

Summary of responses from landlords, managing agents, and landlord's associations

Date	Method – phone / letter / email	Query / Comment / Response	Manchester City Council Response
April 2021	Letter	<p>We are concerned about the lack of information in the consultation regarding costs for enforcement. Unless the Selective Licensing scheme has additional resources for enforcement, criminal operators will continue to ignore their legal responsibilities and avoid the scheme which is designated to target them, penalising lawful landlords and agents with additional cost burdens.</p> <p>Propertymark does not believe that Selective Licensing schemes are an effective way of promoting higher quality accommodation in the private rented sector. The schemes are often poorly resourced, and consequently Selective Licensing schemes become an administrative exercise that penalises compliant landlords and allows rogue operators to continue functioning under the radar. Enforcement and prosecution remain low where the schemes operate, doing little to improve the minority of substandard properties in the private rented sector, which licensing schemes aim to target.</p> <p>Many licensing schemes fail due to the lack of adequate resources needed to undertake the necessary enforcement activity. Due to the EU Services Directive, the fee to apply for a property licence cannot exceed the cost to process the application, this means that the cost of enforcing the schemes must come from elsewhere.</p>	<p>Following on from comments to the Councils initial consultation which ran between 20 January 21 and 14 April 21, more detailed information was provided on the councils consultation web pages that was then included in the formal consultation which ran between 21 June 21 and 29 August 21. As part of the management of the licensing schemes, we have built in costs to investigate breach of licence conditions and enforcement for poor property conditions. As part of the licensing scheme, we have processes in place to identify and investigate landlords operating properties without a licence. The Housing and Planning Act 2016 gave local authorities powers to issue Civil Penalties as an alternative to prosecution for certain offences under the Housing Act. Fines can be up to £30,000 and in the current selective licensing schemes we have issued 16 civil penalties totalling around £77,000, with 14 fines issued to landlords for operating without a licence. The money received from the fines is being used for further enforcement action against rogue landlords operating substandard properties. We will also be carrying out compliance inspections to 50% of properties within the designated areas to ensure landlords are compliant with legislation and the properties are safe and free from hazards. Where appropriate we have taken enforcement action with the service of Improvement notices, hazard awareness notices and hazard letters.</p>

		<p>We are concerned that landlords of properties that have poor housing condition will not be inclined to apply for a licence, or rectify the condition of their property, in order to be eligible to be granted a licence. Instead, landlords with properties already up to standard will apply and foot the bill for enforcing against rogue operators with substandard properties.</p>	
April 2021	Letter	<p>Local authorities pinpoint lacking enforcement as a product of stretched resources. Although this should have been remedied with the introduction of the Housing and Planning Act 2016, many local authorities do not exercise their powers to bring additional resources into enforcement of the private rented sector.</p> <p>Manchester City Council will be aware of some of these existing powers, for instance the evidence base mentions that 'new powers include the extension of Rent Repayment Orders, the ability to impose Civil Penalties up to £30,000, Banning Orders, the introduction of a data base for rogue landlords/property agents and the introduction of a tougher "fit and proper person" test for landlords'. We urge Manchester City Council to make more effective use of these powers, because the national picture suggests that most Councils do not take advantage of the wide range of powers they already have.</p>	<p>Manchester has been at the forefront in utilising powers enacted by the Housing and Planning Act. In the financial year 2020/2021 alone we issued 30 civil penalties totalling amount £296,124. Funds from financial penalties are used to resource proactive rogue landlord enforcement. We regularly assist tenants who wish to pursue Rent Repayment Orders against their landlords and currently have an ongoing case for a Rent Repayment Order at the First Tier Tribunal.</p>
April 2021	Letter	<p>Landlords and letting agents have little influence over their tenants in order to manage anti-social behaviour. This is a law enforcement issue and landlords and letting agents must be provided with support in combatting this.</p> <p>Waste management and anti-social behaviour</p>	<p>The Council's Anti-Social Behaviour Action Team (ASBAT) regularly work with tenants and landlords to address issues considered to be anti-social behaviour. We recognise a balanced approach is required within the legislative boundaries set out for all parties involved. It is reasonable to expect a landlord to ensure their tenants are not behaving in a</p>

July 2021	Letter	<p>management is not the sole responsibility of the landlord or letting agent.</p> <p>Landlords cannot control ASB. Tenant caused considerable damage to the property (whilst high on alcohol and drugs) and finally arrested and restraining order issued.</p>	<p>way that is adversely impacting on the local community. This also applies to visitors to the property. Effective management of tenancies results in anti-social tenants being issued with warnings about their behaviour. The Council will work with partners to help landlords gather the evidence where necessary to support any evictions in Court. The Council delivers many neighbourhoods functions crossing various departments and also in partnership with other agencies such as GMP, Registered Providers, Biffa, Community Groups etc. This approach will continue to be undertaken in the licensed area to tackle neighbourhood issues in a holistic manner e.g. Neighbourhoods Teams, ASBAT, Waste and Recycling Team, GMP, Biffa etc.</p>
July 2021	Email	<p>Lack of support for ASB issues caused by Northwards tenant</p>	<p>Referrals will also be made as necessary to support any vulnerable residents who may not already be accessing services. Additional staff to support the administration of the scheme will be in place and the existing Housing Enforcement & Compliance will benefit from additional resources to support the delivery of enforcement action against the worst performing landlords.</p>
July 2021	Letter	<p>Licence conditions 5 and 6 states that: "The licence holder must ensure occupiers are aware of behaviour that may constitute a nuisance and/or antisocial behaviour, what is an acceptable use of the premises and what the likely consequences of causing nuisance or ASB may be.</p> <p>The licence holder must take all reasonable steps to deal with nuisance and/ or antisocial behaviour perpetrated by occupiers and/ or visitors to the premises. This includes taking proactive action (e.g. warnings, legal action) as soon as the licence holder becomes aware of a problem and by co-operating fully with the relevant agencies, e.g. MCC or GMP".</p> <p>At the commencement of a tenancy, the landlord outlines the tenant's obligations in relation to noise (and other matters such as waste disposal, compliance with relevant laws, and 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</p>	<p>All complaints regarding noise nuisance and anti-social behaviour are properly investigated by the Council. Where a noise nuisance is witnessed by the Licensing and Out of Hours Team, a Noise Abatement Notice may be served on the tenants. The landlord is notified of this and requested to address the noise issues directly with the tenants and work with the Council to prevent any further recurrence. We have joint working processes in place to ensure the Housing Compliance team are made aware of the issues to ensure there is compliance with the licensing conditions. This is done by requesting procedures from the landlords on</p>

		<p>property or neighbouring streets. In the case of a noise complaint, the council would have to inform the landlord that the tenant was excessively noisy. The landlord then has the right either to warn the tenant or to end the tenancy. If the allegation is false or disingenuous, how is the landlord to know? If the same accusation is made on more than one occasion, the landlord may end the tenancy based on an unproven allegation or because the council says a problem. This does not solve the problem but rather moves it around the borough.</p> <p>The same applies to household refuse and other antisocial behaviour issues. The tenant could be labelled as guilty without having faced a trial. Under the reference condition of selective licensing, a guilty judgment can be made without an accusation being tested by their peers in a court of law. A landlord has difficulty in dissuading tenants on where they can park on a public highway. This is an issue in many communities where parking is an issue. A public road is not under the control of a landlord, and many neighbour disputes arise from this, especially where work vehicles are involved. The ending of a tenancy will be away for a landlord to resolve an allegation of antisocial behaviour, waste mismanagement or even a malicious complaint. This will not resolve the issue of high tenancy turnover; it will exacerbate it.</p>	<p>how they deal with noise and anti-social behaviour and establish what action has been taken to address the issues.</p>
April 2021	Letter	<p>Licensing schemes heavily focus on the administration involved, often directing local authority staff away from enforcement to process applications. We know that Councils have indicated that processing a single application can</p>	<p>With the introduction of the online application system in our current licensing schemes, improved the processing of licensing applications and removed the requirement to chase missing documents/certification which is a prerequisite of the online application</p>

		<p>take between 15 minutes and one hour. This can be incredibly time consuming and costly when thousands of properties require licensing.</p>	<p>process. In Manchester we have a dedicated business support team to process and issue licences, whilst enforcement action is carried out by Housing Enforcement Officers.</p>
April 2021	Letter	<p>Instead of introducing further Selective Licensing schemes, local authorities should adopt a collaborative approach with letting agents, landlords and professional bodies to tackle issues within the private rented sector. This approach recognises and rewards landlords and agents that already adhere to good practice and enables local authorities to better target their resources on effective intelligence-led enforcement.</p> <p>We think that there should be discount for letting agents who belong to an accredited body and in particular members of Propertymark.</p>	<p>The council recognises landlords and agents who belong to professional bodies and provide safe & decent accommodation. To better target our enforcement resources, we encouraged landlords to apply early (in previous schemes) to take advantage of our discounted licence fee, which allowed us to focus on those landlords who had failed to apply. We will be doing the same with these schemes. Landlords will also be encouraged to sign the Manchester Rental Pledge as part of the licensing scheme, the pledge requests landlords consider joining a professional body as well as other commitments. Please see the following link for more information Sign the pledge The Manchester renting pledge Manchester City Council.</p>
April 2021	Letter	<p>Propertymark is concerned about the impact of Coronavirus on agent's business costs and overheads.</p> <p>The UK Government are encouraging local authorities to take a common-sense, pragmatic approach to landlord licensing enforcement during these unprecedented times. On 1 June 2020, the UK Government published updated Coronavirus (COVID-19) Guidance for Landlords and Tenants. The Guidance advises landlords who have property in an area subject to Selective or Additional Licensing that local authorities should consider pausing the introduction of non-mandatory licensing schemes where this will allow limited resources to be focused where they are most needed.</p>	<p>The Council updated its enforcement policy during the pandemic, a position statement around the councils approach to enforcement can be found using the attached link. During the height of the pandemic (lockdown and tier restrictions) licensing inspections were put on hold unless it was an emergency. We took a common sense and pragmatic view around enforcement as we recognised the difficulties landlords had with inspecting properties and getting contractors to carry out required works. We also recognised the challenges with consulting during the pandemic and therefore carried out a formal consultation once lockdown had eased. The Council continues to take a pragmatic approach to enforcement. Coronavirus (COVID-19) Private Rented Sector Enforcement COVID-19 information for landlords and tenants Manchester City Council.</p>

April 2021	Letter	Tenants will likely see the cost of licensing passed on to them via rent increases.	Some landlords may decide to increase rents to recover the costs of the licence but this will be a business decision for them to make as they may do on an annual basis already.
July 2021	Email	Costs will be passed on to tenants.	
April 2021	Letter	Landlords who cannot afford the license fee decide not to pay and remove their property from the market, tenants will be forced to seek new homes, placing people at risk and spreading rather than stemming the pandemic. With little or no rents being paid on properties, landlords are not able to fund new license fees at this time, leaving them with the choice of criminal liability, or evicting their tenants.	Landlords may generally buy and sell properties as a result of changes in their own personal circumstances, or of national or local issues. There has been no evidence that reputable landlords cease to operate in an area purely because Selective Licensing is in place. The fee charged for a licence is considered to be affordable and licensing will be a way that a landlord can demonstrate the quality of their rental business.
April 2021	Letter	With agents furloughed or continuing to work from home they are unable to access relevant paperwork and documentation to complete licensing scheme applications and process fees.	This is no longer the case as lockdown and the Furlough scheme has ended, however as most documents are stored electronically and the online application system enables agents and landlords to submit and pay for the application online.
April 2021	Letter	Sufficient numbers of staff will be needed to ensure that the scheme runs timely and effectively. Manchester City Council have not indicated how many staff will be recruited to police the scheme. In the interests of transparency, we think that these figures should have been made available so that interested parties could assess whether the numbers are adequate. Secondly, ability for landlords to apply using a paper application.	8 staff will work across the scheme processing licences, undertaking inspections and working on engagement. We would prefer all correspondence to the scheme to be electronic. The council expects that as a licence holder and the operator of a letting business, landlords and agents will have access to electronic communications. This is a more efficient form of communications which reduces costs and is reflected in our licence fees. Use of the council's online system is more secure for data and payments. Immediate receipts for payments from our system which we are aware landlords find a benefit when completing their end of year accounts.

April 2021	Letter	<p>Manchester City Council should avoid attaching any waste management duties on landlords. Other Council consultations have stated that the licence holder must ensure that gardens, yards, and other external areas are cleared of rubbish, debris and accumulations and are cleared between tenancies. Here we have asked, what happens where the receptacles are located in communal areas (such as blocks of flats) which are outside of the landlord's ability to control? Would they be in breach of their licensing conditions without any ability to rectify the situation?</p> <p>We acknowledge that property inspections can help tenants to manage their waste, however we do not think that Selective Licensing is necessary to do this and is a wasteful administrative exercise. Instead, the Council could identify high areas of problem spots and talk to tenants without the need of a license. Communication and education are key to reducing waste and improving recycling. Manchester City Council should be doing more to engage with landlords and letting agents, provide the landlord with the written information they wish the landlord to distribute to tenants rather than expecting the landlord to produce it themselves following advice.</p>	<p>Landlords play a key part in ensuring there is adequate waste and recycling receptacles at their properties and their tenants are made aware of how to correctly dispose of waste and when waste is collected. Landlords are encouraged to regularly visit their properties to ensure the property is being maintained and address any waste issues caused by their tenants. We work closely with our Neighbourhood Compliance teams who will investigate complaints in relation to waste and where evidence is found, the occupier may be imposed with a fine or enforcement notice. The Neighbourhood teams will work with landlords to address the situation and provide advice as appropriate. We have a number of initiatives in place to address issues with waste and recycling, this includes education in the form of leaflets, letters, information on our website, social media messages, door knocking and neighbourhood events to educate residents around waste and the importance of recycling. We are also linked in with Biffa who are the Councils waste provider, who have a small team specifically concentrating on hot spot areas to find evidence of the perpetrators and this is passed to our enforcement team to issue fixed penalty notices and prosecution where appropriate.</p>
Feb 2021	Letter	<p>How money generated will be spent and what resources the Council intend to apply for this project.</p>	<p>Selective licensing legislation allows the local authority to set a fixed licence fee to accompany the application. The fee is designed to cover the administration costs of the implementation and delivery of the scheme. The funds from the licence fee are legally not permitted to be used to make a profit or fund services. The fee of the licence in Manchester will be £591 under the introductory offer</p>

			and thereafter will be £798. It is recognised compliant landlords will apply for a licence in a designated area and therefore the Council will be offering an introductory licence fee for early applications. This approach was taken previously and resulted in a significant number of applications being made within the first three months of the scheme, and enabled resources to target a smaller number of non-compliant landlords and also deal with breaches.
July 2021	Email	Previous licensing scheme in Moston. Can't recall original licence leading to any uplift or reduction in crime. Fail to see how reintroducing such a system will be of any benefit. How will it address subletting and non-declaration of being a landlord.	Changes to the selective licensing legislation in 2015 included four additional designation conditions (poor property conditions, high levels of transiency, high levels of deprivation and high levels of crime, in addition to low housing demand and anti-social behaviour, which one or more must be met for a designation to be considered. As a result of this and a call for a more targeted approach by the government, it is felt the impact of poor housing landlords and practices in areas of primarily low demand can be effectively addressed, and furthermore tailored to the different issues in each of the neighbourhoods that have been identified as part of this process. The Council recognises the challenges from the previous selective licensing schemes in Manchester and aims to address this through the way the applications will be processed enabling valuable resources to concentrate on the worst performing landlords.
July 2021	Letter	Licence condition 10 states that: "When necessary, the licence holder must provide suitable alternative accommodation for occupiers when carrying out major works to the licensed premises for the period during which the works are being undertaken". This condition goes beyond the scope of powers granted to local authorities under Part 3 of the Housing Act when	The Act provides that the Local Housing Authority may include such conditions as it considers are appropriate for regulating the management, use or occupation of the licensed premises. The LHA is of the view that such a condition protects the rights of occupiers and is entirely appropriate and within its powers to impose, in circumstances where it would be unreasonable for such occupiers to reside in the

		it comes to property licensing. Although a noble condition, the council would not enforce such a licence condition under selective licensing; therefore, it should reconsider its implementation.	licensed premises whilst major works are ongoing.
July 2021	Letter	Licence condition 15 states that: "The licence holder must make appropriate arrangements for the disposal of any waste at the end of a tenancy and produce waste transfer notes for inspection on request". Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include but are not limited to putting waste out on the street for the council to collect. This was hoping to get their deposit back and made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with many private rented properties need to consider a strategy for collecting excess waste at the end of a tenancy in place of selective licensing. Suppose a scheme is not already in place. Would the council consider a free/low-cost service for private landlords to remove numerous bunk items when tenants vacate the property and not dispose of such waste beforehand?	Unlike some other LA's Manchester do not manage the GM Household Waste Recycling Centres (HWRC) - these are managed by the Greater Manchester Combined Authority (GMCA). The GM HWRC are free for all residents living in the conurbation to dispose of their bulky waste. The Council also offers all households one free bulky collection per year (up to 3 items), subsequent collections are paid for (£27 for up to 3 items). During the student leaving period extra arrangements are put in place to collect reusable items via charity arrangements - delivered in partnership with the universities.
July 2021	Letter	Licence condition 17 states that: "The licence holder must ensure that any persons involved with the management of the house including themselves to the best of their knowledge are "fit and proper persons" for the purpose of the Act. Any change in these circumstances shall be notified to the local authority in writing within 28 days". This an unreasonable as a licence holder or a potential licence holder has no way of knowing if someone is banned or is not fit and proper to take on such responsibilities.	The Act provides that the Local Housing Authority may include such conditions as it considers are appropriate for regulating the management, use or occupation of the licensed premises. The Councils licence application system requests signed declarations as part of its licence application process by all those named in the management of a property to confirm they do not have any convictions as set out in the fit and proper test in S89 of the Housing Act 2004 as amended by s125 Housing and Planning Act 2016. We have considered this feedback and have amended the wording of this condition to: "The

			<p>licence holder must make all sufficient and reasonable enquires to satisfy themselves that any persons involved with the management of the house including themselves to the best of their knowledge are "fit and proper persons" for the purposes of the Act. Any change in these circumstances that they become aware of shall be notified to the local authority in writing within 28 days".</p>
July 2021	Letter	<p>Manchester City council has many existing enforcing powers that can rectify the identified problems as part of the council's housing strategy. These include:</p> <ol style="list-style-type: none"> 1. Criminal Behaviour Orders 2. Crime Prevention Injunctions 3. Interim Management Orders 4. Empty Dwelling Management Orders 5. Improvement Notices (for homes that do not meet the Decent Homes Standard) 6. Litter Abatement Notices (Section 92 of the Environmental Protection Act 1990) 7. Fixed Penalty Notices or Confiscation of equipment (Sections 8 and 10 of the Noise Act 1996) 8. Directions regarding the disposal of waste (for example, Section 46 of the Environmental Protection Act 1990) 9. Notices to remove rubbish from land (Section 2-3 of the Prevention of Damage by Pests Act 1949) 	<p>We acknowledge that there are a number of enforcement powers at our disposal and these are used as appropriate to deal with individual properties and specific cases. Unfortunately enforcement against individual properties alone will not improve standards to the level required across each area. They would and do however remain an option to deal with individual properties where appropriate.</p>
July 2021	Letter	<p>The NRLA would like clarification on the council's policy concerning helping a landlord when a section 21 notice (or future notice is currently being consulted upon) is served, the property is overcrowded, or the tenant is causing antisocial behaviour, as per what the council says in the consultation. What steps will the council take to</p>	<p>The schemes being proposed has an engagement officer built into the Housing Compliance team to assist with amongst other things supporting landlords. The Council further commissions advice services where free legal advice can be obtained. More information about this can be found at: Free general advice Free legal advice Manchester City</p>

		support the landlord? It would be useful if the council were to put in place a guidance document before introducing the scheme to outline its position regarding helping landlords remove tenants who are manifesting antisocial behaviour.	Council . The Councils web pages have further information and advice for private landlords see link Private landlords Information Manchester City Council . This includes helpful guides such as a property checklist etc. The Council is reviewing advice and guidance available for landlords as part of the Selective Licensing Scheme.
July 2021	Letter	It is not clear if the council have proposed any alternatives to property licensing within the consultation documents. Government guidance states that: “the council must explain in detail why alternative remedies are insufficient, demonstrating how it will tackle specific problems together with other specified measures, and describing the proposed outcome of the designation”. If the council have explored alternatives to the further introduction of selective licensing, this should be included so respondents have the opportunity to review what the council has already considered.	Manchester has previously had an accreditation scheme, and we have considered voluntary accreditation as part of our work in Manchester, however our experience is that these schemes inevitably attract landlords who are already providing a good service to their tenants and do little to engage or improve those landlords who are not. Special Interim Management Orders are not considered appropriate on their own. The issues being experienced in the area are not isolated cases and require additional measures as well as enforcement where required. Enforcement against individual properties alone will not improve standards to the level required across each area. They would and do however remain an option to deal with individual properties where appropriate.
April 2021	Letter	Manchester City Council has not made use of interim management orders in the designated area of Harpurhey: Trinity and Gorton & Abbey Hey to combat antisocial behaviour. To this end, we urge Manchester City Council to make use of all existing enforcement powers before introducing Selective Licensing schemes.	Selective licensing is not a standalone tool and should work in conjunction with the Council’s existing enforcement regimes and proactive work. A proactive enforcement team within the Housing Compliance and Enforcement team works on initiatives to review property conditions by identifying problem blocks of properties and undertaking targeted inspections, and by identifying portfolio landlords of concern and undertaking full inspections of all their properties. The Housing Compliance and Enforcement Team undertakes pre licence and compliance inspections

		<p>of 100% of all the HMO licensed properties within the city as well as 50% compliance inspections of those properties currently subject to selective licensing.</p> <p>Officers across the teams work with partnership agencies to support joint initiatives to tackle poor housing conditions and rogue landlords this includes but is not limited to Greater Manchester Fire and Rescue Service, Greater Manchester Police, HMRC, Immigration Enforcement, Social Services and the Anti-Social Behaviour Team. Selective licensing can enable a targeted and systematic approach to addressing the issues of poor and inconsistent property management standards as well as the other issues identified in each area. Selective licensing ensures that; The proposed licence holder is fit and proper to manage their properties. The licence holder complies with the conditions of the licence, leading to improvements in property management and reductions in anti-social behaviour.</p> <p>Property inspections can be targeted. Requiring certification to be provided. Unlicensed landlords can face an unlimited fine if prosecuted through the courts, or up to £30,000 if issued by the council. We believe that selective licensing will raise standards in the management of privately rented properties and improve the quality of houses. In turn this will: make more people want to live in the area make people want to stay in the area for longer cut the length of time houses are empty — increasing the rental income for landlords increase property values as the area improves reduce crime and antisocial behaviour.</p>
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