proposal as detailed below:

The Council's response to these is that it welcomes the support and their observations.

"Can only improve"

"Private Landlords need to be controlled as to what premises and the condition of the premises they are letting"

"To highlight problems"

"It's making sure that tenants are in properties that are fit for purpose. They are safe, clean, warm and knowing that any problems with tenants can be sorted out quickly"

"They don't take pride in our town"

"because more control is needed over the standard of the properties which in turn will encourage a better tenant. that is willing to take more care of the place they live in and somewhere they are happy to call home and also want to stay longer"

"it's making sure tenants are in properties that are fit for purpose. they are safe, clean, warm and knowing that any tenant can be sorted out quickly"

"to help improve the Willenhall area"

"can only improve"

"private landlords need to be controlled, as to what premises and the condition of the premises they are letting"

"This area, Newhall St and surrounding area is very scruffy and landlords should be made to improve to exteriors-both private and business"

"It would make the area a much more pleasant place to live. Improve business." "to raise standards in the unregulated areas"

"there are too many sub standards properties that's are let. with a licence system this will not take change as enforcement will not take place- as per other legislation"

"some private properties rented are not maintained, outside and inside and is a health and safety risk to tenants and children living in these properties. landlords have a duty of care"

"landlords should be more responsible regarding the tenants they choose"

"problems in local area"

"the council can monitor how well landlords are doing"

"It would help the whole town"

"From experienced landlords should be more responsible for the damage to their properties they rent out"

"we agree with the licensing but can an agent get a license on behalf of the landlords?"

"For the benefit of the locals and community as well as making sure the landlords look after the property"

"To improve housing but why be selective? To be fair and housing should be included"

"At the moment there isn't enough control in the letting industry and the people involved on both sides"

"I think it need to be throughout the country having seen some of the substandard accommodation students and those who not have endured with no respect from landlords"

"May encourage more responsible tenant"

"To bring the area into a state where people want to be i.e. clean and tidy no graffiti etc."

"To protect tenants from landlords whose properties are not in good order and are potentially a risk to health, also its imperative that we as a Borough, know who we have living in our community and I believe this scheme will help"

"landlords are only interested in money"

"Several properties local to our business are not up to an acceptable level with overcrowding no background checks high drug use and little to no maintenance upkeep."

"helps the tenants if they have problems with property"

Comments were received which opposed the proposal as detailed below:

The following are the written representations from Business received by the Council in response to the above question:

Business comments	Response – all observations are noted and specific responses are proposed as follows
<i>"landlords are struggling financially due to new mortgage tax charges have no relief on council tax this will further burden landlords which could lead to rent increase"</i>	Many changes quoted are outside the control of the council. The landlord will make the decision whether to pass on the cost to the tenant. They will not always do so. The average fee is equivalent to £2.27 per week.
<i>"wont make any difference to bad landlords"</i>	The Council does not agree however Selective Licensing will enable the Council to more effectively tackle the problem of rogue landlords.

<i>"it wont stop the problem and landlords will increase the rent to cover the cost"</i>	Combined response from the two above
<i>"It wont be policed."</i>	The Council does not agree. Selective Licensing will enable the Council to more effectively tackle the problem of rogue landlords.
<i>"other local authorities who have chosen this route have not altered significantly. Benefits for tenants or responsible Landlords. issues that have arisen is that tenants who live in areas of 'low demand' are unable to pass regulation requirements so are forced into more vulnerable situation. leading to increased homelessness"</i>	The Council does not agree. There is significant national evidence of successes tackling rogue landlords via selective licensing and improving housing conditions.
<i>"If you introducing a scheme licensing should not be limited to private landlords should be include housing associations and council authority housing stock"</i>	Selective licensing by legislation cannot cover social landlords. The Council additionally has no housing stock (other than supported housing units)
<i>"It will cause a bigger housing crisis and drive landlords out and without tenants in the town centre. it exposes all the businesses to even more problems with security for evenings and weekends"</i>	The Council does not agree. There is significant national evidence of successes tackling rogue landlords via selective licensing and improving housing conditions. The landlord will make the decision whether to pass on the cost to the tenant. They will not always do so. The average fee is equivalent to £2.27 per week.
<i>"- has not worked in Wolverhampton area five year licensing charges are excessive many landlords may wish to withdraw from letting"</i>	
<i>"housing is already a major problem in this area so further regulations divide up rent"</i>	

Responses to why respondents agree or disagree with Selective Licensing

Landlords / agents comments:

The following are the written representations from businesses received by the Council in response to the question as to whether they agree or disagree with selective licensing.

Support:

Comments were received which supported the proposal as summarised below

- Because of the antisocial behaviour in the area
- It appears there are many tenants living in disrepair and/or experiencing landlord problems.
- Growing number of private properties from independent landlords in the area.
- Landlords & Tenants they are both as bad as each other.
- The area is densely populated and there is a large sector of private properties which is on the increase, therefore needing a better policy to protect tenants.
- It would be an effective way to improve the housing conditions in the area

- Walsall used to be lovely but now that all these criminal gangs have moved in & the police won't tackle them, it's gone downhill. I'd want it to return to being the envy of the world.
- This area of Walsall is dominated by old terraced housing and many private and rented properties are in a poor condition. People do not have the money or the inclination to look after their homes and gardens. Hopefully this scheme will help improve the area. There is a general lack of civic pride.

Landlord c/ agents comments

Opposing the proposal:

Comments were received which oppose the proposal as detailed below:

Landlord Comments	Response – all observations are noted and specific responses are proposed as follows
The price, it's hard enough as it is.	The average licence fee equates to £2.27 a week and is potentially tax deductible.
Problem tenants will just be moved on to other homes/areas by Landlord eviction. Other than possible more frequent evictions, bad tenants will not be penalised by Licensing and bad Tenants are much more of an issue to Walsall residents than bad Landlords. Licensing will not change Walsall Council's unwillingness to prosecute owners of dogs fouling streets, unwillingness to enforce building work without planning permission, unwillingness to do anything about double yellow parking by corner shop on Albion St. It will lead to increased rents.	It is important that 'problem' tenants are aware of the implications of their actions if they do not change their behaviour, bad landlords are a significant issue in these areas, the Council will continue to take enforcement action where necessary in the event of legislative breaches, the decision on whether to increase rents sits with the landlord.
Not sure that it will achieve anything at all, like most good intentions, loses flavour very quickly	Selective Licensing will enable the Council to take a pro-active approach to regulating the private rented sector
Landlords pay fees and get penalised for not complying but get no support from council	The Council will continue to support landlords with training programmes for example on dealing with anti-social behaviour.
A lot of the problems are created by council tenants, not PRS.	There are no Council tenants the Council does not own any housing stock.
The council could take enforcement action against rogue landlords with today's legislation already.	Noted, selective licensing will enable a more proactive approach to maintaining standards in the private rented sector.
Existing laws in place to deal with these matters	Selective Licensing will enable the Council to take a pro-active approach to regulating the private rented sector
There is already legislation in place that landlords have to adhere to. Why can't the council take the rogue landlords to task without affecting those of us who do adhere to all the rules and regulations? Somehow I think the rogue landlords will manage to get around	

<p>what you are proposing to implement. I wouldn't be surprised if many of them don't sign up, couldn't are less if you took them to court or not. Essentially you will be hitting the law abiding ones not the rogues!</p>	
<p>Will only hit good landlords and not the landlords you really need to target</p>	
<p>This is purely raising funds for council and penalising landlords can't see any benefits for landlords</p>	
<p>There is not enough differentiation between different tenant types: I run high-end HMOs for professional tenants who will quickly move out if I'm not a good landlord. Why do I need to go through all that red tape for things that I'm doing anyway.</p>	<p>Selective licensing legislation does not allow exclusion of certain landlords, significant discounts are available for good landlords. HMO licensing is already in place.</p>
<p>I'm part of the MLAS, RLA, NLA pay membership fees and training (CPD). This feels like a punishment and completely misses the point. I'm getting criminalised for that if I don't pay you money!?</p>	<p>Government legislation provides discretionary powers to councils to set up selective licensing schemes, there are significant discounts available for good landlords including those who are accredited.</p>
<p>Penalising those landlords that currently do it properly, rather than just tackling the problem ones.</p>	
<p>Rogue landlords will not get your license anyway. Why would you take any more action against them afterwards</p>	<p>It is a criminal offence to let a property without a licence in a designated area, vigorous enforcement action will be taken against landlords who choose to operate without a licence.</p>
<p>The cost of doing business will go up and so will rents. This will affect the tenants at the lower end the most, the very people you are trying to protect. Homelessness will increase as well.</p>	<p>It is the landlords decision whether to pass on the cost of licensing through increased rents please note the fee is tax deductible and covers a 5 year period at circa £2.27 per week, there is no evidence of an increase in homelessness in areas where selective licensing has been introduced.</p>
<p>I as a responsible Landlord use and pay for a Professional Letting Agent to manage my property.</p>	<p>The selective licensing fee will be a matter between the landlord and appointed agent, although ultimate responsibility rests with the landlord.</p>
<p>We currently have 2 other properties in Norbury, London and Rotherham. Both of which introduced Selective Licensing in the past years. We have not seen any benefit in these schemes ourselves. Probably due to us being very good landlords. It is a shame we have to go through a process like this due to</p>	<p>Noted tenants are currently able to report their concerns to the Council, however, may not choose to do so for fear of retribution such as retaliatory eviction, selective licensing enables a more proactive approach to ensuring good quality accommodation in the private rented sector.</p>

<p>other landlords which may have not been so responsible. They should have been able to be dealt with without a scheme like this. Is there not a place or system in place for tenants to be able to address their concerns and subsequently the landlord can be fined or dealt with in another manner? If not, there should be.</p>	
<p>Again, I would argue that there is no evidence that Yale Road is a problem Road and I believe that a line to define the proposed area has just been drawn around the boundary at Willenhall/Wolverhampton</p>	<p>The Council considers that here is evidence to include Yale Road within the area with show a high level of environmental and housing issues for the period 2013 to end of Dec 2017:</p>
<p>Because there are already enough laws and local powers in place to sort out rogue landlords, you just don't do it. And now you're trying to get us to fund it for you - I do not believe that licensing is the right way to go - it is punitive for good landlords. You should take a more proactive approach to the bad landlords, like Bournemouth Council has just decided to with their targeted enforcement approach https://news.rla.org.uk/success-bournemouth-rejects-selective-licensing/</p>	<p>As in Bournemouth the decision on whether to proceed with selective licensing will be taken by elected Councillors and will be based upon the feedback from residents, businesses and landlords to the proposal along with the evidence base compiled by the Council.</p>
<p>We manage over 50 properties in the area that jumps to nearly 100 including surrounding streets, our landlord don't need added rules as their properties are already maintained, looked after and happy tenants residing in them. We operate in this area as it is good for rental property, consisting of decent estates and you are able to attract good tenants, no where near as rough as Leamore or Coalpool where we wouldn't advise landlord to operate in my opinion.</p>	<p>Selective Licensing will enable the Council to raise standards across the private rented sector in the designated areas, creating a level playing field for good landlords and enhancing the reputation of the area and desirability to live in the locality.</p>
<p>This will sound cynical, but it sounds to me like a good way for the council to make some money without actually having to do much</p>	<p>The fee will enable the effective administration and operation of the selective licensing scheme</p>
<p>Nobody will enforce it, just another tax on landlords. Good ones do this anyway. Not difficult to find the bad ones and deal with them if there was the will/man power.</p>	<p>It is a criminal offence to let a property without a licence in a designated area, vigorous enforcement action will be taken against landlords who choose to operate without a licence. Selective Licensing will enable the Council to take a pro-active approach to ensuring good quality accommodation across the private rented sector.</p>
<p>Landlords can only tell a Tenant not to do this or that our hands are tied by the law and if reported to council the council make us feel it's our problem end of day all we can do is take</p>	<p>Dealing with bad tenant behaviour is an important element of effective tenancy management, key stakeholders such as the police and council will support landlords in</p>

the matter to the courts council can give on the spot fine	taking effective action.
As previously stated. It will not achieve anything. Just another means of collecting taxes, which the council is short of money for other services	The legislation requires fee income to be ring fenced for the purposes of administering and operating the selective licensing scheme, monies cannot be used to cross subsidise other services.
It's down to the tenants who make the mess and not keep the inside of the property clean and cause the damage	The conditions require landlords to obtain references for prospective tenants to ensure that applicants are suitable for the proposed tenancy. Dealing with bad tenant behaviour is an important element of effective tenancy management, key stakeholders such as the police and council will support landlords in taking effective action.
Many issues are not Landlord related, nothing has been done to work with landlords if there are issues that landlords could help with. It is more of a community issue which includes shops, owner occupiers and social housing.	The Council will support landlords through the selective licensing process and attendance on a suitable training course will be a requirement of the scheme per section C Cabinet Report-Training requirements.
Not targeting the real problem.	The selection is based on evidence as detailed in the Cabinet Report
Discrimination against landlords I see no mention of tenants being licensed as fit and proper persons fit to be tenants	The Council is not unlawfully discriminating by proposing that Selective Licensing applies to these areas. Their selection is based on evidence. An impact assessment has not indicated any concerns and this will be updated following the consultation to ensure that any equality concerns are addressed. The conditions require landlords to obtain references for prospective tenants to ensure that applicants are suitable for the proposed tenancy.

Should the Council have more control over how landlords manage their property?

<p>Willenhall</p> <p>Of 270 resident respondents overwhelming (79%) considered that the council should have more control over how landlords manage their properties.</p> <p>Should the council have more control over the way private landlords / agents manage their properties in your local area</p> <table> <tr> <td>Yes</td> <td>79%</td> </tr> <tr> <td>No</td> <td>10%</td> </tr> <tr> <td>Don't Know</td> <td>11%</td> </tr> </table>	Yes	79%	No	10%	Don't Know	11%	<p>Town Centre and adjoining areas</p> <p>Of 344 resident respondents overwhelming (80%) considered that the council should have more control over how landlords manage their properties.</p> <p>Should the council have more control over the way private landlords / agents manage their properties in your local area</p> <table> <tr> <td>Yes</td> <td>80%</td> </tr> <tr> <td>No</td> <td>10%</td> </tr> <tr> <td>Don't Know</td> <td>10%</td> </tr> </table>	Yes	80%	No	10%	Don't Know	10%
Yes	79%												
No	10%												
Don't Know	11%												
Yes	80%												
No	10%												
Don't Know	10%												

Business respondents (28 responses)	Business respondents (39 respondents)
Should the council have more control over the way private landlords / agents manage their properties in your local area	Should the council have more control over the way private landlords / agents manage their properties in your local area
Yes 22	Yes 20
No 4	No 13
Don't Know 2	Don't Know 4

B. Views about the problems in the selective licensing areas including anti-social behaviour and property management

Resident respondents

Issues in the local area					
Score of 1 is a very big problem score of 4 is not a problem at all					
Willenhall Resident respondents	1	2	3	4	Not sure
Noisy neighbours or loud parties	13%	12%	25%	46%	3%
Rubbish or litter lying around	39%	20%	20%	20%	1%
Overflowing wheeled bins	18%	13%	25%	39%	5%
Fly tipping	29%	19%	19%	28%	5%
Poor quality housing	10%	11%	22%	38%	19%
Empty properties	10%	8%	13%	49%	19%
Overcrowded houses and flats	8%	6%	10%	41%	34%
Untidy gardens	23%	15%	25%	32%	5%
Pests and vermin (eg rats, mice etc)	23%	18%	17%	31%	11%
Vandalism, graffiti and other deliberate damage to property or vehicles	17%	15%	24%	36%	9%
Burglary	20%	17%	23%	20%	20%
People using or dealing drugs	26%	17%	14%	21%	21%
People being drunk or rowdy in public places	19%	17%	23%	28%	13%

50% or more Willenhall resident respondents highlighted as a very big problem or a problem (1 and 2 scores) Rubbish or litter lying around (59%).

Town Centre Resident respondents	1	2	3	4	Not sure
Noisy neighbours or loud parties	17%	16%	28%	34%	5%
Rubbish or litter lying around	53%	17%	15%	14%	1%
Overflowing wheeled bins	36%	14%	19%	28%	3%
Fly tipping	44%	15%	16%	20%	4%
Poor quality housing	19%	17%	26%	26%	13%
Empty properties	11%	9%	18%	43%	19%
Overcrowded houses and flats	16%	10%	14%	32%	29%
Untidy gardens	31%	18%	20%	25%	6%
Pests and vermin (eg rats, mice etc)	33%	16%	19%	23%	8%

Vandalism, graffiti and other deliberate damage to property or vehicles	23%	19%	26%	26%	6%
Burglary	15%	20%	25%	21%	19%
People using or dealing drugs	41%	18%	14%	15%	12%
People being drunk or rowdy in public places	29%	17%	24%	24%	5%

50% or more Town Centre resident respondents highlighted as a very big problem or a problem (1 and 2 scores):

- Rubbish or litter lying around (70%)
- People using or dealing drugs (59%)
- Fly tipping (59%)
- Overflowing wheeled bins (50%)

Business respondents

Issues in the local area					
Score of 1 is a very big problem score of 4 is not a problem at all					
Willenhall					
Business respondents	1	2	3	4	Not sure
Noise from local, residents	3	6	7	11	1
Rubbish or litter lying around	16	7	2	3	0
Overflowing wheeled bins	8	1	8	7	4
Bins being used by residents	6	2	1	15	3
Fly tipping	14	8	4	2	0
Inconsiderate / nuisance parking	5	5	6	12	0
Poor quality housing	1	5	4	10	8
Empty properties	4	3	3	10	6
Overcrowded houses and flats	5	0	7	9	7
Untidy gardens	3	1	9	10	5
Pests and vermin (e.g. rats, mice etc)	9	7	4	6	2
Vandalism, graffiti and other deliberate damage to property or vehicles	6	3	6	5	4
Burglary	9	6	5	4	4
People using or dealing drugs	10	5	1	2	10
People being drunk or rowdy in public places	12	1	3	5	7

Town Centre					
Business respondents	1	2	3	4	Not sure
Noise from local, residents	3	4	10	15	5
Rubbish or litter lying around	18	4	8	6	2
Overflowing wheeled bins	9	7	9	11	2
Bins being used by residents	5	5	3	22	2
Fly tipping	19	6	3	8	3
Inconsiderate / nuisance parking	20	3	7	8	1

Poor quality housing	7	4	8	12	6
Empty properties	4	5	6	17	6
Overcrowded houses and flats	3	5	7	14	7
Untidy gardens	7	4	9	13	5
Pests and vermin (eg rats, mice etc)	11	8	5	9	5
Vandalism, graffiti and other deliberate damage to property or vehicles	10	12	6	8	2
Burglary	7	7	11	9	4
People using or dealing drugs	11	8	11	7	2
People being drunk or rowdy in public places	9	7	8	9	6

Overall Problems in the areas

Willenhall

50% or more Willenhall resident respondents highlighted as a very big problem or a problem (1 and 2 scores) Rubbish or litter lying around (59%) this was also highly rated as an issues by businesses. Businesses also highlighted fly-tipping as a particular problem.

Town Centre

50% or more Town Centre resident respondents highlighted as a very big problem or a problem (1 and 2 scores):

- Rubbish or litter lying around (70%)
- People using or dealing drugs (59%)
- Fly tipping (59%)
- Overflowing wheeled bins (50%)

Business also highlighted Rubbish or litter lying around and inconsiderate parking as key issues but the highest was fly tipping.

Overall satisfaction with local areas

Willenhall		Town Centre and adjoining areas	
Overall satisfaction with local area Resident		Overall satisfaction with local area Resident	
Very satisfied	11% (30)	Very satisfied	12% (40)
Fairly satisfied	44% (119)	Fairly satisfied	35% (118)
Neither satisfied nor dissatisfied	19% (51)	Neither satisfied nor dissatisfied	15% (50)
Fairly dissatisfied	19% (50)	Fairly dissatisfied	21% (72)
Very dissatisfied	7% (19)	Very dissatisfied	18% (60)
Willenhall Business		Town Centre Business	
Very satisfied	1	Very satisfied	7
Fairly satisfied	12	Fairly satisfied	9

Neither satisfied nor dissatisfied	3		Neither satisfied nor dissatisfied	9	
Fairly dissatisfied	8		Fairly dissatisfied	9	
Very dissatisfied	4		Very dissatisfied	4	
Landlord			Landlord		
Very satisfied	6		Very satisfied	1	
Fairly satisfied	5		Fairly satisfied	7	
Neither satisfied nor dissatisfied	3		Neither satisfied nor dissatisfied	9	
Fairly dissatisfied	0		Fairly dissatisfied	5	
Very dissatisfied	0		Very dissatisfied	0	

Past experiences

Willenhall Problems with a privately rented house / flat in your local area	Town Centre and adjoining areas Problems with a privately rented house / flat in your local area
<p>Resident Yes 32% No 55% Don't know 13%</p> <p>Landlord (13 responses) Yes 3 No 10 Don't know 0</p> <p>Businesses (28 responses) Yes 7 No 19 Don't know 2</p> <p>Total: Yes 31% No 57% Don't know 12%</p>	<p>Resident Yes 40% No 47% Don't know 13%</p> <p>Landlord (22 responses) Yes 4 No 16 Don't know 2</p> <p>Businesses (39 responses) Yes 9 No 28 Don't know 2</p> <p>Total: Yes 37% No 51% Don't know 12%</p>

The views about landlords and agents

Willenhall	Town Centre and adjoining areas		
Residents	Residents		
Very responsibly	36 (13%)	Very responsibly	34 (10%)
Fairly Responsibly	68 (25%)	Fairly Responsibly	85 (25%)
Not Very responsibly	65 (24%)	Not Very responsibly	84 (25%)
		Not all responsibly	74 (22%)

Not all responsibly	36 (13%)		Don't know	61 (18%)
Don't know	64 (24%)			
Businesses			Businesses	
Very responsibly	1		Very responsibly	6
Fairly Responsibly	8		Fairly Responsibly	11
Not Very responsibly	8		Not Very responsibly	9
Not all responsibly	4		Not all responsibly	9
Don't know	7		Don't know	5
Total			Total	
Very responsibly	37 (12%)		Very responsibly	40 (11%)
Fairly Responsibly	76 (26%)		Fairly Responsibly	96 (25%)
Not Very responsibly	73 (25%)		Not Very responsibly	93 (25%)
Not all responsibly	40 (13%)		Not all responsibly	83 (22%)
Don't know	71 (24%)		Don't know	66 (18%)
Overall			Overall	
The results on this question were split identically between those who considered that landlords acted responsibly and those who considered that they didn't. There were a large number of total respondents not knowing either way.			The results on this question showed 47% considered that landlords didn't operate responsibly compared with 36% who thought they did.	

C Local Solutions

Overall

Figure 5 (on page 25) shows what respondents think the selective licensing will achieve for their local area.

This highlights that for both Willenhall and the Town Centre there is overwhelming view from resident respondents that selective licensing will deliver a range of positive outcomes.

Boundary for selective licensing

Landlords were asked whether they considered the boundary for the proposed area to be in the correct place.

	Willenhall	Town Centre
Yes	6	8
No	12	9
Don't know	26	27

The responses from landlords who commented on the boundaries stated the following:

- Don't need this at all
- Get rid of them all together. The council should first sort out their own management and tenants. All you are doing is creating red-tape for us that are

already doing all of the above. The rogue landlords haven't and will not comply because they will simply not get your license. You could take enforcement action now already. Why does it need selective licensing for that? Also, taking a course for landlords that are accredited by an official body like the NLA or MLAS is taking it too far. We have taken these courses already as part of our accreditation. Furthermore, we are subjecting ourself to CPD

- I have a property in Yale Road. This is a lovely, fairly new estate and I cannot believe that this road is a problem road/estate and would like you to review this or at least provide some type of evidence that this should be included I wouldn't have one
- I wouldn't introduce selective licensing - as rents increase, the issues will move to other parts of the borough
- Remove completely but there are certainly adjoining roads that are worse then new build estates that haven't been included. Or the fairly new estate of Yale Road which includes a school in the area. Does the school get penalised for it pupils perhaps causing trouble in the street and littering.
- Remove Yale Road from the area
- Remove Yale Road from the area unless it can be shown to my amazement that it is a problem area
- Yes you have included all the new builds and the most trouble is the town center

Council observation to the comments:

The only new observation (not made elsewhere within the returns) in this section is regarding Yale Road where the Council's records show a high level of environmental and housing issues for the period 2013 to end of Dec 2017:

Pests and infestations	14
Domestic accumulations of waste and fly-tipping	5
Other environmental issues including noise domestic / neighbour disputes	13

Figure 5 Views on what respondents think the selective licensing will achieve for the local area

Willenhall				Town Centre and adjoining areas			
Overall Resident respondents (270) overwhelmingly (70% and higher) considered that the introduction of selective licensing for their area would improve a range of factors.				Overall Resident respondents (344) overwhelmingly (72% and higher) considered that the introduction of selective licensing for their area would improve a range of factors.			
In summary they consider that it will:				In summary they consider that it will:			
<ul style="list-style-type: none"> • Shift the reliance away from using resident complaints to identify problems • Promote a professional management ethos amongst private landlords • Provide tenants with consistent information on acceptable standards of accommodation • Allow the council to take action against landlords who provide poor standards of accommodation • Remove rogue landlords from the sector • Reduce anti-social behaviour • Provide safe homes for tenants to live in • Provide a better approach to managing the private rented sector • Allow the council in partnership with landlords and other key agencies (Police etc) to take action against landlords whose tenants cause persistent anti-social behaviour 				<ul style="list-style-type: none"> • Shift the reliance away from using resident complaints to identify problems • Promote a professional management ethos amongst private landlords • Provide tenants with consistent information on acceptable standards of accommodation • Allow the council to take action against landlords who provide poor standards of accommodation • Remove rogue landlords from the sector • Reduce anti-social behaviour • Provide safe homes for tenants to live in • Provide a better approach to managing the private rented sector • Allow the council in partnership with landlords and other key agencies (Police etc) to take action against landlords whose tenants cause persistent anti-social behaviour 			
Residents	Agree	Disagree	Don't Know	Residents	Agree	Disagree	Don't Know
Improve management standards and property conditions	74%	11%	15%	Improve management standards and property conditions	75%	11%	14%
Develop better relationships with landlords and tenants to help address anti-social behaviour linked to rented properties	70%	15%	16%	Develop better relationships with landlords and tenants to help address anti-social behaviour linked to rented properties	72%	16%	12%

Improve confidence in the private rented sector both for landlords and tenants	76%	10%	14%
Allow better targeting of enforcement action against 'rogue landlords / agents'	84%	7%	10%
Promote consistent housing standards and a better understanding of what is expected from tenants and landlords	79%	10%	11%

Willenhall Business responses

Business respondents (28) considered that the introduction of selective licensing for their area would improve a range of factors.

Business respondents	Agree	Disagree	Don't Know
Improve management standards and property conditions	23	3	2
Develop better relationships with landlords and tenants to help address anti-social behaviour linked to rented properties	22	5	1
Improve confidence in the private rented sector both for landlords and tenants	23	3	2
Allow better targeting of enforcement action against 'rogue landlords / agents'	25	1	2
Promote consistent housing standards and a better understanding of what is expected from tenants and landlords	24	2	2

Improve confidence in the private rented sector both for landlords and tenants	77%	10%	13%
Allow better targeting of enforcement action against 'rogue landlords / agents'	86%	7%	7%
Promote consistent housing standards and a better understanding of what is expected from tenants and landlords	82%	9%	9%

Town Centre and adjoining areas Business responses

Business respondents (39) considered that the introduction of selective licensing for their area would improve a range of factors.

Business respondents	Agree	Disagree	Don't Know
Improve management standards and property conditions	22	15	2
Develop better relationships with landlords and tenants to help address anti-social behaviour linked to rented properties	17	18	4
Improve confidence in the private rented sector both for landlords and tenants	23	13	3
Allow better targeting of enforcement action against 'rogue landlords / agents'	28	10	1
Promote consistent housing standards and a better understanding of what is expected from tenants and landlords	27	12	0

D. Views about the proposed selective licensing conditions

<p>Landlord representatives in their submission indicated where conditions were unnecessary or otherwise and have asked that their points made are considered.</p> <p>Overall the licensing conditions proposed were agreed by an overwhelming percentage of resident respondents (89% or more).</p> <p>Resident respondent views</p>				<p>Landlord representatives in their submission indicated where conditions were unnecessary or otherwise and have asked that their points made are considered</p> <p>Overall the licensing conditions proposed were agreed by an overwhelming percentage of resident respondents (85% or more).</p> <p>Resident respondent views</p>			
Should private landlords be required to:	Yes	No	Don't Know	Should private landlords be required to:	Yes	No	Don't Know
Get reference for tenants before they move in	89%	5%	6%	Get reference for tenants before they move in	85%	7%	9%
Make sure tenants are given a written statement (tenancy agreement) of the terms on which they occupy the property	97%	1%	1%	Make sure tenants are given a written statement (tenancy agreement) of the terms on which they occupy the property	96%	1%	3%
Ensure tenants manage their household waste properly	94%	4%	2%	Ensure tenants manage their household waste properly	93%	2%	4%
Take action against their tenants who cause a nuisance or anti-social behaviour	97%	1%	1%	Take action against their tenants who cause a nuisance or anti-social behaviour	95%	2%	3%
Keep properties on a good and safe condition inside and out	99%	1%	0%	Keep properties on a good and safe condition inside and out	98%	1%	1%
Make sure houses and flats are not overcrowded	98%	0%	2%	Make sure houses and flats are not overcrowded	95%	2%	4%
Inspect their premises regularly to ensure no issues exist	96%	3%	1%	Inspect their premises regularly to ensure no issues exist	97%	1%	3%

E. Views on the Fees Proposed

Willenhall

Average Fee Level

Do you think that a one off average fee of £590 for a 5 year licence, per property is:

Residents (270)

About right	56%
Too much	23%
Not enough	21%

Businesses (28 responses)

About right	13
Too much	13
Not enough	2

Landlords (11 responses)

About right	3
Too much	7
Not enough	1

Total respondents view on fees

About right	55%
Too much	26%
Not enough	19%

Those who offered a different average fee provided rates ranging from

Residents: £0 to £5,000

Businesses: £0 to £1,500

Early Bird Discount

	Yes	No	Don't Know
Residents:	54% (146)	27% (72)	19% (51)
Businesses:	16	7	5
Landlords	5	1	1
Total	55% 167	26% (80)	19% (57)

Overall support for Early Bird Discount (56%)

Town Centre and adjoining areas

Average Fee Level

Do you think that a one off average fee of £590 for a 5 year licence, per property is:

Residents (344)

About right	59%
Too much	23%
Not enough	18%

Businesses (39 responses)

About right	15
Too much	23
Not enough	1

Landlords (19 responses)

About right	6
Too much	13
Not enough	0

Total respondents view on fees

About right	56%
Too much	29%
Not enough	16%

Those who offered a different average fee provided rates ranging from

Residents: £0 to £5,000

Businesses: £0 to £1,000

Early Bird Discount

	Yes	No	Don't Know
Residents	60% (201)	21% (71)	19% (62)
Businesses	26	8	4
Landlords	8	1	2
Total	61% (235)	21% (80)	18% (68)

Overall support for Early Bird Discount (61%)

Willenhall

Reward Higher Energy Efficiency

On the question of whether high energy efficiency of properties should be rewarded with lower licence fees.

Overall there was not support for lower fees for higher EPC rating.

	Yes	No	Don't Know
Residents:	39% (106)	40% (109)	20% (55)
Businesses:	12	15	1
Landlords	4	1	2
Total	40% (122)	41% (125)	19% (58)

Town Centre and adjoining areas

Reward Higher Energy Efficiency

On the question of whether high energy efficiency of properties should be rewarded with lower licence fees.

Overall there was support for lower fees for higher rated EPCs.

	Yes	No	Don't Know
Residents:	42% (139)	35% (116)	23% (78)
Businesses:	15	17	6
Landlords	3	5	2
Total	41% (157)	36% (138)	23% (86)

4. Detailed written (non-questionnaire representations) and proposed Council responses to the same.

The following are the detailed written representations received by the Council and the proposed. For ease of reference they have been grouped as much as possible by support or opposition to the schemes.

Section 5.1 is support, Section 5.2 is where neither support nor opposition is stated and Section 5.3 is opposition.

Section 4.1 Overall feedback Supports Selective Licensing

Respondent ref 01

Type: Letting Agent Selective licensing area: Willenhall and Town Centre

Wholeheartedly support. Their other observations are:	Welcome the support
Query re the fee will mean that people don't sign-up.	Fees are part of the statutory scheme and failure to register / pay the relevant fee will be dealt with initially via communication to landlords and where this proves unsuccessful via enforcement policy and use of legislation.
The council is not aware of poor rented properties. How will it find them?	The duty will be on landlords to apply. The Early Bird discount is a method of encouraging landlords to apply as soon as possible and the statutory penalty for landlords who don't apply are severe. The council has a range of information sources it can use to identify privately rented properties and is confident that all properties will be identifiable.
It will persuade some landlords to sell their property and lead to higher rents, less properties, more homelessness and more pressure on public housing	Noted. There are a range of factors that will determine whether landlords sell (or buy) properties but we do not consider that selective licensing will have a significant impact. If the reason for sale is to avoid meeting appropriate property and management standards then this is not a detrimental thing necessarily and the property may be purchased by another landlord (i.e. not reducing available stock and not impacting on homelessness or adding pressure to public housing) The Council is using the PRS more and more as both a prevention solution as its size increases and social housing reduces. Therefore a scheme which gives greater assurances of good management and good property conditions fits very well with the

	<p>Council's approach to homelessness.</p> <p>It is assumed that this comment is suggesting that there will be a negative impact on homelessness, and that this is because of the potential rent rises leading to tenants being unable to afford their rent and being evicted, or the rents increasing so much that the properties concerned are no longer affordable to homeless people whom the Council is trying to assist via the PRS.</p> <p>Organisations such as Staffordshire and West Midlands Community Rehabilitation Company and YMCA Black Country Group who work with homeless households have welcomed the higher standards that licensing could bring to the sector.</p>
Few properties will have an A grade for EPC	<p>Noted</p> <p>The Council seeks however to reward best practice in energy efficiency.</p>

Respondent ref 02

Type: Business (not private rented landlord or agent) Selective licensing area: Willenhall

<p>Supports the proposals provided links with the Police.</p> <p>Concerned: that most landlords not supplying sufficient bins and rubbish is being dumped; and anti-social behaviour from tenants is not addressed.</p>	<p>Welcome the support</p> <p>Confirmed that the Council will work in direct partnership with a range of agencies including but not limited to the Police to address issues such as ASB.</p> <p>The proposed licence conditions including but not limited to: 89 and 90 require specific standard on waste management.</p>
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Respondent ref 03

Staffordshire and West Midlands Community Rehabilitation Company

Type: Business (not private rented landlord or agent)

Selective licensing area: Willenhall and Town Centre

Supports the proposals	Welcome the support
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Respondent ref 04

Walsall health Care NHS Trust (Adult Community Services) Type: Public Body

Selective licensing area: Willenhall and Town Centre

<p>Supports the proposals</p> <p>The scheme will be helpful as it will provide</p>	Welcome the support
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better accommodation for residents who live in poor private rented accommodation which will improve their health and well being.	
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Respondent ref 05

Local school / academy

Type: Education

Selective licensing area: Town Centre

Very supportive of the proposal. A number of families suffering at hands of unscrupulous landlords who play on the vulnerability of some of the most disadvantaged families. Some landlords may still seek to avoid the standards	Welcome the support
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Respondent ref 06

YMCA Black Country Group Type: Charity / Housing Association

Selective licensing area: Town Centre and Willenhall

Support the proposal it will hopefully address many issues faced by vulnerable people when renting in the private sector	Welcome the support
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Respondent ref 07

West Midlands Police Type: Public Body

Selective licensing area: Town Centre and Willenhall

Support the proposal. The additional data collected will help the Police to work jointly to address issues in the areas.	Welcome the support
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Respondent ref 07

West Midlands Fire and Rescue Type: Public Body

Selective licensing area: Town Centre and Willenhall

Support the proposal. Will help to address risk of fires and ASB in the private rented sector.	Welcome the support
Observations on improving specific conditions.	The Council welcome this detailed observation and have agreed to amend conditions 36 and 50 accordingly.

Respondent ref 08

Longhurst Housing Association Type: Charity / Housing Association

Selective licensing area: Town Centre and Willenhall

Fully support the proposal	Welcome the support
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Respondent ref 09

Crime Reduction Team, Birmingham Partnerships, Type: Public Sector

Areas: Town Centre and Willenhall

<p>Support the proposed report to Walsall Council's Cabinet.</p> <p>I have read the Cabinet report dated 26th April 2017 and the briefing paper and I would agree with the report that the primary motivation for the scheme is to raise standards in the private rented sector and address a variety of housing issues, including crime.</p> <p>I would support the establishment and development of Landlord Accreditation Schemes via a Partnership approach also. I note that the points raised in the report reflect a changing market and the need to address homelessness and empty dwellings/properties not in use also.</p> <p>I would like to recommend to you as part of the consultation that the standards and specifications contained within the Secured by Design initiative would assist in raising standards, bringing properties back into use, reducing crime and anti-social incidents. My own view is that not only should it be considered, it should be incorporated as standard practice, together with other measures.</p> <p>Please see www.securedbydesign.com This presents as a really good opportunity to address the aims of the scheme, in particular Appendix 5.</p> <p>The two areas selected do appear to fit the criteria from a crime point of view. For example, the burglary dwelling rates in the identified areas of between 17.70 per thousand and 18.50 per thousand. I have recently checked these rates and I can tell you that there is little change.</p> <p>I note that mention is made of using a variety of existing local authority initiatives and powers, including housing, environmental and planning legislation. All of which I would support, when appropriate. You will also be aware of the following interventions, advice and guidance no doubt:</p>	<p>Welcome the support Wish to continue partnership working with the Crime Reduction Team, Birmingham Partnerships,</p>
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<p>Building Regulations 2010 – Security of Dwellings Approved Document Q and B – re. controlled fittings & applies to change of use – please see attached</p> <p>Alley Gating – http://whatworks.college.police.uk/toolkit/Pages/Intervention.aspx?InterventionID=37</p> <p>Section 215, Town & Country Planning Act – please see attached Section 215 Best Practice Guide – ODPM</p> <p>Section 17, Crime & Disorder Act - Please see http://www.legislation.gov.uk/ukpga/1998/37/section/17</p> <p>Empty Dwelling Management Orders.</p>	
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Respondent ref 10

Palfrey Health Centre: Type: Public Sector health
 Selective licensing area: Town Centre

Fully support the proposal it will improve the health needs and wellbeing of local residents	Welcome the support
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Respondent ref 11

Resident: Type: Resident
 Selective licensing area: Town Centre

Fully support the proposal	Welcome the support
Would support the extension of the boundary to include Emery Street and Sandy Mount Road	Noted. The areas may be considered for a future selective licensing scheme if sufficient private rented housing issues exist to warrant this.

Respondent ref 12

Local school / academy Type: Education
 Selective licensing area: Town Centre

Fully support the proposal and the scheme has the potential to significantly benefit for young people by improving their home	Welcome the support
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Respondent ref 13

Walsall Housing Group Type: Charity / Housing Association
 Selective licensing area: Town Centre and Willenhall

We have considered the council's proposals for selective cleansing of the private rented sector for <i>Willenhall and Town Centre and adjoining areas</i> and support the proposals. We consider that <i>the schemes have the potential to lead to</i>	Welcome the support
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<ul style="list-style-type: none"> ➤ Better housing conditions, ➤ Reduction in crime and anti-social behaviour ➤ Reduction in domestic waste accumulations and ➤ A reduction in overcrowding. <p>We consider that it will help with other measures to:</p> <ul style="list-style-type: none"> • reduce health inequalities • reduce anti-social behaviour related to the private rented sector • improve the social and economic conditions in the areas <p>We consider that it may also reduce environmental crime costs, such as street cleansing and tackling fly tipping and ill-health resulting from poor housing conditions.</p>	
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Respondent ref 14

Nashdom Type: Charity

Selective licensing area: Town Centre and Willenhall

<p>We have considered the council's proposals for selective cleansing of the private rented sector for Willenhall and Town Centre and adjoining areas and support the proposals.</p> <p>We consider that the schemes have the potential to lead to:</p> <ul style="list-style-type: none"> • Better housing conditions, • Reduction in crime and anti-social behaviour • Reduction in domestic waste accumulations and • A reduction in overcrowding. <p>We consider that it will help with other measures to:</p> <ul style="list-style-type: none"> • reduce health inequalities • reduce anti-social behaviour related to the private rented sector • improve the social and economic conditions in the areas <p>We consider that it may also reduce environmental crime costs, such as street cleansing and tackling fly tipping and ill-health resulting from poor housing conditions.</p>	<p>Welcome the support</p>
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Respondent ref 15

Accord Housing Association Type: Charity / Housing Association

Selective licensing area: Town Centre and Willenhall

<p>I write on behalf of Accord Housing Association in response to your consultation on proposals to consider the requirement to obtain licenses for private landlords to rent homes within the above communities of Walsall.</p> <p>Accord Housing Association owns and manages around 1,400 homes in the communities identified within Walsall town centre and 380 homes in Willenhall.</p> <p>The proposals we consider will support our ongoing work to ensure the communities we work in have a range of good quality homes of different tenures and therefore fully support the Local Authorities proposals.</p> <p>I will add that we are currently working in neighbouring Black Country authorities who are operating similar programmes and the success in improving the safety and quality of private rented accommodation can already be evidenced.</p>	<p>Welcome the support</p>
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Respondent ref 16

MP Valarie Vaz Type: Member of Parliament

Selective licensing area: Town Centre and Willenhall

<p>The introduction of landlord licensing was a key commitment to private renters in the Labour Party Manifesto at the General Election earlier this year.</p> <p>With regard to the documentation I have the following comments to make and would be grateful for some information on the following:</p> <p>1. It is not clear how the scheme will work in practice. Will licences be granted up front with no inspection? If so, what is the projection for the number of</p>	<p>Welcome the support.</p> <p>The Council is required to issue an order designating the selective licensing areas and</p>
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<p>inspections that the Housing Standards improvement team will make annually there a proposal for how frequently properties will be inspected? Will all properties be inspected, and if so over what timescale?</p> <p>2. The Cabinet report states in para 3.11 that the Council has been using Compulsory Purchase Orders. How many have been obtained and used over the past 5 years for residential property and what is the annual breakdown? If that data could be provided by ward that would be very useful.</p> <p>3. The information on enforcement is very brief. What would happen to tenants and occupiers if the licence is withdrawn? How will enforcement action be paid for?</p> <p>4. Why would landlords with property portfolios of 10 or more properties be given dispensation for delaying payment for licences when they should be the most able to pay?</p> <p>Why is the fee level related to the EPC rating when the fuel poverty index is not used in the criteria for assessing which areas should be included in the licensing scheme?</p> <p>Following on from question 5, on the methodology of choosing licence areas why are neither the fuel poverty index data nor overcrowding data being used as criteria for determining the areas subject to the licensing scheme? The aims for the scheme include: 'A reduction in overcrowding', 'reduced health inequalities' 'better housing conditions' and 'protecting tenants from bad housing conditions' all of which are related to fuel poverty and overcrowding.</p> <p>Given 6. above can you explain</p>	<p>the scheme would go live three months after this date. This will give time for landlords to apply for licences in advance. The application process will be on line and require landlords to provide certain mandatory information such as an up to date gas safety certificate. , A licence will be granted provided all relevant information is provided. Inspections will initially be targeted and undertaken on a risk management basis but the intention is for, all properties to be inspected during the 5 year licensing period.</p> <p>The Council has given authority for a range of dwellings to be CPO'd. To date this totals 27 long term empty dwellings. So far the Secretary of State has confirmed orders for 3 long term empty dwellings in Walsall.</p> <p>There are legal provisions for the council to take over management of properties in certain cases rather than withdraw the licence. Licences will only be withdrawn as a last resort. Enforcement action cannot be paid out of fee income and funding would need to come from existing resources.</p> <p>This is in recognition of the significant sum of the money involved in paying the fee for a larger stockholding. They will however forgo the early bird fee discount if they pay by instalments.</p> <p>The EPC rating is included to encourage landlords to improve the energy efficiency of their properties. Rates of fuel poverty is included as a contributory factor. Please see Appendix 2a Cabinet report</p> <p>Rates of fuel poverty and overcrowding are included as a contributory factor. Please see Appendix 2a and b Cabinet report</p>
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<p>why Caldmore South, the area with the highest proportion of privately rented properties which is in the top 10% of Overall Deprivation nationally (Appendix 1Table A) and the top Living Environment (Indoors) Deprivation (Appendix 1Table B) in the Borough, has not been included in the scheme? How do the licenses mentioned in para 7.9 for HMOs differ to the proposed scheme licenses?</p> <p>Does para. 7.5 immediately apply to all privately rented properties from the date the scheme comes into effect?</p> <p>One of the key elements and purposes of the scheme is detailed in Section E Space Standards - Tackling Overcrowding. Therefore it is not clear why this measure was not used as a criterion in the selection of the licensing areas. Appendix 2b sets out the data for overcrowding. Four of the chosen areas for the scheme have relatively low and declining overcrowding (Willenhall South, Willenhall North, Spring Bank, Walsall Town Centre). Only two have relatively high overcrowding levels and these have remained stable over time whereas Caldmore South has relatively high overcrowding which is increasing at a significant rate as well.</p>	<p>Caldmore South is being considered for the next tranche of selective licensing areas, overall statistics indicated that the two chosen areas were of a higher priority.</p> <p>They are similar, however, there will be differences due to statutory legislation for example in relation to the higher fire safety risk in HMOs.</p> <p>Please refer to the previous answer to the first point raised.</p> <p>Caldmore South is being considered for the next tranche of selective licensing areas, overall statistics indicated that the two chosen areas were of a higher priority. The overall ranking is determined by a combination of factors which explains why some areas scoring low on overcrowding have been included.</p>
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Section 4.2 Neither object nor support the proposal

Respondent ref 17

Resident Type: Resident

Selective licensing area: Town Centre

Neither supports nor objects but makes observations:	Noted and welcome the observations.
Are flats above shops included?	Yes this includes all private rented dwellings in the designated areas with statutory exemptions that are specified in legislation.
Does it include all private landlords or just those not using a letting agent	It is the private rented property that will require a licence irrespective of whether or not it is let through and agent.
Should tackle rogue landlords	Agreed
How do you find properties let without planning permission to get them licensed	The scheme includes all private rented properties in the designated areas irrespective of whether or not they have planning permission.
Fee of £590 is too much even with the 25% discount	Comment noted, however the Council considers that the fees are reasonable and appropriate and cover all relevant costs associated with the scheme.

Section 4.3 – Objections to proposal

Respondent ref 18

Resident Type: Resident

Selective licensing area: Town Centre and Willenhall

<p>Although this will make Landlord's more proactive, will the fees be falling on the tenants as it may increase our rent so although landlord's will have certain procedures to follow, we the tenants shouldn't have to pay the expenses as we pay enough to cover all this naturally.</p> <p>Also if tenants live in flats and buildings and car parks are not the landlord's duty and are owned by independent organisations will they be liable for the fly tipping, antisocial behaviour and damage to cars, no cameras so repeatedly these issues are happening and there is nothing to protect tenants from that??</p>	<p>Noted, not all landlords will seek to increase the cost of their accommodation as a result of selective licensing and there is little evidence of rents increasing in areas where selective licensing has been introduced.</p> <p>This will depend on the specific legal responsibilities pertaining to the development. Whilst it may not fall directly under the remit of the selective licensing legislation there would be an expectation on the landlord to work with key stakeholders such as the organisation with jurisdiction, the police and local authority to resolve such matters</p>
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Respondent ref 19

National Landlord Association Type: Landlords representative body

Selective licensing area: Town Centre and Willenhall

<p>Landlords have very limited authority when dealing with matters related to antisocial behaviour, especially if it happens outside the curtilage of the property.</p> <p>The council fails to provide evidence of a direct link between recorded housing crime and the private rented sector.</p> <p>The scheme will lead to a further displacement of problem tenants in</p>	<p>The scheme aims to educate both tenants and landlords on acceptable private rented standards. By improving the health, safety and welfare of the community the aspiration is to establish a more stable private rented sector. Landlords have an important role to play in tackling anti-social behaviour through proper management of tenancies and through enforcement of tenancy terms and conditions. This will be supported where necessary by partner agencies such as the Council and the police.</p> <p>The West Midlands Police do not record crime by tenure of property however they are in support of the proposal. The proposed areas have both high levels of private renting and high levels of overall crime.</p> <p>In terms of displacement the Council considers that any cost increase / change in behaviour by landlords will not necessarily lead to displacement of tenants to other parts of the borough / out of the</p>
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<p>Walsall.</p> <p>Selective licensing will stigmatise the areas.</p> <p>The documentation provided fails to indicate that sufficient funding will be available to support the introduction of licensing.</p> <p>The council fails to say how it will prevent malicious claims of antisocial behaviour being made, which could result in tenants losing their tenancies.</p> <p>The document says that Walsall Council will use all its legal powers. However, if you had used the powers that you already have, you would have solved the issues and would not require selective licensing.</p> <p>Migrant labour will ebb and flow with work: the impact of Brexit is still not understood. This policy will make migrant labour move to different areas and put tenants at risk.</p> <p>You have not published the strategy to deal with chaotic and antisocial tenants. This should run in conjunction with the current proposal.</p> <p>The council fails to say how the proposal will tackle rent-to-rent and subletting, or even Airbnb.</p>	<p>borough.</p> <p>Noted, however the Council does not agree. There is no evidence in other selective licensing areas of this occurring. The Council does not anticipate that this will occur in the borough and instead expects that it should improve the 'image' of the areas.</p> <p>Please refer to Cabinet report –Resourcing section 5.4-5.9</p> <p>The effective investigation of anti-social behaviour is an important element of tenancy management. There will be support from partner agencies such as the police and the Council in relation to this matter.</p> <p>The Council does not consider that existing powers (excluding selective licensing) are sufficient to address the issues identified</p> <p>Noted, however, there is no evidence of displacement due to selective licensing</p> <p>The Council supports the Safer Walsall Partnership and holds a series of regular delivery group meetings attended by statutory bodies, voluntary sector agencies and major landlords. They cover area based issues such as ASB. The Council also supports the Midland Landlord Accreditation Scheme (MLAS) who provide details for tenants on behaviour and standards that landlords expect.</p> <p>Selective Licensing will apply to all private rented properties in the 2 areas. It is the responsibility of landlords to undertake their own due diligence before entering into rent to rent or other arrangements.</p> <p>Noted, however the Council does not agree. The</p>
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<p>We contend that the flaws in the process and proposals, as outlined above, must be rectified before this application is progressed. Furthermore, once the necessary data has been identified and provided, this consultation exercise should be repeated (if permissible) to ensure engagement with all relevant stakeholders.</p> <p>In point 3.10, you claim that the introduction of selective licensing will strengthen the partnership between landlords and the council. A partnership must have free will to join and leave, the proposal would mandate the landlord and charge them a fee: this does not encourage the partnership to work.</p> <p>We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of private rented stock and driving out the criminals who act as landlords to blight the sector. These should be the shared objectives of all the parties involved to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. However, this is not the case here.</p> <p>In addition, the proposal does not take into account rent-to-rent, or those who exploit people (both tenants and landlords). Criminals will always play the system. For instance, there is no provision for landlords who have legally rented out a property that has later been illegally sublet. The council does not allocate resources to tackle the problems that</p>	<p>Council has undertaken a major and comprehensive consultation programme. Details are available at: https://go.walsall.gov.uk/selective_licensing of the range and venues for example of the sessions that were held.</p> <p>Questionnaires have been sent to all landlords/agents on Housing Standards Register and Agents are in a position to advise all of the landlords on their books who will be affected. The national landlord associations (NLA and RLA) have also publicised the consultation programme</p> <p>The payment of a fee does not exclude a partnership approach. In Newham for example most landlords support the scheme – because it is rogue landlords who drive down standards and give the decent ones a bad name.</p> <p>Agreed, Selective Licensing will help to drive these changes and improvements.</p> <p>Noted but do not agree that this is not the case with this scheme.</p> <p>It is the landlord’s responsibility to deal with illegal sub-letting as part of an effective approach to tenancy management.</p> <p>We recognise that there are separate legal</p>
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<p>criminals cause. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened to?</p> <p>The issue of overcrowding is difficult for a landlord to manage. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this. It also raises concerns for the NLA as this is not currently being tackled by the council.</p> <p>The proposal fails to address the link between homelessness and the effect that licensing has on tenants in Walsall. This impact on tenancies due to a selective licensing scheme is absent from the document.</p> <p>Landlords are usually not experienced in the management of antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependencies. If there are allegations about a tenant causing problems (e.g. antisocial behaviour) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the selective licensing scheme, even if the tenant has any of the above issues. This moves the problems around Walsall, but does not actually help the tenant, who could become lost in the system. There is no obligation within selective licensing for the landlord to resolve an allegation of antisocial behaviour. Rather, a landlord has a tenancy agreement with a</p>	<p>provisions for certain housing related criminal behaviour that is outside the scope of selective licensing. The council has always provided advice to help landlords resolve these issues when approached.</p> <p>Section E Space Standards of the Cabinet Report details the approach landlords are expected to take in preventing and dealing with overcrowding as part of an effective approach to tenancy management.</p> <p>It is assumed that this comment is suggesting that there will be a negative impact on homelessness, and that this is because of the potential rent rises leading to tenants being unable to afford their rent and being evicted, or the rents increasing so much that the properties concerned are no longer affordable to homeless people whom the Council is trying to assist via the PRS.</p> <p>Organisations such as Staffordshire and West Midlands Community Rehabilitation Company and YMCA Black Country Group who work with homeless households have welcomed the higher standards that licensing could bring to the sector.</p> <p>The effective investigation of anti-social behaviour is an important element of tenancy management. There will be support from partner agencies such as the police and the Council in relation to this matter. Please refer to Section D Tenancy</p>
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tenant and this is the only thing that the landlord can legally enforce.

Walsall Council has many existing powers. Section 57(4) of the Housing Act 2004 implies that a local authority must not make a designation “unless (a) they have considered whether there are any other courses of action available to them [...] that might provide an effective method [for Walsall Council to deal] with the problem or problems in question”. The council already has powers which can be used to rectify the problems and, hence, the ability to tackle many of the issues that it wishes to overcome in all parts of Walsall. These include:

- Criminal behaviour orders
- Crime prevention injunctions
- Interim management orders
- Empty dwelling management orders
- Improvement notices (for homes that do not meet the Decent Homes Standard)
- Litter abatement notices (section 92 of the Environmental Protection Act 1990)
- Fixed penalty notices or confiscation of equipment (sections 8 and 10 of the Noise Act 1996)
- Directions regarding the disposal of waste (e.g. section 46 of the Environmental Protection Act 1990)
- Notices to remove rubbish from land (sections 2–4 of the Prevention of Damage by Pests Act 1949).

At the commencement of a tenancy, the landlord outlines the tenant’s obligations regarding noise and such matters as waste disposal, compliance with relevant laws and having consideration for their neighbours. The landlord can manage a tenant only to the extent of their mutually agreed contract for living in the rented property – not for a tenant’s activities in the street outside the property or neighbouring streets. In the case of a

Management Standards in the cabinet report. Landlords will be expected to take reasonable and practical steps to prevent and discourage anti-social behaviour by people occupying or visiting the house. A Landlords information pack will be provided by the Council to support Landlords in meeting their responsibilities.

The council has used / implemented a range of powers and approaches to seek to address many issues but the ongoing pressures are such that a new approach is considered necessary for a number of specific parts of the borough.

Housing Act 2004 Section and Notice Type		Number issued
11	Improvement Notice (Cat 1)	12
12	Improvement Notice (Cat 2)	15
20	Prohibition Order	9
29	Hazard Awareness Notice	2
41	Emergency Remedial Action	1
43	Emergency Prohibition Order	12
		51

noise complaint, the council would have to inform the landlord that the tenant was being excessively noisy. Only then, the landlord has the right to either warn the tenant or end the tenancy. If the allegation is false or disingenuous, how is the landlord to know? If the same allegation is made on more than one occasion, the landlord may end the tenancy based on an unproven allegation or because the council says that there is a problem. This does not solve the problem but rather moves it around the borough. The same applies to household refuse and antisocial behaviour issues. The tenant could be labelled as guilty without having faced a trial. Under the reference condition of selective licensing, a guilty judgement can be made without an accusation being tested by a court.

The ending of a tenancy will be a way for a landlord to resolve an allegation of antisocial behaviour, even if it is malicious. This will not resolve the issue of high tenancy turnover; it will exacerbate it.

The introduction of licensing is likely to increase costs for tenants without solving the problems that the council is trying to target. It will likely move the issues around the borough and displace them to new landlords. The issues would be better resolved by a more erudite approach to deal with nuisance and separate policy to tackle criminals acting as landlords.

Often when tenants are nearing the end of their contract/tenancy and in the process of moving out, they will dispose of excess household waste by a variety of methods. This includes putting waste out on the street for the council to collect. This is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a

Please refer to Section D Tenancy Management Standards in the cabinet report. Landlords will be expected to take reasonable and practical steps to prevent and discourage anti-social behaviour by people occupying or visiting the house. A Landlords information pack will be provided by the Council to support Landlords in meeting their responsibilities.

The decision whether to instigate possession proceedings is part of a landlords responsibility to deliver a good housing management service.

Noted, not all landlords will seek to increase the cost of their accommodation as a result of selective licensing and there is little evidence of rents increasing in areas where selective licensing has been introduced.

Selective Licensing is a further tool available to Councils in order to tackle the issues that you have identified.

Noted we welcome your invitation to work jointly to

<p>strategy.</p> <p>One of the arguments which the council has put forward is that selective licensing should be introduced due to the size of the private rented sector. Can your council clarify the following: a) Is it the council's policy to reduce the private rented sector in these areas? b) Where does the council wish to see the private rented sector grow? In the areas which you wish to license it, it is over the national average of 19% but, in the documents, you say the private rented sector is only 12%. How does the council wish the private rented sector to grow in the other areas?</p> <p>In the document, you mention how you will be using police data to measure success and failure: as the police do not record housing tenure, how will this be done? Will the police record data based on housing tenure? If the police do not do this, how will you record the data?</p> <p>One of the dangers of the proposed selective licensing scheme is that the costs will be passed on to tenants. This would increase costs for both those who rent in Walsall and the council. The increased costs to Walsall residents would particularly hit those most vulnerable and least able to tolerate a marginal increase in their cost of living. Also, the council has failed to explain that, as well as the council's costs for the licence, landlords will likely cover their increased costs by raising rent prices. The failure to explain this shows a lack of understanding of how the private rented sector works. This could mean that landlords will look for tenants from other councils, as they are offering incentives (e.g. Haringey is offering £4,000 plus the London Local Housing Allowance rate).</p> <p>Areas that have been subject to the introduction of selective licensing have seen lenders withdraw mortgage products, thereby reducing the options available to landlords who are reliant on finance. Downstream, this increases</p>	<p>find solutions to this issue.</p> <p>It is not the policy of the Council to reduce the private rented sector in these areas. The size of the private rented sector is a key qualifying consideration before a selective licensing scheme can be introduced. These areas have been targeted because there a significant range of issues and a high proportion of the housing is in the private rented sector The Council is however, concerned with the quality of private rented housing rather than the size of the sector and has acknowledged the important role the sector plays in the Borough. The 12% figure relates to the Borough as a whole rather than the 2 selected areas which have 28% private rented stock – Walsall and 22% private rented stock Willenhall.</p> <p>The Council is in discussion with the Police regarding tenure specific data, however, the impact of selective licensing on the locality as a whole is also a critical outcome measurement.</p> <p>Noted, not all landlords will seek to increase the cost of their accommodation as a result of selective licensing and there is little evidence of rents increasing in areas where selective licensing has been introduced.</p> <p>Noted. The Council has limited control over who a landlord lets their property to. If a landlord chooses to direct their portfolio to prospective tenants</p>
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<p>overheads for landlords' and tenants' rising costs. The lenders that withdraw mortgage availability from a landlord will appear on that landlord's credit history. Other mortgage lenders will put higher costs on the landlord, which will ultimately reach the tenant.</p> <p>Defining the areas of Walsall as problem zones in the consultation will not encourage lending or investment into those areas. The stigmatisation will be reflected in property values within them. Walsall Council, by proposing to introduce licensing, is implying that there are social problems that could deter investment in those areas. The council does not acknowledge the impact that the stigmatisation of discretionary licensing would likely have. It would increase all car and house insurance premiums, but the council has not told Walsall residents about this. We assert that failure to provide such information indicates a substandard and, ultimately, superficial consultation exercise.</p> <p>The social housing sector has made many efforts to remove problem tenants. How does the council expect landlords to solve these tenants' issues when the social sector has failed? Many of the tenants who have been removed from the social sector are now living in the private rented sector without any support. This selective licensing policy will have a greater impact on those people who are evicted from social housing, as they will not be able to access the private rented sector when they will fail the reference check (mandatory condition).</p>	<p>outside the borough this is outside the control of the council except in that where a selective licensing scheme is in place it will require all landlords to let to an appropriate standard.</p> <p>Noted, however the Council does not agree. The council considers that the fees proposed are reasonable and appropriate. There are significant areas of national government policy which impact on the mortgage market, nevertheless there doesn't seem to be any evidence e.g. from the PRA that landlords are financially stretched.</p> <p>The areas were selected following statistical analysis per the April 2017 cabinet report. Selective Licensing has the potential to deliver maintenance of proper rental standards over time and a general improvement where conditions in the locality are currently below standard, thus maintaining or enhancing the rental and sale value of landlords' properties.</p> <p>The Council do not accept that the Social Housing Sector has failed and neither do our partners in that sector. It is important that tenants understand the consequences of anti-social behaviour even if this means it proves difficult to find alternative accommodation in the private rented sector in the selective licensing areas.</p>
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Respondent ref 20

Landlord Type: Landlord

Selective licensing area: Town Centre

<p>Object:</p> <p>I believe this is another way of making money from those who are trying to make a living in such difficult times.</p> <p>House around here rent for £375 to £425 if you are asking to pay a license fee plus landlord insurance plus repairs it wouldn't be worth the hassle for a few properties.</p> <p>I feel license fee should only be for those who have been convicted of previous negligence or those whose houses have been in unacceptable living conditions. By stating licensing fees for all is like punishing the majority landlords because there is a minority who don't follow the rules, and that is unacceptable.</p> <p>You can only implement this by actually going inside the properties that would be like invading in tenant's privacy.</p> <p>You should only visit a property when the tenant has picked the phone up and reported a problem! And not because you have come up with another way of squeezing money out of those who are trying to make a living.</p>	<p>Observations noted.</p> <p>Noted however the Council considers that the fees are reasonable and appropriate and cover all relevant costs associated with the scheme. All revenue from fees will be used exclusively to fund the selective licensing scheme.</p> <p>The decision to manage properties rests with the individual landlord and a range of competing factors will come into play not solely the issue of selective licensing. The cost of repairs and landlord insurance cannot be considered a 'hassle' as it is considered a necessary part of good residential property management</p> <p>Noted, however the law recognises that there are wider community benefits for these schemes and so requires all private rented properties to contribute equally. Discounts are available for landlords who pay early and have energy efficient properties.</p> <p>Noted, but the Council disagrees. There are legal provisions permitting reasonable housing inspections and in many circumstances tenants actually invite the council to view their property.</p> <p>Noted but there is significant evidence that tenants are often afraid to report disrepair and other issues. Selective licensing will enable a pro-active approach to poor quality in the private rented sector.</p>
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Respondent ref 21

Landlord Type: Landlord

Please Note the landlord has made the same observations 6 times relating to properties in Thornbury Road and Hospital Street

Selective licensing area: Town Centre

<p>Strongly objects to the proposals to introduce selective licensing in Walsall and more particularly in the “Thornbury Road /Hospital Street” area of Walsall.</p>	<p>Noted, but the council consider that the Town Centre meets the criteria for selective licensing including but not limited to Thornbury Road /Hospital Street. The data held by the Council shows high levels of housing related public health / housing / environmental health issues for example during the period 2013 to 2017 there were 25 complaints about pests and infestations, 20 for domestic accumulations of waste and fly-tipping a further 14 Noise domestic / neighbour disputes and 12 other complaints. These figures show a high level of housing issues.</p>
<p>The Council is premature on bringing forward proposals. The Housing and Planning Act 2016 will give local authorities substantial new powers to tackle breaches of housing legislation and drive the criminal operators from the sector. The council should wait until the impact of these new powers can be assessed before pressing on with more regulation in the form of selective licensing.</p>	<p>Noted, however, new powers under the Housing and Planning Act 2016 do not preclude the council from being able to use other legislation i.e. that related to selective licensing. The Council does not agree with the suggestion put forward to wait.</p>
<p>In reality licensing schemes rarely meet their objectives. Good landlords will apply for licences and, in all likelihood, pass the cost on to tenants in the form of increased rents, doing nothing to address affordability, while the worst landlords – the criminal operators – will simply ignore the scheme, as they do many other regulations.</p>	<p>Noted, however the Council does not agree. There are significant penalties that apply for landlords who seek to ignore the legislation and the Council will use these powers.</p>
<p>The council has voiced many concerns on how “neglected or poorly managed” properties can “have considerable impact on tenants who live in the properties and the local community”. There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licences, while prosecutions centre on whether a property is licensed or not, rather than management standards and property conditions.</p>	<p>Noted, but the Council does not agree that nationally there is little evidence that licensing schemes improve housing standards. Contrary to this there is evidence e.g. from Newcastle City Council Selective Licensing Evaluation Greater High Cross: <i>“Landlords and residents indicate that there have been improvements in the physical state of properties and increase satisfaction with the neighbourhood, also an improvement with the landlord/tenant relationship.”</i> Newcastle City Council Selective Licensing Evaluation Byker:</p>

<p>The Council already has the necessary tools to tackle poor housing management and conditions in the PRS. Rather than introduce a bureaucratic licensing scheme that will see staff time wasted processing applications, it should continue to direct its limited resources at effective enforcement activity.</p> <p>To identify a particular area for the introduction of licensing highlights a belief that the area has numerous issues, potentially blighting the reputation of the area.</p> <p>There is also a danger that the issues that the scheme seeks to address are simply moved elsewhere, as difficult or vulnerable tenants are moved on. Landlords, especially those with properties outside the licence area will become risk averse in terms of the tenants they let to. Tenant problems such as anti-social behaviour are impossible for the landlord to address alone and landlords will not wish to risk a breach of licensing conditions that may affect their ability to let properties elsewhere. Some may seek to evict already challenging tenants. This could mean additional costs to other</p>	<p><i>“There is evidence to show that management and property standards have improved in order to comply with the imposed licence conditions. Improvements have been secured through the application process, mostly without the need for formal enforcement action. Licence holders from this area are actively involved in the landlords forum and many have increasingly accessed council support services to help implement and maintain improvements.”</i></p> <p>Newham’s licensing scheme has instigated 1,135 prosecutions for housing crimes and banned 28 of the worst landlords from operating in the borough. It has overwhelming support from residents and even from most landlords in the borough – because it is rogue landlords who drive down standards and give the decent ones a bad name.</p> <p>Noted, but the Council does not agree. The Council considers that Selective licensing is an appropriate ‘tool’ to use for the reasons expressed in the April 2017 cabinet report.</p> <p>The areas were selected following statistical analysis per the April 2017 cabinet report. Selective Licensing has the potential to deliver maintenance of proper rental standards over time and a general improvement where conditions in the locality are currently below standard, thus maintaining or enhancing the rental and sale value of landlords’ properties.</p> <p>The scheme aims to educate both tenants and landlords of acceptable private rented standards. By improving the health, safety and welfare of the community the aspiration is to establish a more stable private rented sector. Landlords have an important role to play in tackling anti-social behaviour through proper management of tenancies and through enforcement of tenancy terms and conditions. This will be supported where necessary by partner agencies such as the Council and the police.</p>
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<p>council services, as they pick up the pieces created by the disruption to the lives of already vulnerable tenants.</p> <p>Likewise, inevitably licensing costs are passed on to tenants in the form of rent increases, then some tenants may struggle, particularly those on benefits, affected by welfare reform and frozen housing allowances.</p> <p>Rather than an ineffective licensing scheme, the council should use cross- departmental and multi-agency working and effective use of existing housing legislation to support tenants and landlords in maintaining tenancies, housing condition and management standards.</p> <p>There are alternatives to licensing. A system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints in the first instance, while those outside the scheme remain under the scope of local authority enforcement.</p> <p>Also what efforts have the Council used to support the use of the council tax registration process to identify private rented properties and landlords? Unlike licensing, this does not require self- identification by landlords, making it harder for so-called rogues to operate under the radar.</p> <p>Objection to specific areas identified. The council can consider Selective Licensing in an area where</p> <ul style="list-style-type: none"> • It is, or is likely to become, an area of low housing demand; or • It has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor; or • Following a review of housing conditions, it is believed that the area is suffering from significant housing condition problems and the council intends to inspect the dwellings concerned; or • It has experienced a recent influx in 	<p>The decision whether to pass on costs rests with the landlord . A typical licence fee will work out at £2.27 per week, although significant discounts are available for example for purchasing within 3 months from the start of the scheme.</p> <p>The Council already utilise these approaches, selective licensing will enable a more pro-active approach and more effective regulation of the private rented sector.</p> <p>A discount is available to private landlords who are members of an accredited landlord/letting agency association, licensing will enable a pro-active and comprehensive regulation of the private rented sector. Co-regulation has not worked well for example in Liverpool where enforcement action has been required against landlords who have opted for self regulation through an accredited body.</p> <p>Noted and council tax and other sources of information will be used by the Council to identify properties where licenses are required. The Council does not consider that registration for council tax and existing powers (excluding selective licensing) are sufficient to address the issues identified.</p> <p>Noted but as above the council consider that the Town Centre meets the criteria for selective licensing including but not limited to Thornbury Road /Hospital Street. The data held by the Council shows high levels of housing related public health / housing / environmental health issues for example during the period 2013 to 2017 there were 25 complaints about pests and infestations, 20 for domestic accumulations of waste and fly-tipping a further 14 Noise domestic / neighbour disputes and 12 other complaints. These figures show a high level of housing issues.</p>
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<p>migration, and where the migrants are primarily occupying privately rented accommodation; or</p> <ul style="list-style-type: none"> • It suffers from a high level of deprivation which particularly affects the occupiers of privately rented accommodation; or • It suffers from a high level of crime that affects residents and businesses in the area. <p>When considering whether to make a selective licensing designation a local housing authority must first identify the objective or objectives that a designation will help to achieve – it must identify whether the area is suffering problems (providing evidence of these problems) that are attributable to any of the above criteria for making a designation and what it expects the designation to achieve. The assessment by Walsall MBC wholly fails to establish any of these grounds in respect of the modern Thornbury Road and Hospital Street estates. A pen has just been broadly drawn around the area without any consideration of the housing stock contained within those areas or the lack of tenancy issues arising. They have merely been included to fund the scheme for the areas with poor housing stock.</p> <p>The Council's must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. Only where there is no practical and beneficial alternative to a designation should a scheme be made. The Council has failed to consider whether there are sufficient grounds to even include the modern estates around Hospital Street and Thornbury Road and even then have not considered if there are any grounds for selective licensing here how these can be dealt with in respect of these particular estates. In particular therefore the Councils consultation is fundamentally flawed in that it fails to consider separately the different areas within the proposed areas and have just selected a blanket area to help fund the real problem areas. In particular the Thornbury Road and Hospital Street Estates where these are fundamentally different from the traditional</p>	<p>See above</p> <p>The council has used / implemented a range of powers and approaches to seek to address many issues but the ongoing pressures are such that a new approach is considered necessary for a number of specific parts of the borough.</p> <p>The council has for many years encouraged landlords and agents to join the Midland Landlord Accreditation scheme that is managed by Homestamp (a multiagency award winning partnership seeking to secure improvements in private rented sector). This is directly referenced in the Council's adopted Housing Strategy and mentioned at all private sector landlord forums that are undertaken</p> <p>As above whilst the stock is not terraced Victorian the level of issues in these areas is high.</p>
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<p>pre 1919 terraced properties that give rise to fuel poverty, housing disrepair complaints, poor energy efficiency damp etc.</p> <p>Worrying trends are emerging in the case of discretionary licensing. Licensing entails a huge bureaucracy and much time, effort and expense is taken up in setting up and administering these schemes; rather than spending it on the ground and flushing out criminal landlords.</p> <p>Increasingly, discretionary licensing is being misused to fund cash strapped housing enforcement services. The recent Westminster sex shop Court of Appeal (Hemming (t/a Simply Pleasure) Limited v Westminster City Council) has brought such funding into question).</p> <p>Discretionary licensing is not being used for its intended purpose of a short period of intensive care; rather it is being used by the back door to regulate the Private Rental Sector.</p> <p>The level of fees which are ultimately passed on to tenants to pay is a major worry so far as it affects landlords. This combined with the adverse tax regimes recently introduced and the requirements restricting the ability to rent properties with poor EPC's is a huge financial burden to the Landlord market and if Walsall MBC are not careful it will create a far worse rental market in Walsall adversely affecting the poorest tenants.</p> <p>Despite high fee levels local authorities still lack the will and resources to properly implement licensing. Evidence suggests that little has been done to improve property management. Opportunities to require training have been ignored. As always it has become an obsession with regard to physical standards with very detailed conditions being laid down. No action is taken against criminal landlords.</p>	<p>Noted – but the Council does not agree. As an example, Newham's licensing scheme has instigated 1,135 prosecutions for housing crimes and banned 28 of the worst landlords from operating in the borough. It has overwhelming support from residents and even from most landlords in the borough – because it is rogue landlords who drive down standards and give the decent ones a bad name.</p> <p>Noted, the Council is fully aware of the case referred to and is confident that the method of charging and fees proposed are reasonable, appropriate and in line with the relevant legislation.</p> <p>Noted, the Council is proposing the Selective Licensing scheme for the 5 year period in line with legislation. At the end / towards the end of this period the Council will review whether the scheme should be extended in time. The Council is not proposing a borough wide selective licensing scheme.</p> <p>Noted, the decision to 'pass' fees onto tenants rests solely with landlords. Not all landlords will see the need to pass on the fees to tenants. National tax schemes are not within the council's control. The council (as is the government) is committed to improving the energy efficiency of dwellings including within the private rented sector. Legislative changes on preventing the renting of the worst EPC rated dwellings is a national approach, but one supported by the council. The Council considers that the poorest tenants are currently adversely affected by poor energy efficiency properties.</p> <p>Noted, but the Council does not agree. There are many national examples of councils using selective licensing to tackle rogue landlords such as Newham, Brent, West Lindsey District Council, Sheffield. Such action directly leads to improvements in both property condition</p>
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<p>We believe that a significant number of landlords are still operating under the radar without being licensed.</p> <p>As always it is the compliant landlord who is affected by the schemes. They pay the high fees involved but do not need regulation of this kind.</p> <p>Licensing is not being used alongside regeneration or improvement of the relevant areas. Insufficient resources are being employed to improve the areas.</p> <p>Where areas are designated for selective licensing this highlights that they can be “sink” areas. This could well mean it would be harder to obtain a mortgage to buy a property in these areas.</p> <p>There is little use of “fit and proper person” powers to exclude bad landlords.</p> <p>To summarise my objections are based on the fact there is no need for Selective Licensing in Walsall, also that if such a need is proved in respect of parts of the proposed area they do not exist in respect of the Thornbury Road and Hospital Street areas which are modern energy efficient well managed properties fundamentally different from the traditional pre 1919 terraced properties that give rise to fuel poverty, housing disrepair complaints, poor</p>	<p>and property management. Walsall Council seeks to have a robust approach with landlords who fail to meet the appropriate standards.</p> <p>Noted, the Council considers that where landlords do operate under the radar this will be for a limited amount of time before we find them and action will be taken to address this and ensure licenses are secured.</p> <p>Noted, the Council considers that all landlords with properties within the proposed areas will be affected and will benefit.</p> <p>Noted, but the Council does not agree. The context for future regeneration and development in the borough is provided by the Site Allocation Document and Walsall Town Centre Area Action Plan which the Council are currently progressing towards adoption. These documents allocate sites for development for different uses. The SAD and AAP can be viewed via this link: https://go.walsall.gov.uk/planning_2026</p> <p>The Council has a dedicated Regeneration and Development service whose role is to support such development in the borough. The approach to delivery is set out here: https://go.walsall.gov.uk/delivery</p> <p>Noted, and the Council’s response to the points made are as above.</p> <p>‘Fit and proper person’ powers do not apply to private rented properties that are not HMOs and not in a selective licensing area which is part of the reason the scheme is important.</p> <p>Noted, and the Council’s response to the points made are as above.</p> <p>The council has used / implemented a range</p>
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<p>energy efficiency damp etc. The consultation is fundamentally flawed in the failure to analyse properly the different types of estates within the proposed areas and as such is open to judicial review.</p>	<p>of powers and approaches to seek to address many issues but the ongoing pressures are such that a new approach is considered necessary for a number of specific parts of the borough.</p>
<p>If Walsall Council are really intent on driving up rental standards it needs to use its existing enforcement powers first before resorting to the draconian measure of selective licensing and work with respectable landlords to create a vibrant and well managed private rental sector whilst concentrating its efforts to prosecute and drive out rogue landlords.</p>	<p>Noted, and the Council's response to the points made are as above.</p>

Respondent ref 22

Landlord Type: Landlord

Selective licensing area: Willenhall

<p>I strongly object to the imposition of the Selective Licensing Scheme on private landlords for the following reasons:</p>	<p>Noted.</p>
<p>A - The scheme:</p>	
<p>1. The scheme superficially looks well meaning in that it appears to be ensuring landlords do what they should be doing. Though in parts it is condescending and lecturing, is badly drafted which considering it affects not only people's livelihoods but life savings is not something I would expect from a Council who say it is encouraging the private rented sector.</p>	<p>Noted, however the Council does not agree. The Council considers that the report and conditions are well drafted and based on statistical and other evidence. There was no intention for the documents to be seen as 'condescending' rather for them to give clear information in an easy to read format.</p>
<p>2. It adds little to the existing law, the legislation is already there to tackle bad housing so if the legislation is not being implemented why will it be implemented by licensing? Most of the licence conditions mirror existing legislation.</p>	<p>Noted, however the Council does not agree. The Selective Licensing provides the Council with additional powers.</p>
<p>3. As it is badly drafted in places it could give risk to litigation over interpretation and the criminalisation of innocent landlords.</p>	<p>Noted, however the Council does not agree. The Council does not consider that it is badly drafted.</p>
<p>4. Creates more grounds to prosecute landlords.</p>	<p>Noted, the Council intention is for landlords to become more professional but will seek to prosecute or use civil penalties against rogue landlords where it becomes necessary.</p>

<p>5. Creates an extra administrative burden on landlords. The scheme took me over an hour to read and took a lot more time to digest.</p>	<p>Noted, however the Council does not agree. The scheme is simple and the conditions are clear. It is not unreasonable to expect landlords or agents to read documents that are relevant to their management of their properties.</p>
<p>6. Creates substantial extra cost for landlords who are already reeling from the Section 24 (restriction on tax relief on mortgage interest) interest rate rises, the loss of the 10% wear and tear allowance and the proposed banning of administration fees.</p>	<p>Noted, however the Council does not agree. The council considers that the fees proposed are reasonable and appropriate. The other changes mentioned by the landlord are national changes impacting all landlords.</p>
<p>7. It will, I believe result in homelessness, shortage of accommodation so increased rents and the cost to the social sector in supporting the homeless.</p>	<p>Noted, however the Council does not agree. Other selective licensing schemes have not led to reduction in accommodation (and hence an increase in homelessness). The Council is using the PRS more and more as both a prevention solution as its size increases and social housing reduces. Therefore a scheme which gives greater assurances of good management and good property conditions fits very well with the Council's approach to homelessness.</p> <p>Organisations such as Staffordshire and West Midlands Community Rehabilitation Company and YMCA Black Country Group who work with homeless households have welcomed the higher standards that licensing could bring to the sector.</p>
<p>8. Bring the price of housing down in the area affected as landlords exit.</p>	<p>Noted, however the Council does not agree there is no evidence in other selective licensing area of this occurring. The Council does not anticipate that this will occur in the borough.</p>
<p>9. I doubt very much will be done about those who do not apply for a licence as the manpower available will be dealing with those who do apply.</p>	<p>Housing markets are complex with a number of different factors affecting why people invest. As the scheme is implemented and the sector improves, it may be that landlords are keen to invest in a well regulated market which is not being undermined by poor housing standards.</p>
<p>10. The unintended consequences of selective licensing are numerous including, for example: it will not make rented accommodation more</p>	<p>Noted, however the Council does not agree. The Council proposes to continue its robust approach against landlords who fail to meet the requirements.</p>

<p>affordable, more likely the reverse. What is better or a small centrally heated room or a cardboard box in the street? It will put off landlords installing gas heating which is reputed to cost 1/5th of the cost of electric heating etc.</p>	
<p>11. It smacks of private landlord bashing there often far worse problems with social landlords but this is conveniently ignored. If any landlord is operating below standard then target them don't target all the generally good landlord to get at a few bad ones. Use the carrot not the stick. Give landlords who comply with a code of conduct for example: no council tax to pay when their property is void, free EPC's, gas and electric safety checks, free boiler upgrades and insulation for their rental properties etc.</p>	<p>Noted, however the Council does not agree. There are basic minimum standards that residents should have a right to the standards / conditions provide these details. The Council does not consider that the proposals will have a direct impact on landlords in terms of 'putting them off' installing gas central heating.</p> <p>Noted, however the Council does not agree. Social tenants are able to report (and do) their concerns about quality / condition of dwellings. The Council inspects these dwellings and remedial action is undertaken by the landlords. To date no social landlord has had to have a statutory notice served upon them.</p>
<p>12. The licensing scheme can easily be avoided by rebadging let property as Serviced Accommodation.</p>	<p>Noted, however the Council does not agree. The Council considers that selective licensing will continue to apply to a range of serviced accommodation some of which would fall within the HMO legislation.</p>
<p>13. The justification for licensing has not been made.</p>	<p>Noted, however the Council does not agree and the report to Cabinet in April 2017 contains the justification.</p>
<p>B - Administration</p>	<p>Noted, however the Council does not agree that it is easy to miss parts as the documents are split into a range of sections. However we will seek to add page numbers to the conditions section to aid all.</p>
<p>1. The pages are unnumbered and the sections do not state the number of paragraphs contained so it is easy to miss parts.</p>	<p>Noted, however the Council does not agree that it is easy to miss parts as the documents are split into a range of sections. However we will seek to add page numbers to the conditions section to aid all.</p>
<p>2. What does 'LSOAs' stand for?</p>	<p>Noted –as per the cabinet report LSOIA is</p>

3. Misprint in Appendix para 10

C – Detailed Analysis

I will highlight a few and reserve comments on the rest.

1. Discount for landlords with over 10 properties.

It is proposed that landlord with 10 or more properties can pay by two annual instalments of £307-50 instead of the full fee of £614. This has not been thought out. It would be cheaper to take advantage of the discounts and pay the full fee in one go. To take the example given assuming the landlord is accredited if the landlord takes advantage of the Early Bird Fee, all their properties have an EPC rating of B and who applies online the cost would be £285 per property even less than one instalment of the easy pay scheme.

Cost Early Bird Scheme		£435
LESS discount for		
EPC of B rating	£100	
Online application	£50	£150
Cost per property		£285

Even without the EPC discount the full fee would cost £385 per property.

To say the landlord can pay the 'FULL COST' of £614 by two annual instalments of £307-50 per property when they could pay far less by taking advantage of the discounts is hardly helpful and could be construed as misleading. If a landlord was to advertise their properties in this way I am sure the Council would be the first to criticise them.

2. Discount for EPCs

There is no proven link between

defined in para 3.17 as Lower Super Output Area.

Noted however the council cannot locate the 'misprint' referred to.

This is a proposal to spread out the cost of the licence fee and by definition will not attract the early bird discount. All other discounts will be incorporated into the instalment fee proposal. The decision to pay in instalments or not rests with the landlord.

<p>heating costs and the EPC rating. It is just a hypothetical assumption. I own over 140 HMOs for which I pay for the heating and as I have repeatedly pointed out I can find no link between the EPC ratings and heating costs. In fact the higher rated properties often cost more to heat. I note the NLA are also critical of this link.</p> <p>EPC's and the energy efficiency market is in my view a massive fraud and the Council should distance itself from it.</p> <p>I, however, applaud the Councils concern about heating poverty and deaths through cold which I have heard, amounts to over 30,000 per year unnecessary deaths. However, what is being suggested does not address this issue. The Council instead should be encouraging the installation of gas heating not creating more bureaucratic hurdles to fitting gas. Very few people die as a result of faulty gas appliances, I believe in the private rented sector it is about 6 people per year. Compare this to the 30,000 who die through cold. The Council would be better taking a VERY LIGHT TOUCH to gas safety enforcement, encourage persuade and even arrange and pay for annual gas safety checks themselves if it was seriously concerned about heat poverty and gas safety. Rigorous enforcement of gas safety only leads to landlords not fitting gas and so tenants have to use electric heating which is said to be five times more expensive than gas, though a lot is down to how it is used!</p>	<p>Noted, the Council considers that the EPC gives an indication of heating costs for tenant and landlord alike. However, actual costs can vary considerably for the same property depending on the lifestyle, preferences and occupation pattern of the individual resident(s).</p> <p>Noted, however the Council supports the basis of EPC's. EPCs are a national statutory requirement and energy efficiency is an important factor in the health, wellbeing and financial position of all residents especially the more vulnerable.</p> <p>There is a statutory requirement for landlords to carry out annual gas safety checks, this is non negotiable and the regime has a significant role to play in reducing the risk of death due to carbon monoxide poisoning. Defective gas appliances are a serious risk to health and safety of residents and to properties.</p> <p>The discount for A-C rated EPC properties encourages amongst other things the installation of gas central heating and the Council has also been instrumental in bringing funds into Walsall to deliver fuel switch programmes for dwellings. The Council does not support the suggestion that a light touch should be applied.</p>
<p>3. The link between temperature and depression</p> <p>Appendix 6 para 7 the link between temperature and depression is fundamentally flawed, though I would not take away the challenges of living in a cold environment but depression could easily also be linked to poverty or other reasons. Just because the cock</p>	<p>Noted, however the Council does not agree. Excess cold also has an impact with clear evidence linking home temperatures and mental health. The evaluation of the UK Warm Front Scheme, found that increasing the warmth of homes had a clear impact on mental health – those with bedroom temperatures of 21 degrees C were 50% less likely to experience depression and</p>

<p>crows at sunrise does not cause the sun to rise.</p> <p>4. Other</p> <p>I could also take issues with numerous other matters such as making landlord responsible for tenants behaviour which the courts dismissed a decade ago, contradictions with other policies, need for inventories, obsession with rubbish, expecting the Council to reference tenants, the harm caused by overcrowding against being homeless, linking planning permission with property standards etc.</p>	<p>anxiety than those whose bedrooms were only 15 degrees C.</p> <p>The scheme aims to educate both tenants and landlords on acceptable private rented standards. By improving the health, safety and welfare of the community the aspiration is to establish a more stable private rented sector.</p> <p>Landlords have an important role to play in tackling anti-social behaviour through proper management of tenancies and through enforcement of tenancy terms and conditions. This will be supported where necessary by partner agencies such as the Council and the police.</p> <p>Inventories are good practice, protecting the interests of both landlord and tenant.</p> <p>The correct disposal of rubbish is an important element of improving the local environment in these areas.</p> <p>Overcrowding and homelessness are not opposite ends of the same problem, they are both important issues which need to be addressed.</p> <p>Planning rules are applied per statutory requirements.</p> <p>It is beneficial to the landlord to obtain references from each potential occupier of the property. The Council has referenced the housing strategy and policies on homelessness and empty dwellings in drawing up the proposals for selective licensing.</p> <p>The Council is using the PRS more and more as both a prevention solution as its size increases and as social housing reduces. Therefore a scheme which gives greater assurances of good management and good property conditions fits very well with the Council's approach to homelessness.</p> <p>Organisations such as Staffordshire and West Midlands Community Rehabilitation Company and YMCA Black Country Group who work with homeless households have</p>
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<p>D – Conclusion</p> <ol style="list-style-type: none"> 1. Although I strongly object to licensing on moral, social and legal grounds as a landlord licensing will probably benefit me because as stated in A7 above, it will, I believe, reduce the number of landlords wishing to let in the selective licensing areas so reduce competition and increase rents in the licensed areas. 2. If Walsall really believed that licensing will identify bad landlords then they would give a massive discount or even free licences to early adapters i.e. for ‘Early Bird Scheme’ as these will be the conscientious landlords. Not make good landlords pay for the scheme to tackle the ‘bad’ landlord. 3. I run courses for potential landlord and what frightens off many potential landlords is the unfair and arbitrarily enforced housing legislation. By introducing licensing, unless there is a clear and enforceable enforcement policy along the lines of educate, persuade and if all else fails only prosecute where clear harm is caused to the tenants then you are adding to this fear. 4. I have grave doubts that the Council will have much appetite to deal with bad landlords, they have had decades to do so and presumably still these bad landlords exist hence the perceived need for selective licensing. 5. Licensing as shown in other areas where it has been introduced will distract from dealing with bad landlords as the Council will be too busy dealing with licence applications from what will be generally good landlords and over policing the good landlords and ignoring the bad landlords. 	<p>welcomed the higher standards that licensing could bring to the sector.</p> <p>Comment noted and the Council has responded to this as above.</p> <p>Significant discounts are available to landlords who co-operate with the implementation of the scheme such as the proposed early bird discount.</p> <p>Comments noted, the Councils approach will be to work with landlords to deliver the selective licensing scheme and prosecution and other legal means will be pursued where absolutely necessary.</p> <p>The Council considers that Selective licensing will be a critical additional tool to deal more effectively with bad / rogue landlords.</p> <p>Noted however the Council does not agree. This is not the case for example, Newham’s licensing scheme has instigated 1,135 prosecutions for housing crimes and banned 28 of the worst landlords from operating in the borough. It has overwhelming support from residents and even from most landlords in the borough – because it is rogue landlords who drive down standards and give the decent ones a bad name.</p> <p>Noted, however the Council does not agree.</p>
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<p>6. I question whether the areas selected for licensing do have any significant or disproportionately 'bad' housing. Birmingham did a survey of housing in areas they expected to find a lot of 'bad' housing and they found no worse housing than in other areas. If the Birmingham experience is repeated then licensing will not have achieved much but may be said to have been a success when it had no benefit as there was not a problem to start with.</p> <p>7. Competition I believe is the main driver of housing standards. Tenants only take poor quality property or put up with bad landlords because they have no choice.</p> <p>8. Experience so far shows that licensing becomes the beast that devours its creator. The administration of licensing takes up so much resources that the Housing Standards department have little time to do much else and it costs far more than expected to administer so causing an increased cost to the Council. It is not an effective tool.</p> <p>9. The council's impartiality in introducing this scheme is questionable as they are the main competitors to the private sector though pretend they are not as their housing is held by a trust.</p> <p>10. What is missing from all this is what happens to those who will be unable to pay for the better-quality accommodation and the anti-social tenants? Where will they live?</p> <p>11. To make the Walsall Proposed Selective Licensing Scheme work needs the co-operation by both sides otherwise it will end up being subject to</p>	<p>The areas have been selected on the basis of the evidence detailed in the Cabinet report.</p> <p>Noted however, the Council does not consider that competition is the main driver to improving housing conditions.</p> <p>Noted however please refer again to the Newham example which is one of many- Newham's licensing scheme has instigated 1,135 prosecutions for housing crimes and banned 28 of the worst landlords from operating in the borough. It has overwhelming support from residents and even from most landlords in the borough – because it is rogue landlords who drive down standards and give the decent ones a bad name.</p> <p>Noted, however the Council does not agree. The Council is not a competitor to the private rented sector. The Council has strictly limited housing numbers (park caretaker's houses, supported housing accommodation). The Council undertook a voluntary stock transfer in March 2003. Former council stock is wholly owned and managed now by WHG (a charity and registered housing association).</p> <p>Noted, not all landlords will seek to increase the cost of their accommodation as a result of selective licensing. Setting and enforcing clear rights and responsibilities for tenants is a key method of reducing anti-social behaviour. All members of the community should expect to live in good quality accommodation.</p> <p>Noted, the Council is committed to working in partnership with all key stakeholders to ensure the successful delivery of the selective licensing proposals.</p>
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<p>a Judicial Review or other litigation and be discredited it is not in my opinion the way to go about improving housing.</p>	
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Respondent ref 23

Landlord Type: Landlord and Agent

Selective licensing area: Willenhall

<p>Selective Licensing is designed to compel private landlords to operate their management practices correctly, and deal with matters such as anti-social behaviour promptly. It is not a means of improving property conditions in an area.</p> <p>I raise concerns that this proposal is, however, an attempt to improve property standards in the private rented sector. This is not what a Selective Licensing scheme is intended to do. Sub-standard property conditions should be addressed through the Housing Health and Safety Rating System, and more recently with the additional provisions under the Housing and Planning Act 2016.</p> <p>The power for authorities to introduce Selective Licensing was intended to address the impact of poor quality private landlords and anti-social tenants. The legislation was intended to tackle problems in areas of low housing demand, and in support of mandatory and discretionary licensing of Houses in Multiple Occupation (HMOs). regimes also introduced by the 2004 Act.</p> <p>This is especially relevant given that the proposed areas have a lot of property that could be covered by other licensing and statutory provisions.</p> <p><u>Key Facts and Figures</u> I am a landlord in relation to 20 properties in the proposed area and I am the managing agent in relation to a further 29 properties in this area. Almost 50% of these properties are currently occupied by people who have been referred to us by the Council's housing support department; the majority were homeless, but</p>	<p>Noted, however the Council does not agree. Selective licensing can and has in a range of council areas improved property conditions and this is expected to be the outcome in Walsall. The Council is proposing the selective licensing for the reasons listed in the April 2017 report.</p> <p>Noted, the Councils response is as above and the Council also agree that HHSRS has a direct role in improving housing conditions.</p> <p>Noted the Council's response is as above and the Cabinet report specifically details the purposes for which selective licensing can be proposed. Selective Licensing can be applied alongside other licensing and statutory provisions.</p> <p>As above.</p> <p>Noted.</p>
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<p>all of them had additional support needs and vulnerabilities that we are assisting the Council with. All of these tenants are on income related benefits, which is paid either directly to me or to L&A Lettings. However, I was not made aware of the intended Selective Licensing scheme proposals; either at Cabinet Report stage at the start of the process or as a landlord and agent in the area or by way of engagement in a genuine consultation process. I only became aware of these proposals as I am a member of the Walsall Landlord Steering Group. None of the landlords I work with in the area are aware or have been consulted to date.</p> <p>I pointed this out to Walsall Council at the last landlord steering group meeting on 9/11/17, and I suggested ways that the Council could reach out to these landlords, i.e. use of land registry, council tax and housing benefit records etc. In order to meet consultation requirements, it is my understanding that all parties must be consulted. Selective Licensing is not popular with landlords, but this should not be a reason to avoid seeking their views!</p> <p>The consultation period should have enabled everyone, including private landlords who let in the area, to submit a reply. The fact that none of my agency's landlords are aware, and the only consultation exercise is on the Council's website (where landlords would not be looking) is not sufficient for a robust consultation, and I submit that the consultation process is therefore flawed. As a minimum the period should be extended to allow proper consultation with all landlords and letting agents operating within the proposed designation areas.</p> <p>At this moment in time, between L&A Lettings and myself, we have 22 tenants residing in the proposed area in Willenhall, who have been referred to us by housing support. These people are currently residing in properties that have been inspected by housing standards officers and cleared as being safe and legally compliant. All of the paperwork is compliant, and management practices are in place. Can you advise what additional benefits Selective Licensing would bring to L&A or me?</p>	<p>Noted, however the Council does not agree. The Council has undertaken a major and comprehensive consultation programme. Details are available at: https://go.walsall.gov.uk/selective_licensing of the range and venues for example of the sessions that were held.</p> <p>Questionnaires have been sent to all landlords/agents on Housing Standards Register and Agents are in a position to advise all of the landlords on their books who will be affected. The national landlord associations (NLA and RLA) have also publicised the consultation programme.</p> <p>The Council has not avoided consultation with landlords. An officer for example also attended the 9 November 2017 Walsall landlord forum.</p> <p>The lack of knowledge of certain landlords to a widely publicised scheme does not in the Council's opinion make the process flawed. Other organisations who have advertised the consultation include: UK Association of Letting Agents and Landlord Information network</p> <p>The Council does not consider that the period for consultation needs to be extended.</p> <p>Selective Licensing has the potential to deliver improvements to the management standards and physical conditions of the privately rented properties in these areas and also lead to increased number of tenants who are able to manage their tenancy, as they are better informed of their rights and landlords are better aware of the tenants' requirements. Reduced levels of anti-social behaviour and improvements to the local environment. For good landlords this creates a level playing field and improves the lettability of their housing stock.</p>
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<p>Each week, both myself and the letting agency receive enquiries from Housing Support Officers, requesting accommodation. This is because there is not enough social housing to meet needs in the area, and that the private rented sector is the only solution for a growing number of vulnerable people. These people need housing in safe and secure environments to prevent homelessness and repeat homelessness.</p> <p>Why do housing options keep coming back to us? This is because all of our properties are of a good standard, above statutory requirements, and we are good landlords and agents; professionally accredited and current with our practices.</p> <p>This was officially acknowledged by a Council Officer (Bernard Cysewski) at the steering group meeting held on 7 September 2017, when he made the following statement: <i>“L & A’s reputation at the council is such that no staff should have any qualms about placing tenants there. We never have any issues with L & A and wish that other Landlords/Letting Agents would conduct business as responsibly and professionally.”</i></p> <p>It was also mentioned that L & A’s reputation was almost certainly the reason it had been selected to trial the new Guarantor Scheme. This scheme is provided by Walsall Council, and L&A have already been working in partnership with the Council to develop and pilot a new scheme. L&A receives so many requests from the Council for assistance with accommodation that we cannot always meet the demands. This is hardly, therefore, appropriate that the landlords and agency will be penalised by a Selective Licensing scheme and could be very damaging to future partnership working across the sector.</p> <p><u>Challenges</u></p> <p>Given all of the above comments with regards to the Selective Licensing designation proposals I would submit that:</p> <ol style="list-style-type: none"> 1. That the consultation process is flawed 	<p>Noted.</p> <p>Noted. The proposal for selective licensing in Willenhall does not in any way suggest on the Council’s part that this landlord’s properties and management thereof are below appropriate standards. Referrals would not occur to landlords who manage properties that are not to suitable standard.</p> <p>The Council does not have the power to create it’s own exemptions and as selective licensing is an area based approach the Council cannot exclude specific landlords.</p> <p>Noted, the Council however supports partnership working and wishes to continue this with landlords and agents.</p> <p>Noted – the Council as above does not agree for the reasons detailed above.</p>
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<p>2. That the statistics are incorrect</p> <p>3. That the evidence to support the scheme is not provided</p> <p>4. That the council has not used all of its other powers to tackle problem and rogue landlords</p> <p>5. That this is not a last resort measure and that due process has not been correctly followed</p> <p>I draw your attention to the following two cases which should provide Walsall Council with further clarification with regards to consultation exercise, and the challenges from not expressly seeking the views of private landlords operating in the designation areas.</p> <p>https://www.landlords.org.uk/sites/default/files/NEW%20-%20eflash%20578%20-%20R%20(Regas)%20v%20LB%20Enfield_0.pdf [Enfield], and http://www.bailii.org/ew/cases/EWHC/Admin/2011/1739.html [Hyndburn].</p> <p>Therefore, I submit the following questions and await the Council's response before any further decisions are made in this matter:</p> <p>1. How widely did you publish the Cabinet Report of 26th April 2017 and why did you not consult with the Landlord Steering Group prior to this report to seek their input?</p>	<p>Noted, the Council does not agree. The statistics in the April 2017 cabinet report are mainly from the Census and highlight the significant issues within the proposed areas. There are significant numbers of poor private rented properties that do not meet appropriate standard.</p> <p>Noted, however the Council considers that it is and is contained within the Cabinet report.</p> <p>The Council has and continues to use a range of enforcement powers available to deal positively with issues affecting private rented houses, as well as working with partners to improve wider housing issues, ASB and criminality within the private rented sector.</p> <p>Proactive work has also been undertaken to support burglary reduction and reduce excess cold / fuel poverty in parts of the borough.</p> <p>Noted, the Council however considers that it is now appropriate to bring in selective licensing so that it can prioritise enforcement action under Part 1 of the Act, whilst ensuring through licence conditions under Part 3 that the properties are properly managed to prevent further deterioration.</p> <p>The Council is aware of both of these cases. The Council considers that the justification for selective licensing is sufficient and the appropriate consultation has been undertaken in line with the statutory guidance and the findings of these and related cases.</p> <p>The cabinet report is a public document. The cabinet report itself is available on our website as a document that members of public / businesses can and may wish to view. The website itself has been mentioned in communication to residents and businesses</p>
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<p>2. What steps have Walsall Council taken to seek the views of landlords operating in the proposed designation areas prior to the consultation period that is advertised on the Council's website?</p> <p>3. Can Walsall Council provide figures for the following for the past 3 years:</p> <ul style="list-style-type: none"> • ASB broken down by tenure – private, owner and social • Crime reported to the police by tenure – as above • Empty property and turnover rates – by tenure as above <ul style="list-style-type: none"> • Landlord prosecutions – for which offences <p>4. Can this information be presented as Walsall overall and in comparison, to the proposed designated area?</p> <p>5. Can Walsall Council advise what other measures they have undertaken in order to address the issues of anti-social behaviour, crime, empty property and landlord prosecutions which leaves Selective Licensing as a last resort measure?</p>	<p>for example via the questionnaires. As per the Cabinet report mention was made at a previous Landlord forum in meeting in 2016 of the potential for selective licensing.</p> <p>Following the cabinet authority to commence consultation (April 2017) no pre-notification is required by the council to landlords or residents. As indicated above the cabinet report is a public document and available for interested parties to view and read.</p> <p>The Council does not record ASB by tenure</p> <p>The West Midlands Police do not record crime by tenure of property.</p> <p>Empty Homes by tenure: The current (10/1/18) borough wide long term (over 6 months) empty homes numbers are: Social housing 34 Private ownership 781 October 2016 Social housing 91 Private ownership 869 October 2015 Social housing 115 Private ownership 1039</p> <p>In the past 3 years the Council has not prosecuted landlords it has however served a range of enforcement notices under the Housing Act against breaches and ensured that these notices have been complied with.</p> <p>As above (where available).</p> <p>As indicated above the Council considers that selective licensing is appropriate at this time. The Council for many years has brought to the attention of landlords (who it comes into contact with) the range of legislation that they must adhere to in renting properties out. The DCLG guidance on selective licensing (March 2015) highlights that where a council considers that there are circumstances in which a significant number of properties in</p>
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<p>6. Can Walsall Council provide evidence of their support for landlord accreditation and provide numbers of accredited landlords in their area?</p> <p>7. Can Walsall Council provide evidence of other means of engagement with landlords in the proposed designation area?</p> <p>8. Can Walsall Council explain why landlords have not been directly contacted about such important proposals; given that you will have the details on Council Tax records of all landlords operating in the area. Can you advise why none of the landlords that operate</p>	<p>the private rented sector are in poor condition and are adversely affecting the character of the area and/ or the health and safety of their occupants then it can consider selective licensing. The Council considers that the relevant conditions have been met.</p> <p>The Council has promoted the standards of good private renting for many years to landlords including in partnership with the Midland Landlord Accreditation Scheme (managed by Homestamp). However despite this and other initiatives the level of poor quality private renting remains high.</p> <p>As stated above the Council has actively promoted MLAS for many years. The current proposal includes for example a fee discount that is applied for membership of MLAS and similar organisations. The council does not have the numbers of those accredited by geographic area. It should be noted that a range of landlords have properties across the region not merely within Walsall</p> <p>As indicated above the Council has engaged with landlords via annual (and sometimes bi-annual forum) as well as newsletters. These are sent to those landlords / agents who choose to provide the council with their contact details. Officers also attend the local community partnership meetings at which landlords are also present (on occasion)</p> <p>As indicated above the council has undertaken a comprehensive consultation programme. Consultation documents were emailed to all landlords and agents for whom the housing standards team had contact details. Other agents and landlords have made representation and as indicated above many national landlord / agent bodies have also promoted the consultation details on their own literature / website. The Council has not prevented any landlord / agent from responding.</p> <p>The matter was an agenda item on the 28 June 2017 of the Landlord Steering group. The meeting was provided with information about the proposals including the boundaries and mention of the cabinet report in April 2017.</p>
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<p>through L&A Lettings are aware of the proposals and why you have not written to them and allowed them the right of reply through a correct consultation period?</p> <p>9. Can Walsall Council provide evidence that the issues it raises for the introduction of a Selective Licensing scheme in the proposed areas is specifically attributable to the private rented sector and is this evidence available as part of this consultation?</p> <p>10. What has Walsall Council considered and are proposing regarding any displacement matters?</p> <p>11. Can the Council provide evidence of Selective Licensing as part of its wider housing strategy, and advise as to what other measures are intended for the proposed designation areas by way of investment and regeneration?</p>	<p>The meeting agreed a simple leaflet be made available to attendees at the next broader Landlord Forum (public event) held on 11 July 2017. It is confirmed that attendees were provided with information based on the April 2017 cabinet report including boundaries for the proposed areas.</p> <p>The cabinet report provides the details related to this. The Council considers that it has provided sufficient evidence for selective licensing in line with the DCLG guidance and statutory requirements.</p> <p>In terms of displacement the Council considers that any cost increase / change in behaviour by landlords will not necessarily lead to displacement of tenants to other parts of the borough / out of the borough.</p> <p>The Council wishes for all landlords to improve (where required) their properties and management practices. Where rogue landlords decide that this is not for them the Council has no wish to see them remain in the borough.</p> <p>The council wishes to support high standards and good landlords and does not necessarily consider that the selective licensing scheme will lead to displacement of these out of the borough. The council considers that as the scheme is implemented and the sector improves, it may be that landlords are keen to invest in a well regulated market which is not being under-minded by poor housing standards or poor / rogue management practices.</p> <p>Some landlords may leave the market, but there may also be new entrants. The experience of the last 20 years has been a significant expansion of the PRS. This is a national and sustained trend and it seems unlikely that a licensing scheme would alone reverse it.</p> <p>The Council's overall housing strategy can be found at: https://go.walsall.gov.uk/housing_strategy_201-16 This is due for review / consultation during</p>
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<p>12. What are the levels of turnover and numbers <u>long term</u> empty properties in the proposed areas for the past 3 years?</p> <p>13. How many Compulsory Purchase Orders and Empty Dwelling Management Orders have been undertaken in these areas over the past 3 years?</p> <p>14. Can Walsall Council provide evidence of its proposals to tackle rogue landlords under the new powers within the Housing and Planning Act 2016, and how these might compliment any proposed licensing scheme?</p> <p>15. Can Walsall Council advise how the scheme will be monitored for compliance, and how many additional staff will be required to implement and run the scheme.</p>	<p>2018.</p> <p>The current (10/1/18) borough wide long term (over 6 months) empty homes numbers are: Social housing 34 Private ownership 781 October 2016 Social housing 91 Private ownership 869 October 2015 Social housing 115 Private ownership 1039</p> <p>As highlighted elsewhere in the Council's responses the proposal for selective licensing is to address a range of housing related issues (not solely empty dwellings)</p> <p>The Council has given authority for a range of dwellings to be CPO'd. To date this totals 27 long term empty dwellings. So far the Secretary of State has confirmed orders for 3 long term empty dwellings in Walsall. The Council has not used Empty Dwelling Management Orders (EDMOs). The proposal is to help improve the standard of dwellings and as a consequence reduce the likelihood of them being void.</p> <p>The Council has an approved housing enforcement policy (updated November 2017) and considers that the new powers will complement the proposed selective licensing scheme. The council does not consider that the powers in the Housing and Planning Act 2016 will alone tackle the issues that the selective licensing scheme proposes to tackle.</p> <p>The Cabinet report April 2017 contains details of the proposed staffing (Appendix 4). It is proposed that a range of monitoring information will be available (and published) and these may include:</p> <table border="1" data-bbox="841 1608 1373 1860"> <tr> <td>Unlicensed properties reported</td> </tr> <tr> <td>Full Compliance visits completed</td> </tr> <tr> <td>Compliant properties</td> </tr> <tr> <td>% compliant</td> </tr> <tr> <td>Non Compliant properties</td> </tr> </table>	Unlicensed properties reported	Full Compliance visits completed	Compliant properties	% compliant	Non Compliant properties
Unlicensed properties reported						
Full Compliance visits completed						
Compliant properties						
% compliant						
Non Compliant properties						

<p>16. Can Walsall Council provide a detailed breakdown of staffing and other revenue costs to support the proposed fee structure; what is the financial breakdown of the fee proposal given that there appears to be little financial incentive for landlords whose properties are already legally compliant for use by other council departments for example the provision of homeless families?</p> <p>17. Can Walsall Council provide any evidence to suggest how these proposals will stabilise what could already be considered a fragile housing market, and how this correlates with other economic strategies (including proposals within the Combined Authority)?</p> <p><u>Conclusions</u> If Walsall Council persist with its current proposals there are a number of options available to professional landlords operating in the proposed areas; these include Judicial Review. I would suggest that, given the issues raised above, there is a strong possibility of a successful challenge based on a lack of consultation with landlords and existing case history.</p> <p>In addition, in order to meet and continue to meet other legislative requirements I will have to modify my current business practices with regards to working in partnership with Walsall Council in provision of safe and secure accommodation for those who are homeless and those who are threatened with homelessness. As already highlighted previously, a significant number of properties (owned by myself/family and others managed by L&A) are currently used to house vulnerable clients as a direct referral from Walsall Council in order to prevent</p>	<table border="1" data-bbox="841 132 1372 283"> <tr> <td data-bbox="841 132 1372 184">% non compliant</td> </tr> <tr> <td data-bbox="841 184 1372 237">Revisits done on non-compliant</td> </tr> <tr> <td data-bbox="841 237 1372 283">Outstanding revisits on non-compliant</td> </tr> </table> <p>As indicated in answer to question 15. All landlords with properties within the selected areas will be legally required to apply for and gain a licence. Colleagues within other sections of the council are fully aware and supportive of the proposals including but not limited to the teams that assist homeless households.</p> <p>Housing markets are complex with a number of different factors affecting why people invest. As the scheme is implemented and the sector improves, it may be that landlords are keen to invest in a well regulated market which is not being undermined by poor housing standards. As stated previously the PRS has expanded significantly over the last years and there continues to be high demand for this sector.</p> <p>Noted however the Council considers that the proposal is appropriate and that consultation has been in full accordance with the statutory requirements and best practice.</p> <p>Noted – however this is a direct business decision for the landlord to make. As highlighted elsewhere as the scheme is implemented and the sector improves, it may be that landlords are keen to invest in a well regulated market which is not being undermined by poor housing standards. <i>The context for future regeneration and development in the borough is provided by the Site Allocation Document and Walsall Town Centre Area Action Plan which the Council are currently progressing towards adoption. These documents allocate sites for development for different uses. The SAD and AAP can be viewed via this link:</i> https://go.walsall.gov.uk/planning_2026</p>	% non compliant	Revisits done on non-compliant	Outstanding revisits on non-compliant
% non compliant				
Revisits done on non-compliant				
Outstanding revisits on non-compliant				

<p>Average costs of homelessness applications are estimated to be around £8,000 per application and the cost to Walsall if the existing 22 L&A/owned properties were no longer available could be somewhere in the region of £176,000. As a landlord and agency with a social conscious I would state that, if Selective Licensing is introduced as proposed with no real regard for the professionalism and recognition of the property conditions we provide already, I will have no alternative but to offset my costs by placing a one-off non-refundable charge of £600.00 per property, on any property that is provided to house a person referred by Walsall Council. This will be used to mitigate my additional expenses for continuing to operate professionally in your area (subject to annual review). In effect you will be charging me that approximate amount for the privilege of assisting you to reduce your homeless and vulnerable person's numbers!</p> <p>I would suggest that Walsall Council at least pause their proposals to await the government announcement with respect to revised mandatory licensing, and considers how those proposals may impact on the proposed selective licensing schemes; especially given that many of the properties will possibly fall into the new mandatory licensing requirements.</p> <p>I would finish this submission with a challenge; that the property I own and manage in the proposed designation areas are already over and above the condition of similar council owned property, and I welcome the opportunity to demonstrate further if required.</p> <p>I welcome a detailed response to this submission within 21 days, so that I can consider further options as necessary. If this is not possible, please contact me to advise as to why, and when you will be in a position to respond; given that the Council's evidence should already be widely publicly available.</p>	<p>The Council has a dedicated Regeneration and Development service whose role is to support such development in the borough. The approach to delivery is set out here: https://go.walsall.gov.uk/delivery</p> <p>The use of a direct charge to the council for provision of properties is not supported and the Council does not consider that it is justified on the basis of selective licensing.</p> <p>The Council wishes to support partnership working with appropriate and high quality private landlords / agents.</p> <p>Noted however the Council considers as indicated above that the proposals have merit and have been developed and consulted on appropriately.</p> <p>Mandatory licensing of HMOs only covers HMOs which are not the overwhelming proportion of private rented dwellings within the areas.</p> <p>Noted, the Council thanks the landlord for their offer and will inspect the properties when required.</p> <p>As per the council's method of responding to representations all responses are following cabinet / council decision. The Council's response to all representations will be contained in a report that will be publically available i.e. this report / appendix.</p>
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Respondent ref 24

Walsall Landlord Steering group Type: group of local landlords / agents

Selective licensing area: Town Centre and Willenhall

The steering group has raised concerns, which are minuted in the notes of the steering group meetings that this consultation has not been carried out in accordance with these requirements.

In summary the steering group is not satisfied that the legal requirements under *Section 80 (9) of the 2004 Housing Act have been met.*

Noted, however the Council considers that the consultation undertaken has been in full accordance with the DCLG guidance and relevant legislation. For example, the period of consultation has been longer than the required time period. The consultation has included information available via a range of media including but not limited to internet (i.e. twitter, facebook). The consultation has been picked up nationally and re-advertised by a range of professional landlord and agent bodies. The consultation has included residents and businesses both within and in neighbouring areas. The consultation included attendance at the landlord steering group meeting in November 2017.

The council considers that the Cabinet report in April 2017 provided clear information as to the purpose of the proposed selective licensing for the two areas in question including detailed appendices.

In addition the matter was an agenda item on the 28 June 2017 of the Landlord Steering group. The meeting was provided with information about the proposals including the boundaries and mention of the cabinet report in April 2017. The meeting agreed a simple leaflet be made available to attendees at the next broader Landlord Forum (public event) held on 11 July 2017. It is confirmed that attendees were provided with information based on the April 2017 cabinet report including boundaries for the proposed areas.

The council considers that it has undertaken over many years a wide range of information / education approaches with landlords to seek to address the issues being sought to be tackled. Including but not limited to, landlord newsletters, forum, support for the midland landlord accreditation scheme. Despite this poor property conditions and management standards remain in the private rented sector in the areas for proposed selective licensing. They are at such an extent that the Council considers that Selective Licensing is the appropriate response.

The Council considers that the proposal is in line

<p>At no time has the steering group been shown evidence that any concerns in the designated area can be attributed to the private rented sector nor have the objectives of the proposed schemes been explained.</p> <p>In summary the steering group is not satisfied that the requirements made in the DCLG Guidance have been met.</p> <p>We are fortunate to have amongst our</p>	<p>with a range of its strategic priorities and plans including but not limited to the Housing Strategy.</p> <p>Developing Selective Licensing has the potential to have a direct positive impact on the Council's abilities to deliver to its priorities as stated in the Corporate Plan 2017-2020 – 'Reducing Inequalities, Maximising Potential in particular; 2. People - To make a positive difference to the lives of Walsall people 3. Place - Safe, resilient and prospering communities. It is noted that this work can also have a disproportionate positive effect on some of the Council's most vulnerable customers as evidenced by the high levels of multiple deprivation in the areas proposed for selective licensing.</p> <p>The Council has received direct support or partnership working from a range of key agencies including but not limited to the West Midlands Police and West Midlands Fire and Rescue. As a unitary authority other council services such as adult social care and Children's services are in full support of the proposals and will assist in promotion and delivery of the scheme. Key partners will help for example in identifying properties where landlords have failed to seek a licence and also in terms of tackling issues such as ASB.</p> <p>Noted. The Council however does not concur. It considers that the level of detail included within the cabinet report April 2017 is sufficient to merit the proposal of selective licensing.</p> <p>Noted. The Council however does not concur. It considers that the level of detail included within the cabinet report April 2017 is sufficient to merit the proposal of selective licensing.</p> <p>Walsall Council has for many years supported MLAS and the national landlord associations (including but not limited to NLA). The council is not able to directly support a single body such as the NLA as there are alternative national bodies too.</p> <p>Both the NLA and RLA have publicised the</p>
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group a representative from the National Landlords Association (NLA) who is a member of the Homestamp consortium, it should be noted that Walsall Council have not supported Midlands Landlords Accreditation Scheme for several years and do not even attend Homestamp meetings, neither have they supported NLA accreditation in the area. Walsall Council have never availed themselves of their right to send an email to MLAS members nor to even check which of their landlords are members and therefore signed up to the Code of Conduct, therefore it is wrong to say, in the report to Cabinet, that accreditation has been tried and failed.

Since there has been no discussion on this subject over the past two years that the steering group has met we have no idea what other action the council has taken or intends to take in conjunction with selective licensing.

In the absence of any information or consultation the steering group has no knowledge of action been taken to assess the risk of introducing selective licensing.

May I refer, by way of an absolute accurate example, to the letting agency that I manage, xxxxxxx. This agency manages 49 properties in the Willenhall selective licence area. Almost 50% of these properties are occupied by tenants

proposed selective licensing on their own webpages. These can be viewed by the public and their members alike.

The work and benefits of membership of NLA / RLA etc and MLAS is highlighted in the proposed discounts for licensing fees.

Accreditation has had a range of positive impacts on some areas of the private rented sector in Walsall. However the council considers that the issues within the two proposed areas are such that selective licensing is required and that accreditation has not addressed these sufficiently.

Noted, however as per the response above the matter has been brought to the steering group prior to the launch of consultation and during the consultation period. The council disagrees with the assertion. The group have also been updated on a range of information / education approaches the council has taken to improving landlord knowledge including but not limited to new leaflets on EPC requirements and the Smoke and Carbon Monoxide (England) Regulations 2015.

Noted, however the council does not agree. As above, the group had been advised about selective licensing as early as June 2017 when they were provided with general information including the date of the cabinet report and maps of the areas. The council has fully considered the risks as well as the benefits of implementing selective licensing.

Noted, however as highlighted above the council considers that the risks have been fully considered.

The Council is using the PRS more and more as both a prevention solution as its size increases and social housing reduces. Therefore a scheme which gives greater assurances of good management and good property conditions fits very well with the Council's approach to homelessness.

Organisations that work with homeless households such as Staffordshire and West Midlands Community Rehabilitation Company and YMCA Black Country Group have welcomed the higher standards that licensing could bring to the sector.

<p>who have been referred by Walsall Housing Support officers and supported by Council funding. continually receive requests for accommodation from housing support officers and yet, they have not been written to or consulted in any way. This despite the director, xxxxxxx, raising this at the steering group meeting on 9 November 2017 and advising Mark England that the council has the resources to identify individual landlords in the area, none of whom have been consulted. This lack of consultation has prevented those landlords and agents from making Walsall council aware of the real risks of introducing selective licensing and the impact that this will have on the council's ability to meet the requirements of the Homelessness Reduction Act.</p>	
<p>The representation includes reference to the same legal cases mentioned in earlier representations</p> <p>I also draw your attention to the fact that Walsall Council has failed to take action against known bad landlords who are offering substandard properties in their area.</p> <p>Had the steering group been given the opportunity we would have raised the following questions:</p> <p>The respondent then list a range of questions.</p> <p>New questions:</p> <p>Can Walsall Council provide figures for the following for the past 3 years?</p> <ul style="list-style-type: none"> • Evidence that fly tipping is being done by landlords or their tenants as opposed to anyone else? • Evidence that the standards of properties in these areas is poorer 	<p>The Council is aware of both of these cases. The Council considers that the justification for selective licensing is sufficient and the appropriate consultation has been undertaken in line with the statutory guidance and the findings of these and related cases.</p> <p>Noted, however the Council with limited staffing resources seeks to take action wherever it can. The fully funded selective licensing scheme gives the opportunity to directly seek to improve housing conditions and management standards and as a result tackle 'bad' landlords.</p> <p>Noted, the questions are principally those raised by an earlier representative (landlord / agent). The Councils' response to the same are included within that section.</p> <p>In response to the new questions</p> <p>The Council does not record tenure of fly-tipping cases.</p>

that other parts of Walsall and how many Orders have been served to correct this?

The Cabinet report in April 2017 has a range of evidence about the property conditions. The Council has served a range of legal notices since 2013 on landlords as a result of poor property condition as detailed below:

Housing Act 2004 Section and Notice Type		Number issued
11	Improvement Notice (Cat 1)	12
12	Improvement Notice (Cat 2)	15
20	Prohibition Order	9
29	Hazard Awareness Notice	2
41	Emergency Remedial Action	1
43	Emergency Prohibition Order	12
		51

I conclude by informing Walsall Council that I am aware that discussions have already taken place between a significant portfolio landlord and other Black Country local authority housing support officers. The discussions are around that landlord refusing to provide any further accommodation to Walsall Council Housing Officers but to offer their accommodation to housing officers from outside of Walsall.

That is extremely damaging to the Borough as a whole, not only will the borough see an increase in occupants with vulnerability issues who will be drawing on the councils resources. It will also exasperate the housing problems in the Walsall Borough.

This scheme has the potential to be extremely damaging for Walsall, when other methods should and could be used to tackle rogue landlords with our full support. As chair of the steering group I can confirm that those of us who attend regular steering group meetings do so at our own expense and the reason that we do this is to help the council to ensure that the properties provided by private landlords in Walsall meet all legal requirements and are well managed. To date the group has not been enabled to have this discussion and no senior member of the housing team has

Noted. The Council has limited control over who a landlord lets their property to. If a landlord chooses to direct their portfolio to prospective tenants outside the borough this is outside the control of the council except in that where a selective licensing scheme is in place it will require all properties and management to be brought to an appropriate standard.

Noted – the council wishes to thank landlords who attend the forum and steering group for their time and input.

Selective Licensing was an Agenda item for the steering group in November 2017.

The officers who attend the relevant meetings are sufficiently experienced and senior to discuss the relevant matters and have for example previously include attendance by Housing Standards Officers and the Manager of Housing Standards and Improvement.

attended. At this point we are wondering exactly why we are giving our time.

You will be aware that on 28th December DCLG announced the lower criteria for mandatory licensing of HMO, considered by Government to be the potential properties where many of the issues you raise exist. We would like you to now consider waiting until all those properties are licensed and reporting on the impact of that additional licensing before introducing more in the form of Selective licensing. After all if mandatory licensing of these properties doesn't solve the problem it does not auger well for the concept of licensing in general and other methods of control will need to be considered, including using the many additional powers which have recently been given to councils i.e. Penalties without legal action, Rogue Landlords and Letting Agents Register, Rent Repayment Orders, banning of letting properties with poor EPC ratings etc.

The steering group members continue to be willing to discuss any of this at our meetings in 2018.

Noted. The proposal to extend mandatory licensing of HMOs only covers HMOs and these are not the overwhelming proportion of private rented dwellings within the areas.

The Council will be seeking through selective licensing to take a robust approach to breaches of the licensing legislation if and when they occur.

Noted – The Council is grateful for the continued assistance of the steering group in seeking to improve the private rented sector within the borough. The Council will as part of its preparation for the implementation of Selective Licensing update the group as soon as practicable.

Respondent ref 25

MP Eddie Hughes Type Member of Parliament

Selective licensing area: Town Centre and Willenhall

I wanted to discuss what opportunity elected representatives have to feed into the consultation process with regard to Selective Licensing? The Council website makes reference to tenants, landlords and local businesses but I couldn't see any reference to elected representatives.

Also, I believe all of the drop in sessions in Willenhall were on a Wednesday and I'm usually in London on Wednesdays.

Fundamentally it seems that we accept the greater majority of landlords do a decent job of managing their properties. This scheme will therefore use funds provided by these decent landlords to assist the Council in policing the

All elected representatives in the selected areas have been consulted, a number have attended 1-1 briefings and have been involved in a tour of their wards to highlight any issues or problems.

The drop in sessions in Willenhall were held on a Wednesday as market day was seen as an opportunity to maximise attendance.

However in these areas it is recognised, that there are a significant number of landlords and agents who either do not provide adequate accommodation or management of their properties.

<p>rogue landlords in the borough.</p> <p>I am also concerned that the Selective Licensing scheme seems to have been proposed in isolation rather than as part of a broader, cohesive program to tackle rogue landlords, anti-social behaviour etc.</p> <p>Can Walsall Council provide any evidence to suggest how these proposals will stabilize what could already be considered a fragile housing market, and how this correlates with other economic strategies (including proposals within the Combined Authority)?</p> <p>How many Compulsory Purchase Orders and Empty Dwelling Management Orders have been undertaken in these areas over the past 3 years?</p> <p>Can Walsall Council provide evidence of its proposals to tackle rogue landlords under the new powers within the Housing and Planning Act 2016, and how these might compliment any proposed licensing scheme?</p> <p>Can the Council provide evidence of Selective Licensing as part of its wider housing strategy, and advise as to what other measures are intended for the proposed designation areas by way of investment and regeneration?</p>	<p>The Council has and continues to use a range of enforcement powers available to deal positively with issues affecting private rented houses, as well as working with partners to improve wider housing issues, ASB and criminality within the private rented sector.</p> <p>Housing markets are complex with a number of different factors affecting why people invest. As the scheme is implemented and the sector improves, it may be that landlords are keen to invest in a well regulated market which is not being undermined by poor housing standards. As stated previously the PRS has expanded significantly over the last years and there continues to be high demand for this sector.</p> <p>The Council has given authority for a range of dwellings to be CPO'd. To date this totals 27 long term empty dwellings. So far the Secretary of State has confirmed orders for 3 long term empty dwellings in Walsall. The Council has not used Empty Dwelling Management Orders (EDMOs). The proposal is to help improve the standard of dwellings and as a consequence reduce the likelihood of them becoming void in the first place.</p> <p>The Council has an approved housing enforcement policy (updated November 2017) and considers that the new powers will complement the proposed selective licensing scheme. The council does not consider that the powers in the Housing and Planning Act 2016 will alone tackle the issues that the selective licensing scheme proposes to tackle.</p> <p>The proposal was duly considered prior to consultation at Cabinet and is in fully accordance with the Council's Housing Strategy, Homelessness Strategy and Corporate priorities (including but not limited to regeneration). <i>The context for future regeneration and development in the borough is provided by the Site Allocation Document and Walsall Town Centre Area Action Plan which the Council are currently progressing towards adoption. These documents allocate sites for development for different uses. The SAD and AAP can be viewed via this link:</i></p>
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<p>Can Walsall Council provide evidence that the issues it raises for the introduction of a Selective Licensing scheme in the proposed areas is specifically attributable to the private rented sector and is this evidence available as part of this consultation?</p> <p>Can Walsall Council advise what other measures they have undertaken in order to address the issues of anti-social behaviour, crime, empty property and landlord prosecutions which leaves Selective Licensing as a last resort measure?</p> <p>Can Walsall Council provide figures for the following for the past 3 years:</p> <p>ASB broken down by tenure – private, owner and social</p> <p>Crime reported to the police by tenure – as above</p> <p>Empty property and turnover rates – by tenure as above</p> <p>Landlord prosecutions – for which offences</p> <p>Evidence that fly tipping is being done by landlords or their tenants as opposed to anyone else?</p> <p>Evidence that the standards of properties in these areas is poorer than other parts of Walsall and how many Orders have been served to correct this?</p>	<p>https://go.walsall.gov.uk/planning_2026</p> <p><i>The Council has a dedicated Regeneration and Development service whose role is to support such development in the borough. The approach to delivery is set out here:</i> https://go.walsall.gov.uk/delivery</p> <p>The Council considers that there is sufficient evidence within the Cabinet report (April 2017)</p> <p>The Council has and continues to use a range of enforcement powers available to deal positively with issues affecting private rented houses, as well as working with partners to improve wider housing issues, ASB and criminality within the private rented sector.</p> <p>Proactive work has also been undertaken to support burglary reduction and reduce excess cold / fuel poverty in parts of the borough.</p> <p>The Council however considers that it is now appropriate to bring in selective licensing so that it can prioritise enforcement action under Part 1 of the Act, whilst ensuring through licence conditions under Part 3 that the properties are properly managed to prevent further deterioration.</p> <p>The Council does not record ASB by tenure</p> <p>The West Midlands Police do not record crime by tenure of property.</p> <p>Empty Homes by tenure: The current (10/1/18) borough wide long term (over 6 months) empty homes numbers are: Social housing 34, Private ownership 781 October 2016 : Social housing 91, Private ownership 869 October 2015 Social housing 115, Private ownership 1039 Fly tipping is not recorded by tenure In the past 3 years the Council has not prosecuted landlords it has however served a range of enforcement notices and orders (39) under the Housing Act against breaches and ensured that these notices have been complied with. The Council considers that the relevant evidence is in the cabinet report April 2017</p>
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5. Details about mental wellbeing of resident respondents

This section provides the details of those respondents who completed the Warwick-Edinburgh Mental Well-being scale (WEMWEBS) questionnaire. The WEMWEBS has 14 statements that respondents can rank (into 5 categories that are scored ranging from 14-70. The statements are all worded positively and cover both feeling and functioning aspects of mental well-being. The level of overall response to this question is considered to be high (i.e. relatively few declined to respond). The average score for England (as at 2011 the latest published data) was a score of 51.6.

Mental wellbeing is one aspect of overall wellbeing (others include physical and social aspects of wellbeing). Mental wellbeing is often divided into two perspectives: one which includes states of happiness and life satisfaction (the hedonic perspective), and the other which includes positive psychological functioning, good relationships with others and self-realisation/acceptance.

Mental wellbeing and mental health are different terms. 'Mental wellbeing' describes positive states of being, thinking, behaving and feeling, whilst 'mental health' is a term often used to incorporate a range of states from excellent mental health to severe mental health problems. It is worth noting that mental wellbeing is often used interchangeably with the term 'positive mental health' and sometimes 'wellbeing'.

There is evidence that mental wellbeing is a good indicator of how people and populations are able to function and thrive. There is significant evidence linking poor housing conditions and environments to negative impacts on mental health and wellbeing.

Willenhall		Town Centre and adjoining areas	
Percentage of respondents with		Percentage of respondents with	
Low wellbeing	29%	Low wellbeing	29%
Moderate wellbeing	56%	Moderate wellbeing	54%
High wellbeing	15%	High wellbeing	17%
Mean (average) score	46.7	Mean (average) score	47.2
Number who completed the WEMWEBS	225	Number who completed the WEMWEBS	302
The average is lower than the national comparator		The average is lower than the national comparator	