

# Agenda

www.oxford.gov.uk



## Annual Meeting of Council

### Summons

A meeting of the City Council will be held to transact the business set out below on

Date: **Wednesday 18 May 2022**

Time: **5.00 pm**

Place: **Council Chamber - Oxford Town Hall**

**Proper Officer**

**Members of the public can attend to observe this meeting and:**

- may register in advance to speak to the meeting in accordance with the [public speaking rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

This meeting can be viewed live or afterwards on the council's [YouTube channel](#).

**For further information** please contact:

Lucy Tyrrell, Committee and Members Services Officer, Committee and Member Services Officer

01865 252784

[democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

*View or subscribe to updates for agendas, reports and minutes at [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk).*

*All public papers are available from the calendar link to this meeting once published*

## Membership of Council

Councillors: Membership 48: Quorum 12.

**Lord Mayor** Councillor Mark Lygo

**Deputy Lord Mayor** Councillor Stephen Goddard

**Sheriff** None (previously Councillor Dick Wolff)

<b>Members</b>	Councillor Mohammed Altaf-Khan	Councillor Tom Landell Mills
	Councillor Lubna Arshad	Councillor Dr Amar Latif
	Councillor Shaista Aziz	Councillor Sajjad Malik
	Councillor Nadine Bely-Summers	Councillor Katherine Miles
	Councillor Diko Walcott	Councillor Alistair Morris
	Councillor Susan Brown	Councillor Lois Muddiman
	Councillor Nigel Chapman	Councillor Edward Mundy
	Councillor Mary Clarkson	Councillor Chewe Munkonge
	Councillor Tiago Corais	Councillor Jabu Nala-Hartley
	Councillor Barbara Coyne	Councillor Lucy Pegg
	Councillor Lizzy Diggins	Councillor Susanna Pressel
	Councillor Dr Hosnieh Djafari-Marbini	Councillor Rosie Rawle
	Councillor Paula Dunne	Councillor Ajaz Rehman
	Councillor Laurence Fouweather	Councillor Mike Rowley
	Councillor James Fry	Councillor Jo Sandelson
	Councillor Andrew Gant	Councillor Linda Smith
	Councillor Duncan Hall	Councillor Roz Smith
	Councillor Tom Hayes	Councillor Dr Christopher Smowton
	Councillor Alex Hollingsworth	Councillor Imogen Thomas
	Councillor Rae Humberstone	Councillor Marie Tidball
	Councillor Jemima Hunt	Councillor Ed Turner
	Councillor Chris Jarvis	Councillor Louise Upton
	Councillor Emily Kerr	Councillor Naomi Waite

Apologies will be reported at the meeting.

# Agenda

The business to be transacted is set out below

Pages

- 1 Election of Lord Mayor for the Council year 2022/23**  
Council is recommended to resolve to elect a Lord Mayor to the start of the Annual Council meeting in May 2023
- 2 Appointment of Deputy Lord Mayor for the Council 2022/23**  
Council is recommended to resolve to appoint a Deputy Lord Mayor to the start of the Annual Council meeting in May 2023
- 3 Appointment of Sheriff for the Council year 2022/23**  
Council is recommended to resolve to appoint a Sheriff to the start of the Annual Council meeting in May 2023
- 4 Apologies for absence**
- 5 Declarations of interest**  
To make any declarations of disposable pecuniary interest relating to items on this agenda.
- 6 Announcements**  
Announcements by:
  1. The Lord Mayor
  2. The Chief Executive
- 7 Election of Council Leader**  
Council is asked to elect a Leader of Council in accordance with the Council's executive arrangements as set out in the Constitution for a term of office beginning immediately and ending at the annual Council meeting immediately following the end of their current term of office (i.e.

either May 2024 or May 2026).

## **8 Report of the Leader of the Council**

**Council will receive and note a report from the Leader on:**

1. the appointment of the deputy Leader of the Council;
2. the appointment of up to 8 additional members of the Cabinet;
3. the responsibilities of the Leader, Deputy Leader, and other Cabinet Members;
4. the Council's representative and their substitute on the Future Oxfordshire Partnership (both members of this Council's Cabinet)
5. the Council's representatives (and their substitutes) on the Future Oxfordshire Partnership's four advisory sub-groups (drawn from members of this Council's Cabinet):
  - Oxfordshire Plan 2050
  - Housing
  - Infrastructure
  - Environment
6. the appointment of Members of the Shareholder and Joint Venture Group which has responsibility for acting as shareholder of the Council's companies and for safeguarding and furthering the Council's interests and investments in its companies and joint ventures.
7. the Executive Scheme of Delegation as set out in the Section 4 of the Council's Constitution dated 18 May 2022 (and agreed by Council on 21 March 2022); and
8. any other matters.

The Constitution is available on the [Council's website](#)

## **OFFICER REPORTS**

### **9 Appointment to Council Committees 2022/23**

9 - 16

The Head of Law and Governance has submitted a report asking Council to appoint committees and the members serving on those committees for the Council year 2022-23 in accordance with the provisions of the Local Government and Housing Act 1989 (Section 15)

and other relevant legislation.

Appendix 3 will be circulated in the Briefing Note published before the meeting, and any outstanding nominations to committee seats may be announced, or agreed, as appropriate at the meeting.

**Recommendation(s): Council is recommended to:**

1. **Approve** the structure of the Council committees, as defined within the Council's Constitution and set out in Appendix 1: Committee structure 2022/23;
2. **Approve** the methods, calculations and conventions used in determining political representation on committees as outlined in the report and shown in Appendix 2: Political proportionalities on Council committees 2022-23;
3. **Appoint** to committee seats in accordance with the requirements of political proportionality and the nominations made by political groups, as shown in Appendix 3: Committee nominations 2022-23;
4. **Agree** that all members of Council will form the pool of members able to observe on appeals and some grievances panels in accordance with the Council's policies;
5. **Appoint** three non-executive members to the Oxfordshire Growth Board Scrutiny Panel (see Appendix 3: Committee nominations 2022-23);
6. **Appoint** one non-executive member to the Joint Oxfordshire Health Overview and Scrutiny Committee (see Appendix 3: Committee nominations 2022-23).

## CABINET REPORTS

### 10 Selective Licensing fees

17 - 174

The Head of Regulatory Services and Community Safety submitted a report to Cabinet on 10 March 2021 informing Cabinet of the results of the consultation exercise carried out into the proposal to introduce a selective licensing scheme in the city.

Following the consultation it was proposed that a selective licensing scheme be introduced with the proposed changes to the scheme based on the feedback received. Following approval of the recommendations, a submission to the Secretary of State for Housing, Communities and Local Government was required for confirmation before the scheme could be implemented.

**Recommendation: Cabinet recommends that Council resolves to approve the fee structure for licence applications, as set out in Appendix 7.**

**Updates and additional information to supplement this agenda are published in the Council Briefing Note.**

The agenda and briefing note should be read together.

The Briefing Note is published as a supplement to the agenda. It is available before the meeting and can be accessed along with the agenda on the council's website.

## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee and Member Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks Councillors and members of the press and public recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recordings may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **Councillors declaring interests**

#### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

#### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

#### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

#### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

This page is intentionally left blank

**To:** Annual Council  
**Date:** 18 May 2022  
**Report of:** Head of Law and Governance  
**Title of Report:** Appointment of Committees for the Council Year 2022/23

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	For Council to appoint committees and the members serving on those committees for the Council year 2022-23
<b>Legislation:</b>	Local Government and Housing Act 1989 (Section 15)
<b>Recommendation(s): Council is recommended to:</b>	
<ol style="list-style-type: none"> <li>1. <b>Approve</b> the structure of the Council committees, as defined within the Council's Constitution and set out in <i>Appendix 1: Committee structure 2022/23</i>;</li> <li>2. <b>Approve</b> the methods, calculations and conventions used in determining political representation on committees as outlined in the report and shown in <i>Appendix 2: Political proportionalities on Council committees 2022-23</i>;</li> <li>3. <b>Appoint</b> to committee seats in accordance with the requirements of political proportionality and the nominations made by political groups, as shown in <i>Appendix 3: Committee nominations 2022-23</i>;</li> <li>4. <b>Agree</b> that all members of Council will form the pool of members able to observe on appeals and some grievances panels in accordance with the Council's policies;</li> <li>5. <b>Appoint</b> three non-executive members to the Oxfordshire Growth Board Scrutiny Panel (see <i>Appendix 3: Committee nominations 2022-23</i>);</li> <li>6. <b>Appoint</b> one non-executive member to the Joint Oxfordshire Health Overview and Scrutiny Committee (see <i>Appendix 3: Committee nominations 2022-23</i>).</li> </ol>	

<b>Appendices</b>	
Appendix 1	Committee structure 2022/23
Appendix 2	Political proportionalities on committees 2022/23
Appendix 3	Committee nominations 2022/23 (to be circulated separately in the Briefing Note)

## **Introduction and background**

1. This report invites Annual Council to appoint non-executive committees for the 2022/23 Council year in accordance with the Council procedures set out in the Constitution (Section 11.1 (i) and (j)).
2. The committee structure that Council is asked to approve is attached as Appendix 1. There are no changes to the committee structure from last year. The programme of committee meeting dates was agreed by Council on 29 November 2022.
3. The Local Government and Housing Act 1989 (Section 15) (“The Act”) provides a statutory basis for the allocation of committee seats to political groups based on principles of political proportionality. To enable this the Council has to provide for:
  - a. Political Groups to be formed and Group Leaders elected.
  - b. Seats on committees to be allocated to political groups in accordance with the requirements of the Act.
4. The political balance of the Council and its committees has been reviewed in accordance with the provisions of the Act. Appendix 2 shows the political proportionalities on the committees the Council is asked to appoint to.
5. Appendix 3 (to be circulated in the Briefing Note) shows the nominations to the seats on committees.

## **Political Groups**

6. Individual members are required to indicate a wish to be a member of a particular political group (or cease to be a member of a political group). Political groups comprise two or more members who have indicated that they wish to be a member of that group by signing a notice to the proper officer, the Head of Law and Governance. The Group Secretaries of established groups will normally hold and co-ordinate these notices (commonly known as political group forms). The notice must include the name of the Group Leader and may include the name of the Deputy Group Leader.
7. Once political groups have been formed, changes to the membership and leadership of groups can be made by notice to the Head of Law and Governance. A change of group leader must be notified by a majority of group members.

## **Political balance calculations**

8. Council has a duty to appoint to most committees using the principles of political proportionality set out in the Act. These principles should be read hierarchically:
  - Where there is more than one political group, all seats must not be allocated to the same group.
  - The majority of seats must be allocated to the group with the majority on the Council.
  - When considering all seats available for allocation the total of those given to each group should match their representation on the Council overall.
  - The number of seats on each individual committee allocated to groups should match their representation on the Council overall.

9. Applying these principles may not result in a precise mathematical allocation of seats. In these cases the allocations will rounded up at 0.5 and above.
10. In the event that achieving political proportionality on all committees results in an overall over-allocation of seats to a particular group, the group with the over-allocation will be asked which seat(s) they wish to relinquish. Any such seats will then be reallocated to group(s) with an overall under-allocation of seats. This process may involve some discussion between political groups.
11. Non-grouped independent members are not treated as political groups but do affect overall proportionality. As such they should be offered any seats that remain unallocated once all groups have received their full proportional allocation of seats.
12. Appendix 2 shows the numbers of committee seats allocated to political groups for the 2022/23 council year on the basis of the methods, calculations and conventions described in paragraphs 8-11. A total of 70 committee seats are included in political balance calculations.
13. The requirements of political proportionality do not apply to the Licensing and Gambling Acts Committee but the convention is that Council will apply the same principles when appointing to this committee. For simplicity Council has agreed that political groups will be encouraged to nominate the same members to both licensing committees.

### **Appointments to Council Committees**

14. Appendix 3 shows the nominations to committee seats made by political groups, in accordance with the seat allocations shown in Appendix 2. Council is recommended to appoint the nominated members to committees as set out in Appendix 3.
15. There will be a standing item on Council agendas to enable political groups to propose any changes to their committee appointments, should they wish to do so.

### **Appeals and grievances**

16. The Council's HR policies require that should an appeal be received against a decision to dismiss an employee, then a hearing should be observed by an elected member. The same applies to certain appeals within the Council's grievance procedure. A pool of members is required and Council is recommended to agree, as in previous years, that this pool consists of all members of Council.

### **Future Oxfordshire Partnership appointments**

17. Appointments to the Future Oxfordshire Partnership (previously Oxfordshire Growth Board) and its four advisory sub-groups are matters for the executive and will be announced separately by the Leader.
18. Council is invited and recommended to appoint three non-executive members to the Future Oxfordshire Partnership Scrutiny Panel, having regard to the political balance of Council. This is a non-statutory body that exists to scrutinise the work of the Future Oxfordshire Partnership. It comprises three members from each of the six constituent councils and the quorum is one member from each council. Meetings of the Future Oxfordshire Partnership Scrutiny Panel have been scheduled on the following dates (all 6.30pm):

7 June 2022  
19 July 2022

20 September 2022  
22 November 2022  
18 January 2023  
13 March 2023

19. The convention established when the Panel was formed in 2018 is to appoint one member from each of the three political groups.

### **Appointment to the Joint Oxfordshire Health Overview and Scrutiny Committee**

20. Oxfordshire County Council invites the Council to appoint one non-executive member to sit on the Joint Oxfordshire Health Overview and Scrutiny Committee, which delivers the health scrutiny function for Oxfordshire. The member nominated by the controlling political group will be named in Appendix 3. Meetings have been scheduled on the following dates (all 10.00am):

9 June 2022  
22 September 2022  
24 November 2022  
9 February 2023  
20 April 2023

### **Appointments to Scrutiny Panels and Review Groups**

21. The Scrutiny Committee may establish informal standing panels or review groups (otherwise known as ‘task and finish’ groups) and appoint members to them in accordance with ‘operating principals’ agreed by the Committee. Membership of these bodies will be cross-party and can be drawn from all non-executive members but the principles of political proportionality do not strictly apply. Nominations to these bodies will be handled separately, once those bodies have been established by the Scrutiny Committee.

### **Financial issues**

22. There are no financial issues to consider. The recommendations in this report do not have any financial impacts.

### **Legal issues**

23. The legal issues including the Council’s duty to appoint to committees in accordance with the provisions of S15 of the Local Government and Housing Act 1989 are contained within the report.

<b>Report author</b>	Andrew Brown
Job title	Committee and Member Services Manager
Service area or department	Law and Governance
Telephone	01865 252230
e-mail	<a href="mailto:abrown2@oxford.gov.uk">abrown2@oxford.gov.uk</a>

**Background Papers:** None

## Committee structure 2022/23

**Table 1: Committee structure**

<b>Body</b>	<b>Number of seats</b>	<b>In political balance calculation?</b>	<b>Notes</b>
Council	48	No	Formed by election.
Cabinet	10	No	Appointed by the Leader of the Council. Must have 3-10 members including the Leader and Deputy Leader(s).
Licensing and Gambling Acts Committee	15	No	<b>For appointment by Council</b> Political groups are invited to nominate the same members to the Licensing and Gambling Acts Committee and the General Purposes Licensing Committee.
General Purposes Licensing Committee	15	Yes	<b>For appointment by Council</b> Political groups are invited to nominate the same members to the Licensing and Gambling Acts Committee and the General Purposes Licensing Committee.
Appointments Committee	5	Yes	<b>For appointment by Council</b> Must include a member of Cabinet.
Audit and Governance Committee	7	Yes	<b>For appointment by Council</b> Chair must not be a member of Cabinet.
Investigation and Disciplinary Committee	4	Yes	<b>For appointment by Council</b> Must include a member of Cabinet.
Planning Committee	11	Yes	<b>For appointment by Council</b> Council may not appoint a member to more than one planning Committee.
Planning Review Committee	9	Yes	<b>For appointment by Council</b> Council may not appoint a member to more than one planning Committee.
Scrutiny Committee	12	Yes	<b>For appointment by Council</b> Cabinet members cannot be members of the Scrutiny Committee.
Standards Committee	7	Yes	<b>For appointment by Council</b>

**70 seats included in political balance calculation**

This page is intentionally left blank

## Appendix 2: Political proportionalities on Council committees 2022-23

The allocation of seats to political groups has been reviewed based on the political composition of the Council following elections held on 5 May 2022. The allocations are shown in Table A below.

Lab: 32

Lib Dem: 9

Green: 6

Non-grouped independent: 1

**Table A: Committees subject to proportionality rules**

<b>Committee</b>	<b>Seats</b>	<b>Lab</b>	<b>Lib Dem</b>	<b>Green</b>	<b>Ind</b>	<b>Total</b>	<b>Balance</b>
General Purposes Licensing Committee	15	10	3	2	0	15	0
Appointments Committee	5	3	1	1	0	5	0
Audit and Governance Committee	7	5	1	1	0	7	0
Investigation and Disciplinary Committee	4	3	1	0	0	4	0
Planning Committee	11	7	2	1	1	11	0
Planning Review Committee	9	6	2	1	0	9	0
Scrutiny Committee	12	8	2	2	0	12	0
Standards Committee	7	5	1	1	0	7	0
<b>Total seats allocated</b>	<b>70</b>	<b>47</b>	<b>13</b>	<b>9</b>	<b>1</b>	<b>70</b>	<b>0</b>
<b>Rounded entitlement</b>	<b>69</b>	<b>47</b>	<b>13</b>	<b>9</b>	<b>N/A</b>	<b>69</b>	<b>-1</b>
<b>Real entitlement</b>	<b>68.54</b>	<b>46.67</b>	<b>13.13</b>	<b>8.75</b>	<b>N/A</b>	<b>69</b>	<b>-1</b>
<b>Percentage of seats allocated</b>		<b>(67.14)</b>	<b>(18.57)</b>	<b>(12.86)</b>	<b>(1.43)</b>	<b>(100)</b>	<b>0</b>

Notes on the allocation of seats to political groups:

- Initially all 70 seats were allocated to groups but the Green Group had an overall over-allocation of 1 seat, having been allocated 10 seats with a total proportional entitlement of 9 seats.
- Initially all committees had the correct number of councillors except for Planning Committee, which had an under-allocation of 1 councillor, and Investigations and Disciplinary Committee, which had an over-allocation of 1 councillor.
- To resolve these issues the following steps were followed (over-allocations are dealt with first):
  - The Green Group lost a seat that had been allocated to it on the Investigations and Disciplinary Committee. That left the Green Group with the correct number of seats (9) and the committee with the correct number of councillors (4).
  - The one seat that remained unallocated once all groups had been allocated their full proportional entitlement of seats, on Planning Committee, was offered to the independent member, who confirmed that they would take up the seat.

Some committees are not subject to political proportionality. The allocation of seats on these committees is explained in paragraphs 13, 17 and 20 of the report and is set out in Table B below.

**Table B: Committees not subject to proportionality rules**

<b><i>Committee</i></b>	<b><i>Labour</i></b>	<b><i>Lib Dem</i></b>	<b><i>Green</i></b>	<b><i>Total</i></b>
Oxfordshire Joint Health Overview and Scrutiny Committee	1	0	0	1
Oxfordshire Growth Board Scrutiny Panel	1	1	1	3
Licensing and Gambling Acts Committee	10	3	2	15

### Appendix 3: Committee nominations 2022-23

<b>Committee</b>	<b>Labour Group</b>	<b>Liberal Democrat Group</b>	<b>Green Group</b>	<b>Independent (non-grouped)</b>
Oxfordshire Joint Health Overview and Scrutiny Committee (1 seat)	1. Jabu Nala-Hartley			
Future Oxfordshire Partnership Scrutiny Panel (3)	1. Tiago Corais	1. Katherine Miles	1. Emily Kerr	
General Purposes Licensing Committee (15)  And  Licensing and Gambling Acts Committee (15)	1. Mary Clarkson 2. Tiago Corais 3. Barbara Coyne 4. Lizzy Diggins 5. Rae Humberstone 6. Mark Lygo 7. Edward Mundy 8. Imogen Thomas 9. Louise Upton 10. Naomi Waite	1. Andrew Gant 2. Katherine Miles 3. Jo Sandelson	1. Rosie Rawle 2. Lois Muddiman	
Appointments Committee (5)	1. Susan Brown 2. Tom Hayes 3. Ed Turner	1. Andrew Gant	1. Emily Kerr	
Audit and Governance Committee (7)	1. Tiago Corais 2. James Fry 3. Duncan Hall 4. Amar Latif 5. Chewe Munkonge	1. Roz Smith	1. Chris Jarvis	
Investigation and Disciplinary Committee (4)	1. Susan Brown 2. Susanna Pressel 3. Tom Hayes	1. Andrew Gant		

Planning Committee (11)	<ol style="list-style-type: none"> <li>1. Shaista Aziz</li> <li>2. Nigel Chapman</li> <li>3. Mary Clarkson</li> <li>4. Alex Hollingsworth</li> <li>5. Jemima Hunt</li> <li>6. Ajaz Rehman</li> <li>7. Louise Upton</li> </ol>	<ol style="list-style-type: none"> <li>1. Altaf Khan</li> <li>2. Laurence Fouweather</li> </ol>	1. Lucy Pegg	1. Saj Malik
Planning Review Committee (9)	<ol style="list-style-type: none"> <li>1. Susan Brown</li> <li>2. Hosnieh Djafari-Marbini</li> <li>3. Linda Smith</li> <li>4. Imogen Thomas</li> <li>5. Ed Turner</li> <li>6. Naomi Waite</li> </ol>	<ol style="list-style-type: none"> <li>1. Steve Goddard</li> <li>2. Roz Smith</li> </ol>	1. Alistair Morris	
Scrutiny Committee (12)	<ol style="list-style-type: none"> <li>1. Lubna Arshad</li> <li>2. Nadine Bely-Summers</li> <li>3. Tiago Corais</li> <li>4. Barbara Coyne</li> <li>5. Lizzy Diggins</li> <li>6. Edward Mundy</li> <li>7. Mike Rowley</li> <li>8. Marie Tidball</li> </ol>	<ol style="list-style-type: none"> <li>1. Chris Smowton</li> <li>2. Roz Smith</li> </ol>	<ol style="list-style-type: none"> <li>1. Chris Jarvis</li> <li>2. Lucy Pegg</li> </ol>	
Standards Committee (7)	<ol style="list-style-type: none"> <li>1. Lizzy Diggins</li> <li>2. Hosnieh Djafari-Marbini</li> <li>3. Rae Humberstone</li> <li>4. Susanna Pressel</li> <li>5. Imogen Thomas</li> </ol>	1. Chris Smowton	2. Lois Muddiman	

**To:** Cabinet  
**Date:** 10 March 2021  
**Report of:** Head of Regulatory Services and Community Safety  
**Title of Report:** Proposal for a Selective Licensing Scheme for privately rented homes

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To inform Cabinet of the results of the consultation exercise carried out into the proposal to introduce a selective licensing scheme in the city. Following the consultation it is proposed that a selective licensing scheme is introduced, however there have been some proposed changes to the scheme based on the feedback received. If the recommendations are approved, a submission to the Secretary of State for Housing, Communities and Local Government will be required for confirmation before the scheme can be implemented.
<b>Key decision:</b>	Yes
<b>Cabinet Member:</b>	Councillor Alex Hollingsworth, Cabinet member for Planning and Housing Delivery
<b>Corporate Priority:</b>	More Affordable Housing.
<b>Policy Framework:</b>	Housing Strategy
<b>Recommendations:</b> That Cabinet resolves to:	
1	<b>Consider</b> the outcome of the consultation process detailed in the report (Appendix 1), in particular the representations received and the Council's consideration and response to these ( Appendix 3);
2	<b>Approve</b> the designations as outlined in Appendix 5A and 5B as being subject to selective licencing and confirm that Cabinet is satisfied : <ul style="list-style-type: none"> <li>a. That the statutory grounds and requirements outlined in this report to introduce a selective licensing scheme have been met</li> <li>b. That it has considered other courses of action available to it that might provide an effective method of achieving the objectives that the designation intends to achieve , and</li> <li>c. That it considers that making the designations will significantly assist it to achieve those objectives</li> </ul>

3	<b>Agree</b> that a submission be made to the Secretary of State for Housing, Communities and Local Government requesting confirmation of the designations;
4	<b>Delegate</b> , subject to recommendation 3, to the Head of Regulatory Services and Community Safety and the Head of Law and Governance in consultation with the Cabinet member for Planning and Housing Delivery, responsibility for agreeing the final documentation requesting confirmation of the scheme to the Ministry of Housing, Communities and Local Government (MHCLG);
5	<b>Agree</b> to the proposed fee structure for licence applications at Appendix 7;
6	<b>Agree</b> the proposed licence conditions that would accompany any granted selective licence at Appendix 4; and
7	<b>Agree</b> the proposed eligibility criteria as detailed in Appendix 6
<b>Appendices</b>	
Appendix 1	Executive Summary -Consultation Report
Appendix 2	Consultation Methods Comparison
Appendix 3	Response to Consultation
Appendix 4	Licence Conditions Proposal
Appendix 5	Designations
Appendix 6	Eligibility Criteria
Appendix 7	Fee Proposal
Appendix 8	Risk Register
Appendix 9	Equality Impact Assessment

## Introduction and background

1. On 9<sup>th</sup> September 2020, following a report presenting evidence that there were poor property conditions within the private rented sector across the city, Cabinet agreed to carry out a statutory consultation exercise on the proposal to introduce a selective licensing scheme under Part 3 of the Housing Act 2004. The report also outlined the importance of selective licensing in the wider Housing Strategy of tackling poor conditions and poor management practices in the private rented sector, and contributing to the Council’s priority of “meeting housing needs”.
2. The Council initially commenced the consultation on the 10<sup>th</sup> September 2020 for a period of 12 weeks, but this period was extended due to the COVID-19 pandemic and November lockdown, concluding on the 31st December 2020 after a total period of 16 weeks.
3. This report confirms the outcomes of the completed consultation exercise and makes recommendations in relation to the proposed designation and

introduction of a selective licensing scheme in the city. The Executive summary report of the consultation exercise and findings are attached in Appendix 1

4. The Council still believe that the case for a scheme of selective licensing remains strong. The case presented to the Cabinet meeting in September 2020 highlighted that there is a problem with poor housing conditions in the private rented sector in the city – in particular, a significant number of properties with Category 1 and/or 2 hazards requiring inspection - and that the proactive approach that selective licensing will introduce will protect occupiers living in the sector from such poor conditions.
5. In the event that Cabinet agree to the proposed designation of a selective licensing scheme, this will be subject to confirmation by the Secretary of State for Housing, Communities and Local Government in accordance with the *Housing Act 2004: Licensing of HMOs and Selective Licensing of Other Residential Accommodation (England) General Approval 2015*.

### **Key findings from the Consultation exercise**

6. The council appointed an independent research consultant to undertake the exercise required by section 80(9) of the 2004 Act. The exercise covered the proposal to introduce a selective licensing scheme and the renewal of the HMO licensing scheme, which is subject to a separate report on the agenda.
7. The initial consultation exercise was extended due to the second national lockdown being introduced in November 2020. The exercise was extended until the 31<sup>st</sup> December which allowed for more time for respondents to give feedback and for a further online event for landlords and agents to be undertaken.
8. A range of techniques were used for the consultation which included an online questionnaire, stakeholder interviews, resident and tenant interviews and 4 events for landlords and agents. Paper questionnaires were also available, with 138 sent out. Unfortunately, due to the restrictions in place in relation to the COVID-19 pandemic, face to face interviews / forums were not undertaken as part of the exercise; however meetings were held using a digital platform and were well attended.
9. An analysis of the methods used by other authorities undertaking similar consultation exercises prior to the COVID 19 pandemic, and the responses to their consultations, has been undertaken. It can be seen that the consultation undertaken by the Council has had comparable, if not better, responses with the methods used in its consultation. See Appendix 2
10. In total the Council received 1,987 questionnaires and 53 written submissions. The breakdown of the respondents via the questionnaire is shown in Table 1 below. There were 4 virtual events for landlords and agents which were attended by 148 participants. 10 local tenants and residents recruited from across the city, attended a virtual focus group and 11 in depth interviews were undertaken with stakeholder organisations.
11. The Housing and Homelessness Panel meeting on the 3<sup>rd</sup> September 2020 recommended that the council should adapt its approach to ensure the views of vulnerable tenants were not overlooked in the consultation. Feedback is often skewed towards the most engaged group, which is usually landlords when consulting on licensing schemes, and this is clear in the number of responses received from landlords and agents. However it must be noted that there were

764 residents who also responded, and of these, 598 responded to a further question relating to their tenure, with 284(37%) privately renting in the city.

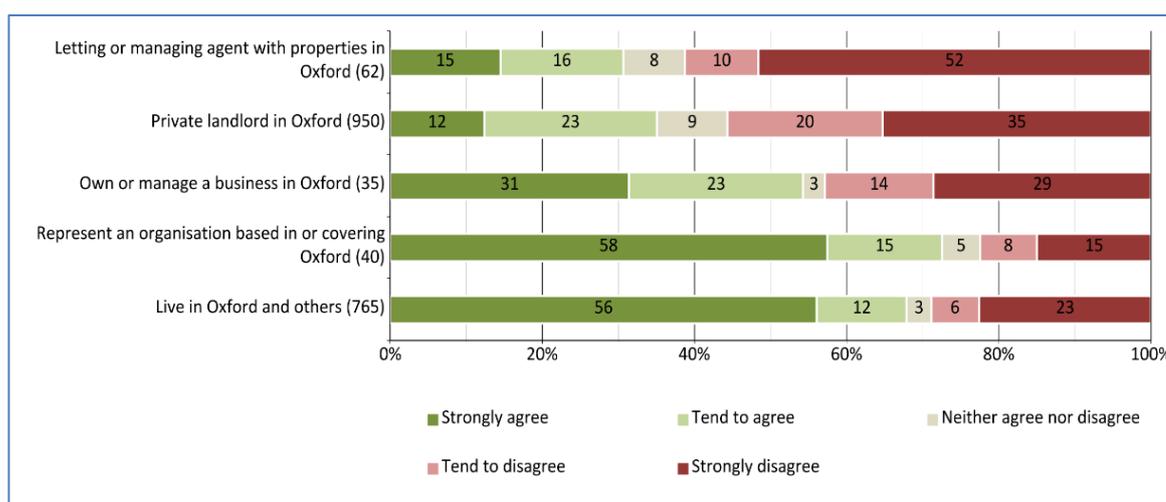
12. To reach private tenants, letters were sent twice to those in receipt of housing benefit, informing them of the consultation and that paper applications were available. The Council also contacted a number of agencies across the city who represent and support vulnerable residents, this resulted in a number giving their feedback to the proposals via in-depth interviews and written submissions.

**Table 1: Consultation questionnaire completions by type of respondent (Note: Percentages may not sum to 100% due to rounding)**

Stakeholder type	Count	% Valid responses
Letting or managing agent with properties in Oxford	70	4%
Private landlord in Oxford	1,012	51%
Own or manage a business in Oxford	38	2%
Represent an organisation based in/covering Oxford	41	2%
Live in Oxford	764	38%
Other respondents	62	3%
<b>Total responses</b>	<b>1,987</b>	<b>100%</b>

13. Roughly a third of landlords (35%) and agents (31%) agreed with the principle of introducing a selective licensing scheme, with 55% of landlords and 62% of agents disagreeing. However the principle was more widely supported among the other groups, particularly by organisation representatives (73% agreeing) and residents and other respondents (68% agreeing), as well as by around half of those who own or manage a business. See Figure 1 below

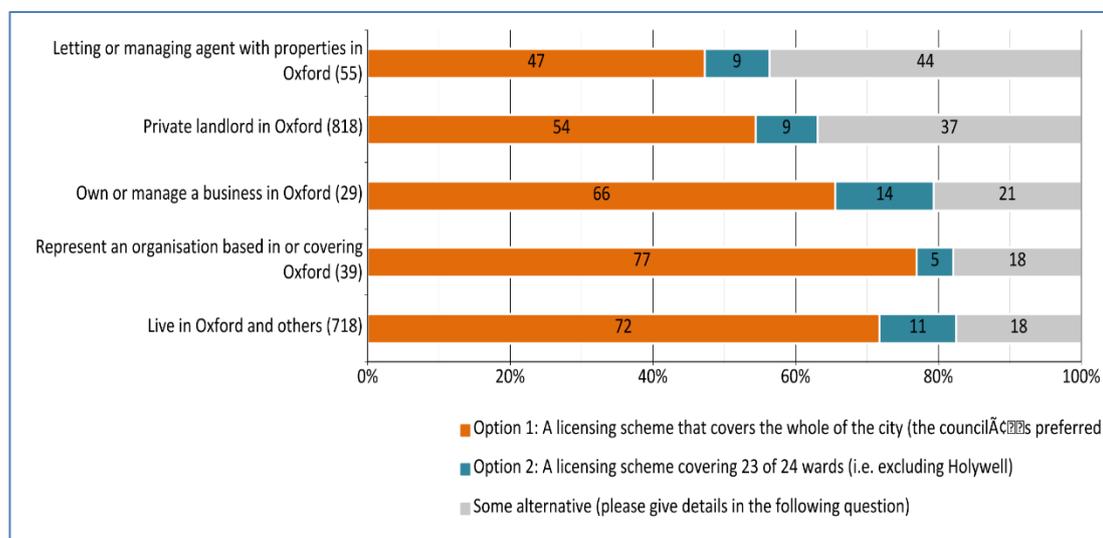
**Figure1: To what extent do you agree or disagree with the principle of introducing some form of selective licensing scheme?**



14. Whilst it can be seen that the majority of landlords and agents do not agree with the proposal to introduce a selective licensing scheme, if it was to be introduced,

more would prefer a scheme covering the whole of the city, rather than only covering 23 out of the 24 wards - see Figure 2 below:

**Figure2: Summary of what respondents indicated would be their first choice, in the event of a selective licensing scheme being introduced**



15. The Council must consider any responses received in relation to the consultation, in accordance with section 80(9) of the 2004 Act. Having carefully considered the responses the Council's formal response is provided in Appendix 3. This covers the response to both the proposal to introduce selective licensing and the renewal of the Additional HMO licensing scheme.

16. A number of changes, laid out below, have been made to the proposed selective licensing scheme following the feedback received in the consultation exercise:

#### *Licence Conditions*

17. There are a number of conditions which must be applied to all licences when granted, these are known as mandatory conditions and are prescribed by schedule 4 of the Housing Act 2004. The Council can also apply other standard discretionary conditions to the licence which are not property specific and it is proposed that these will also be applied to all licences. This ensures fairness and consistency in the obligations placed on all licence holders in regulating the private rented sector. This is common practice amongst local authorities operating such schemes where inspections are not carried out routinely before licences are issued.

18. It must be noted that conditions applied to selective licences have been limited by a Court of Appeal ruling, *Brown v Hyndburn Borough Council*. It was held "management" related to operational matters (i.e. what actually happens at and to the property) and not to improving or upgrading houses or installing new facilities and equipment.

19. It is appropriate to add certain conditions to all selective licences to ensure landlords are taking a minimum level of "management". The reason for introducing selective Licensing is that there are poor property conditions in a significant number of properties within the non HMO private rented sector, with a high percentage of rented homes having a Category 1 hazard, meaning the property is hazardous to its occupants and needs repair. The Council will

therefore take action under Part 1 of the Housing Act, using the Housing, Health and Safety Rating system (HHSRS) to assess any hazards in the property. Whilst some respondents to the consultation exercise have raised the limitation of not imposing conditions relating to the improvement of property in a selective licensing scheme. The Council believe that the advantages of licensing outweigh such limitations; in that the licence holder must be fit and proper, the licensed property must meet certain minimum health and safety standards, and that there is a responsibility placed on licence holders to proactively manage the property.

20. Concerns were raised in the consultation by both landlords and tenants regarding certain proposed licence conditions

- Requirement for references - Landlords referred to an “overstep” of powers and they should have the choice whether to request a reference and must be free to choose who they want as tenants. Tenants were concerned this could negatively impact their ability to find accommodation. The Council understands these concerns, however as this is a mandatory condition then the Council must add this condition to all selective licences. The wording of the condition is taken directly from the Housing Act 2004.
- Waste Management - Landlords generally raised concerns about requirements being “complicated” and suggested guidance and templates are provided for landlords. Conditions relating to waste management in HMOs are mandatory conditions and must be applied to all HMO licences issued. A similar selective licensing condition would be comparable. The condition has been reworded following the comments received. The condition requires that the licence holder ensures that tenants have adequate waste disposal and that storage is available. The licence holder must ensure that tenants understand the days of collection, and how to present waste for collection.
- Anti-social behaviour – the requirement to include a condition in tenancy agreements has been removed as has the standard discretionary condition relating to anti- social behaviour. The Council will include a condition if required at a specific property.

21. A number of discretionary licence conditions have been reworded to reflect concerns raised, including the provision of templates for landlords to use to help comply with conditions – see Appendix 4. Feedback also suggested that landlords wanted clear information concerning actions they need to take to comply with the scheme. This will be provided if the scheme is introduced, to assist landlords, agents and tenants with their rights and responsibilities.

22. In total, 23 standard discretionary licence conditions will be used in each licence. Whilst this may be considered a large number, it is comparable to other authorities operating selective licensing, as benchmarking found other similar schemes had an average of 27 licence conditions with a minimum of 8 conditions and a maximum of 44 conditions.

#### *Scheme Outcomes*

23. The primary aim of the selective licensing scheme is to improve property conditions within the non HMO private rented stock by helping the Council to eliminate Category 1 and 2 hazards using its powers under both Part 1 and Part 2 of the 2004 Act. Feedback from landlord representatives suggested that there

should be more transparency in reporting whether this aim has been achieved. In response to this the Council will develop a suitable monitoring report of actions taken to meet this aim.

24. The Council has considered the length of the proposed scheme and if agreed, it will be on the basis that the scheme will operate for 5 years. The 5 year designation is considered both necessary and proportionate as it is less likely, that the Council will be able to achieve its strategic objectives in a shorter timeframe.

#### *Fees*

25. The feedback received concerning the fees has been broadly accepted and incorporated into the proposed fees in Appendix 7. This is dealt with in detail in the financial implications section of the report. The Council has had careful regard to the Court of Appeal's decision in *R (Gaskin) v Richmond upon Thames LBC* and has structured the proposed fees accordingly.

#### *Eligibility criteria*

26. When granting a licence the council must be satisfied :

- that the proposed licence holder is a fit and proper person, and
- that there are satisfactory management arrangements in place.

The Council must consider, amongst other things:

- Whether the licence holder (or manager) has contravened<sup>1</sup> any provision of the law relating to housing or of landlord and tenant law.
- Whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved.
- Whether any proposed management structures and funding arrangements are suitable.

27. Where the Council is not satisfied as to the fit and proper person or management arrangement tests, then the licence application can be refused. However, there are likely to be cases which are "borderline", where concerns are raised, but it is considered that refusal is not proportionate or that the applicant would be likely to succeed if they appealed.

28. The Housing Act 2004 s.91(4) states a licence must not be in force for more than five years i.e. the maximum licence length is five years. The default for the proposed selective licensing scheme is for licences to be issued for five years. However, in those "borderline" cases, then a licence may be issued for a year to allow:

- Outstanding fit and proper person concerns regarding contraventions of housing or landlord and tenant law to be resolved

---

<sup>1</sup> Contraventions – this does not mean a conviction. A contravention is where there evidence a law / regulation has been broken – this may not result in a conviction. It may be that an enforcement notice has been served or a caution or fine issued.

- The licence holder and / or manager to demonstrate they have the necessary competence and that satisfactory management arrangements are in place.

It would be expected that these concerns can either be resolved in the year and the landlord can then renew the licence and be granted a five year licence, or that the concerns would not be resolved, resulting in the renewal application being refused or an alternative licence holder / manager being found or that the property no longer requires a licence. This approach has been taken by other Councils operating selective licensing and is similar to criteria for HMO licensing. A list of examples that may lead to a one year licence being issued under the scheme is provided in Appendix 6

29. During the consultation both letting agents and landlords wanted wider eligibility for the accreditation status. The Council will increase the number of eligible accreditation schemes. The Council recognises that its own accreditation scheme has resource limitations and that there are advantages to having greater eligibility for the better landlords as long as quality is not compromised. It is proposed that a wider range of organisations are accepted and the proposed changes are contained in Appendix 6. Simply being a member of a landlord or trade organisation is not sufficient and there has to be a training element to the accredited status. As other schemes may subsequently be considered suitable and existing schemes less so, upon review, it is considered that delegated powers to add to and remove schemes from the list should be delegated to the Head of Regulatory Services and Community Safety, subject to approval by the Head of Law and Governance who can consider the potential legal issues arising from such decisions.

#### *Alternatives to selective licensing*

30. A number of alternatives have been suggested in the feedback received. These have mainly been voluntary schemes, such as landlord accreditation, property MOTs, exempting properties managed by agents, and landlord registration. Whilst such schemes are worthwhile, they are not supported by a robust enforcement regime and rely on landlords' and agents' engagement, which has not been forthcoming with the Council's current accreditation scheme.

31. A further suggestion was to increase the use of the current powers that the Council has to tackle poor conditions in the private rented sector. This suggestion would rely on private tenants complaining to the Council, experience has shown that tenants often "put up" with poor living conditions rather than complaining to the Council. Private tenants are often unaware that they are able to complain or are reluctant to do so as they can be fearful of retaliatory eviction. A more robust approach, coupling current powers with those of selective licensing, allowing proactive inspections such as those undertaken in licensable HMOs, would see improvements in property condition and compliance with minimum standards in the non – HMO stock. Further, unlike Part 1 of the 2004 Act, Part 3 engages all licensees proactively in improving the safety of their properties, for example by fitting smoke and carbon monoxide alarms, and obliges them to manage complaints, such as complaints about disrepair, proactively.

32. A number of respondents suggested that the scheme was not required and that the sector was being managed adequately without the need for intervention by

the Council. However the evidence considered by Cabinet at the meeting on the 9<sup>th</sup> September 2020 (Private Rented Sector: Housing Stock Condition and Stressors Report 2020 – Metastreet) suggests that there is a significant problem with the conditions within the private rented sector across the whole city, in particular with the number of Category 1 and 2 hazards in such properties, and that there is a clear need to inspect and address the problems. If the selective licensing scheme was not pursued such conditions would continue and would still need to be addressed on a reactive, rather than a proactive, basis following complaints made to the council. Without selective licensing, the evidence suggests, 1 in 4 families are at risk of living in unsafe, poorly managed homes in the private rented sector.

33. It is clear from a number of comments received that there is support for enforcement of the proposed scheme; and that this needs to be consistent and fairly applied to those landlords who choose to evade their responsibilities.
34. After consideration of the alternatives identified through the consultation process, the Council concludes that none would, individually or collectively, be capable of delivering the scheme objectives that the Council would deliver through the operation of a selective licensing scheme.

### **Implications and impact of covid-19**

35. Current Government guidance recommends that local housing authorities continue work on pending (licensing) designations having regard to local circumstances, but consider pausing them at an appropriate moment if it is necessary i.e. the process may need to be paused if it conflicts with the latest advice or if officer resource is required elsewhere in response to the pandemic.
36. The start of the consultation exercise was initially delayed due to the first national lockdown and then once started the consultation was extended for a further 4 weeks. This allowed extra time for respondents to complete the questionnaire and an extra (virtual) landlord/agent event which was well attended.
37. Criticism was made during the consultation that it was not appropriate to consult on such a scheme at this time – for example, one comment suggested it was *“wholly improper and unreasonable, and is preventing a large number of people from raising their concerns and from putting forward their objections”*. Concerns were also raised regarding cash flow and payment of fees due to the pandemic.
38. An analysis of the methods used by other authorities and responses undertaking similar consultation exercises prior to the COVID 19 pandemic has been undertaken. It can be seen that the consultation undertaken by the Council has had a comparable level of response and engagement, if not better with the methods used in its consultation. See Appendix 2
39. If a designation is approved by Cabinet, it will be subject to confirmation by the Secretary of State, in accordance with section 82 of the 2004 Act and the 2015 General Approval. The Council will need to prepare a submission to the Secretary of State, which can be continued in the current circumstances. After submission, there will be considerable time before determination – therefore, if confirmed, the start of a scheme will not be until 2022. This will give time for the impacts of COVID to decrease and improved cash-flow for payment of fees. The

Council will, nonetheless, review the commencement of the designation in light of current circumstances.

## Legal Issues

40. Selective licensing was introduced by the Housing Act 2004 (the Act) along with two other forms of property licensing schemes. The Act gives local authorities the discretionary power to introduce selective licensing schemes, applying to privately rented properties. Schemes can be applied to all or part of the Council's area, and will impose conditions on landlords for minimum standards of management.
41. Section 80 of the Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions) (England) Order 2015 sets out the criteria and considerations that the Council must be satisfied are met when considering designating a selective licensing area. The Council relies on the conditions set out in Articles 3 and 4 of the 2015 Order, namely a designation on the ground of housing conditions.
42. Any scheme which would cover more than 20% of the Council's geographical area or that would affect more than 20% of privately rented homes in their area as subject to selective licensing must be confirmed by the Secretary of State. If the designation is confirmed by the Secretary of State, it cannot then come into force until the expiry of three months from the date of confirmation.
43. The Council has carefully considered the provisions of the 2004 Act, the 2015 Order, the 2015 General Approval and the DCLG's 2015 guidance, *Selective licensing in the private rented sector: a guide for local authorities*. It is satisfied that it has met the considerations set out in the legislation to make a submission to the Secretary of State for confirmation of a selective licensing scheme in that:
  - The Cabinet at its meeting on the 9th September 2020 concluded that the Private Rented Sector: Housing Stock Condition and Stressors Report July 2020 (Metastreet) evidenced that in each ward across the city there was a high proportion of properties in the private rented sector, compared to the total number of properties, and that a significant number of those properties contained a serious housing hazard, which the Council would wish to inspect and address.
  - The Council is satisfied that these properties are occupied either under assured tenancies or licences as required by Article 3 of the 2015 Order, not least because, by section 19A of the Housing Act 1988, assured shorthold tenancies are the default tenancy under which private rented sector properties are let.
  - For the reasons mentioned briefly above, among others, the Council is also satisfied, that a selective licensing designation, both alone and when combined with other measures taken by the Council, will contribute to an improvement in general housing conditions in the area.
  - The Council is, therefore, satisfied that the statutory ground that the area is experiencing poor property conditions is established, in accordance with Articles 3 and 4 of the 2015 Order.

44. A statutory consultation has been undertaken with landlords, letting agents, tenants and their representatives, residents and other stakeholders. The consultation complied with the requirements of the 2015 General Approval, with the DCLG's 2015 Guidance and with other legal requirements. In accordance with section 80(9) of the 2004 Act, the representations made have been considered and the Council's response to them forms part of this report.
45. The Council has also been mindful of its obligations under section 81 of the 2004 Act. In particular, the Council is satisfied that a selective licensing designation would be consistent with its overall housing strategy, and would dovetail effectively with its approach to addressing homelessness, empty properties and anti-social behaviour. In that regard, in summary, the Council's strategic approach to housing can be seen in the Housing and Homelessness Strategy 2018-21. There are a number of priorities including making the best use of private sector accommodation which sets out a range of actions including regulating the private sector and introducing selective licensing. The Council Strategy 2020-24 outlined the council's aim to improve Oxford's residents' access to affordable and high quality homes irrespective of tenure. A headline action of the strategy is to implement selective licensing to improve standards in the private rented sector.
46. Selective licensing compliments other council priorities including ensuring that residents are living in safe and secure homes, reducing anti-social behaviour – not least by imposing conditions where appropriate to manage its occurrence - and helping to building a flourishing community. It also assists the Council to fulfil its duties to the homeless, for example by increasing the protection available to private rented sector residents, reducing the likelihood of homelessness, reducing the pressure on public resources and facilitating the discharge of the Council's duties with offers of safe accommodation in the private rented sector. Selective licensing can also help towards building a strong local economy as seen with the Additional HMO licensing scheme with added investment in the sector through landlords improving their rented homes.
47. The Council has considered alternative courses of action in relation to selective licensing to deal with poor property conditions within the privately rented stock, which formed part of the September report and this report. For the reasons mentioned briefly above, among others, the Council is satisfied that none of these alternatives, whether individually or collectively, would be adequate to meet the Council's strategic objectives, and that selective licensing is both a necessary and proportionate measure to enable it to do so.

### **Scope of the Scheme**

48. The consultation exercise confirmed that there was support for the proposed scheme to be citywide with 62% of overall respondents preferring this option. 72% of those living in Oxford were in favour of this along with 54% of private landlords. The comments received were mainly around the need for simplicity. Some were also concerned that landlords would move into the Holywell area to avoid licensing.
49. Whilst most landlords and agents did not agree with the Council's proposal to introduce a selective licensing scheme, in the event of a selective scheme being introduced, more would prefer a scheme covering the whole of the city, rather than a scheme covering 23 out of 24 wards (i.e. excluding Holywell). Around half

of business representatives (51%) agreed with the Council's preferred option for a selective scheme covering the whole city, and this preferred option was widely supported by organisation representatives (71% agreeing) and residents and other respondents (68% agreeing). There was also a widespread view among these groups that, if a selective scheme was to be introduced, then a citywide scheme would be preferable to one covering 23 of the 24 wards, or to some other alternative.

50. Notwithstanding the comments received in the consultation exercise, the Council recognises that there are material differences in the housing stock within the Holywell Ward. Whilst the ward has a high level of privately rented properties and therefore meets the 20% threshold, there is less evidence of poor property conditions and there are low numbers of properties containing serious home hazards. The majority of the privately rented properties in the ward are university or college owned and managed and as such they are exempt from any licensing requirement under the 2004 Act. It is therefore less likely that licensing intervention will lead to improvements in this area, compared with others. It is also unlikely that landlords would move into this area to avoid licensing given the ownership of the stock.
51. Given the need for confirmation of the designation by the Secretary of State, and the need for robust evidence to support a city-wide designation, it is recommended that two designations are submitted for confirmation in the alternative, one which would cover the whole City – the Council's preferred option - and one which would cover the whole city excluding Holywell ward – the alternative. See Appendix 5 This would enable the Council to present a compelling case for confirmation of both designations, but also allow the Secretary of State to consider each on its own merits. This approach has been used in the past by other Local Authorities and maximises the likelihood that the benefits of selective licensing will be secured.

### **Financial implications**

52. The proposed fees are set out in Appendix 7.
53. Through the statutory consultation, the Council confirmed that it was intending to charge a licence fee in respect of an application to licence a property in the selective licensing scheme. The proposed fees had been calculated on the basis that the scheme would be cost-neutral to the Council, with licence fees covering the Council's costs of administering, managing and enforcing the scheme and meeting the scheme objectives.
54. The licence fee can only cover the costs incurred by the council under Part 3 and Chapter 1 of Part 4 to the 2004 Act, in respect of management orders, in so far as they are not recoverable under Part 4. It must be cost neutral. As with the HMO licensing scheme, the fee is charged in 2 parts and both parts must be paid for a licence to be issued. Stage 1 covers the cost incurred in processing the application and Stage 2 covers the costs of operating and enforcing the scheme which can be charged as part of the licence fee. During processing, the stage 2 fee will be determined, based on the information provided at application stage. Requests were made in the consultation for more information on what was charged in the fee, this information is detailed in Appendix 7
55. The income forecasts have been calculated using a licensable stock of 12,000 properties and assumed that 75 % of applications will be received within the first

3 months, this assumption is based on results from similar schemes and the Council's experience with the additional HMO licensing scheme. If these predictions are found to be incorrect staffing and resource level will be amended accordingly. These predictions have been made on the standard, early bird and accredited applications only. It is not possible to forecast in detail the applications benefiting from a charitable discount or block licence.

56. The predicted income includes an inflationary rise of 3% each year which will be applied to fees as part of the budget process if required. As these figures are predicted any excess income received from this type of application will be placed in a reserve account at the end of the financial year.

57. The predictions are based on the experience of HMO licensing and will need to be reviewed regularly and in light of the number of applications received and any other unforeseen work required in the scheme. Fee levels will be reviewed on an annual basis.

Year	1	2	3	4	5
Number of Applications	7200	1512	1140	998	570
<i>costs</i>					
Applications Processing etc	£ 2,160,804	£ 411,648	£ 311,527	£ 280,853	£ 165,249
General Costs - Representations/variations /withdrawn applications	£ 111,600	£ 14,369	£ 10,524	£ 9,485	£ 5,583
General Enquiries & Service Requests	£ 295,200	£ 38,007	£ 27,838	£ 25,089	£ 14,767
Enforcement - non compliance	£ 712,290	£ 91,707	£ 67,171	£ 60,537	£ 35,631
landlord Liaison/promotiom	£ 47,524	£ 6,119	£ 4,482	£ 4,039	£ 2,377
Travel/ICT	£ 98,640	£ 12,700	£ 9,302	£ 8,383	£ 4,934
<b>Total Cost</b>	<b>£ 3,426,059</b>	<b>£ 574,549</b>	<b>£ 430,843</b>	<b>£ 388,387</b>	<b>£ 228,541</b>
<b>Income</b>	<b>£ 2,678,400</b>	<b>£ 760,572</b>	<b>£ 668,820</b>	<b>£ 602,774</b>	<b>£ 354,776</b>

58. The total income predicted over the 5 years of the scheme is £5,065,342 and the total costs predicted are £5,048,379.

59. A concern raised in the consultation was that the scheme, to be successful, had to be adequately resourced. Staffing for the proposed scheme has been assessed based on the number of applications expected. The staffing required will be kept under review throughout the scheme, with temporary staff being used to accommodate peaks in demand. As the work in relation to property licensing is carried out by two teams, the staffing has been divided accordingly.

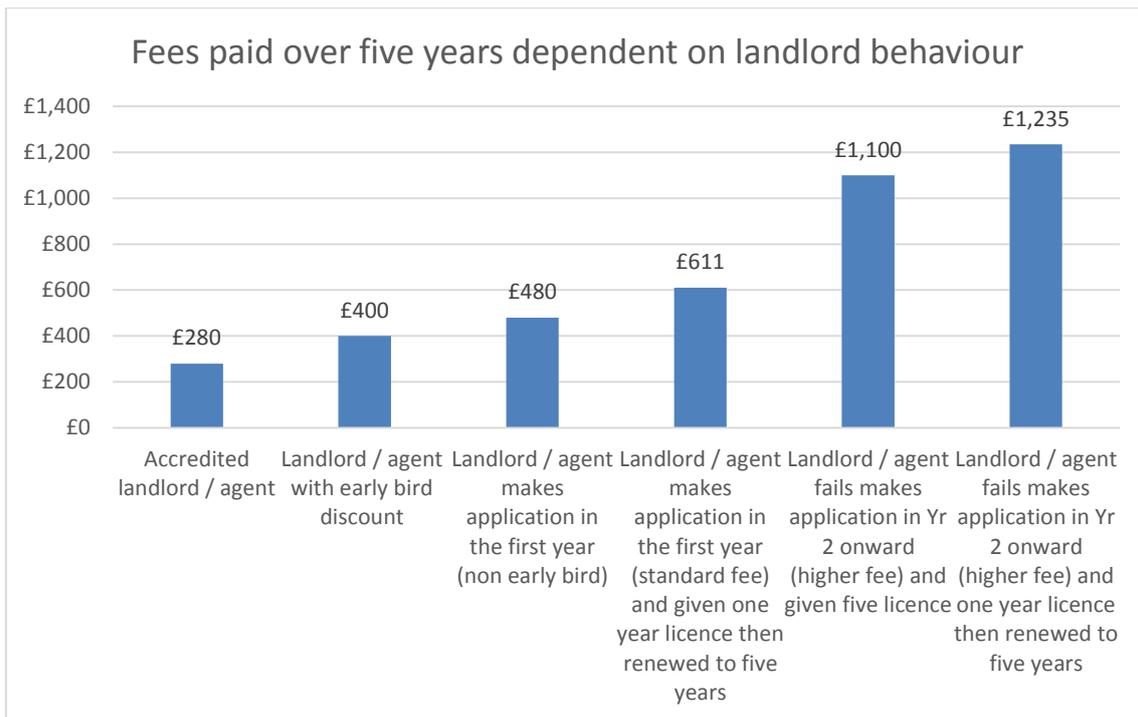
Team	Number of additional FTE required	Permanent/Temporary
Customer Services (Applications Team )	26	10 permanent plus 16 temporary in Year 1

Enforcement Team	11	Permanent
------------------	----	-----------

60. If the government approve the application to introduce the scheme, there must be a period of 3 months prior to the introduction, which would allow time for the recruitment and training of staff to process the applications. The staffing of the scheme will be kept under review as the scheme progresses to ensure that the scheme is operating within budget and that applications are processed in a timely manner.
61. Following the feedback received, the Council are investing in back-office improvements to increase efficiencies and to ensure that the operational challenges of administering the predicted large number of applications are met. This should lead to improvements for the applicant in the application process.
62. Enforcement costs in relation to the legal action taken using Part1 of the Housing Act 2004, i.e. improvement and prohibition notices and costs in relation to applying financial penalties have not been included in the expenditure forecasts. This work will be the main source of funding for future private housing enforcement and is recharged to the recipient of the notices and financial penalties to cover costs, similar to the costs awarded as part of a prosecution case.

#### *Fee Levels*

63. Concerns were raised during the consultation that the standard fee is too high and could lead to increased rent. A standard fee of £480 equates to 26p per day. Although it is accepted this cost is paid upfront, the fee is in two parts. An independent study carried out in 2019 by MHCLG found that the impact of other factors such as market forces were the primary reasons for rent rises and not licensing schemes. In addition, benchmarking in early 2020 established the average non-London fee for a selective licence is £630, with only 30% authorities charging under £500. To demonstrate that the fee scheme is designed to ensure compliant landlords are not financially penalised compared to non-compliant landlords, the chart below shows different landlord behaviour and fees payable



64. Suggestions were made during the consultation to offer part – payment or payment of fees by instalments. Reasons cited included the fee being high and the impact of COVID-19 on cash-flow. The fee is charged in two parts, as per legal requirements, and there is some time between the two payments being made. The first part is paid when the application is made and the second following the notice of intention, once the application has been processed. Given the scheme will not be introduced until at least 2022, the impact of COVID-19 on cash flow would hopefully have ceased. However, further payment by instalment (e.g. direct debit) is not considered practical as it would add to processing costs by increasing administration.

65. Suggestions were made in the consultation that when a new application is made in the latter years of the scheme because a landlord has just acquired the property, that a reduced fee should be charged. However, licences will be granted for five years as standard and therefore the cost remains the same. Even if the scheme expires, the licence and the conditions applied to it remain until the licence itself expires.

#### *Discounts*

66. The Council proposed a number of discounts in the consultation. Some respondents felt that the fee structure was over-complicated and therefore these discounted fees have been reviewed. The simplest fee structure would be to charge one fee for all applications – however, this would mean that compliant landlords pay more towards enforcement costs than non-compliant landlords. This is not considered to be fair or in keeping with the experience the Council has with operating the HMO licensing scheme.

67. The consultation demonstrated overwhelming support for discounts to be applied where landlords and agents who fully managed properties were accredited. In response to this an accreditation discount will be applied throughout the scheme. “Accredited landlords” will be defined as per the HMO licensing scheme. Eligibility for this has been widened to include more

accreditation schemes rather than just the Council operated scheme. Comments were made that when a landlord uses an accredited agent to fully manage their properties, they are paying a management charge and then a licence charge. We have reviewed the fees and been able to offer a small reduction on the fee charged for accredited applications.

68. The “early bird” discount fee was also positively received. This fee will be available for the first 3 months of the scheme to incentivise applications. This is seen as good practice and is a method successfully used in other large licensing schemes. The standard fee will be applicable after this time.
69. To qualify for the early bird discount or accreditation discount, certain documents will need to be supplied with the application. When making an application, the legally required items are the application form, declaration and fee. The Council requests additional documents at the time of application to demonstrate the landlord has met other legal requirements that apply to rented homes. Providing the documents at the time of application reduces the enforcement time needed later on and therefore allows a discount to be applied. The Council is conscious the requirement to provide the requested documents cannot be too onerous or difficult for landlords to fulfil, therefore documents are limited to legally required certificates and self-declarations for certain mandatory licence conditions. See Appendix 7.
70. Feedback received during the consultation suggested that the higher rate application fee should not be introduced too quickly as this is a new scheme. The fees have therefore been designed and income predictions made on the basis that the higher application fee will not be introduced until the scheme has been in operation for 12 months, i.e. year 2 of the scheme.
71. A discount was proposed as part of the consultation exercise, to incentivise landlords to work with the Council to provide accommodation for homeless households. Following feedback received, which supported such a discount, it is intended to undertake further work with Housing Services to provide such discounts if the submission is successful. These would be available to registered charities and landlords who are working with the Council to provide accommodation for homeless households that the Council is supporting to find a home. The proposed discount will be in line with the accredited application rate.
72. The consultation proposed a discount for new – build properties. From the responses, there was no overall consensus in relation to this proposal, – with 50% of agents and just over two fifths of landlords (42%) agreed, but roughly a third in each group (31% and 33% respectively) disagreed. Where there is a newly built rental property then the accredited application rate will be given where:
  - The property has never been lived in before;
  - The first tenants moved in within last 12 weeks;
  - 10-year building warranty and insurance cover from NHBC, or similar;
  - Building Regulations completion certificate supplied;
  - All required documentation is submitted with the application and documents are satisfactory;This discount will apply as new-build properties are built to current standards, and therefore should be free from Category 1 hazards, thereby reducing the number of complaints of “disrepair” made to the Council.

73. The consultation proposed a discount for licences where there are a number of properties requiring a licence within the same block of accommodation, under the same management control i.e. a block of self-contained flats. There was support for this in the consultation with 48% of landlords and 48% of agents agreeing with the discount. The criteria for this is attached in Appendix 6. It must be noted that HMO licensing takes precedence over selective licensing and so this discount only applies to non-HMO blocks of self-contained flats. Purpose built student accommodation that is not owned or managed by a University requires licensing under both regimes and it is intended that the same light touch approach that is taken for HMO licensing will be used should selective licensing be introduced. There is further work to be undertaken to establish how many properties may fall under this discount category; and modelling to evaluate the impact of discounts on the overall fee structure.

#### *Refunds*

74. Comments were made in the consultation regarding refunds. Regulations pertaining to the Housing Act 2004 states that a full refund must be given when, at the time the fee was paid that the house was did not require a selective licence and has continued to be a house that was not required to be licensed. The Council is not legally obliged to refund fees when the house did require a licence at the time of the application and since that time, the house has been sold or is no longer required to be licensed. However, a refund criteria was developed under the HMO licensing scheme and so a similar refund criteria will operate, detailed in Appendix 7.

#### **Level of risk**

75. The current COVID-19 pandemic has raised many issues, including a degree of uncertainty in the private rented sector, which may result in a reduced appetite for government regulation in the short term. The Council has had careful regard to Government guidance about the making and operation of licensing designations during the pandemic. However the need for good quality housing has been highlighted by the COVID -19 outbreak, which has seen a correlation between poor housing and poor health, with many localised outbreaks occurring in areas often with substandard and poorly managed housing. The Council considers that, on balance, selective licensing is likely to have beneficial rather than a detrimental effect on the private rented sector during the pandemic, not least by offering greater protection and security to those living in the sector, and reducing the prospect of homelessness at a particularly challenging time.

76. The Risk Register is attached as Appendix 8.

#### **Equalities impact**

77. The Equalities Impact Assessment is attached in Appendix 9. Overall private tenants will be positively affected by any designation for property licensing as selective licensing will place additional requirements on licensed landlords to be “fit and proper”, to provide a written tenancy and statutory management arrangements. Additionally, landlords without licences are unable to use the mandatory grounds for possession (s21) in the County Court.

78. Generally selective licensing will ensure landlords/licence holders responsibly manage their properties proactively, therefore this should lead to better quality

accommodation and greater community stability for groups who are unable to access social housing or homeownership. This can lead to tackling exclusion and assisting with community cohesion.

79. Improved management of properties in the private rented sector can also improve the quality of life of many other residents not living in the sector, as they can be impacted by poorly managed properties e.g. by low level neighbourhood anti-social behaviour such as fly tipping and noise, which licensing will help to alleviate.

## **Conclusion**

80. The proposed designations meet the criteria set out in the Housing Act 2004, in the 2015 Order and in the 2015 General Approval; and the Council has paid careful attention to Government guidance. In particular:

- There is a high concentration of privately rented accommodation in all wards within the city.
- That accommodation is let under either assured tenancies or licences, with assured shorthold tenancies being the default tenure, by operation of section 19A of the Housing Act 1988.
- There is high level of poor property conditions within the private rented sector, which the Council intends to inspect.
- The Council is satisfied that selective licensing is both a necessary and proportionate means to achieve its strategic objectives, is consistent with its housing strategy, and co-ordinates effectively with its approach to tackling homelessness, empty homes and anti-social behaviour.
- The Council is further satisfied that none of the available alternatives to selective licensing, whether individually or collectively, would be adequate to achieve those objectives.

81. Further, the Council has undertaken and responded to the required consultation, in accordance with section 80(9) of the 2004 Act, the 2015 General Approval, Government guidance and other legal requirements.

82. In order to make a selective licensing designation, the Council is required to submit evidence to the Secretary of State that the scheme is compliant with these criteria; and the Secretary of State must confirm the designation before it can come into force.

83. Whilst the Council believes that a city-wide selective licensing scheme is the fairest and most effective approach, and is the preferred option of both the Council and the majority of consultation respondents, it is recognised that the Council's evidence does not show that privately rented homes in Holywell ward are in as poor a condition as homes elsewhere in the City. For this reason, it is appropriate to make two separate selective licensing designations which can be considered in the alternative and considered by the Secretary of State on their own merits.

84. The private rented sector accounts for nearly half of the city's housing stock. It is vital therefore the Council takes action to ensure the standards within it are adequate and properties are managed to a reasonable standard. It is proposed that the scheme if agreed, will be for 5 years, as it is unlikely that the Council will

be able to meet its objective of improving property conditions in the private rented sector in a scheme of shorter duration.

<b>Report author</b>	Gail Siddall
Job title	HMO Enforcement Team Manager
Service area or department	Regulatory Services and Community Safety
Telephone	01865 252474
e-mail	<a href="mailto:gsiddall@oxford.gov.uk">gsiddall@oxford.gov.uk</a>

<b>Background Papers:</b>
---------------------------

This page is intentionally left blank



# **Oxford City Council**

## **Consultation on Selective and Additional HMO Licensing in the Private Rented Sector in Oxford**

### **Executive Summary**



**OXFORD  
CITY  
COUNCIL**

**Opinion Research Services  
January 2021**



## **Oxford City Council**

### **Consultation on Selective and Additional HMO Licensing in the Private Rented Sector in Oxford**

#### **Executive Summary by Opinion Research Services**

#### **Opinion Research Services**

The Strand · Swansea · SA1 1AF  
01792 535300 | [www.ors.org.uk](http://www.ors.org.uk) | [info@ors.org.uk](mailto:info@ors.org.uk)

As with all our studies, findings from this report are subject to Opinion Research Services' Standard Terms and Conditions of Contract.

Any press release or publication of the findings of this report requires the advance approval of ORS. Such approval will only be refused on the grounds of inaccuracy or misrepresentation

This study was conducted in accordance with ISO 20252:2012 and ISO 9001:2015.

© Copyright January 2021

# Executive Summary

## The commission

- 1.1 Oxford City Council (henceforth OCC or “the Council”) undertook a public consultation, seeking the views of landlords and letting agents, tenants and other residents, and other stakeholders about:
  - » The reintroduction of additional HMO licensing when the current scheme ends; and
  - » The introduction of selective licensing in Oxford.
- 1.2 Specifically, the Council consulted on a proposal to introduce a new additional HMO licensing scheme in 2021, following the expiration of the current scheme in January 2021, and the introduction for the first time of selective licensing of non-HMO private rented properties. As well as seeking views on the principle of a new scheme, and the possible designations and areas which might be covered, OCC requested feedback on other more detailed aspects of the proposed new schemes, such as fee levels and licence conditions.
- 1.3 Opinion Research Services (ORS), a spin-out company from Swansea University with a UK-wide reputation for social research and major statutory consultations, was appointed by OCC to advise on and independently manage and report the consultation programme.

## The consultation

- 1.4 A formal consultation period of just over 12 weeks was originally planned to run from 10<sup>th</sup> September 2020 until 3<sup>rd</sup> December 2020. In light of the second national lockdown in November 2020, due to the ongoing COVID-19 pandemic, the Council made the decision to extend the consultation period for a further 4 weeks until 31<sup>st</sup> December 2020, bringing the total consultation period to just over 16 weeks.
- 1.5 During this period, landlords and agents, tenants and other residents, and other stakeholders were invited to provide feedback through the following channels and activities:
  - » A consultation questionnaire, which was ‘open’ and therefore available for any interested party to complete. This attracted 1,987 responses;
  - » Four virtual ‘deliberative’ events for landlords and letting and managing agents, undertaken via videoconference (Zoom) in light of social distancing guidance introduced by the UK Government, for which around more than 220 places were reserved, and a maximum of 148 participants attended;
  - » A deliberative virtual focus group for 10 local tenants and other residents recruited from across the city;
  - » 53 letters or email submissions from stakeholders who chose to provide their views in writing to OCC or ORS; and
  - » In-depth interviews undertaken by ORS with representatives of 11 stakeholder organisations.

## Nature of consultation

- 1.6 The key good practice requirements for consultation programmes are that they should:
- » Be conducted at a formative stage, before decisions are taken;
  - » Allow sufficient time for people to participate and respond;
  - » Provide the public and stakeholders with enough background information to allow them to consider the issues and any proposals intelligently and critically; and
  - » Be properly taken into consideration before decisions are finally taken.

## Accountability

- 1.7 The principle of accountability requires public bodies to give an account of their plans and take into account public views: the consultor (i.e., Oxford City Council) should conduct fair and accessible engagement while reporting the outcomes openly and considering them fully.
- 1.8 This does not mean, however, that the ‘majority’ views automatically decide public policy; and the popularity or unpopularity of draft proposals does not displace professional and political judgement about the final decision in the circumstances. The levels of, and reasons for, public support or opposition are highly important as considerations to be taken into account, rather than as factors that determine authorities’ decisions outright. Above all, public bodies must give due consideration to the relevance and cogency of the arguments put forward during public engagement processes, rather than ‘count heads’.
- 1.9 ORS does not endorse any opinions in this report; we seek only to portray the feedback received through consultation clearly and accurately. ORS offers guidance on the consultation methodology and its interpretation, and we seek to profile the opinions and arguments of those who have responded. We do not, however, make recommendations on the decisions to be taken by OCC.
- 1.10 Each chapter in this report contains detailed analysis and reporting of feedback received through all consultation channels. For the remainder of this Executive Summary, ORS has brought together the main findings from all strands of the consultation into headlines and a thematic summary. We have sought to ensure that the summary below represents a thorough overview of the entirety of the consultation feedback; nonetheless, we also recommend strongly that it be read in conjunction with the main body of the report.

## Main findings

### Quantitative feedback overview

- 1.11 The ‘open’ consultation questionnaire was designed for anyone with an interest in the proposals to take part of their own volition. It should be noted that respondents to open questionnaires are typically more motivated to take part in public consultations than average citizens, often with stronger and sometimes polarised views on the issues or proposals in question. ORS therefore typically reports the views of distinct stakeholder types participating in the open questionnaire separately, to avoid the views of the group providing the largest proportion of responses (landlords and letting and management agents in this case, with 54% of the responses) simply dominating the overall findings. Furthermore, this approach helps to identify and understand any key differences in the points of view of different stakeholder types.

### Questionnaire respondents' views on proposals for a new additional HMO licensing scheme

- 1.12 Landlords and letting or managing agents, and representatives of local businesses, were generally less likely than other stakeholder types to agree with the principle or practice of landlord licensing in the private rented sector (PRS) in Oxford. 45% of landlords, 50% of agents, and 42% of those who own or manage businesses agreed that the current additional HMO licensing scheme - ending in January 2021 - had been effective. By comparison, 71% of those responding from an organisation and 64% of Oxford residents and other respondents felt that additional HMO licensing had been effective in addressing issues in the PRS in Oxford.
- 1.13 Landlords' and agents' views on the proposal to introduce a new additional HMO licensing scheme when the current one ends were divided. Almost half of landlords (49%) and more than two fifths of agents (44%) agreed with the proposal to continue with additional HMO licensing in Oxford, compared to 35% and 45% respectively who disagreed. Approximately half of business owners or managers who responded agreed with this proposal, as well as outright majorities of organisation representatives (76%) and residents and other respondents (72%).

### Questionnaire respondents' views on proposed additional HMO licensing fees and conditions

- 1.14 In general, landlords, agents and respondents from businesses tended to feel the proposed additional licence fees were 'too high', while organisation representatives and residents and other respondents tended to find them more acceptable (albeit there were sometimes substantial minorities within the organisation and resident groups who felt certain fees were 'too high' or 'too low'). Landlords and agents had strong reservations about the standard one-year fees in particular, with large majorities feeling they were 'too high'. On the other hand, many agents and landlords (43% and 44% respectively) felt the proposed £413 five-year renewal fee was 'about right', even if slightly higher proportions (53% and 48%) felt it was 'too high'.
- 1.15 A little under half of letting and managing agents (47%) and a slightly lower proportion of landlords (44%) agreed in general with the proposed additional licence conditions, while around half of those who own or manage a business agreed. The proposed conditions were widely supported by organisations (77%) and by residents and other respondents (73%).

### Questionnaire respondents' views on proposals for a new selective licensing scheme

- 1.16 In relation to proposals to introduce a new selective licensing scheme, around a third of landlords (35%) and agents (31%) agreed with the principle of doing so. Other stakeholders responding to the questionnaire viewed the prospect more favourably, with just over half of local business owners and managers (54%), nearly three quarters of organisation representatives (73%) and over two thirds of residents and other respondents (68%) in favour.
- 1.17 Regarding options for selective licensing designations, the difference in the balance of views of different stakeholder types was pronounced. Around a third of private landlords (34%) and just over a quarter of agents (27%) agreed with the Council's *preferred option* for a selective licensing scheme covering the whole of Oxford. Therefore, most landlords and agents did not agree with the Council's preferred option.
- 1.18 If a selective licensing scheme were to be introduced, however, more landlords and agents would prefer a scheme covering the whole of the city than one covering only 23 out of 24 wards (i.e., excluding Holywell). Many indicated they would prefer some sort of alternative, and suggested possibilities ranging from much more focussed approaches to no licensing at all.

- 1.19 Around half of business representatives (51%) agreed with the Council’s preferred option for a selective scheme covering the whole city, and this was supported by a majority of organisation representatives (71% agreeing) and residents and other respondents (68% agreeing). There was also a widespread view among these groups that if a selective scheme was to be introduced, then a citywide scheme would be preferable to one covering 23 of the 24 wards, or to some other alternative.

### Questionnaire respondents’ views on proposed selective licensing fees and conditions

- 1.20 As with the proposed additional HMO licensing fees, landlords, agents and (to some extent) local business representatives were generally more likely to feel the proposed selective licence fees were ‘too high’ than respondents in the remaining stakeholder groups, who tended to find them more reasonable. There was a spread of views, however, with many in these remaining stakeholder groups holding the view that some of the fees were either ‘too high’ or ‘too low’).
- 1.21 In relation to the various proposed discounts: most respondents agreed with the principle of applying an Early Bird discount, a discount for accreditation, and a discount in instances where the applicant is a registered charity providing accommodation through the homeless pathway (in particular, the latter of these was also widely supported by respondents who identified as residents or organisation representatives, as well as other non-specified respondents).
- 1.22 There was somewhat less consensus around the principle of applying discounts for new build properties, ‘block discounts’ for multiple flats in a single landlord-owned building, or where the property is part of Home Choice. More landlords and agents agreed with these discounts than disagreed, whereas those respondents residing in Oxford or with an ‘other’ connection to the borough were less prone to agreeing. Further details and breakdown of respondent’s views on proposed discounts are presented in chapter 3 of this report.
- 1.23 In general, there was fairly widespread support among questionnaire respondents for the principle of issuing one-year licences in instances where the Council has concerns about the management of the property: most landlords (66%) and around half of agents (51%) and businesses (54%) agreed, along with large majorities among organisation representatives (81%) and residents and other respondents (76%).
- 1.24 Views on the fees for shorter licences were more mixed among landlords and agents; many felt the proposed fees were ‘too high’, although sizeable minorities of both landlords and agents felt the proposed fees were ‘about right’. The majority of organisations representatives and residents agreed that the Council’s proposed one-year licence fees were ‘about right’.
- 1.25 Finally, views on the proposed selective licence conditions varied - just under two fifths of landlords (38%) and agents (39%) who responded to the questionnaire agreed with the proposed selective licence conditions, whereas half or more disagreed. Around half of business owners or managers agreed, as did the majority of organisations (77%) and residents and other respondents (71%).

### Qualitative feedback overview

- 1.26 ‘Qualitative’ consultation strands include written submissions and facilitated discussions, and often enable exploration of the *reasoning* behind the views being shared. The latter, more discursive approach is particularly valuable in that it allows diverse views within different stakeholder groups to be explored. It is therefore difficult to provide an overall balance of opinion arising each separate qualitative research strand; nonetheless, the follow short section aims to summarise views from each strand around the same key questions as for the questionnaire responses above. The feedback received is then covered in detail in each chapter of the main body of ORS’ report, as well as being incorporated into the thematic summary below.

## Written submissions

- 1.27 Feedback received in letters or via email was diverse and often strongly polarised. It is therefore not appropriate to attempt to synthesise any overall views. The opinions and concerns raised in written submissions is, however, incorporated into the thematic summary below and covered extensively in the main body of the full report.

## Landlords and agents' forums

- 1.28 It was generally the case - based on their feedback - that most landlords who took part in the forums did not own HMOs. Many, therefore, did not have direct experience of landlord licensing to date, perhaps indicative of the fact that the possible introduction of selective licensing for the first time garnered the most interest, as well as that there are many more non-HMO than HMO properties in the city. Letting agents were more knowledgeable on this topic; nonetheless, this meant that a considerable number of attendees stated that they did not feel able to give an informed view of either the current HMO licensing scheme or the proposals.
- 1.29 Of those who did express a view, a few forum attendees spoke out in favour of the current additional HMO licensing scheme; many others, however, were critical of the way it has been managed and enforced by the Council. Feedback on the Council's proposal for a new additional HMO licensing scheme tended to align with these views; while some attendees objected outright to a new scheme, concerns and criticism tended to focus on its likely effectiveness and concerns about how it might work, rather than on whether it should or should not be introduced.
- 1.30 Similarly, some attendees supported proposals for a new selective licensing scheme in Oxford as a way to regulate the PRS and improve standards; these views were outweighed, however, by objections which frequently cited concerns about the 'unfairness' of a scheme that would result in 'a burden of cost and additional responsibility for compliant landlords', while failing to address problems in the PRS related to poor or 'rogue' landlords. If, however, a new selective licensing scheme was to be introduced, the majority view among attendees was that a city-wide scheme would be fairer and more consistent.
- 1.31 Attendees' views on the proposed fees and discounts for both additional HMO and selective licenses varied, from some who felt that they were reasonable to others who felt that they were punitive and, in the case of the discounts, simply too complex. Finally, the proposed licence conditions were viewed as appropriate by many, with the caveat that some conditions simply related to things that responsible landlords and their agents already do. Concerns about conditions related to inspections by landlords, and their responsibilities around anti-social behaviour (ASB) on the part of private tenants were raised by many attendees.

## Tenants and other residents' focus group

- 1.32 Tenants and other residents involved in the focus groups recognised the issues with property conditions and PRS management cited by OCC, and the overwhelming majority agreed with the Council's proposals for both additional and selective licensing schemes, as well as that the proposed licensing fees and discounts and licence conditions were appropriate and reasonable.

## Stakeholder interviews

- 1.33 Among stakeholder interviewees, there was firm support for the proposed schemes in some quarters, particularly from tenants' groups and statutory bodies. Some stakeholders, however, heavily criticised them, highlighting what they considered a failure to recognise the contribution made by accreditation bodies to the

PRS. It was suggested that this contribution should be recognised through discounted fees for their accredited members.

- 1.34 There was considerable agreement that both proposed schemes should be city-wide; there was felt to be little merit in excluding Holywell from a new selective licensing scheme. Overall, interviewees tended to accept the proposed fees and conditions as reasonable, although several raised concerns about conditions related to ASB on the part of tenants.

## Thematic summary of feedback across all consultation strands

### There was broad recognition across the consultation strands that there are problems in the PRS in Oxford that need to be addressed

- 1.35 While views on the best approach to dealing with issues in the PRS were mixed, there was recognition across all consultation strands and stakeholder groups that those issues exist. Those mentioned included, among others:

- » Rapid growth of the PRS, driven by high levels of demand, which in turn has led to high rental prices and more incidences of lower quality accommodation;
- » Problems with poor property conditions and poor tenancy management, not least as a result of unscrupulous or ‘rogue’ landlords who deliberately flout regulations, as well as ‘amateurs’ with one or two properties who are not necessarily aware of their responsibilities in these areas; and
- » Issues such as poor waste management, fly-tipping and anti-social behaviour linked to PRS properties as well as other parts of the housing sector.

### Views on the principle of landlord licensing as a tool with which to address these and other issues were mixed and, at times, strongly polarised

- 1.36 In some quarters there was acceptance and outright support for licensing in general, and the Council’s proposals in particular. This tended to hinge on the view that there are serious issues in the PRS in Oxford that require addressing, and that licensing of private landlords or other responsible persons is an appropriate, albeit imperfect, tool with which to improve standards in the sector.
- 1.37 Support for landlord licensing in general tended to be strongest among tenants and other residents, and the organisations representing their interests, as well as from a local district council and bodies with statutory responsibilities in the housing sector (the emergency services and Trading Standards, for example). There was also support for the principle of landlord licensing from some organisations representing landlords and agents, although this tended to be caveated on the basis that such schemes require careful design and operation to be successful.
- 1.38 Among individual landlords and agents, as well as representatives of local businesses, views on the principle and practice of landlord licensing were mixed and, overall, more negative than was the case with other stakeholders. For those who did accept licensing as necessary or even desirable, the key factors tended to relate to its aim of improving standards of properties and practices in the PRS.
- 1.39 Many landlords and agents, however, were opposed to licensing schemes in general, citing what they viewed as unnecessary bureaucracy and cost, lack of focus, poor enforcement, and a perceived lack of effectiveness in dealing with the issues they are designed to address. In particular, there was a pervading view that landlord licensing tends to ‘penalise’ compliant landlords while others continue operating ‘under the radar’.

Across all consultation strands and stakeholder types, there was more agreement than disagreement that the current HMO licensing scheme has been effective; although landlords, agents and representatives of local businesses were more likely to disagree compared to other stakeholders

<sup>1.40</sup> The overall balance of opinion was that the current additional HMO licensing scheme had been effective in improving the quality and management of HMOs in Oxford, but there were dissenting voices. Those who expressed positive views on the current scheme cited, among other points:

- » The need to protect tenants and ensure that landlords fulfil their obligations in respect of upkeep of properties and good management practices;
- » Robust inspection and enforcement action being required to pursue poor and rogue landlords and enforce compliance; and
- » The importance of collaboration between landlords, agents and the Council to raise standards in the private rented sector overall.

<sup>1.41</sup> There was, however, strong criticism of the current additional HMO licensing scheme from many landlords and agents, as well as concerns about its effectiveness among other stakeholders - including some of those who generally supported the scheme. Issues raised included, among others:

- » Continuing issues with non-compliance, even though the scheme has been in place for ten years;
- » Ineffective inspection and enforcement which, it was felt, has resulted in punitive actions against 'good' landlords, while criminals and rogue landlords continue to operate with impunity;
- » Burdensome costs and bureaucracy being imposed on compliant landlords, with little or no 'reward' and scant evidence of improvements in the PRS as a result;
- » Inefficiency in the processing of applications and delays in issuing licences; and
- » A failure to address other problems in the housing sector (e.g., social housing, short lets via Airbnb or similar services) or to offer support or protection to landlords faced with challenges ranging from problem tenants to the practical and financial impacts of COVID-19.

The Council's proposal to introduce a new additional HMO licensing scheme was strongly supported by some groups of stakeholders, particularly tenants and residents and those organisations representing them; however, strong concern and some outright opposition was expressed by many landlords and agents, and some other stakeholders

<sup>1.42</sup> The reasons given by respondents to the consultation for agreeing or disagreeing with the Council's proposal for a new additional HMO licensing tended to align with their views on the current scheme (summarised above). Those who viewed the current scheme as effective, for example, tended to support proposals for a new one. Some also cited the need for regulation and enforcement, including a dedicated resource within the Council to address issues in the PRS.

<sup>1.43</sup> Opponents, on the other hand, decried additional HMO licensing as unnecessary and ineffective; some pointed again to the perceived poor performance of the inspection and enforcement teams, as well as the continued issues with non-compliance. Others questioned the evidence put forward by the Council or argued that licensing is simply a money-making exercise or an exercise in laying the blame and responsibility for wider social problems at the feet of landlords.

- 1.44 Alternatives to licensing, or changes to the proposed scheme, were suggested by some respondents and are summarised below alongside similar comments around selective licensing.

The Council's proposal to introduce a selective licensing scheme in Oxford for the first time generated considerable feedback - particularly from landlords - with views of the different stakeholder groups tending to run along similar lines to those on additional HMO licensing

- 1.45 In general, tenants and other residents who engaged with the consultation tended to agree with OCC's proposals for the introduction of a selective licensing scheme in Oxford, as did those organisations working on their behalf, representatives of emergency services, and other public sector stakeholders. The principal reasons for support aligned with those given in relation to additional HMO licensing - primarily the need for regulation and improvement of standards in the sector, and agreement that licensing is an appropriate tool to achieve this goal.

- 1.46 Landlords and agents tended to be much more negative about the possibility of introducing selective licensing, though not universally so, while the views of responding business managers and owners were fairly evenly split.

- 1.47 Those who disagreed with the introduction of selective licensing cited similar issues to those who opposed a new additional licensing scheme, for example that:

- » The scheme would be ineffective, particularly in light of what was viewed by many opponents as the failure of additional HMO licensing to raise standards, and that the Council would be unable to manage and enforce a scheme that would include many more properties; and
- » Selective licensing is unfair to landlords, placing an unwarranted burden of responsibility, cost and administration on the very people who are trying to provide accommodation to those who need it while failing to tackle the 'real' issues in the housing sector.

- 1.48 Questions were raised, particularly at the landlords' forums, about the accuracy and validity of the evidence used by the Council to 'justify' their proposals. Furthermore, those who disagreed with the Council's proposal, and some of those who were more positive, also raised concerns that:

- » Introducing a scheme might actively discourage investment in rental properties and drive good landlords to leave the PRS or move to unlicensed areas;
- » Costs related to license fees and any expenses related to work required to make properties compliant would be passed on to tenants, leading to rent increases;
- » Licence fees represent a 'tax' on landlords, or that selective licensing is simply a 'money-making scheme for OCC which - despite assurances regarding ring-fencing - would be spent elsewhere; and
- » There is sufficient legislation already in place related to privately rented properties, the proper enforcement of which would negate the need for additional regulation.

The Council's preferred option of a city-wide selective licensing scheme was the most widely supported of the two proposed designations by tenants and residents, organisations, local businesses, and other stakeholders...

- 1.49 Support for city-wide selective licensing was predicated principally on the basis that it would be fairer and more consistent, and allow the Council to raise more money, thus ensuring that issues related to sub-standard accommodation would be addressed across the whole of Oxford.

...but individual landlords' and agents' views differed considerably, with the majority fundamentally disagreeing with selective licensing, and any options associated with it, and many suggesting other approaches

- 1.50 Most landlords and agents responding to the consultation or participating in events did not agree with the Council's preferred option for a selective licensing scheme covering the whole city, although - if a new scheme was to be introduced - more would prefer a scheme covering all of Oxford than one covering only 23 out of 24 wards (i.e., excluding Holywell).
- 1.51 The majority view among landlords and agents was that an alternative approach - which for many was simply the outright rejection of selective licensing - was preferable. Common examples of alternative approaches suggested by landlords and some other stakeholders included:
- » Improved collaboration between the Council, landlords, lettings agents, Police, the Fire and Rescue Service (FRS), and others to improve standards;
  - » Better utilisation of existing powers and legislation;
  - » Education of landlords, and possibly agents and tenants, about their responsibilities and the standards expected of them;
  - » Targeting specific landlords, geographic areas, property types etc. in a more focused scheme;
  - » Co-regulation with organisations that advise or accredit landlords and agents;
  - » A voluntary agreement or self-certification scheme, backed up by random inspections; and
  - » A scheme or schemes which also address social housing and university owned or managed accommodation.

Views on the proposed fees for both additional and selective licenses tended to be split along the lines of stakeholder types, with landlords and agents being more critical of them, and other stakeholder types - in general - being more likely to view them as appropriate

- 1.52 The proposed fees for standard one-year additional HMO licences tended to be viewed as too expensive by landlords and agents responding across all consultation strands, as well as by local business owners and managers. However, the longer five-year licence renewals, while also seen as too high by many in the same groups, were viewed somewhat more favourably by a substantial minority of landlords and agents.
- 1.53 Other respondent types tended to find the proposed additional licence fees acceptable (albeit there was sometimes a broad spread of views within these groups, from the fees being too high to too low).
- 1.54 Regarding the proposed standard selective licensing fees, landlords and agents, as well as some local businesses, tended to view them as too high; by contrast, other stakeholders - particularly tenants and residents - tended to think they were 'about right'.
- 1.55 The principle of one-year selective licences, where there are concerns about the management of properties, gained broad agreement across all stakeholder types; views differed on the associated fees, however, with landlords and agents again more likely to view them as 'too high'.

Generally, the proposed conditional discounts and exemptions for some selective licences were viewed positively by consultees, although some specific discounts raised concerns from residents in particular

- 1.56 Discounted selective licence fees for early-bird applications, accredited landlords, and registered charities drew support from across all stakeholder types and consultation strands. Discounts for newly built properties and for multiple flats in a single block received more agreement than disagreement from landlords and agents, but only minority support from other stakeholder groups.
- 1.57 The ‘fairness’ of licence holders being required to pay the applicable full selective license fee when applying part-way through a five-year licensing period was the cause of considerable debate and, in some cases, anger from landlords. There were calls for pro-rata fees, as well as refunds or transferable licences in cases where properties might be sold or transferred during a licensing period. Allowing licence holders to spread the cost of fees through monthly payments was also suggested.
- 1.58 An issue frequently raised by landlords and agents, and occasionally tenants and residents, was that a new selective licensing scheme would lead to rent increases as a result of landlords passing on licence fee costs to tenants, as well those associated with any work required to meet expected standards.

Proposed conditions for both additional and selective licences were generally agreed to be reasonable, although landlords were more negative and criticised what they viewed as a lack of detail in the proposals, and voiced strong concern about the inclusion of certain conditions

- 1.59 Overall, the proposed licence conditions for both schemes were viewed as reasonable by consultees. Where there were concerns or disagreement expressed, these were most commonly related to the conditions around anti-social behaviour (with landlords disagreeing that they should be held responsible for their tenants’ behaviour, and one community organisation suggesting it might be used against tenants), waste management, and mandated six-monthly property inspections by landlords.
- 1.60 The impact of COVID-19 on the ability of landlords and agents to visit properties, as well as on their income and ability to remove problem tenants or those not paying their rent, were also raised as concerns by landlord, agents, and their representatives.

Other comments made in response to the consultation included suggestions for amendments to the proposals, alternative approaches to improving property and tenancy management, concerns about potential equalities impacts, and criticism of the consultation process itself

- 1.61 Consultees - particularly landlords and agents - suggested changes to the proposed licensing scheme or alternative approaches. These included, among others:
- » A voluntary or self-certification scheme, or exemptions or free licenses for accredited landlords, those using agents to manage their properties, and those with a very small number of properties;
  - » A more targeted scheme focusing on, variously: problem landlords, poor or ‘high-risk’ properties, or areas with known problems;
  - » Licences for landlords, rather than individual properties;
  - » A more ‘collaborative’ approach to improving property conditions and tenancy management, with strong calls for improved communication between the Council and landlords, and more support for

landlords in key areas related to, for example, ASB and criminality, and overcrowding and illegal subletting in neighbouring or nearby properties;

- » Incentives or support for landlords who invest in improving their properties; and
- » Ensuring that issues related to social housing are robustly addressed, and that appropriate investment in affordable and social housing takes place.

<sup>1.62</sup> Concerns were raised by one organisation about the possible impacts of ASB-related licence conditions on certain protected characteristics or vulnerable groups who might be targeted for eviction as a result, including: transgender people, those with mental health needs, sex workers, and people living in poverty.

<sup>1.63</sup> Finally, some landlords and agents were critical of the consultation process itself, most commonly citing:

- » Issues with the quality and quantity of the evidence presented by the Council to justify the introduction or continuation of licensing schemes;
- » The principle of proposing to introduce new licensing schemes, or running a consultation, during the ongoing COVID-19 pandemic;
- » The length of the consultation period, which some viewed as too short, the perception that landlords had not been notified of the consultation soon enough, and the timing of landlords' forums and availability of spaces;
- » That the Council has already made up its mind and that the consultation was a pointless 'box-ticking' exercise; and
- » A perception of bias in favour of the schemes in the consultation documentation, questionnaire design and - in a small number of instances - in the presentation and facilitation of the landlords' forum

This page is intentionally left blank

# Appendix 2

## Consultation methods – comparison with other Local Authorities

Prior to making a designation for either Additional Licensing or Selective Licensing, under the Housing Act 2004 the Council must *take reasonable steps to consult persons who are likely to be affected by the designation*.

Oxford City Council consultation took place during September to December 2020. During this time, there were restrictions on social gatherings and a national lockdown in November due to Covid-19. Comments were made during the consultation that it was not an appropriate time to consult because landlords could not attend events and community groups may not have been able to “get together” to respond.

A comparison between the Council’s consultation methods and five non-Covid licensing consultations was undertaken to evaluate any impacts on results.

- London Borough of Croydon<sup>1</sup> – borough wide renewal of selective licensing scheme, consultation 16 December 2019 to 9 March 2020. Chosen as estimated to cover 35.6% total housing stock and the consultation was immediately before pandemic.
- London Borough of Waltham Forest<sup>2</sup> – borough wide renewal of selective licensing scheme and borough wide renewal of additional licensing scheme, consultation 04 February 2019 to 29 April 2019. Chosen as estimated to cover 37% total stock and this scheme has been approved by Secretary of State.
- Nottingham City Council<sup>3</sup> – city wide selective licensing scheme and renewal of additional licensing scheme consultation 16 January 2017 to 31 March 2017. Chosen as estimated to cover 32% total stock, this was a new selective licensing scheme and Nottingham is a similar city in terms of a large university town with regional hospital.
- Liverpool City Council<sup>4</sup> – city wide renewal of selective licensing scheme consultation 4 March 2019 to 26 May 2019. Chosen as estimated to cover 32% total housing stock and this scheme was rejected by Secretary of State (due to evidence)
- Slough District Council<sup>5</sup> – small area selective licensing scheme consultation 7 November 2019 to 31 January 2019. Chosen as estimated to cover 50% stock in the chosen Selective Licensing wards, was an area-wide Additional licensing scheme, the consultation took place over a similar period in the year and it is our “nearest neighbour” with a selective licensing scheme and considered similar demographics for ethnicity

While it is accepted that social distancing has limited certain consultation activities, this does not mean that the Council has failed to take *reasonable steps to consult*. The Council has used a range of activities to engage *those persons likely to be affected by the designation* –

---

<sup>1</sup> London Borough of Croydon, April 2020

<https://www.croydon.gov.uk/sites/default/files/Final%20report%20of%20consultation%20findings%20%E2%80%93%20CPRL%202020.pdf>

<sup>2</sup> London Borough of Waltham Forest May 2019

<https://democracy.walthamforest.gov.uk/documents/s68631/Appendix%201%20-%20Waltham%20Forest%20Licensing%20Consultation%20Report%20May%202019.pdf>

<sup>3</sup> Nottingham City Council July 2017

<https://committee.nottinghamcity.gov.uk/documents/s59486/Appendix%202%20Selective%20Licensing%20Consultation.pdf>

<sup>4</sup> Liverpool City Council July 2019 <http://councillors.liverpool.gov.uk/documents/s234656/H2%20-%20Annexe%204%20Liverpool%20CC%20Licensing.pdf>

<sup>5</sup> Slough Borough Council March 2019

<http://sloughboroughcouncil.org/moderngov/documents/s55376/Appendices.pdf>

## Appendix 2

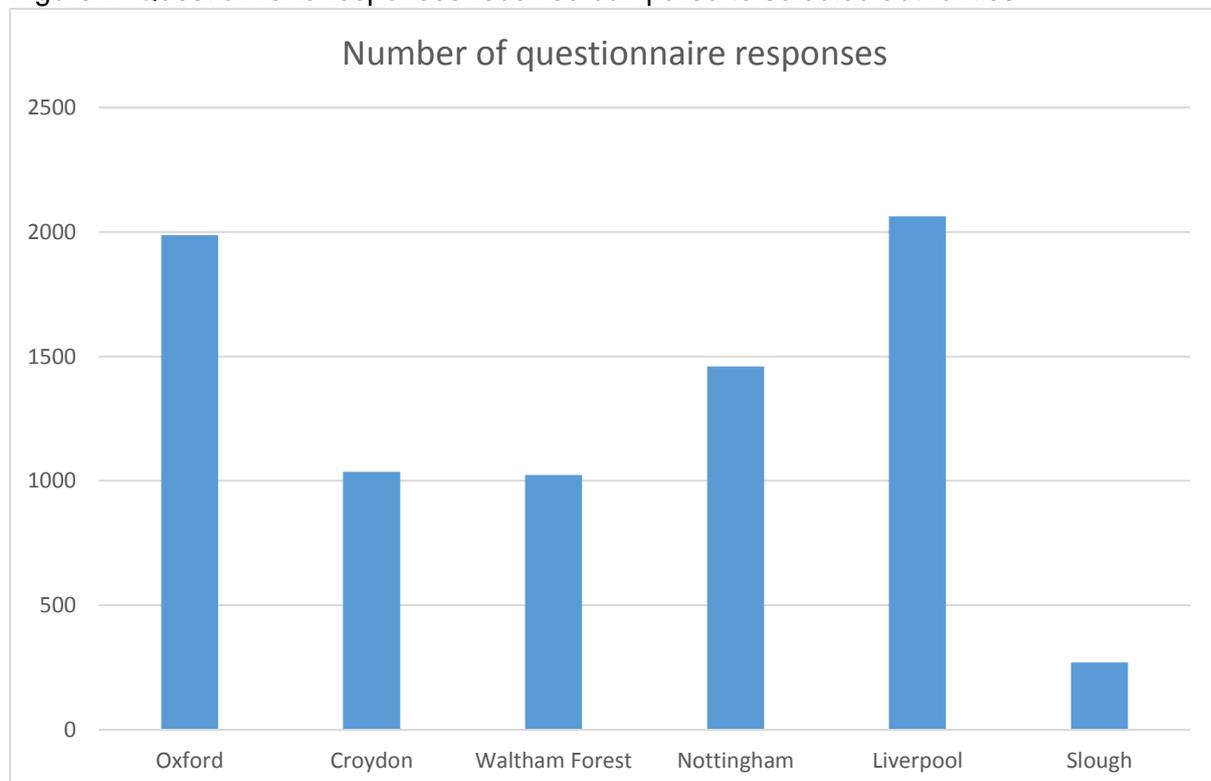
that is namely landlords and tenants. Comparison with other authorities demonstrates that the number of responses and consultation methods are comparable.

- Oxford City Council had a higher number of questionnaire responses, bar one authority;
- Out of the questionnaire responses, a higher proportion were from residents, bar one authority;
- The number of attendees to landlord events was lower compared to three other authorities, however as a proportion of properties affected the attendee rate is second highest;
- We used the most popular methods employed by the comparison authorities, bar the “face to face” events;

Lack of “face to face” events has not hindered the ability of landlords and residents to take part – considering the online questionnaire has given higher response numbers than most other authorities and the proportion of residents is high. The views expressed are likely to remain the same even though some individual persons may feel they have not been able to participate. This does not mean the consultation has been fundamentally flawed.

It is acknowledged that the ability of people to meet may have hindered certain resident groups to meet, discuss the proposals and formulate a response. However, it was possible to meet between September and October in small groups. It is acknowledged there may be other, more pressing concerns preventing responses. Given that the proportion of residents responses are higher than comparison authorities and we held specific stakeholder interviews then the views expressed are likely to remain the same even though some individual persons may feel they have not been able to participate. This does not mean the consultation has been fundamentally flawed.

Figure 1: Questionnaire responses received compared to selected authorities



# Appendix 2

Figure 2: Breakdown of responses from landlords / agents or residents compared to selected authorities

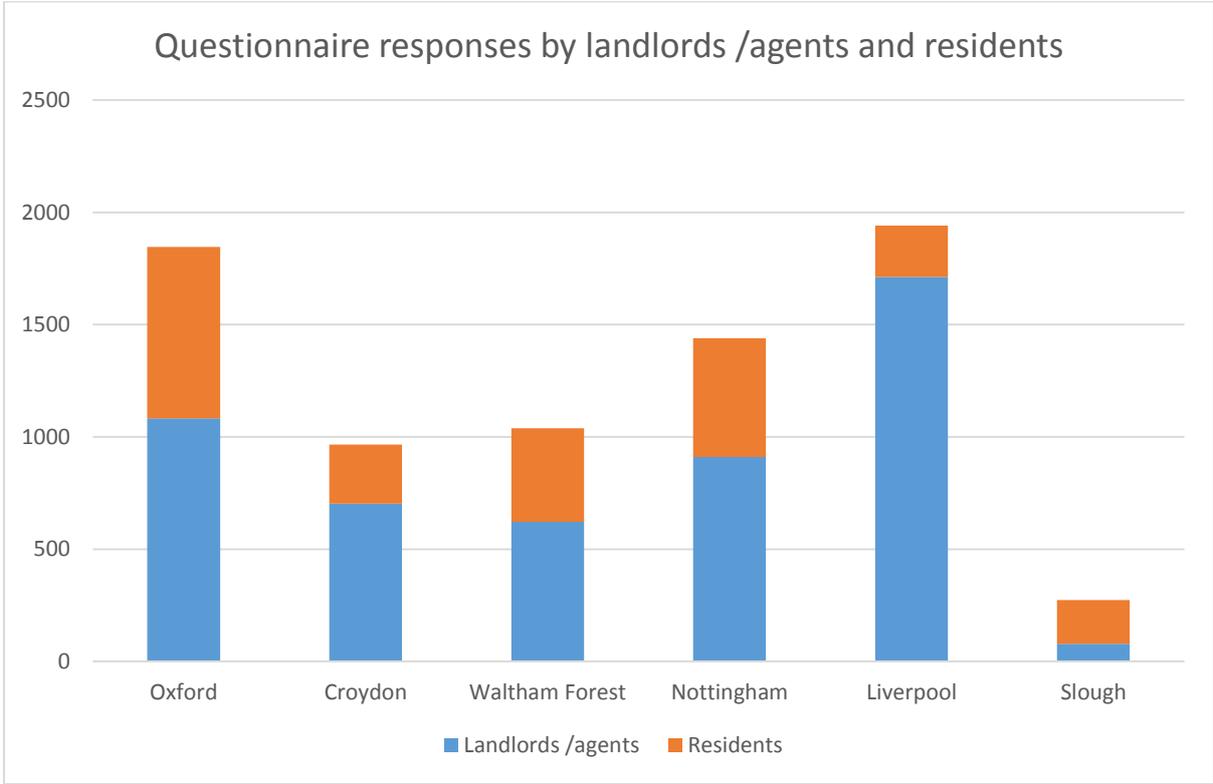
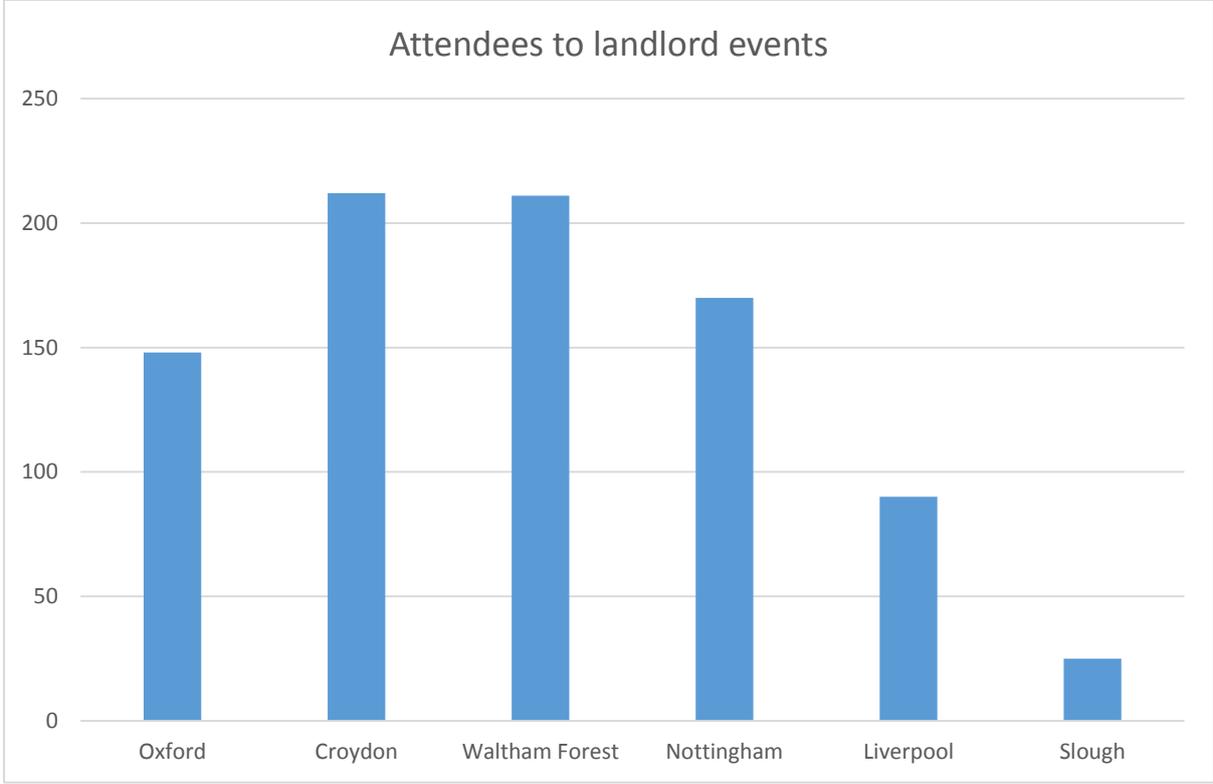
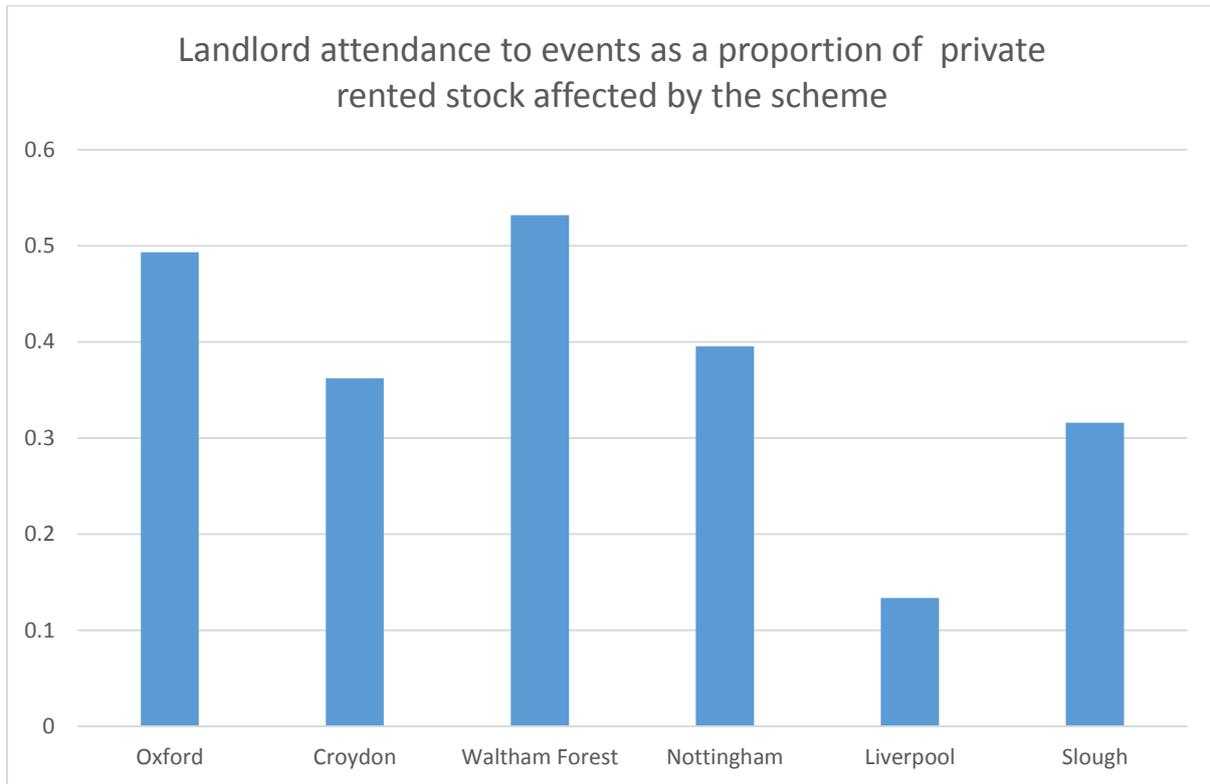


Figure 3: Attendance at landlord events (by number) compared to selected authorities



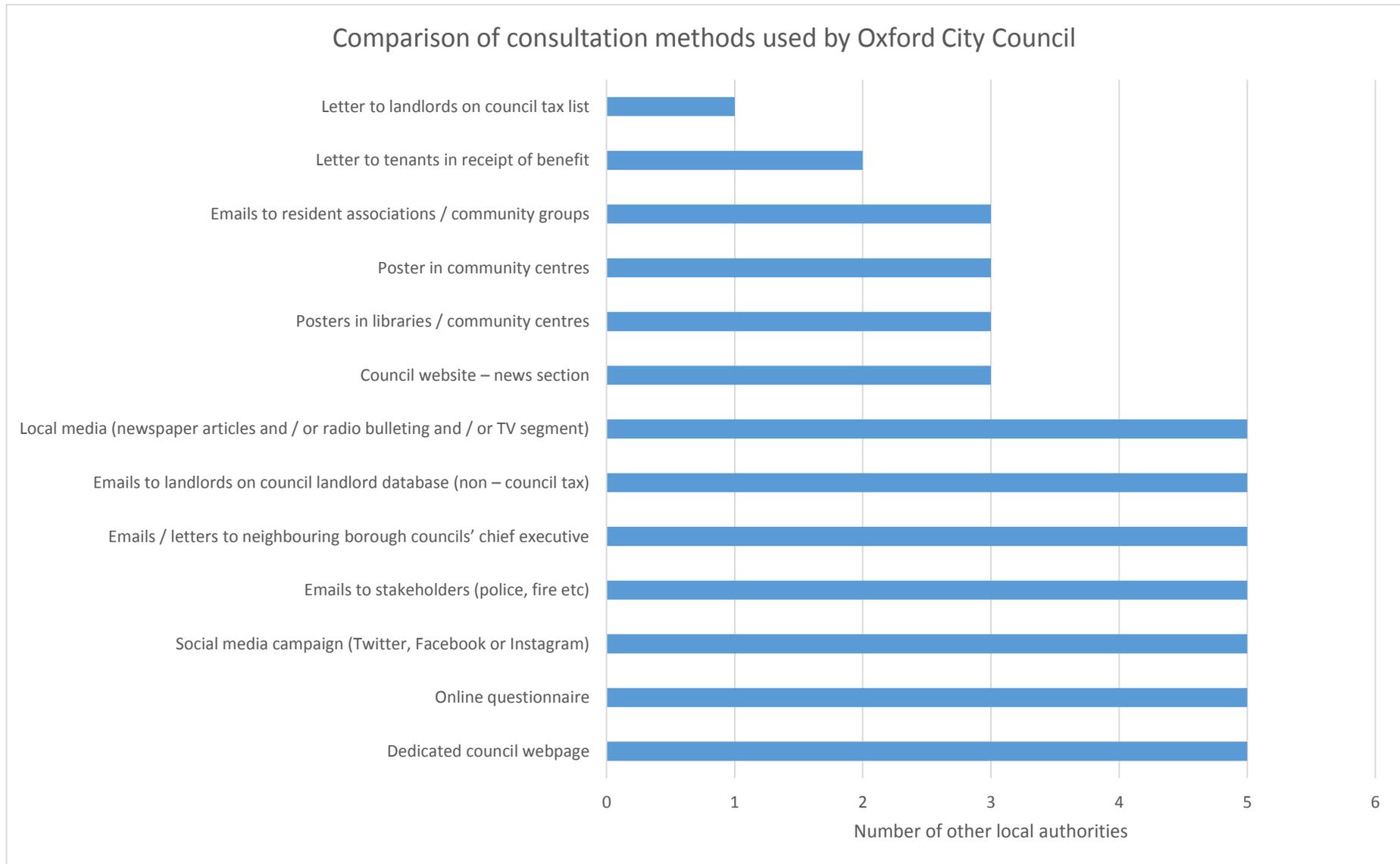
# Appendix 2

Figure 4: Attendance at landlord events by ratio of number of private rented properties compared to selected authorities



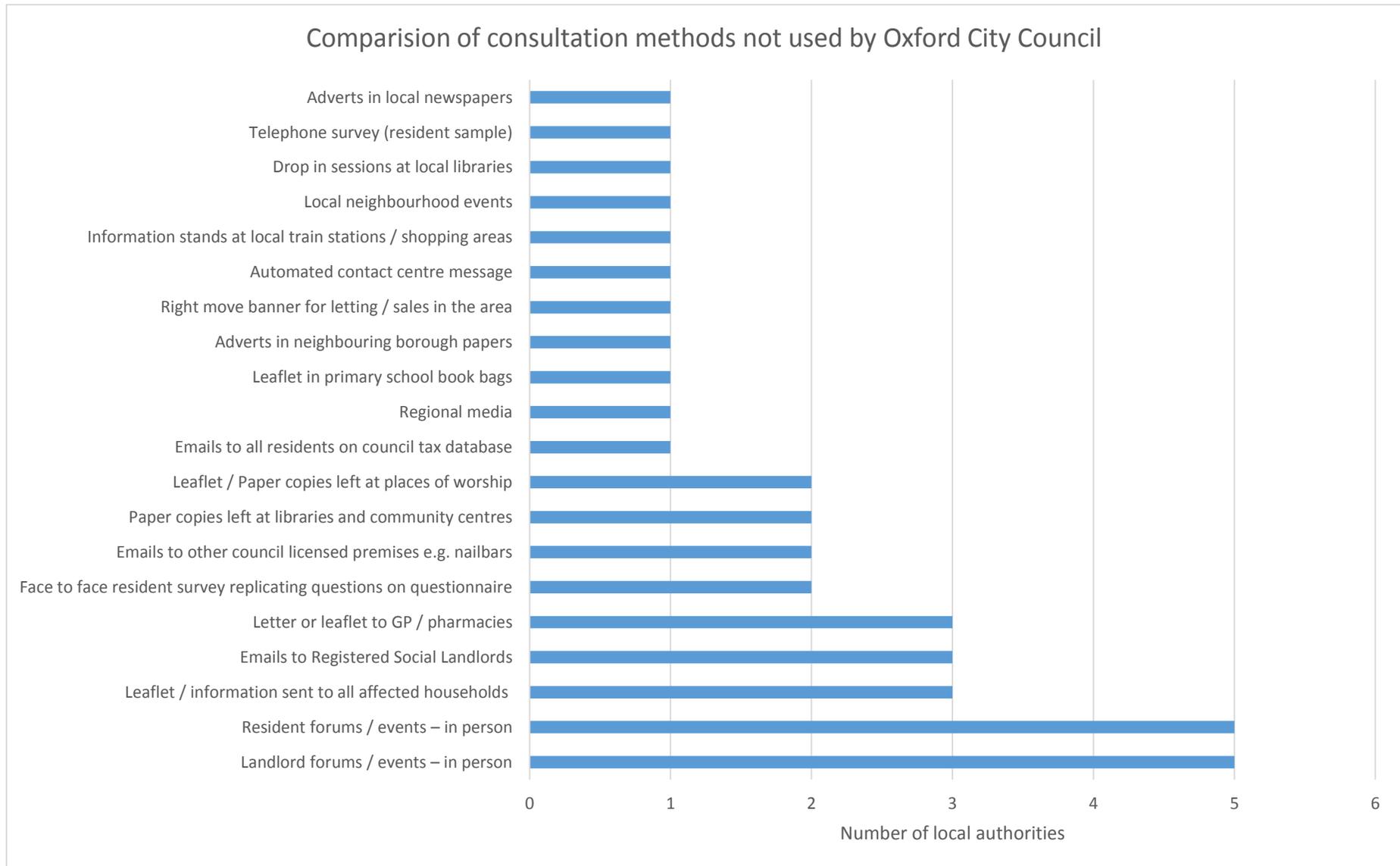
# Appendix 2

Figure 5: Consultation methods used by Oxford City Council compared to selected authorities



# Appendix 2

Figure 6: Consultation methods NOT used by Oxford City Council compared to selected authorities



# Appendix 2

## Limitations and Impact

Limitation	Impact
Inability to hold face to face consultation events for landlords	<p>It is acknowledged that some landlords will feel they were not able to participate and share views. However, over 1,000 landlords and 70 letting agents responded to the consultation and 148 landlords / agents participated in events.</p> <p>Comparison to other authorities that held face to face events demonstrates a similar turn out to virtual events as face to face events. Virtual events may have benefitted some landlords, though not needing to travel and ability to “hear and see” presentations more easily on personal computers.</p> <p>All current HMO licence holders were emailed to invite to participate in the consultation (or sent a letter where they did not have email). Over 5,600 letters were sent to persons on the council tax database thought to be landlords. It is considered the council has taken reasonable steps to consult landlords likely to be affected by the consultation and the views expressed by those landlords who did take part are likely to cover all landlord views.</p>
Inability to hold face to face consultation events for residents	<p>The inability to hold residents forums may have impacted the ability of some residents to give views. It is appreciated that some people may feel they could not have expressed their views by not being present in person. A specific residents’ focus group was held. This was limited to 12 persons to allow in-depth conversations. Over 760 residents did respond to the questionnaire. Comparably, the proportion of residents to landlords completing surveys was second highest.</p> <p>Comparison with other authorities that held face to face events generally results in low turnout e.g. 10 to 60 persons. In 2015, we held local resident events in libraries and had very low turnout (max 10 to any event). Over 1,600 letters were sent to tenants.</p> <p>It is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.</p>
Inability for affected groups to gather face to face to discuss the consultation and submit a response;	<p>It is acknowledged that this will have limited resident groups’ ability to gather to discuss their views. 12 resident associations and 4 parish councils were contacted in October and again in December. The Oxford Community Forum, who represent some Asian landlords in the city were contacted and were sent 60 paper questionnaires to enable their members without access to a computer to respond.</p> <p>Concerns were raised in the consultation that certain ethnic groups were not able to meet and formulate views as they would have liked to do so in pre-pandemic times. However, a specific stakeholder interview was arranged for this group to allow representatives to give views. It is also considered that during September / October that small groups could have met to give views.</p> <p>It is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.</p>
Reduced use of public transport, community	<p>It is acknowledged that reduced use of public transport, community centres etc would have limited the ability of persons to see advertisements and posters about the consultation. However, as resident participation is</p>

## Appendix 2

centres, libraries etc that would prevent people from seeing / posters	comparable to other authorities then it is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.
Non – use of emails or letters to every person on council tax database	Some authorities have sent emails / letters to every property registered on council tax database. Oxford City Council undertook a more targeted approach – contacting those tenants in receipt of housing benefit and letters to those persons thought to be landlords. In this respect, we have made efforts to contact those <i>likely to be affected by the designation</i> . It is accepted that some residents may not have been aware of the consultation. However, as resident participation is comparable to other authorities then it is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.
Non – use of adverts in local papers	This method was only used by one other authority so it is not a popular method. While it would have given additional publicity to the consultation then it is not known if it would have increased responses. There were three stories in the local newspaper throughout the campaign and therefore, this could be considered an “advert”. A news story is also likely to be more “eye-catching” than an advert - In this respect, we have made efforts to contact those <i>likely to be affected by the designation</i> . As resident participation is comparable to other authorities then it is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.
Non – use of telephone surveys	This method was only used by one other authority so it is not a popular method. While it would have given additional resident views, from all sectors, it is unlikely to have raised different points. As resident participation is comparable to other authorities then it is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.
Non – use of face to face (doorstep) surveys	It was not possible to undertake face to face surveys due to COVID-19. However, this method was used by only two other authorities and so is not the most common method. A council does not have to undertake all methods available for consultation. As resident participation is comparable to other authorities then it is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.
Non – use of leaflet distribution e.g. local places of worship, school book bags, left at libraries / community centres	It was not possible to leave leaflets due to COVID-19. This could have created a transmission pathway. This method would have been of benefit to raise awareness – especially amongst minority groups by leaving leaflets at places of worship. However, lack of using this method does not mean the consultation is flawed. We offered a stakeholder interview to one community group – in this respect we have made efforts to contact those <i>likely to be affected by the designation</i> . As resident participation is comparable to other authorities then it is considered the council has taken reasonable steps to consult residents likely to be affected by the consultation and the views expressed by those residents who did take part are likely to cover all resident views.

# Appendix 3

## **Council response to Consultation responses**

The Council is grateful to have received the feedback and responses to the consultation and has carefully considered the responses received. Comments were made on the questionnaire, as part of landlord's forum, the residents' forum, the stakeholder interviews and the written responses.

To simplify the process of making a response to the comments, the issues have been grouped into "themes". The comments may not appear in the same order in this report as they do in the consultation report. Comments may have been split to move into the relevant "group" for response.

- A. Proposed Additional Licensing scheme
- B. Proposed Selective Licensing scheme
- C. Alternatives to the proposals
- D. Proposed property licensing conditions
- E. Proposed fees, discounts and charges
- F. Operation of new schemes and application process
- G. Enforcement of the new schemes
- H. Planning / Air B&B
- I. COVID-19 related concerns
- J. Comments regarding the consultation itself

# Appendix 3

## A. Proposed Additional Licensing scheme

Consultation Responses relating to success of scheme / support of new scheme	Council Consideration
I think it's given the good landlords a benchmark and so where they, 'oh, I didn't realise I needed to do that or ...', so it's been a nice kind of development tool for the probably quite good properties to tip them over into the compliant side. (CAB)	<ul style="list-style-type: none"> <li>• Comments acknowledged.</li> <li>• We will be providing more information about scheme outcomes and performance against outcomes.</li> </ul>
I would support anything that raises and maintains high standards in private rented accommodation and prevents people living in poor accommodation. It must be regulated because I don't buy into this idea that the market can self-regulate ... You leave some people to their own devices and they're likely to just let bad accommodation, so tougher standards I'm fine with. (OBSU)	
The scheme is a good scheme	
I've seen a lot of properties where, perhaps, landlords aren't entirely aware of all the regulations... in those particular cases, you can see a very clear reason for that additional licensing scheme to be in place in order to bring those properties back up to standard	
If a student is living in a property that is HMO licensed, our advice service can give the student a little bit more as to what they can expect, because there obviously is a higher level of requirements within the HMOs, and that really supports the student ... or there are restrictions or requests that they can put in to have that licence removed if the conditions aren't being met. Essentially it gives students better protection when they are in the sector. (OUSU)	
It's helped because they have a reasonably decent sized team ... Students don't really have anyone they can go to about disrepair in Oxford ... the only way of getting anyone to deal with serious disrepair issues is the threat of the Council ... I think the City Council does more prosecutions than any Council outside London ... it feels we have a fall-back position... we can talk to the Council and something will happen quite quickly. (OBSU)	
... one example where we had a violent county drugs line in the property and managed to get the HMOs team out after we'd executed a warrant because the property wasn't safe in our eyes. It just gives us another angle, another tack to come down on some people that aren't abiding by the rules. (Police)	
Some of the standards in the properties have been improved as a result of the introduction of the scheme in areas like fire regulation and precautions	
The schemes need to exist and improve and be more transparent	
Licensing should be encouraged with the right terms and rules. So, if there is a tick box that said, 'your walls are painted white', it should be white, not with	

62

# Appendix 3

63

<p>mould on it - bathroom regulations. It should be explained accordingly so, as tenants, we will have a bit more encouragement to protect our rights and to say what good looks like, and we can compare accordingly. Easier for inspectors as well</p>	
<p>It definitely seems to be a case at the moment that landlords and agents have the upper hand, because there are so many students and so many other people in the City that want to get housing. I know students are kind of preferred in some cases because they move on very quickly and they're happy to take those deals because they want the house and want to get it sorted very quickly. But that does sometimes mean that students might end up settling for a deal that isn't good enough, or they don't get what is actually designated in the legislation or what should be provided for them. They are essentially ripped off by landlords, because the landlords have the opportunity to do that because there is so much demand on the stock (OUSU)</p>	
<p>We also hear of students having issues in regard to getting maintenance fixed or getting things that were promised by the agent to be fixed in the property like technical repairs or maintenance ... absolutely standard issues across the sector I imagine, but they are having an impact on students, and students living in the city, especially given the amount of cost students pay for private accommodation against their maintenance grants or loan. Repeat problems are damp, mould, physical disrepair, unsafe electrics, boilers going wrong. Some landlords who try to scam tenants for deposits; some agents who try to scam tenants for deposits. Often the students that we talk to have issues with regards to deposit return, and functional issues like the licensing. (OUSU)</p>	
<p>The landlords (of student properties) in Oxford are quite unscrupulous ... because there's such demand and so much turnover they will always fill the houses. It doesn't matter, for example, how many times a house gets burgled because there's a single glazed wooden front door ... because there'll be new students and they will just be concerned about being in a certain area of Oxford ... (Police)</p>	
<p>We do get a number of problems. I think the licensing has definitely improved it but yeah it [problems] does exist definitely. (CAB)</p>	
<p>Yes, certainly [problems]. We have heard of students who have had issues with their property. Often the students that we talk to have issues with regards to deposit return, and functional issues like the licensing. (OUSU)</p>	
<p>I fully accept the need in multi occupational properties which is an entirely different market, to professional couples working in the city, many for the University, that are seeking the choice of a decent level of private rental housing</p>	

# Appendix 3

... more inspections in the future scheme. That statistic that you shared about 53% of properties maybe not being complaint, I guess isn't surprising	
Last year I was living in an HMO and the landlords were transparent about being an HMO and having a licence. They had a billboard with the HMO licence on it. And we had an inspection ... someone from the Council came...	

64

Consultation Responses relating to “evidence for new Additional Licensing scheme”	Council Consideration
How many 'non-compliant' landlords are due to forgetting to renew?	<ul style="list-style-type: none"> <li>The Council sends a renewal reminder two months before expiry. In addition to this, 13% landlords then require a second reminder with 1% failing to renew. It is this 1% that would be classed as “non-compliant” and this is a very small minority of the overall figure.</li> <li>The Council's position is that the responsibility for compliance with the law clearly rests with duty holders, i.e. licence holders whether individuals or businesses. There is a legal requirement to renew a licence.</li> </ul>
<p>OCC considers there are 'c.6,900 HMOs in Oxford' but the current public register of licensed HMOs lists only 3,456. Assuming 10% may be in the process of renewing and therefore off the list, that still means that between 35 and 45% of HMOs remain unlicensed. The agents say that “it is hard to see how a further extension is going to change this problem without a radical rethink of the enforcement process”;</p> <p>OCC must licence all HMOs: despite the scheme already running for 10 years, OCC has apparently failed to licence a significant proportion of HMOs which “effectively penalises those responsible landlords who have signed up fully to the scheme and does not effectively deal with the real problems in unlicensed properties</p>	<ul style="list-style-type: none"> <li>Although it is estimated that the Council has licensed 80% of the licensable HMOs in the city (currently 3,511 licensed HMOs although 3,850 properties have been licensed in the scheme). The true percentage is not known as some landlords will avoid licensing. The Council has investigated 2460 cases since the start of the scheme for being unlicensed and will continue to do so if the scheme is renewed.</li> </ul>
There shouldn't be [problems] after ten years if they'd been doing their schemes properly. The fact that there are, actually raises red flags. (NRLA)	<ul style="list-style-type: none"> <li>Oxford's private rented stock has grown considerably in the last ten years – The proportion of the estimated HMO stock licensed by the city Council has increased by 32% during the current scheme.</li> </ul>
We believe that [after 10 years] of licensing ... [it] hasn't performed that well, according to the statistics... There is no guarantee on behalf of the Council, that if we are given another 5 years, it will make sure that 53% non-compliance will come down to 15% non-compliance. (OCF)	<ul style="list-style-type: none"> <li>Comparing data from the 2015 review report and the 2020 review report, it is clear there has been improvement.               <ul style="list-style-type: none"> <li>➤ Between 2011 and mid-2013, an average of 1,831 service requests relating to HMOs. This decreased to 1,348 service requests per year over the period 2016 to 2019.</li> <li>➤ During the period 2011 to 2015, there were 49,204 nonstandard conditions were required on licences to deal with a lack of acceptable</li> </ul> </li> </ul>
By its own admission, despite the current licensing scheme for Houses in Multiple Occupancy ... which has been running since 2011, a large proportion of the HMOs in the city remain 'non-compliant'.	

# Appendix 3

65

	<p>minimum standards and management. In the 2016-2019 period, there were 21,071 nonstandard conditions have been applied to deal with a HMOs below the minimum standards. This is a clear decrease and shows improvement in compliance with minimum standards.</p> <ul style="list-style-type: none"> <li>➤ During the period 2011 to 2015, 26% of conditions related to fire safety (12,591 conditions). In the 2016-2019 period, 32% of conditions related to fire safety (6,795 conditions). This shows an increase in non-compliance in this area, although it may be attributable to the revised 2018 Amenity Guide where it was made clear that properties on separate tenancy agreements required smoke detectors in all rooms.</li> <li>➤ During the period 2011 to 2015, 71% of conditions related to management and maintenance (34,983 conditions). During 2016 to 2019, 52% of conditions related to management and maintenance (11,084 conditions) showing a positive improvement in management practices.</li> <li>➤ During the period 2011 to 2015, 3% of conditions related to amenities and facilities (1,630 conditions). During the period 2016 to 2019, 15% of conditions related to amenities and facilities (3,192 conditions). This may be attributable to the growth in HMOs and that landlords are increasing bed-spaces (e.g. increasing from four to six occupants) and therefore need to put in additional facilities.</li> </ul> <ul style="list-style-type: none"> <li>• The improvement in HMOs is clear by the overall decrease in number of conditions however, there is still non-compliance especially in the area of fire safety. This shows a continued need for the scheme.</li> </ul>
<p>The Council (still) receives high numbers of service requests from neighbours and tenants, so it doesn't really seem as if this success story (of previous schemes) is particularly the case. I'm not sure that extending it would fix the problems. (ARLA Propertymark)</p>	<ul style="list-style-type: none"> <li>• During the period 2011 to mid 2013, the Council received 4,577 service requests relating to HMOs – this is 1,831 a year. During the period 2016 to 2019, the Council have received 5,392 service requests relating to HMOs – this is 1,348 a year. This shows a clear decrease and the scheme has been successful, with a reduction of 490 requests each year. The scheme can continue in this way and will lead to further reduction in service requests in future years.</li> </ul>
<p>The low number of penalties issued previously (since 2017, OCC has issued only 57 financial penalties to rogue landlords and agents) suggests that Additional Licensing may not have much impact (ARLA Propertymark);  <b>Note: there were a number of other comments relating to low levels of enforcement – these are in the “enforcement” section.</b></p>	<ul style="list-style-type: none"> <li>• The Council understands that landlords, residents and the public may view the number of penalties as a way of measuring success or failure. However, the Council cannot have a “target” for number of penalties / prosecutions – to do so would be wholly against the Council's Enforcement Policy that “<b><i>Our enforcement activities will reflect the level of risk to the public and enforcement action taken will</i></b></li> </ul>

# Appendix 3

	<p><i>correspond to the seriousness of the offence. We will seek to resolve cases at the lowest level of intervention appropriate to the case. “</i></p> <ul style="list-style-type: none"> <li>• Prosecution and financial penalties are for the worst offenders – we use higher licence fees as a deterrent. We acknowledge there needs to be greater transparency and regular reports will be published against scheme outcomes, including enforcement / higher fees.</li> </ul>
[T]hey proposed the 2015 scheme on the grounds that they hadn't inspected all properties ... We're now in 2020 and they're renewing it again... If you say there's a problem in the private rented sector ... you should inspect all the properties ... Great Yarmouth has done a whole inspection regime in a year – all properties inspected. Oxford is struggling after ten years and are looking to expand the scheme. (NRLA)	<ul style="list-style-type: none"> <li>• All new HMO licence applications receive an inspection unless the property has recently been inspected. We re-inspect until we are satisfied the property meets minimum standards.</li> <li>• To inspect every property each year would be resource intensive and would also not be welcomed by compliant landlords (e.g. accredited landlords or agents). We believe our one, two, five year licence structure incentivises compliance.</li> </ul>
Doncaster in their selective licensing and additional licensing, do an inspection every year of every property and they've changed that sector completely. And they are bringing back selective licensing but they're not bringing it back on property standards; they're looking at anti-social behaviour. So they've addressed within five years all the property standards (NRLA)	<ul style="list-style-type: none"> <li>• We have a re-inspection /audit scheme for those properties where there has been five years since the last inspection.</li> </ul>
students on a shorthold tenancy (where individual rooms aren't let separately, on contract for all) does not qualify as an HMO (OCF)	<ul style="list-style-type: none"> <li>• The Housing Act 2004 introduced a definition of what is an HMO. This does not look at tenancy agreement – it is based on whether people are related and sharing of facilities (amongst other tests).</li> <li>• We note the comment and that this indicates a need for education of landlords.</li> </ul>

99

## B. Proposed Selective Licensing scheme

Consultation Responses relating support of new scheme	Council Consideration
There is an obvious need to have inspections for properties that don't meet standards. There are some landlords that don't comply, and something needs to be done. However [there's] a big question mark about what are the benefits to landlords compared to the additional costs involved	<ul style="list-style-type: none"> <li>• Comments acknowledged.</li> <li>• We will provide information to landlords on key responsibilities, this can include benefits of using accredited agents.</li> </ul>
The schemes need to exist and improve and be more transparent”	
Licensing should be encouraged with the right terms and rules. So, if there is	

# Appendix 3

67

<p>a tick box that said, 'your walls are painted white', it should be white, not with mould on it - bathroom regulations. It should be explained accordingly so, as tenants, we will have a bit more encouragement to protect our rights and to say what good looks like, and we can compare accordingly. Easier for inspectors as well</p>	<ul style="list-style-type: none"> <li>We will be providing more information about scheme outcomes and performance against outcomes.</li> </ul>
<p>An enforced City-wide licensing scheme "can only be the beginning of addressing all the problems private rented properties create". It is "disturbed by the clear images of housing neglect often presented by private rented properties" (Bullington Road Community Association)</p>	
<p>In principle we did think it necessary to have the scheme</p>	
<p>It's good to remove sub-standard competition</p>	
<p>I accept that we do need standards. There is great expertise but also a huge amount of shoddy property in Oxford, particularly around the student sector</p>	
<p>There was a general agreement that the idea of licensing – so the Council knows who the landlords are, and has some ability to exercise some control over them – is probably a good thing...</p>	
<p>... you will still get these people who think they can get hold of a property, do all kinds of dodgy things to it, let it out and get an income, and wash their hands of any real responsibility ... or people who accumulate some sort of portfolio that's beyond their ability to manage properly ... (safeagent)</p>	
<p>There are particular landlords who I'm pretty certain they know. It's the same faces; the same names ... year on year they get away with things and they provide accommodation which you wouldn't want your worst enemy to live in ... There are particular agents who ought to be run out of town, but the City Council has only so much power (OBSU)</p>	
<p>There is a criminal element ... and what it does with that excessive costs – it pushes the poorest and most vulnerable into criminal hands ... and those criminals will not have the highest standards – or any standards. (NRLA)</p>	
<p>Poor landlords – charge tenants for repairs and are unresponsive, unreactive. (OTU)</p>	
<p>There is a limited supply in Oxford and students and other renters are held victim to that, resulting in some of them facing unacceptable accommodation. (OUSU)</p>	
<p>Repeat problems are damp, mould, physical disrepair, unsafe electrics, boilers going wrong ... A lot of the accommodation is based in Headington and East Oxford and a lot of those properties are anywhere between Victorian through to early 1930s. They haven't been looked after very well for quite some time.</p>	

# Appendix 3

88

(OBSU)	
...a lot of the housing stock in Oxford, there's a lot of older buildings and a lot of these properties, particularly the rental properties, are not particularly well insulated, and often have very poor and outdated heating which can really cause issues for tenants. And I think that certainly the older housing stock in Oxford can be a real issue around safety and maintenance. (Acorn)	
People come in with water running down their walls, no boiler working, no heating and ... there's a lot of fear about speaking up because they'll get evicted and because the demand is so high...The odds of getting a bad property or landlord are high. I've lived here most of my life, I've never had a good landlord. (CAB)	
It's always confused me why if I moved into a privately rented house with my family and there's for arguments sake five of us, we're not bound by the same regulations and safeguards as if I was to move into a privately rented house with four of my friends ... It's the same number of people ... and arguably if you move into somewhere with a family with children, the risks are higher than multiple adults living in one property. Moving forward it needs to be more than just safety... I think if it's going to be bespoke for Oxford it needs to deal with the issues that Oxford has. (Police)	
I know that there is a consultation under way to improve the quality or properties in the private rented sector in Oxford. As a private landlord myself, I am appalled at the quality of properties offered to students in Oxford. Not all students are irresponsible party throwers and should be entitled to civilised, damp free accommodation. Some bedrooms just have enough room to fit the bed and nothing else!	
The concept of applying a licensing scheme to all rented properties is essential to protect tenants but just as important to improve standards and safety	
"I think it is a good idea. Any rented property should have some sort of regulation. Safety for tenants and peace of mind for landlords, as they can be certain that the house is let in a safe condition	
..Applaud the Council's initiative to take action to protect tenants from unscrupulous landlords (Un-named group of tenants)	
When I was looking for accommodation it was insanely expensive for the value of the money, and conditions were abysmal..."	
When I was looking for properties, I was horrified by the condition of properties for quite massive amounts of money ... I was quite horrified walking	

# Appendix 3

69

into places that were two-bed flats for £1,200 a month with mould up the walls and single glazing and lack of security on front doors, lack of security on back doors. There were a lot of those, and it just seemed to be pot luck whether you found something for a similar price that was actually quite liveable	
The ones in the city centre should be looked at because some of them are asking for ridiculous prices and the state of it is crazy	
The bathroom walls are mouldy. You live here and it doesn't feel like the UK. You have certain expectations of living in Oxford	
Keen to support the Council in taking any actions designed to improve the quality of life for people living in privately rented accommodation...particularly concerned about the impact of overcrowding and insecure tenancies on children's' development. (Oxford and District Action on Child Poverty)	
believes additional and selective schemes elsewhere have had a positive impact, e.g., because they make landlords who are breaking the law stand out, which can make it easier to take appropriate action against those landlords who operate unlawfully (Justice for Tenants)	
generally supportive of the proposals, though stated that the likely workload would need to be matched with sufficient administrative and enforcement resources, if the scheme is to maintain public confidence (Oxfordshire County Council Trading Standards Service)	

Consultation Responses relating to "evidence base / Metastreet report"	Council Consideration
OCC is placing too much faith and resource in the algorithm it intends to use to calculate which properties in Oxford are most likely to be PRS accommodation (ARLA PropertyMark)	<ul style="list-style-type: none"> <li>The Council procured Metastreet to undertake a review the stock condition in the private rented sector. Metastreet have had a great deal of experience in undertaking such reports for other authorities and have used the same methodology and data sets where licensing schemes have been implemented following submission to central government. The report, like most house condition surveys, uses stock modelling to determine predicted levels, as it is not possible due to the prohibitive cost to undertake a full housing survey. The data used was a mixture of Council held data and data held by external bodies, e.g.ONS data, tenancy deposit scheme and EPC data. Metastreet tested their data for accuracy against known tenures.</li> <li>The number of HMOs quoted in the report is an estimation and includes those HMOs that do not require a licence, of which there are over 2000 in the city which are exempt. Whilst the Council agrees that it is disappointing to note that landlords continue to evade licensing we believe that we have</li> </ul>
Given the importance of Metastreet modelling as the basis for this proposal, are we able to see on what basis Metastreet actually extrapolated 2,723 hazards of category one to 6,242. Which obviously brings Oxford over the 20% of housing stock	
OCC's Environmental Health Department reports that 33% of properties in Oxford are in the PRS, whilst MetaStreet data claims 49.3% - a difference of over 10,000 properties (Oxford based ARLA or UKALA agents)	
It is estimated that 14% of properties in the PRS are likely to have Category 1 hazards across the whole of the UK, whereas Oxford is deemed to have 20% projected to fall into this category. (Oxford based ARLA or UKALA agents)	
There has been no real analysis of what types or properties cause these problems	

# Appendix 3

70

<p>I would like to see a study of the PRS versus owner occupied stock in Oxford. Evidence of the PRS having lower standards isn't proven</p>	
<p>The evidence is not compelling for the introduction of selective licensing...</p>	
<p>We were struck that there is only 47% level of compliance for HMOs. There's a danger that the Council will bite off more than it can chew if introducing the scheme across the PRS before getting on top of the current licensing scheme</p>	<p>licensed around 80% of the licensable stock in the city. The current HMO licence scheme has been developed, to ensure that compliant landlords do not pay for the work undertaken in enforcing against those landlords who try to evade licensing</p>
<p>Landlord non-compliance with current HMO licensing is stated as 53%, meaning OCC is failing even to manage the much smaller HMO sector. It is considered unlikely it could cope with an additional 26K properties in the non-HMO private sector</p>	<ul style="list-style-type: none"> <li>• The Council are aware from experience that only a small proportion of complaints are received from tenants as many do not complain due to the fear of retaliatory eviction or because they do not know that they can seek help from the Council to address issues in their home; this is often more common in the non HMO stock, where families can often "put up" with poor conditions due to the fear of having to move from an area.</li> </ul>
<p>It is claimed that complaints about properties received by officers of the local authority equates to issues with one in ten properties in the PRS – but Council figures show a complaint rate of no more than 3% of properties per year (Oxford based ARLA or UKALA agents)</p>	<ul style="list-style-type: none"> <li>• The number of HHSRS serious hazards reported by Metastreet was determined using data provided by the Council and other data such as EPC data, this methodology is the same as they have used in other reports of a similar nature</li> </ul>
<p>Evidence showing that predicted hazards are not evenly distributed across the city ...concentrations of properties with serious hazards can be found in the central and southeast wards...question the city-wide designation.</p>	
<p>Probably there is [a problem in the PRS generally], but it is a small and easily manageable issue. Typically, it's the landlords that are letting their own properties, not through agents. Smaller landlords, maybe one property, two properties, who are letting their properties themselves. (OCF)</p>	
<p>... before championing an expansion of licensing a proper, external, review of the additional Licensing Scheme should be undertaken to identify areas for improvement in, for example, the application and renewals process and inspection rates. Given the apparent failings of the additional licensing scheme, large numbers still not licensed, delays with renewals, limited inspections etc. ... we are interested to understand why more of the same is considered to be the best route to pursue? (Oxford based ARLA or UKALA agents)</p>	<ul style="list-style-type: none"> <li>• The Additional Licensing scheme has been reviewed internally, combined with comments received in this consultation, to identify improvements (of which many are underway). The Council believes that this learning will allow an effective implementation of a selective licensing system.</li> </ul>
<p>The projected income from the selective licensing scheme is estimated at just over £6.5m, whereas the agents believe the true figure covering all relevant PRS properties should be over £11m. They say, "It appears that the income projection of £6.5m is already anticipating that only half of the properties will secure a licence. (Oxford based ARLA or UKALA agents)</p>	<ul style="list-style-type: none"> <li>• The income projections in the cabinet report are based on a number of the 30,508 privately rented properties not being licensable under the selective licensing scheme; those being HMOs which are covered by the additional and mandatory licensing schemes and those that are exempt from any licensing scheme by virtue of the legislation, it is estimated this equates to around 18,000 properties. The starting figure for licensable non- HMO stock has been estimated as 12000, –The projections are based on our experience with HMOs and it is felt we will initially licence 80% of the licensable</li> </ul>

# Appendix 3

	properties, working on finding and enforcing against the remaining 20%, unfortunately as we have found over the years with HMO licensing there will always be landlords who try to evade regulation. These projections will be reviewed on a regular basis and where necessary changes will be made to accommodate for any differences identified.
... notes that the Council’s consultation document does not mention overcrowding as an issue, despite local media reports to the contrary. ..the city should, as part of new licensing rules, ensure that licenses cannot be retained by landlords found to be engaging in overcrowding (Bullington Road Community Association)	<ul style="list-style-type: none"> <li>•Overcrowding is one of the hazards under the Housing Health and Safety Rating System so it is part of the overall data. Where a problem is found, the Council will use statutory powers to resolve overcrowding and failure to comply could result in a licence being taken away.</li> </ul>

71

Consultation Responses relating to “anti-social behaviour criteria”	Council Consideration
One of the six criteria for Councils to choose to go for Selective Licensing is anti-social behaviour ... this is moving the responsibility of anti-social behaviour from authorities to landlords and we, as landlords, don’t see that as being our responsibility ... We, like any landlord or agent, take great care in selecting our tenants and if there are issues, then yes, we’ll take it up with them, but it’s very difficult to actually do much enforcement. We’d have to then go back to authorities and ask the authorities to take any enforcement that might be necessary. If we want to remove them from the property, we already have the legislation there, and that’s to issue a ‘Chapter 8 notice’, we can have them removed from the property. But I just don’t see that selective licensing will in any way resolve anti-social behaviour”	<ul style="list-style-type: none"> <li>• ASB is considered to be a problem in some privately rented properties however it is not the reason for the proposal to introduce the selective licensing scheme.</li> <li>• The Council have considered the comments raised by landlords, residents and other organisations and have determined to remove standard conditions relating to anti-social behaviour. These can be added on a “property specific” basis to address problems on a reactive basis.</li> </ul>
...the position there is about the disturbance caused by the tenants in that area, mainly university students. Nobody can control them, not even the universities, yet they’re logged in with our system. That’s unfair, because they’re putting it on the landlord to try and take care of this problem”.	
OCC appears to be claiming there is a serious ASB problem across the entire city of Oxford... undertaken an average of 811 investigations a year between 2015 and 2019 in a PRS comprising 30,500 properties – and that the figures show that approximately 20% of investigations relate to just two wards, St Clement’s and St Mary’s.... a useless, toothless measure because PRS landlords have no control over their tenants’ behaviour other than to apply for a possession order to evict. Therefore, in the proposed licensing scheme, it is implicit that a landlord may be forced to evict should their tenant be reported for ASB, else risk losing their landlord licence.	

# Appendix 3

<p>One of the criteria is that there's an awful lot of anti-social behaviour but, effectively, in most tenancy agreements there will already be things which say that the tenants are meant to be good, but also that they have a right to their own existence without landlords interfering. So, we're really not sure of how that is addressed by this scheme..."</p>	
---	--

<b>Consultation Response – whole city v exclusion of Holywell</b>	<b>Council Consideration</b>
<p>For a level playing field it should include Holywell; the standard should apply to all. This is more fair and easy"</p>	<ul style="list-style-type: none"> <li>• Comments have been noted and considered. There is support and evidence of both sides.</li>   <li>• Any Selective Licensing scheme will need approval by Secretary of State.</li>   <li>• The proposal to Cabinet is that two designations are made – one for the whole city and one that excludes Holywell. Submissions will be made to the Secretary of State for both schemes and therefore the evidence for the most appropriate scheme will be determined by the Secretary of State.</li>   <li>• The Housing Act 2004 provides for exemptions for licensing – that includes buildings managed by universities where the tenants / residents are undertaking a full time educational course. However, university owned property let out on the open market would be covered by the scheme.</li> </ul>
<p>Option 1 is preferred because ...it's just easier as a mass area. Everyone knows a little bit better within that whole area what they need to do. It brings all the properties up within that area to the bar"</p>	
<p>I think you should include Hollywell. Just because it's being run through the University, that doesn't prove to me, necessarily, that they're meeting standards either.</p>	
<p>It doesn't make any sense to start distinguishing. It's easier to bring in the whole of the city</p>	
<p>One of the concerns is that, with the Hollywell Ward, it has clearly been included in the data ... in terms of the anti-social behaviour numbers etc., which is obviously in favour of introducing a Selective Scheme. Yet, if and when the scheme is introduced, those properties are going to be exempt from licensing. So, why have they been included in the data now, when they're not going to have any effect when it comes to the actual licensing stages?"</p>	
<p>If this was put in in Holywell then there may be opportunities to deal with those issues that are in that ward. (OUSU)</p>	
<p>It has to be city wide, the reason being that they say the Holywell area is well managed, but that's at the minute. If that becomes the area where landlords don't need to conform to the rules.... that steers demand to that ward. (Police)</p>	
<p>We have no strong view; we generally support being slightly more targeted but we were supportive of city-wide in Liverpool and we would be up for Oxford to go that way (safeagent).</p>	
<p>A city wide scheme is preferable... from the evidence, Holywell does not share all the characteristics found in the PRS in the other wards. (ARLA PropertyMark)</p>	
<p>Would support excluding Hollywell because most students are in Marston, East Oxford and Headington. (OBSU)</p>	

72

# Appendix 3

I see no reason to exclude University owned properties, this is clearly discriminatory	
--	--

73

Consultation Response – impact on housing stock	Council Consideration
The type of properties that this would impact are exactly the properties which are keeping people from being homeless ... Some of the places are really affordable, even free and in slightly crappy conditions and so, I guess it just fills me with worry because I think that either you'd get people thinking it's too much risk, I'm going to stop doing this... I can't be bothered with the bureaucracy. I'll just leave it empty. (OTU)	<ul style="list-style-type: none"> <li>The private rented sector has grown rapidly over the last two decades, from 20.8% (2001) to 49.3% (2020) and the Council does not wish to deter prospective landlords from entering the rental market. There is no evidence to suggest that property licensing schemes reduce the size of the rental market where they have been introduced.</li> <li>There is no evidence to suggest HMO landlords have left the market in Oxford since Additional HMO licensing has been introduced. The private rented sector (PRS) has seen an unprecedented growth in recent years, and the Council believes that other factors introduced by the Government may affect the sector more than licensing eg changes to taxation for landlords.</li> <li>It is not the aim of the Council to discourage landlords from the market through Selective licensing, the aim of the licensing scheme is to improve property conditions and to ensure landlords take a proactive role in managing their properties.</li> <li>The Council, in partnership with Oxford City Housing Ltd (OCHL) is building new homes to rent in the social sector, planning policies have also been developed to support and encourage developers and housing associations to develop new homes.</li> <li>It is the intention of the Council not to penalise compliant landlords, the proposed fee structure supports this intention by ensuring those landlords who are compliant will pay far less for licensing than non-compliant landlords</li> <li>The Council assist a number of new landlords entering the HMO market and will continue to do so if selective licensing is introduced.</li> <li>If selective licensing is introduced, enforcement officers will be specifically investigating unlicensed properties as they do now in the HMO licensing</li> </ul>
It's not just the extra paperwork, it's everything you have to go through; it's the stress of that. It gives you more anxiety as a landlord, thinking, 'I can't be bothered with this anymore'. I can see people saying they're either not going to rent it out and just have empty properties or 'I'm going to sell it', and that's something I would consider if the scheme goes ahead"	
The paper[work], and all the extra things, and I'm wondering if this is a way of discouraging private landlords? Is it like the stamp duty was on second homes? Is it just trying to discourage?"	
"Oxford City Council need to be cautious introducing this scheme. The effect in the housing market would be extensive. It will reduce the size of the rental market in the City. Prospective landlords will be deterred and the number of existing landlords will be reduced"	
Under normal circumstances it would only serve to drive more Landlords such as myself to reconsider their investments. With rental growth looking very dubious given the pandemic and in fact the general economy beyond, along with the prospects of up to 50% Capital Gains Tax in the next Budget, the appetite for investment property along with further licensing will undoubtedly become totally unappealing ... The introduction of further Legislation is not at all necessary and I would strongly urge the Council to reconsider the proposal with a view to dropping it, especially at this very difficult moment in time on so many fronts for all of us.	
Increasing the availability of affordable and/or social rented housing, to reduce the city's reliance on the private rented sector;	
Where there are clear abuses they should be prosecuted, but common sense should prevail. The effect of over regulation will lead to a decrease in available housing stock for rent... This is the inevitable outcome from this overbearing sort of regulation..."	
You'll be getting the money from the people that probably will pass these	

# Appendix 3

<p>licenses ... you're going to drive more underground, because there are people that are unscrupulous and tenants won't report it, because they know if they report it they'll be homeless; and so the Council just need to be mindful of that going forward</p>	<p>scheme. Such investigations do not require tenants to come forward and complain and will use various intelligence methods to determine if there is a breach of the licensing scheme</p>
<p>... would support licensing scheme arrangements that are, in part, integrated with a variety of housing policies intended to systematically reduce private sector accommodation in Oxford, thereby creating a mix of tenures (Bullington Road Community Association)</p>	<ul style="list-style-type: none"> <li>• Selective licensing must compliment the overall Housing Strategy for the Council, this strategy covers all housing stock within the city and along with other Council policies encourages a mix of tenures.</li> </ul>
<p>Yes, definitely [problems with conditions] but it's not the only problem. (OTU)</p>	<ul style="list-style-type: none"> <li>• The Council recognises that small homes provide affordable housing for many tenants. Selective licensing will not restrict the number of homes for rent (it is planning legislation that controls the use of homes).</li> </ul>
<p>The city must ensure that the result is not an even greater scarcity of rental accommodation in Oxford than already exists ... a licensing scheme that drives landlords away would only further worsen the affordability crisis that has left Oxford as the worst city for income-adjusted housing affordability in the entire country. ...If the Council decides to implement the proposed licensing scheme, it is said that it "should ensure that it does not prevent potential rental units from coming on to the market" because if it does, its effects would run contrary to the purpose of the licensing, which is to protect tenants...houses owned by small landlords, who would be most impacted, provide a large share of affordable housing for tenants. (Un-named group of tenants)</p>	<ul style="list-style-type: none"> <li>• Some suggestions, such as public rent guides, are outside the scope of the scheme.</li> </ul>
<p>I think there are a lot of options that do fit within the jurisdiction of the local authority, rather than national government, which could get us much closer to a fairer rental system. And part of that package for sure, cracking down on property conditions and rogue landlords, but it's one part of the jigsaw. [Other parts include] reform to the private rental market and put rent control in place, the City Council making a real commitment by saying, 'We're going to make renting in the city fairer'. There are things like putting in place public guide rents, about publishing some of the data ... like average rents per area ... making more of a public campaign about it. Also, we just need loads more affordable housing and ... proper city investment in a social lettings agency and a database of the 500 ethical landlords of Oxford – people who are charging rents that fit within LHA..." (OTU)</p>	
<p>There are some really poor properties ... we welcome tighter regulation but there is a risk of doing it in too heavy-handed a way. A lot of people that come to us or I come across in my work are in informal tenancies because they can't afford to be in the formal rental market ... Often people are trading large amounts of money or labour or even sex for those kind of living arrangements. Some of them are good - including someone letting a room to a friend's kid for a year or two or arrangements that fit more within sofa</p>	<ul style="list-style-type: none"> <li>• Unfortunately the poor practices described are found in the private rented market and whilst this may provide a home, consideration should be given to whether that home is safe and in a satisfactory condition. Landlords have a responsibility to ensure that their property is let in such a way that it is in a safe and satisfactory condition. It is hoped that through licensing schemes, such practices are uncovered and eradicated. Advice will be developed for landlords as to how they can comply with the scheme.</li> </ul>

## Appendix 3

75

<p>surfing .... Not ideal but are preventing people from being homeless so our fear is if this comes in, the people who are those informal landlords will just decide the risk is too high and stop doing it. (OTU)</p>	
<p>Or, where there's a big problem is those people who have a property ... rent a property to someone and they illegally sublet it. That is where the problem's growing (NRLA)</p>	<ul style="list-style-type: none"> <li>• It is hoped that selective licensing, as the previous HMO licensing schemes have done, will assist in tackling such illegal practices</li> </ul>
<p>Additional costs will be incurred for adult social care, children's services and housing if the Council's goal is to be achieved. Evidence that these costs will be met is requested, as is information about how landlords will feed into the system if they suspect a tenant is at risk, and what support will be put in place so a landlord can support a tenant with mental health, alcohol and/or drug issues (NRLA)</p>	<ul style="list-style-type: none"> <li>• There will be guidance produced for landlords around ASB and supporting their tenants including how to access services who may be able to assist.</li> </ul>
<p>I wish to just state that licensing - the cost of this - to those of us who have a single individual as a lodger, will be huge. We, at present, are dependent on our single lodger on the rent a room scheme ... this would be really hugely impactful and will result in families being unable to cope with additional expenditure... Please focus your aim on the unscrupulous housing traders in the city not those families hosting key workers such as our brilliant NHS nurse..."</p>	<ul style="list-style-type: none"> <li>• Licensing is not required where there are up to 2 lodgers sharing an amenity (WC/Personal washing facilities/kitchen/living room) with the landlord.</li> <li>• Licensing will not apply where there is no tenancy agreement i.e. where there is no rent paid</li> <li>• We will make this clear to landlords in future communications.</li> </ul>
<p>"Please spare a thought for people like us who have acquired flats or houses for our vulnerable/elderly relatives and do not charge them rentals ... many of us have very difficult lives caring for our loved ones and do not welcome the additional burden of more regulation, inspectorates and costs..."</p>	
<p>The socio-economic model presented by Oxford City Council ... has treated renting out of a house as more of a business rather than of self-employment for a household with one house ... the cost of licensing proposed may impact more severely [on] the single house letting landlords than the multiple letting house owners/landlords ... in the case of a landlord owning one house to let ... the licensing [should] be made free..."</p>	<ul style="list-style-type: none"> <li>• Renting a property to a private tenant is a business and landlords must comply with legislative requirements when doing so, whether they are renting out one property or a number of properties. If selective licensing is introduced it will be applicable to all landlords letting properties with a non-exempt tenancy</li> </ul>
<p>Obviously, we don't want to see the fact that that upgrade results in the lowest stock being removed, or the people in those houses being left out because of the requirements to upgrade. (OUSU)</p>	<ul style="list-style-type: none"> <li>• The standards required by both licensing schemes are minimum standards which landlords should be providing if letting out property.</li> </ul>
<p>The impact of Covid and unemployment: ... more people falling into rent arrears is a worry as well so the additional cost is less likely to incentivise landlords to remain in the sector and our members often talk about investment confidence ... and of course, most of them across the country only have one or two properties ... also if you've got a mortgage on that there's a potential impact. So, these are the broader issues that our members</p>	<ul style="list-style-type: none"> <li>• The licence fees have been set for a 5 year licence; for an accredited landlord this results is a fee of £56 per year and for a non-accredited landlord £96 per year. Whilst the Council accepts there are financial worries both for tenants and landlord at this time, the selective licensing scheme, if introduced, will not be commenced until 2022, when it is hoped the economy has recovered from the global pandemic to some degree.</li> </ul>

# Appendix 3

tell us about on a daily basis. (ARLA Propertymark)	
I am concerned that some of the money spent on an extensive system will be money that could have gone for property renovation. Therefore, there is a possibility that the quality of much housing stock will be lower than before	<ul style="list-style-type: none"> <li>The fee for compliant landlords will be kept low – the standard fee for selective licensing is £480. It is unlikely this will have an impact on the ability of a landlord to undertake property maintenance work.</li> </ul>

76

<b>Consultation Response – will lead to increased rent</b>	<b>Council Consideration</b>
One of the things that was raised was the impact on rents for the tenants... thinking about the extension of the scheme, it's likely that their rents are going to go up across the city	<ul style="list-style-type: none"> <li>Rent levels are driven by many factors. Affordability of housing in Oxford is not likely to greatly improve in the near future as the lack of available land for development and high land values will maintain high property values. This is reflected in the reduction of homeownership and corresponds with increases in the cost of rent due to a higher demand placed on a growing rental market. However, there is no evidence that HMO licensing has led to an increase in rent. Therefore, we do not believe that selective licensing will lead to an increase in rent.</li> <li>We acknowledge comments that landlords have additional costs however we believe that the fees are not much when costed per day. For compliant landlords then a new HMO licence, the fee equate to £0.54 per day. For a selective licence, the fee equates to £0.27 per day.</li> <li>We acknowledge that landlords have commented that licensing may require them to complete additional work. However, for selective licensing, there are no specific property standards. The only time work is required is where there are hazards identified under Part 1 Housing Health and Safety System. This will be for those landlords that have failed to invest in regular maintenance.</li> </ul>
there will certainly be consequence that rents will just go up for tenants, because why won't the landlords pass on the costs directly to the tenants of whatever licensing scheme is being imposed?"	
We're all obviously very interested in keeping our tenants safe and happy, and doing our best for them ...but there has already been a lot of extra cost involved. The agents/estate agents can't charge the tenant now for certain fees, so that's coming over in the landlord fee that we're being charged... there's all the electrical safety checks, the PAT checks, the legionella tests, the management fees, insurances, building content, landlord insurance, the stamp duty changes; there have been so many things. So, [the scheme] is going to lead to the rentals going up, otherwise it's not going to be a business that we can carry on with ... The rentals are already very high in Oxford, but I fear that this is going to bring it up again; I can't see any other way"	
Particularly at the smaller end (two or three households) what exactly is the justification or the Council adding to requirements over and above what a single household tenancy might be ...all this does is add costs and make rents higher...	
You'll be getting the money from the people that probably will pass these licenses ... you're going to drive more underground, because there are people that are unscrupulous and tenants won't report it, because they know if they report it they'll be homeless; and so the Council just need to be mindful of that going forward	
My understanding is that if all these landlords are having to pay extra fees for their properties, it feels like most of them would respond by perhaps increasing the rent so the tenants would essentially be paying that fee	
It's going to be passed on to the tenant and what kind of protections are in place?	
I think it's good that landlords get licensed, but I'd be worried they'd just chuck	

# Appendix 3

77

the cost onto us [tenants]. It's extortionate in Oxford as it is	
If you're at Oxford, you've got a reasonable chance of getting a job but people in lower economic groups, this is going straight on their rent ... So, the Council Policy is directly affecting those in the lower socio-economic groups in a negative way ... (NRLA)	
Fees will be passed to tenants potentially increasing hardship (ARLA PropertyMark)	
You're pricing the lower socio-economic group of people – those on housing benefit – out of the City. That can't be good for the City if you've got the poorest people in society not being able to live in the City, being forced to live in the extremes ... outside the City. (NRLA)	
If they [landlords] pay more they'll only turn it back on the tenant for rent (OBSU)	
...leading to an undesirable increase in private rents as landlords pass on the fee to tenants	
For tenants, it will surely lead to increase in rents as landlords try to cover their costs	
Exactly what happened when the law came in about the tenants not being allowed to be charged the contract renewal fees. The month it happened my landlord said, 'We're going to put your rent up'. My landlord said he had to cover the tenant fees. My comment is that it's going to be passed on to the tenant and what kind of protections are in place?	

Consultation Response – essentially a “job creation” scheme	Council Consideration
About a third of the cost of the licence for the Selective scheme is administration ... there's a bit of thought needed on that; on just how those costs stack up”	<ul style="list-style-type: none"> <li>• This is not the case. The scheme has been proposed to improve property. The scheme must be cost-neutral – the Council cannot use income from property licensing for other areas of work.</li> <li>• There will be an opportunity for employment however this is not the driver for the scheme. For the processing, this would be short term (one year) employment.</li> <li>• The Council did not change the definition of an HMO from five to three people. A three person property is an HMO under the Housing Act 2004. The Council has required smaller HMOs to have a licence since 2011.</li> </ul>
We understand the Council needs more revenue, but we do feel this is a money grab...	
It will be really interesting to know from the Council what extra number of people are going to be employed as a result of this scheme to do the inspections and so on...	
The whole issue has been driven by getting income for the Council. That was fairly obvious by the fact that the Council has changed the Government's standard from five people make an HMO to three people make an HMO. The obvious driver for that is money”	

# Appendix 3

78

Consultation Response – “tax / charge on landlords”	Council Consideration
Landlords are operating in very difficult times at the moment ... rents are falling, tenants are losing their jobs. We feel that it'd be an additional administrative and tax burden, which is unwelcomed, and penalises good landlords	<ul style="list-style-type: none"> <li>• The Council acknowledges landlord and agents concerns. However, the fees have been kept as low as possible for compliant landlords.</li> <li>• The benefit of a licensing scheme is that landlords will be able to demonstrate to tenants they are compliant. It will also help reassure landlords that they are compliant as well.</li> <li>• Selective licensing would not start until 2022. Landlords will have time to prepare, become accredited if necessary to benefit from the lowest fee and set money aside for the fee.</li> <li>• Costs have been carefully considered so that compliant landlords are not subsidising the non-compliant.</li> <li>• Where a landlord uses an accredited agent to fully manage their property, this will qualify for the accreditation discount. We do believe that letting agents have a responsibility for ensuring the properties they manage are compliant with gas safety, electrical safety etc. This is in line with recent proposals for Regulation of Property Agents.</li> </ul>
I think the people that care would be doing the work anyway and the people that don't wouldn't. And maybe the Council wouldn't be able to go around and check, and then you end up taxing people that would be doing the right thing anyway	
There is a worry that 80% of the housing stock is owned by good landlords who are trying to do everything they can do to make sure the standards are what they should be, who are effectively being punished for the 20% that aren't, and that they're going to have expense in an aim to bring up the 20%	
You're basically penalising good landlords and taking money from them to fund inspecting and prosecuting the bad ones	
It seems to me that in the Selective scheme landlord just pays for the paperwork and other people's infringements	
I'm sure everyone on this forum wouldn't want to be seen as the easy touch for making up the money to pay for this [scheme]. It might be difficult to chase a rogue landlord as they haven't declared the property as an HMO or for whatever reason; but I think there's a very delicate balance...	
The Council gets the money, but what's the benefit to us? What's it bringing as an extra?	
You're preaching to the converted here; I'd imagine most people here are responsible landlords or responsible agents ... This may go back whether the Council is going to be incentivising the people who are trying to do it properly and legally...	
Most of those things that were in the list, good agents do them anyway so we're already paying that through our fees. Six-monthly inspections, letting the tenants know, hot water etc, and they are regulated for law anyway, like gas certificates and things like that ... So, I think, that it's not really doing to change that much, other than we are going to be asked to pay a certain amount for the license	
There are a lot of landlords here ... who don't feel comfortable managing their own houses, and they want to appoint an agent to do it on their behalf and to make sure it is managed properly and it is up to standard. A lot of landlords make sure they appoint an accredited agent and those are recognised by the Council for doing the right thing, and for them, they're paying already to make sure the houses are managed correctly and are to a good standard. So, why	

## Appendix 3

79

have they then got to pay again in their eyes to tick a box to have a piece of paper?"	
Licensing will add to ever growing costs of compliance, make fewer funds available for maintenance and reduce the cost effectiveness of renting with consequent lessening availability	
"I do not welcome further licensing and control because this will inevitably put up cost, at a time when mortgage relief is minimised, insurance and other costs are rising, while rents remain static. For a sole trader landlord like me it's hard"	
We have no doubt ... that your licencing scheme will attract a significant annual fee in addition to the considerable current administrative fees we are obliged to pay and with tax rises already being predicted for private landlords. Although something of a cliché we are anticipating being penalised by an additional tax in the form of your licence fee for the shortcomings of unscrupulous landlords	
Those that currently have no regard for the law relating to being a landlord, or to meeting their obligations as set out in a tenancy agreement, are hardly likely to obey the rules of a city license. Therefore, it will simply end up being an additional tax on good landlords who are not in need of a license to ensure their properties are in good order	
If unilaterally applied, the proposed selective licensing scheme will prove time consuming and costly for the Council, while imposing yet another punitive charge on responsible landlords	

Consultation Response – impact on equality	Council Consideration
<p>A number stated they share ACORN Oxford's concerns around the inclusion of licence conditions requiring landlords to regulate' anti-social behaviour, on the basis that these risk penalising tenants who might be marginalised, vulnerable or have complex needs. For example, there were concerns about landlords seeking to evict challenging tenants and/or discriminating against particular groups when choosing whom to let to (e.g., people in poverty, transgender individuals, individuals with poor mental health, and sex workers were all specific examples given of the kinds of groups that could be impacted), while leaving the Council or other services to 'pick up the pieces'. A few also felt the Council should issue a public statement affirming that would use the scheme to improve housing conditions – not to police tenants.</p> <p>Licensing is likely to increase rents which will impact tenants on low incomes, and have a disproportionate impact on the most vulnerable, exacerbate the</p>	<ul style="list-style-type: none"> <li>• These comments have been considered and whilst some are outside the remit of the licensing scheme, changes have been made where possible to accommodate some of the comments.</li> <li>• The comments regarding anti-social behaviour have been noted and the effect these could have, the Council have removed these conditions from the standard conditions on both proposed licence schemes. A condition can be added where there are particular problems with a specific property and can be added on a reactive basis.</li> <li>• The comments regarding increases in rents have been noted and responded to in the sections above. The licensing fees have been kept as low as possible and the Council so not believe that this will lead to rental increase.</li> </ul>

# Appendix 3

08

homelessness crisis etc.	
Although Oxford does not have significantly higher levels of deprivation than the national average, it does appear that fuel poverty and child poverty rates are relatively high, and the potential for licensing to increase rents needs to be considered in this context	
Licensing may contribute to a 'black market' in housing in which the vulnerable are more, rather than less, likely to be exploited by any unscrupulous landlords	
Oxford's high rents hamper social mobility by discouraging students from poorer backgrounds coming there to study, and so any measure which risks increasing rents should be avoided;	
There should be more emphasis on energy efficiency in the conditions etc, as fuel poverty disproportionately affects the vulnerable;	
Tenants who have more limited English language skills may require appropriate support or help to understand their rights and responsibilities;	
Any referencing needed should be based on character rather than finances, to avoid disadvantaging "decent but poorer" people;	
There is a concern that smaller households (e.g., single parent families) find it harder to have their voices heard in general;	
Wheelchair users, those with other types of disability, and people with young children etc are particularly impacted by inconsiderate parking etc in areas with high levels of HMOs/private renting.	

Consultation Response – impact on other areas	Council Consideration
<p>"Is Oxford Council collaborating with other Councils from around the district? Or is there going to be a question of 'licensing stops at the bottom of Kennington', and then we find that there are poorer conditioned properties out there and we just force the rogue landlords and poor properties onto the outskirts and on to the other Councils?"</p>	<ul style="list-style-type: none"> <li>The Council has consulted with surrounding authorities. They have been given an opportunity to respond. We do not believe there will be "creep" into surrounding areas given the drivers for the housing market is complex.</li> </ul>
<p>Cherwell District Council says it has not identified any growth in the number of HMOs in Cherwell District that is directly attributable to the introduction of additional licensing by Oxford City Council and does not expect the proposed renewal of the City Council's additional licensing scheme to have any significant displacement effect on the creation of HMOs in Cherwell, believing that any such changes are most likely to have taken place already, and none have been identified.</p> <p>Cherwell District Council considers it unlikely that the introduction of the Council's selective licensing scheme will have a negative effect on the PRS in</p>	<ul style="list-style-type: none"> <li>Comments noted</li> </ul>

# Appendix 3

<p>Cherwell. Any increased uptake by landlords of rental property in Cherwell rather than Oxford would, it is felt, be difficult to identify, but CDC suggests that this would be unlikely to occur at any speed, “nor would it result in any direct reduction in property condition”. Moreover, it is suggested that rather than pose a risk of driving unsatisfactory landlords to move operations to Cherwell, selective licensing could equally “see a trickle-down of improving practice that might benefit properties in Cherwell owned by landlords operating in both areas”.</p>	
--	--

## C. Alternatives to the proposals

81

<b>Consultation Response – “do nothing – current powers are sufficient”</b>	<b>Council Consideration</b>
<p>Why not just deal with the fifth of the homes which you claim to know have serious hazards, instead of charging the other 80% of good landlords a licence fee</p>	<ul style="list-style-type: none"> <li>• The Housing Act 2004 does contain powers to inspect rented homes and serve notices for improvements, under the Housing Health and Safety Rating System. The Council has undertaken a proactive project to find those houses with low EPCs , as available from public data, to ensure improvements were made before the introduction of the MEES standard – this was part funded by central government. While this project was successful, it also demonstrated, the resource needed if funded via general rates would lead to an increase in council tax. We therefore do not believe it is a viable alternative to rely on proactive research alone with funding via general rates.</li> <li>• Unfortunately there are a number of landlords who do not ensure that their homes are safe and in good condition before and during a letting. If property licensing schemes are introduced, prioritising enforcement will be an important part of the scheme and the aim will be to identify those properties which require an inspection where good practice and management is not being observed.</li> <li>• The HMO licensing scheme has demonstrated that landlords are not always aware of legal requirements such as gas safety or electrical safety or EPCs.</li> </ul>
<p>just leave good landlords alone and look to the areas, known to all of us, where the real problems are</p>	
<p>Oxford City Council has powers delegated by Central Government to regulate housing in the city ... e.g., Housing Health and Safety Rating System (HHSRS). The general powers should be financed from the general council rates. They include the identification of rented houses by research of council and other public records...</p>	
<p>With 53% non-compliance with HMO additional licensing, the Council should focus on that before expanding licensing 10-fold”</p>	
<p>Your own admission is that one fifth of landlords are “rogue”; this means that four fifths are probably responsible. You should look for other ways to deal with the rogues.</p>	
<p>There is no need for any additional licensing from the Oxford City Council which would just be a bureaucratic unnecessary expensive hoop</p>	
<p>There is no need for all private rented homes to be licensed as there are already adequate measures in place to ensure all privately rented homes are safe and well managed (Gas Safety, Electrical Safety, Fire Safety and the EPC). ... Any further licensing of the private rented homes would be unjust and unnecessary</p>	
<p>The standards are already there by the government. My properties are to a good standard. Why should I pay more tax?</p>	

# Appendix 3

82

<p>We still have to adhere to guidelines and rules via the rental agents who keep an eye on us – re house quality, maintenance, certificates etc. So, I don't see any need for further control ... for those who go through a reputable estate agent/rental company, they do the oversight for you"</p>	
<p>HMO is already complicated and expensive. Penalties are high</p>	
<p>We would strongly object to the creation of a selective lettings licencing scheme imposing another tier of bureaucracy on top of our existing contractual and statutory obligations but which we accept are in place to protect our tenants</p>	
<p>The expiring scheme is an unwarranted burden on landlords, agents and council staff. The conditions are all backed by pre-existing general powers and duties, which do not need to be embodied in a licence to be effective</p>	
<p>Selective licensing would achieve little beyond the powers that OCC already possesses (the power for OCC to force inspections in a privately rented home, to "pointlessly" force landlords to include ASB terms in their tenancy contract and to compel them to obtain tenant references) ... A better way forward would be for OCC to conduct a review into its failure in respect of HMO licensing, and seek more creative solutions than bureaucracy, taxation, and forced inspections</p>	
<p>The NRLA is not opposing the Council's proposals, but says it needs to "understand how the local authority is going to deliver against what it is proposing". It believes that any regulation of the PRS must be balanced and that 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. It also feels that good practice should be recognised and encouraged and asks how the Council plans to communicate best practice to the landlords and tenants of Oxford. The NRLA feels that an active enforcement policy is an important part of protecting the sector from criminals who exploit landlords and tenants and creating a level playing field.</p>	<ul style="list-style-type: none"> <li>• The Council feels that licensing is a proportional response to the poor conditions and poor management practices it continues to find in the PRS. Licensing will give the Council the opportunity to proactively inspect all privately rented properties without the need for residents to complain. Unfortunately the reactive approach has not worked to improve the sector as a whole. The Council will continue to use all available enforcement tools.</li> <li>• Good practice will be recognised and encouraged, through the use of accreditation discounts and auditing with regular communication through newsletters and forums.</li> </ul>
<p>Lack of discussion of greater or more substantive use of the Housing Health and Safety Rating System (HHSRS)...given ... the major complaint is that many properties have issues with standards it makes little sense to ignore this method of enforcement which would directly tackle the root cause of the problem. (Oxford-based ARLA or UKALA regulated agents)</p>	<ul style="list-style-type: none"> <li>• The Council will use all the enforcement tools available to it to bring about improvements in property conditions in the PRS this will include the use of the HHSRS system and enforcement provisions under Housing Act 2004, Part 1</li> </ul>

# Appendix 3

<p>If the Council's databases are so adequate as to history, ASB etc. they cannot be used to focus on resolving problems "rather than introducing a whole new scheme that is onerous for many who play no part in this problem</p>	<ul style="list-style-type: none"> <li>Those renting in the private sector do not complain to the Council about conditions in their homes, often putting up with them or if they can, ending their tenancy and moving out. The databases are extensive but do not have the full picture, property licensing gives the Council the opportunity to proactively tackle the poor conditions that are too often found in the sector. The Council's experience of operating HMO licensing has shown that improvements are made and in most cases maintained through such a proactive approach</li> </ul>
--	--

83

<b>Consultation Response – "collaborative / voluntary / self-certification approach"</b>	<b>Council Consideration</b>
<p>A more collaborative approach between the Council, letting agents, landlords and professional bodies to tackle issues within the PRS – one that recognises and rewards landlords/agents that already adhere to good practice and enables the better targeting of resources for enforcement</p>	<ul style="list-style-type: none"> <li>The Council welcomes collaborative working with landlords and agents and will build upon the current work of the Landlords Information Exchange and the Agents Forum, together with other partners. However, a collaborative approach on its' own is not believed to be sufficient to resolve the extent of the problems with poor housing conditions which exist in the private rented sector in the city.</li> </ul>
<p>Improvement through accreditation is preferable, or to use a collaborative approach with lettings agents, Police, FRS, and others, utilise existing powers/legislation and educate landlords, and possibly agents</p>	
<p>"We wondered ... whether a voluntary scheme should be run-out and pushed a little bit more, perhaps for a year or two. If landlords can then be accredited by the Council, even if they pay for that accreditation, they're certainly going to stand out in ... a saturated market. I think we'd all rather go to the restaurants that have five stars than the ones that have one ... It would also, then, stop the deluge of works that may have to be done, that has been shown with the current EICRs that have been launched by the Government..."</p>	<ul style="list-style-type: none"> <li>The Council believes that trying to increase participation in a voluntary accreditation scheme would not suffice. According to the English Private Landlord Survey 2018, 75% landlords did not belong to any landlord association<sup>1</sup>. This is not the same as being an accredited member – therefore less than 25% landlords voluntarily gain recognised accreditation.</li> </ul>
<p>There are collaborative approaches which we've been involved with ... Home Stamp in the West Midlands that we partner. This has as partners universities, police fire and considers regional and national issues affecting the sector. Provides training for landlords and addressing issues before they arise. There's already lots of legislation that Councils can use and it's also a struggle for the landlords who are not always experts on this, so I think education, a collaborative approach and also increasing the number of accreditation agents and landlords, because often they have higher standards. (ARLA PropertyMark)</p>	<ul style="list-style-type: none"> <li>We have run a voluntary accreditation scheme for 10 years. The Council has operated a five year licence for accredited members – landlords are informed of this at every renewal. However, there are approximately only 150 landlords currently accredited and less than 700 HMO licences are with accredited landlords or agents – that accounts for 20% licensed HMOs. This shows that incentivising landlords via lower fees and longer licences for accredited landlords and agents does not work.</li> </ul>

<sup>1</sup> Ministry of Housing, Communities and Local Government January 2019 – English Private Landlords Survey 2018 Main report Point 1.26 page 20  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/775002/EPLS\\_main\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775002/EPLS_main_report.pdf) accessed 21/12/2020

# Appendix 3

<p>Should we have some self-certification scheme whereby landlords can indicate that they comply with the regulations that the Council set down and backed up by possibly some random inspection regime”</p>	<ul style="list-style-type: none"> <li>• There would be no legislation behind such a scheme, as such it would be voluntary and similar to accreditation. Without legislation, we would not be able to issue penalties for default.</li> </ul>
<p>A self-certification scheme may be an alternative and penalties for default...</p>	
<p>A voluntary scheme with some incentives for landlords e.g. a ‘star rating’ system to promote the best performers, or a Council tax waiver for periods where the property is vacant;</p>	<ul style="list-style-type: none"> <li>• We operate a one, two or five year licence structure for HMO landlords. Although not quite a “star” rating, it is a similar idea and only 20% of HMOs have five year licences. Therefore a voluntary star rating scheme may not incentivise landlords to comply.</li> </ul>
<p>Requiring or encouraging landlords to invest in their properties as an alternative to paying a licence fee (on the basis this is more likely to lead to immediate improvements);</p>	<ul style="list-style-type: none"> <li>• There would be no legislation behind such a scheme.</li> </ul>
<p>Property MOTS – no real exploration of this possibility. Oxford is in a unique position with such a high proportion of properties in the PRS, and the pilot of an imaginative private/public partnership strategy could be exciting and effective...with a moderation role for city officers and resourced by grants from MHCLG and the private sector (Oxford based ARLA / UKALA regulated agents)</p>	<ul style="list-style-type: none"> <li>• The Council agrees that this scheme has the same aims as property licensing – to improve property conditions. The Council also acknowledges that the idea of an “MOT” as an idea is simple to understand – with confirmation that certificates are obtained and the house meets certain minimum standards. The agents suggested the MOT could be obtained from approved agents or surveyors or the city council for a fee, with moderation by the council. The agents believed the city council could make use of by-laws to make such a requirement mandatory for all landlords and to then allow fines to be issued. However, by-laws need an Act to enable them to be made. There is no provision to make by-laws for such a scheme under the Housing Act 2004, therefore we would have to demonstrate that other legislation was applicable. In addition, a by-law cannot be made where alternative legislative measures already exist that could be used to address the problem – in this instance, property licensing under the Housing Act 2004. We therefore do not believe that a by-law can be lawfully introduced.</li> <li>• Without legislation, the scheme is voluntary. The Council acknowledges the idea of having a “critical mass” of agents / landlords involved” would give the scheme recognition however the set-up of such a scheme would be at cost. The agents also suggested that the Council could obtain government funding to set up such a scheme. Grant funding may assist in the set up but if the scheme was to operate successfully the income stream could not be reliant on grant funding as the income to operate the scheme must be sustainable.</li> <li>• While the Council acknowledges that Property MOTs may be a possible</li> </ul>

# Appendix 3

	<p>direction of travel for government, we do not consider it likely that it would be introduced in the next few years.</p> <ul style="list-style-type: none"> <li>In any event, the selective licensing scheme must be approved by the Secretary of State and they would be unlikely to approve a selective licensing scheme if there was going to be a new national requirement for property MOTs. We therefore consider that selective licensing remains the most viable scheme for improvement of property conditions.</li> </ul>
<p>Since we're already having to go through gas certificate inspections, electricity inspections, EPC is there any way we could just submit that kind of information to the Council along with photos online? Then there would be little need for a fee...</p>	<ul style="list-style-type: none"> <li>This would be voluntary and would still require administration and resource to monitor.</li> </ul>

85

Consultation Response – “landlord licensing”	Council Consideration
Licensing landlords rather than properties.	<ul style="list-style-type: none"> <li>The Council acknowledges landlords and agent comments regarding landlord licensing and that it appears a preferred alternative. However, the legislation does not allow for “landlords” to be licensed. Such a scheme would be voluntary and as such would be unenforceable meaning that non-compliant landlords would not be required to licence.</li> </ul>
A better alternative to Selective Licencing would be for OCC to introduce a scheme requiring landlords to be licenced and to register the properties that they own. This would enable OCC to licence landlords instead of individual properties and would, it is felt, have the advantage of significantly reducing the administrative burden on landlords and OCC, “allowing both to focus time and resources on the real issue of property conditions. The outline of the proposal would be: landlords with PRS properties in Oxford would apply for a licence and demonstrate they have had appropriate training and are ‘fit and proper’ persons; the landlord would register all their properties and self-certify their conditions; a fee would be paid per landlord and last for five years; OCC would undertake random and targeted inspections to test the self-certification and issue fines etc. for non-compliance. (Lucy Properties)	
A number of landlords that are on this call are already licensed because they have HMOs. Couldn't they be given a waiver because you already know who they are? All they would need to do is register their wider portfolios with you”	
We would rather go for landlord licensing scheme, rather than the one Oxford is going for, which is a general licence for the property”	
Cost is very important, and we feel that landlord registration fee might be a better way to look at it”	
A system more akin to Rent Smart Wales;	
Instead of focusing on licensing properties through this Selective Licensing scheme proposal, what if it's the landlord that becomes licensed? ... At the	

# Appendix 3

<p>end of the day, if we're responsible landlords or responsible agents, and we've been checked out and we have a license as being such, that's it: one licence. We don't really need 100 licences, because it's very repetitive. We would endorse the idea of landlord licence"</p>	
--	--

<b>Consultation Response – “a new national approach”</b>	<b>Council Consideration</b>
<p>Parts Two and Three of the Housing Act 2004 should be removed and replaced with mandatory training and accreditation for all landlords (ARLA Propertymark)</p>	<ul style="list-style-type: none"> <li>• The Housing Act 2004 is national legislation so only national government who can amend the legislation.</li> <li>• Requiring initial inspection for all rental homes would require amendment of national legislation by government.</li> <li>• National standards can only be set by national government. However, Oxford City Council does collaborate with the surrounding authorities to ensure that HMO amenity guidance is similar (if not the same) across the areas.</li> </ul>
<p>Initial inspection for everybody would be a good thing but then if they meet a particular standard, that they then were exempt from further licensing</p>	
<p>We do appreciate that if there is going to be licensing of one bedroom upwards, there isn't a licensing scheme for that. We think there should be, we think there should be a one size fits all scheme. So, you go along, you apply for your licence. If you've got one bedroom you've got to have x, y, z, and if you've got two you've got to have this, three that... nationally as opposed to all these little add-ons ... we look after a vast number of properties, spreading across all the various local authorities and if I have a landlord with a property in the city and one in Cherwell and one in the Vale ... it'd be so good to say, 'This is what you do, this is your rented property, here are your standards, this is what you need'</p>	

<b>Consultation Response – “exclude good landlords / agents”</b>	<b>Council Consideration</b>
<p>“I pay Martin &amp; Co 12.5% of the rent I receive from the tenants every month to 'fully manage' my flat, this involves them visiting the flat every 6 months ... where it is clear flats are being well managed through agents it seems to me this scheme you are exploring would not be required...”</p>	<ul style="list-style-type: none"> <li>• The legislation does not permit the scheme to be applied to only certain landlords /agents, nor does it permit for one licence to be issued to an agent to cover multiple properties.</li> <li>• The Council recognises the reduced input where an accredited agent is employed to fully manage the property and that landlords pay the agents commission for their services.</li> <li>• The Council recognises the proposed “Regulation of Property Agents” bill to require agents to have qualifications - where agents already have this qualification and belong to a recognised association, this will enable them to the accreditation discount.</li> </ul>
<p>We note that the stated aim of the licensing scheme is to ‘ensure all privately rented homes are safe and well managed’. Our properties already meet your standards. They are fully managed by Chancellors, a well-known and competent company. They ensure that the properties are well maintained and that all the relevant safety legislation is complied with. We pay Chancellors a considerable sum for their services. May we suggest that your proposed scheme, which we can see is well intentioned, should only apply to those properties which are not let through a letting agent? It would be a relatively simple matter for your Council to decide which agents are suitable, possibly with some form of accreditation scheme...”</p>	

## Appendix 3

87

Excluding the worst landlords (i.e. repeat offenders) from being able to rent properties at all;	
There is some overlap in what the Council is asking the landlord to do and what the landlord is asking the agent to do	
This feels like its forcing us to do it twice”	
[W]e would emphasise that the vast majority of reputable lettings agents aren't managing those kind of properties (safeagent)	
“I am anxious that the Council doesn't develop an unnecessarily costly bureaucratic system which ends up doing basically the same job as reputable estate agents ... Are landlords in this category expected to pay for new council staff to do what is already being done? I already pay 10% plus commission ... It really concerns me that I could end up paying significantly extra for no extra benefit. I see no reason that those renting via reputable agents should end up paying significantly extra”	
Since [my] property has been let it has always been under full management with an Oxford based estate agent. The agent ensures all the current regulations connected with rental properties are complied with ... inspects the property on a regular basis and is able to confirm that all is in order and the tenant is happy ... In my opinion estate agents who employ staff with property management qualifications should have one licence as acting agents and they should supply Oxford Council of the addresses of any properties they manage under full management confirming that the properties comply with the regulations ... Landlords who pay a licensed estate agent for full management should be covered under the estate agent's license...	
My house is well maintained, and the repair work is carried out regularly as needed. I pay good fees to the agent for full management of the property and so far, there is no complaint. Therefore, in my opinion, there is no need for imposing a new selective licensing scheme for all private rented homes”	

Consultation Response – co-regulation with agents	Council Consideration
Given the difficulties with the current scheme, will you allow letting agents to take some of the workload off you?	<ul style="list-style-type: none"> <li>• Where a landlord employs an accredited agent to fully manage the property, they benefit from a reduced fee and for HMOs, a longer licence at reduced fee. This is to recognise that accredited agents undertake a number of checks.</li> <li>• We note concerns about giving agents “self-regulation” and for this reason will undertake an audit system.</li> </ul>
The role of letting agents could be enhanced where they are already accredited within the scheme”	
I think that by ... giving letting agents some sway over that, you're moving an aspect of the inspection into the PRS because you would be expecting the letting agents to maintain that standard ... that's something to be very cautious about. Would letting agents continue to maintain those standards?”	

# Appendix 3

Consultation Response – “no genuine alternatives put forward”	Council Consideration
No genuine alternatives have been considered by OCC, which is necessary for the consultation to be valid (Lucy Properties)	<ul style="list-style-type: none"> <li>• Alternatives have been considered as outlined in the September Cabinet report. The Council believes, with the experience of HMO licensing, that the proactive approach that is a key part of licensing schemes, along with the robust enforcement powers licensing offers ; licensing provides the most effective way of tackling the poor conditions and poor management found in the private rented sector.</li> </ul>
The local authority has a statutory responsibility to explore other viable alternatives, there appears to be no discussion of this in the report (Oxford based ALRA/ UKALA agents)	

Consultation Response – “complaint arbitration / customer feedback system”	Council Consideration
I am against the proposed licensing but would support the improvement of a complaint arbitration scheme to resolve tenant issues. I am sure that the majority of ongoing problems would be down to a number of landlords, pick the low hanging fruit don't burden the majority with yet more bureaucracy and cost.	<ul style="list-style-type: none"> <li>• We note the suggestions regarding complaint arbitration / customer feedback. However, this would require national government legislation and is outside the scope of this scheme.</li> <li>• There is a website called “Marks out of Tenancy” which is a feedback system. The Council can explore the use of this scheme further.</li> <li>• The Council can assist tenants where there are repairs that are required however cannot moderate the tenancy agreement – this may come under deposit protection or trading standards. We can look to improve ways for tenants to report concerns to the Council. The Council does not enforce all areas of tenancy law – which is confusing for tenants and landlords – and so we can look at ways to improve information and access to ways to report concerns. However, anything further would require national legislation and is outside the scope of this scheme.</li> <li>• We note that where agents belong to an accreditation scheme, there are complaint mechanisms and so tenants can be referred to this.</li> </ul>
A fairer, simpler and less costly modern procedure which is currently used by many and various suppliers is basically a public feedback web site governed by a moderator where agents, tenants and landlords can make statement of fact about their experiences thus giving everybody the opportunity to make choices, raise problems and also make recommendations. All parties will still be required to act lawfully with regard to health and safety, tenancy contract terms etc.	
An anonymous tenant hotline combined with unannounced inspections of suspect properties and whistleblower protection followed by immediate enforcement action would do far more than wasting your resources making money from good landlords	
Implementing better complaints processes, to enable tenants to more easily raise concerns about a landlord or rented property;	
When it comes to maintenance issues, I think what is written in the tenancy agreement and what happens are often two very different things ... a third-party regulator would give tenants peace of mind that they would be listened to and not have to go back and forth with the landlord. Often people reach a stalemate with landlords and letting agencies when they're waiting for something to get fixed and it never happens	
A registration system for tenants and potentially 'star ratings' of tenants, to	

# Appendix 3

help landlords and incentivise responsible behaviour among tenants;	is outside the scope of this scheme.
Implementing an online ratings system via a portal for landlords and tenants, whereby any landlord scoring below an acceptable figure would fall within the scope of the licence scheme;	<ul style="list-style-type: none"> <li>The legislation does not permit this. This would require a change by national government and is outside the scope of this scheme.</li> </ul>

Consultation Response – “other alternatives”	Council Consideration
Unlike the proposed 'Early Bird' and other discounts, only the offer of exemption from checks and charges can act as a meaningful incentive to drive up standards. I urge you to suggest it”	<ul style="list-style-type: none"> <li>The Council would still have to require landlords to apply for a licence and then, on production of valid documents, give the exemption for charges. In this way, it is similar to the early bird and accreditation and the Council believes it would have the same result in incentivising compliance.</li> </ul>
A lighter-touch registration scheme, with a small fee and random spot checks;	<ul style="list-style-type: none"> <li>The Council has designed the scheme to operate with a “light touch” for accredited landlords and spot checks.</li> </ul>
A “ladder type licence” based on a risk assessment of each property (potentially a self-assessment for existing licensed HMOs, and a more formal assessment for new or non-HMO properties);	<ul style="list-style-type: none"> <li>This suggestion is similar to the one, two, five year structure for HMO licences.</li> </ul>
I think there are a lot of options that do fit within the jurisdiction of the local authority, rather than national government, which could get us much closer to a fairer rental system. And part of that package for sure, cracking down on property conditions and rogue landlords, but it’s one part of the jigsaw. [Other parts include] reform to the private rental market and put rent control in place, the City Council making a real commitment by saying; ‘We’re going to make renting in the City fairer’. There are things like putting in place public guide rents, about publishing some of the data ... like average rents per area ... making more of a public campaign about it. [A]so we just need loads more affordable housing and ... proper City investment in a social lettings agency and a database of the 500 ethical landlords of Oxford – people who are charging rents that fit within LHA. It might be a waiving of the fees of the licensing for people who are charging rents that fall within LHA ... (OTU)	<ul style="list-style-type: none"> <li>Many of these suggestions are not within the scope of local authority powers.</li> </ul>
Enabling tenants to leave their contracts more easily if they are unhappy with the accommodation provided	<ul style="list-style-type: none"> <li>This would require national government and is outside the scope of this scheme.</li> </ul>

Consultation Response – “there needs to be help with tenants / tenant licensing	Council Consideration
Overall, licence schemes are good, but there needs to be protection for landlords as well in terms of removing tenants”	<ul style="list-style-type: none"> <li>The Council has a Tenancy Relations Officer who in certain circumstances is able to advise landlords on the eviction process. We can improve the information availability for landlords.</li> </ul>
It seems that the local Council is well and good to put licensing in for the good of the tenants, but they are doing absolutely nothing to protect the landlords;	<ul style="list-style-type: none"> <li>We are intending to produce information and guidance to private landlords</li> </ul>

## Appendix 3

<p>nothing at all! I have been in a position where I've had tenants from the Council sent to me and it's cost me well over £3,000 when I've had to take the tenant to court who would not pay. The Council wanted to do absolutely nothing on recompense. I've had another tenant from the Council that had done a runner owing rent and taking soft furnishings from the house ... and now they want me to pay for the privilege of them looking after my house and not taking any responsibility for the tenants who are in it. I think they [the Council] are neglecting what they need to do for the landlords"</p>	<p>as we recognise following feedback, that more needs to be done in this area to ensure landlords and tenants know their responsibilities. It is intended that this will also include information about the Council's responsibilities and assistance that can be offered to landlords.</p>
<p>Very difficult to get support from the Council (or anyone really) with drug addicts. I had one in the property who didn't pay rent, over accommodated the room, wrecked the room, threatened other tenants etc. Cost me a lot of money and I lost other tenants due to her atrocious behaviour"</p>	
<p>There should be more tenancy compliancy as well ... We put fire doors in, the tenants don't shut them, and they prop them open. We put notices on the doors saying keep the fire door closed, and they still leave them open, and they still wedge them open. If the tenants get caught, we [the landlords] get done. So, there should be more tenant liability. It's not our fault if they don't comply"</p>	<ul style="list-style-type: none"> <li>• We can develop notices / information for landlords to give to tenants, including what we check on inspection.</li> <li>• Where landlords can demonstrate they have put guidance in place for tenants then we try to take a pragmatic approach to repairs.</li> </ul>
<p>The issue of overcrowding is noted as difficult for a landlord to manage if it is the tenant that has overfilled the property. How will the Council will assist landlords when this problem arises? (NRLA)</p>	<ul style="list-style-type: none"> <li>• The Council can look to develop guidance on this. Where the property is assessed as having an actionable hazard for Crowding and Space under the Housing Health and Safety Rating System then a suspended improvement notice is most likely – this allows the landlord to keep the existing tenants and then on re-letting, ensure it is to a suitable number of persons.</li> </ul>
<p>I appreciate there are rogue landlords, there are also some very poor tenants. Tenants already have an increasing amount of protection. To start they have a legal contract shared with the landlord. The landlord already has to comply with EPC, annual gas tests, 5 yearly electrical tests, deposit protection and maintain the property to the required standard. If the landlord fails very heavy fines can be imposed, if a tenant damages the property, fails to pay the rent for months and hopefully leaves there are virtually no sanction open to the landlord. Section 21 changes also have far reaching implications ... Other recent changes including reduced deposit levels permitted to be held, all cost for contract and vetting being borne by the landlord"</p>	<ul style="list-style-type: none"> <li>• Licensing is designed to ensure properties are managed and maintained to a reasonable standard. If a landlord has a tenant who is not acting in accordance with their contract or tenancy agreement, they have the ability to legally evict them, the introduction of licensing will not change that legislation, this would be a matter for central government</li> </ul>
<p>"Licensing landlords does not deal with tenants who trash perfectly adequate premises or fail to pay rentals which are common experiences with landlords"</p>	

06

### D. Proposed property licensing conditions

# Appendix 3

91

Consultation responses – general comments	Council Consideration
The conditions are already mandatory. You have to do it because of Government legislation	<ul style="list-style-type: none"> <li>The Council acknowledges that the mandatory licence conditions reflect other legislation. The purpose of including conditions on the licence is to make clear to landlords their responsibilities. The Council often finds that many landlords are unaware of their basic responsibilities.</li> </ul>
When you have a flat in a block management company, you pay them and are responsible for fire safety and other things that come under same conditions as the Council. There is some overlap there...to be sorted out	<ul style="list-style-type: none"> <li>The Council understands the concerns. The licence conditions can only reflect those items the landlord has control over.</li> </ul>
The fact that conditions relating to the specific improvement of licensed premises cannot be included in licences under a Selective licensing scheme will limit its value as a direct means of improving stock condition”, although it is also recognised that “accurate identification of the private rented stock will provide an on-going benefit for future enforcement work. (Cherwell District Council)	<ul style="list-style-type: none"> <li>For selective licensing conditions requiring specific improvement works cannot be included as per Court of Appeal ruling. However Selective licensing will ensure that landlords undertake a basic level of management for their properties, including proactively inspecting their properties. This will help encourage tenants, or residents, to come forward with concerns.</li> <li>Where necessary the Council will use improvement notices under the Housing Act 2004 to ensure that properties reach the minimum standards</li> </ul>
Conditions are not a problem. (NRLA)	<ul style="list-style-type: none"> <li>Supportive comments noted.</li> </ul>
Conditions are fair (OTU)	
A lot of them are good. We like it when tenancy referencing is required; we like it when training is required; we like fit and proper person; that's all fine. 'Anti-social behaviour'? Well, you know, you can argue a bit on that but, we agree with a clause in the tenancy agreement and the rest of it. (safeagent)	<ul style="list-style-type: none"> <li>Templates for rent receipt paid by cash will be provided, although the Council cannot force a landlord to use our templates.</li> </ul>
[Most are] a basic function of being a decent landlord. (Police)	<ul style="list-style-type: none"> <li>A standard condition regarding proactive inspection has been included, this will required defects / disrepair to be noted and a note about action to be taken and within what time frame. This will assist tenants.</li> </ul>
It'd be great if there was a standard receipt. One of the receipts I was given was a scratched paper and there is no legal acceptance of this receipt. I would like the Council being more clear about maybe proposing legal rent books or a Council template of the receipt so it can be valid for banking applications or immigration applications as well to prove residency or mortgage applications. Make sure there are some regulations on that	
I'm fortunate that I have a decent landlord and a decent letting agent at the moment and a property that's in relatively good condition, but I still somewhat feel at their mercy in terms of rent and maintenance of the property. For example, I have an outside tap and it hasn't worked for five years, and every year they email us saying, 'We're doing our property inspection, is there anything you'd like us to take a look at?' and I say, 'Same old, I'd quite like our	

## Appendix 3

<p>outside tap to work'. It never gets fixed. One of the gutters started overflowing and causing damp. Only when I said they were going to get charged that they did something about it. If it's not something that it's going to cost the landlord money in the long run or cause a major issue for them, it's rarely of interest...</p>	
<p>On 'complaints' ... we just urge the Council to recognise the fact that there will be an in-house procedure that the agent has and recourse to the Ombudsman if that doesn't work. For some reason, local authorities never seem to tell anyone about that or be the slightest bit interested, but it does exist, they want to stay out of the complaint before it escalates. (safeagent)</p>	<ul style="list-style-type: none"> <li>• Comment noted and we can give this advice to tenants as an alternative.</li> </ul>

<b>Consultation responses – regarding references</b>	<b>Council Consideration</b>
<p>In terms of references from prospective tenants, how would that work and what would a reference include? Would that say that a tenant is a very good person and they never do anything anti-social? How will that improve things?"</p>	<ul style="list-style-type: none"> <li>• This is a mandatory condition set out in Housing Act 2004, schedule 4 – the Council has no discretion in applying this to all selective licences. The condition will be applied to HMO licences so the schemes operate on a similar basis.</li> <li>• Further guidance will be provided on references.</li> </ul>
<p>The mandatory condition (for Selective licensing) to obtain references is a "major overstep"... have a referencing process in place and a right to choose if I believe someone will make a good tenant whether or not they tick boxes on referencing, particularly given many tenants have good reasons that preclude them providing a reference.</p>	
<p>Concerns about the requirement for landlords to obtain references and would like the Council to consider issuing some guidance on these. Whether University would be expected to comment on the behavioural record of its students; Whether students looking to start their first tenancy could face issues finding a place to live; The possibility of students with joint and severally liable contracts finding themselves disadvantaged by circumstances outside of their control; and The potential for references to be unfairly withheld by an unethical landlord.</p>	
<p>There was a request for clarification (from a charitable organisation) about whether a referral would count as a reference, within the homeless pathway.</p>	

<b>Consultation responses – regarding Anti-social behaviour conditions</b>	<b>Council Consideration</b>
<p>ASB is not the landlord's fault. Tenants don't always behave...</p>	<ul style="list-style-type: none"> <li>• The Council has considered the comments made by landlords, agents, residents and other organisations and notes the concerns regarding anti-social behaviour. The Council has therefore decided to remove conditions relating to anti-social behaviour and the specific clause in the tenancy</li> </ul>
<p>Dealing with unruly/noisy tenants can be fraught with problems.</p>	
<p>ASB. The emphasis is put on landlords, when we in fact need support from other agencies (Police/Council etc.) working together</p>	

# Appendix 3

93

<p>This... has far reaching implications for landlords by adding clauses to contracts that “may not wholly cover all scenarios, impacts our ability to work with tenants and in the worst of circumstances may work against us in the courts....it is not a landlord’s role to stipulate what constitutes social behaviour or outline what is considered ASB.</p>	<p>agreement.</p>
<p>I don’t feel it’s always the landlord’s responsibility to control their (tenants’)anti-social behaviour, ... In other areas they have employed anti-social behaviour officers and that seems to make more of an effect than these licensing schemes ...(ARLA PropertyMark)</p>	<ul style="list-style-type: none"> <li>• Where problems arise, the Council can then consider the use of property specific conditions to help address problems. This would be on a reactive basis.</li> </ul>
<p>Landlords are usually not experienced in the management of tenant behaviour and that contractual arrangements are for the renting of a property, not a social contract... They do not and should not resolve tenants’ mental health issues or drug and alcohol dependency – and if there are allegations about a tenant causing problems and a landlord ends the tenancy, they will have dispatched their obligations under the selective/additional licensing scheme (and, in any case, the tenancy agreement is the only thing they can legally enforce). This moves the problems around Oxford, but does not actually help the tenant. Clarification, perhaps in the form of a guidance document, on the Council’s policy in relation to helping a landlord when a section 21 (or ‘future’) notice is served, a property is overcrowded or a tenant is causing ASB. A move to a more adversarial system will mean landlords will become more risk adverse to take tenants that do not have a perfect reference and history. ..Willing to work with the Council to develop a dispute resolution service; and it would like information around where the Council expects people who have been evicted due to a tenancy issue to live (NRLA)</p>	<ul style="list-style-type: none"> <li>• Comments noted regarding NRLA dispute resolution service</li> </ul>
<p>(we support) removing anything about anti-social behaviour and ensuring the scheme focuses purely on material housing conditions and not around policing or immigration. (OUSU)</p>	
<p>Landlords are reluctant to get involved in reports of ASB....To evict someone it’s a lot of aggro (OBSU)</p>	
<p>Where there is no instrument landlords can use to enforce or effect such management requests [it] makes trying to enforce those we must and should such as fire safety more difficult.</p>	
<p>Landlords are reluctant to get involved in ASB... other options may work better, such as an OCC ASB team</p>	

<p><b>Consultation responses – regarding waste management</b></p>	<p><b>Council Consideration</b></p>
---	-------------------------------------

# Appendix 3

94

<p>We can't make tenants put the right rubbish in the right bin; Failing to use the correct bin or not putting them out on the right day is very difficult to manage</p>	<ul style="list-style-type: none"> <li>We note comments. We will provide further guidance for landlords on waste management.</li> <li>Conditions relating to waste management in HMOs are mandatory conditions and must be applied to all HMO licences issued. A similar selective licensing condition would be comparable. We have noted the comments relating to contradiction about tenancy agreement and licence condition and reworded the condition – the condition requires that the licence holder ensures that tenants have adequate waste disposal and storage is available, the licence holder must ensure that tenants understand the days of collection, and how to present waste for collection.</li> <li>The Council and Oxford Direct Services work to educate tenants and landlords about waste management. This is via the website, leafletting and undertaking joint working with partners in targeted areas. A template which licence holders will be able to use to inform their tenants about waste management responsibilities has been designed will have the contact number for bulky waste collection. This template will be sent to licence holders on renewal or application of their licence</li> <li>Licence conditions will only reflect with what is within the landlord's control.</li> <li>The Council has reporting systems for fly tipping and can look to improve responses.</li> </ul>
<p>OCC should provide the landlord with the written information they wish to see distributed rather than expecting the landlord to produce it themselves. This should include information and details about landlord, letting agent and tenant responsibilities for waste and recycling before, during and after a tenancy (ARLA PropertyMark).</p>	
<p>If the landlord enters the property they could fall foul of 'quiet enjoyment', or if there is rubbish in the communal area of flats, the landlord of a single flat may not have the right to intervene.</p>	
<p>There was a contradiction between shorthold tenancies saying the tenants are responsible and the licence saying the landlord is responsible. While the City Council intention appears to be that if the tenant fails to deal with waste, the landlord should deal with it, it would be useful to clarify this point.</p>	
<p>And also, landlords going in and sorting out the waste, is this in breach of the tenants right to quiet enjoyment? Could they be prosecuted for harassment? (ARLA PropertyMark)</p>	
<p>...consider a strategy for the collection of excess waste at the end of tenancies, since tenants often dispose of it by a variety of means when in the process of moving out (NRLA)</p>	
<p>What happens when these areas are communal, like in blocks of flats? This can be outside of the landlord's control and we ask if they could be in breach of their licensing conditions without any ability to rectify this? (ARLA PropertyMark)</p>	
<p>I live in Jericho as well and the fly tipping and littering is always in front of the house. The landlord says is not their fault and we try to contact the Council and no response</p>	
<p>The only issue in Jericho was that there was a lot of fly-tipping in front of the house ... whatever one did to get rid of it, it would always come back. I emailed the Council about it and nothing much happened...</p>	

<p><b>Consultation responses – regarding property standards</b></p>	<p><b>Council Consideration</b></p>
<p>I don't know what is involved ... in terms of making alterations. That's one thing that is really, really missing from this consultation</p>	<ul style="list-style-type: none"> <li>We acknowledge the comments and concerns made. Unlike HMO licensing, there will not be a set of "standards". Selective licence</li> </ul>
<p>We would have liked more detail about the standards that are going to be</p>	

# Appendix 3

95

applied in properties, rather than the conditions	<p>conditions cannot be used to require improvements to houses. The applicable standard is the Housing Act 2004 Part 1 Housing Health and Safety Rating System – this has been in force since 2006. We will make it clearer in future communications regarding this aspect to re-assure landlords and make guidance available (or sign-post to existing guidance).</p>
We were talking about the minimum requirements for the non-HMO properties ... it's quite important to know in advance. ... It's quite a big step for the landlords because they would need to spend money on the property to get to the standards that Oxford City Council would be looking for	
What are the other criteria that will be applied when the Council gets round to inspecting the properties? I don't see the kind of things, exactly, that the Council will insist on and the additional costs that it may bring to a property, and that's the biggest concern	
How much extra work would be required to a property in terms of fire safety etc.? Would all doors need replacing?	
We haven't seen enough about what the requirements are going to be in terms of physical alterations to properties, and doors and so on	
I'm hoping they wouldn't bring any ridiculous rules like that that would be unliveable for the tenant"	
We obviously don't know details of conditions and minimum standards that will be imposed if a property has to be licensed ...	
"When the Council decide on the non-HMO properties that they're going to license, in the changes that they're requiring to make, could they be mindful of not turning these properties into only lettable properties. Some HMOs now couldn't be re-let or re-sold as a family property because so many changes have been made	<ul style="list-style-type: none"> <li>• For selective licensing, the focus of inspections is on the Housing Health and Safety Rating System and items that affect health / safety rather than quality – a carpet could be replaced if it was unsafe although just "smelly" would not fall under the system.</li> <li>• For HMOs, we can also look at "condition" and so would be able to get a carpet replaced.</li> </ul>
Some of the houses/flats I've seen do fit the standards, but would anyone live in them? That's the question. It should go beyond what is written in the text ... licensing ensures that these standards are done but it doesn't ensure the quality of the house or housing. Like a carpet smelling of urine. If someone had done a check of the house, surely, they would have said, 'No-one can live there because it smells"	
There are pipes showing, but they're not on the way out so it meets the standard. I guess people inspecting don't have that much time. They look for what is in the checklist and aren't putting themselves in our position	
Could the current habitation bands be given some more thought as a house with 6 occupants is very different from that with 10 and requirements should therefore be different. e.g. Is it reasonable to require 3 WCs for 6 people? It obviously is for 10.	<p>Following a consultation exercise, the Amenities and Facilities guide for HMOs was revised in 2019 – the guide outlines that 2 WCs are required for a HMO occupied by 6 persons. This sharing ratio for more than 5 persons sharing is set by national legislation. Where possible, we have given flexibility based on occupant numbers – for example, for six tenants we allow a standard cooker and a microwave yet for 10 people will ask for two cookers.</p>

# Appendix 3

Consultation responses – regarding property security	Council Consideration
Conditions should be used to improve the security of properties as well as the safety of properties	<ul style="list-style-type: none"> <li>The associated regulations to the Housing Act 2004 for prescribed standards only looks at fire precautions and facility requirements, not security.</li> <li>It is possible to add conditions specifically for security on licences, where it relates to anti-social behaviour or otherwise the management, use or occupation of houses. When looking at “standard” discretionary conditions with regard to security, benchmarking undertaken in 2020 established that only 19% of authorities added conditions on selective licensing. It was also noted that these authorities were those that introduced selective licensing under the anti-social behaviour and/ or the high crime criteria and therefore, adding conditions on security was directly related to the reason(s) for introducing the scheme.</li> <li>The concerns are noted however the Council believes that security issues can be remedied using HHSRS or for HMOs, if there is disrepair under condition and content.</li> <li>The Council will look to work closer with the Police and develop guidance for landlords on security standards and information to be given to occupants.</li> </ul>
General problems for students include ... and security -	
It doesn't matter, for example, how many times a house gets burgled because there's a single glazed wooden front door ... because there'll be new students ...” (Police).	
I was quite horrified walking into places ... single glazing and lack of security on front doors, lack of security on back doors	
Unimpressed by the failure of landlords to provide, for example, lockable side-gates to increase property security. It is suggested that security measures like these should be a condition within new licensing arrangements (Bullington Road Community Association)	

96

Consultation responses – suggestions for other conditions	Council Consideration
...we would like to see [something] ... ensuring [deposits are] safely stored during a tenancy through the Tenant Deposit Scheme ... Also something about timely deposit return, or best practice for that, which I'm sure exists within the sector because there are some people who are doing it very well ... that sort of thing would be massively welcomed as part of those conditions. (OUSU)	<ul style="list-style-type: none"> <li>The Council notes the concerns. A First-tier Tribunal ruling has stated that deposit conditions on licences was not appropriate. However, if there were ongoing issues with deposits leading to action under other legislation then the Council could consider the impact on Fit and Proper Person status for contraventions of housing law.</li> </ul>
It was the end of the tenancy that I found a confusing experience ... Trying to get deposit back is a real challenge and it doesn't seem to be fair ... I got	

# Appendix 3

some money back but not all	
We know it's illegal for them to put no DSS on their adverts, but we also know that that culture still pervades ... It would be really good to see within this scheme specific regulation for punitive action against people who are seen to carry forward that kind of attitude. (OTU)	<ul style="list-style-type: none"> <li>The Council notes the concerns however do not believe it would be possible to add such a condition.</li> </ul>
"My main issue is feeling exploited by the market and if they want to put the rent up, there's not really much I can do about it. I'd like to have more security of where I live. I feel like a bit of a second-class citizen in not feeling settled"	<ul style="list-style-type: none"> <li>The Council notes the concerns however cannot limit rent increase via licence conditions.</li> </ul>
I had bad experiences with letting agents that were trying to put in extremely unreasonable clauses and pressuring us to pay the first month's rent whilst not finalising terms of contract. There didn't seem to be any kind of protection in place for easily accessible advice. They seem to exploit people's inexperience, or people's desperation to find somewhere to live.	<ul style="list-style-type: none"> <li>The Council notes the concerns however cannot use licence conditions to assist with unreasonable clauses. We can work closer with Trading Standards and provide advice and guidance to landlords on clauses.</li> </ul>

## E. Proposed fees, discounts and charges

97

Consultation responses – support for fees	Council Consideration
Fine with it. It's got to be a balance between reasonable recompense to the Council for the work but not so much that the landlord's pushing it back on the tenant. (OBSU)	<ul style="list-style-type: none"> <li>Comments noted. We note some respondents think the fees are too low (including some landlords). We believe on balance, the fees are appropriate and only cover our costs.</li> <li>Accreditation discount and early bird discount remains for selective licensing.</li> </ul>
The headline fee of £480 for applications made on time is reasonable... agrees with the proposed early bird, accreditation and other discounts (safeagent)	
"I think the fees are very well thought out if one takes the time to look at them in detail. If you look at the good landlords, it's only less than £200 for two years, and for five years is £80 a year. It's peanuts in my opinion, it keeps us on our toes"	
When compare to average rent, especially HMOs, they seem extremely reasonable	
£400 is very affordable. I don't think they should be going any cheaper than that. The amount landlords are bringing in, especially in an HMO, they could do at least double that	
We appreciate the work that the Council has put in to make it cheaper for compliant landlords; it is nice to see some incentivisation there"	
Good early bird offer. It's going to entice as many landlords to apply as soon as that grace period ends or before that so that's great"	
I do think that there should be distinction between compliant landlords and non-compliant. That would incentivise compliant landlords	

# Appendix 3

We wouldn't have an issue with these fees, but we would like to see they are being used to keep landlords in check and to ensure enforcement and to protect renters by inspections and making sure that documents are up to scratch.(OUSU)	
We have heard complaints or disagreement from letting agents who often claim concern that these fees will be passed onto landlords, and then onto tenants, but in fact we found that our members are not particularly concerned by that, given that in fact the cost of £480 over 5 years comes down to £8 a month, and it seems highly unlikely that there is going to be any significant burden of costs passed onto our tenants. We are in agreement that having a jump in the level of fees in order to discourage non-compliance or lateness is a sensible way of motivating landlords to comply with the scheme. (Acorn)	
I'm quite happy that where someone applies late they should pay more (OBSU)	
The renewal fee for the non-compliant should be higher for more of an incentive to be good	
If everybody has to have a licence, it'll be easier to find out the ones who don't have one, and if they don't apply within 12 weeks, they'll have to pay £2,500. That seems to be a positive way of ensuring some kind of compliance for the bad landlords	

89

Consultation responses – general comments	Council Consideration
The fee structure ... Part A is quite clearly for the processing of the application and Part B is for the implementation of the scheme – (both) have to be assigned to the landlord. So, there is an issue if they've not spent that money on those landlords' properties and that means an inspection....I think they've over complicated something which doesn't need to be complicated ...It should be online; split into two parts – Part A and Part B ... they've not done this. ...A breakdown for part B money paid by a landlord is requested, as is information about how it will be apportioned to the individual landlord and works done in connection to the license. (NRLA)	<ul style="list-style-type: none"> <li>• With regard to HMO licensing, the Council has operated the two part fee since the High Court Ruling in R (Gaskin) v LB Richmond Upon Thames (2018)EWHC 1996 (Admin). – as seen on our webpage with 2020/21 fee information. It is acknowledged that this was not clear in the fee information provided, however the two part fee was clearly mentioned in the Cabinet report.</li> <li>• Two part fees were clearly stated as part of the consultation information for selective licensing.</li> <li>• Requests for further information as to what is included in each stage was noted and provided within the reports to cabinet.</li> </ul>
Funding the scheme via alternative means (e.g. through harsher fines or fees for landlords who breach the rules, rather than a universal licence fee) or the Council funding the scheme itself (i.e. through Council tax).	<ul style="list-style-type: none"> <li>• The Council has higher fees for non-compliant landlords. Fines are also used to recover costs. However, to put all fees onto non-compliant landlords would not work. Funding via Council tax would lead to an overall</li> </ul>

## Appendix 3

<p>Would the Council consider granting licensing free of charge? There could be a perception that it's unfair to be charging us for doing something we're already doing, and if you have trust and faith in accredited landlords that they're doing everything already, and if we have uploaded documents as proof, it's a minimal outlay from the Council's point of view. Would you consider giving the landlords the licence free of charge initially and then perhaps if there is any reason or recourse to visit those properties because tenants have raised a concern then you could perhaps make charges to the landlords"</p>	<p>increase in Council tax and so is not considered appropriate.</p> <ul style="list-style-type: none"> <li>The Council acknowledges many landlords already comply, however the evidence is that many do not. We believe lower fees for accredited landlords / agents and via an early bird and proof of documents is keeping fees as low as possible. The two-part fee already demonstrates that compliant landlords will pay less.</li> </ul>
<p>For Selective Licensing, people who aren't inspected will feel they aren't getting what they pay for. Just charging for a licence to continue doing what they are doing"</p>	<ul style="list-style-type: none"> <li>Where landlords / agents fall under the accreditation criteria (for both schemes), they are paying towards an audit – which may be random. This therefore gives a much reduced fee. For selective licensing properties, the aim will be to inspect all non-accredited properties however the fee is not property specific.</li> </ul>
<p>One stage, more fees were upgraded and then we did calculations and it turned out to be that it was wrong. It was carried out wrongly by the Council. (OCF)</p>	<ul style="list-style-type: none"> <li>This relates to previous schemes. The schemes have been carefully costed however fees may increase or decrease depending on workload.</li> </ul>
<p>... discounts if the house is let as a C; that means lower bills for tenants and a better environmental footprint. (ARLA Propertymark)</p>	<ul style="list-style-type: none"> <li>Energy efficiency measures will be addressed as part of the inspections of properties in the licensing scheme.</li> </ul>
<p>The initial £480 spread over five years may not seem a lot but I do think needs to be placed in the context of all the other fees and charges that landlords in the private rented sector are grappling with at the minute. We've had the mortgage interest relief changes. There's been the Tenant Fees Act and also you can't underestimate ongoing legislation in terms of the electrical safety regulations with all tenants needing to have an EICR inspection test by next year. Whilst the testing might be able to be done, it's then the remedial work that can go into thousands of pounds ... So, in the round it's an additional cost for them ... (ARLA Propertymark)</p>	<ul style="list-style-type: none"> <li>Comments noted. However, selective licensing will help to improve properties.</li> </ul>
<p>The proposed fees have no basis in fact, without an itemised budget, which has not been provided. The proposal for one- or two-year licences subsidises some landlords at the expense of others. Accreditation is not a sound basis for discounts, all landlords and agents should be treated equally, assumed to be in good faith unless proved otherwise. Only then should penalties be considered, instead of being levied implicitly in the fee structure before any offence has been proved. The fee proposals are too complex and unsubstantiated.</p>	<ul style="list-style-type: none"> <li>A breakdown of the cost will be provided, including the reason for a discount.</li> <li>When granting a licence, the Council must be satisfied under the Housing Act 2004 that the person has the necessary competence and training to manage the house / HMO. Accreditation clearly demonstrates this, reflecting the lower fee for selective licensing and five year HMO licence. All other selective licences will be for five years, where a compliant landlord applies in time and provides the necessary documents they will be given the early bird fee. For HMOs, a two year licence is given where</li> </ul>

# Appendix 3

	the HMO meets standards and the landlord supplies the necessary certificates.
--	---

Consultation responses – comments regarding fee structure	Council Consideration
The fee structure is very complicated, even when I had it visually in front of me, I had to write that down”	<ul style="list-style-type: none"> <li>• For HMO licensing, we have removed the proposed “failure to renew fee”. This scheme has operated for five years and works well.</li> <li>• For selective licensing, we note comments. We have simplified the scheme by only introducing the higher fee in year two.</li> <li>• To operate a “one fee for all” system would not reward compliant landlords as comments made in relation to the accreditation discount make clear.</li> <li>• For selective licensing, landlords will pay one fee for five years (the exception being where the Council has justified concerns to reduce the licence length).</li> <li>• For HMO licences, the one, two or five structure reflects the need for more input from the Council.</li> <li>• For selective licences, the accreditation discount has been increased slightly so the fee is £280, a saving of £200. This clearly gives a cost reward in terms of reduced enforcement against accredited landlords. If a landlord fails to apply on time, they will have to pay £1,100 so £620 more.</li> <li>• The fees are designed to be cost-neutral and is not a revenue scheme.</li> </ul>
Too many different charges, time frames etc. ... confusing”	
The new charges are far too complicated. We would say it’s obfuscating so you can’t really work out what the charge is ... Too complicated, people won’t understand it”	
We don’t see that cost reward in terms of the enforcement coming through. (ARLA Propertymark)	
Your proposal, which involves payment of an annual fee, is completely unacceptable to me. This smacks of yet another city Council money making scheme...	
“This proposed scheme will generate approx. 12.5 million over 5 years for Oxford City Council, and is a plain and simple cash grab or legalised theft, and must lead to increases in rent if there are any tenants left who are still in employment and able to pay the rent after this Covid lockdown has passed. Now is not the time to be increasing charges with so many businesses in dire straights”	<ul style="list-style-type: none"> <li>• For selective licences, the accreditation discount has been increased slightly so the fee is £280, a saving of £200. This clearly gives a cost reward in terms of reduced enforcement against accredited landlords. If a landlord fails to apply on time, they will have to pay £1,100 so £620 more.</li> <li>• The fees are designed to be cost-neutral and is not a revenue scheme.</li> </ul>
... Every year landlord has to remember to renew. If they forget for 6 weeks, the cost skyrockets. This is unfair, landlords may be ill, may have passed away and control of the property is being resolved through probate etc. (OCF)	<ul style="list-style-type: none"> <li>• The Council has removed the proposed failure to renew fee. However, the responsibility rests with the landlord to renew the licence.</li> <li>• Where a landlord has passed away, the licence automatically ceases (ends) on the date of death. There is an automatic three month exemption from licensing from date of death. The executors can then apply for a further three month extension for exemption from licensing. However, as licences cannot be transferred and are issued to a named person for a specific property then the next person must apply for a licence in their own</li> </ul>

100

## Appendix 3

	name and this is a new application at a standard rate.
A structure that is responsive to the rent charged and profit made, particularly in the context of “informal landlords” who may not be charging a market rent and for whom a “£50 fee would be prohibitive” (OTU).	<ul style="list-style-type: none"> <li>• This idea would lead to additional costs in administration. We are not sure how this scheme would work in practice to ensure the operating costs are paid for.</li> </ul>
“If the Council takes six months to issue a licence, they shouldn’t charge five times more for six weeks.” (OCF)	<ul style="list-style-type: none"> <li>• Comments noted, the proposed failure to renew fee has been renewed. However, the majority of new licences are issued within 16 weeks (4 months) of the date of application and majority of renewal licences are issued within 6 weeks of expiry.</li> </ul>
If the Council wishes to impose new additional licensing schemes as a matter of policy, it should start from the fact that landlords provide a substantial social service to the residents of Oxford City. The premise should be that most landlords are honest and treat their tenants fairly. Therefore, the Council should respect the Government recommendation that all HMO licences should initially be for five years. For that mostly computerised exercise a fee of £50 should suffice. The application form should include the statutory conditions, with a certificate of landlord/agent compliance supported by documentary evidence. If, and only if, there are specific grounds for inspection should a fee be levied on any one property, whether before or after grant or refusal of a licence, subject to appeal to Tribunal. Sample survey inspections should be charged to general rates	<ul style="list-style-type: none"> <li>• The Housing Act 2004 states the maximum licence length is five years. Court of Appeal has held that shorter licences are appropriate, where the Council has a clear policy / criteria for this situation. The Council have developed such a criteria for HMO licensing.</li> <li>• The Housing Act 2004 also makes prescribed standards for HMOs and so it is important to inspect to ensure the property meets this standard. The Housing Act 2004 also makes clear that the Council must ensure there are no actionable hazards under Part 1 and for most properties, this will require an inspection. Lower fees are charged for accredited landlords / agents on the basis that they are appropriately trained in HHSRS and therefore an audit approach would satisfy. It would add to the cost to add on inspection fees.</li> </ul>

101

<b>Consultation responses – comments regarding high fees</b>	<b>Council Consideration</b>
--	------------------------------

# Appendix 3

<p>Proposed HMO fee increases are not appropriate...costs for those agents and landlords invited to participate in an audit-based scheme should be reduced (from £413 to £236 for a five-year licence) to reflect the lessened administrative burden for OCC (Lucy Properties)</p>	<ul style="list-style-type: none"> <li>• The Council undertook benchmarking in early 2020 to ensure fee levels set were comparable.</li> <li>• For selective licensing, the average fee (non-London) was £630. The standard fee is £480, which is £150 cheaper compared to other non-London authorities. For accredited landlords, the fee will be £280 which is £350 cheaper than compared to non-London authorities. This is not in the “higher echelons” as suggested.</li> <li>• For HMO licensing, the average fee (non-London) is £920. The five year fee for a compliant landlord pay £898 and so it is slightly cheaper. On renewal, the average fee (non-London) is £689 whereas an accredited landlord in Oxford would pay £413, which is £276 cheaper. This is not in the “higher echelons” as suggested.</li> <li>• With regard to the higher fee for selective licensing (£1,100), this will now be introduced in Year 2 in response to concerns raised. This will be where landlords fail to demonstrate they have recently purchased or started to let the house.</li> </ul>
<p>It's quite excessive - £1,100. That could easily be a month's rent or two months' rent and that could be the difference between staying in the market and not. Sometimes landlords are not up to speed on all the rules and they could quite easily miss the deadline and be liable for that fee. Would like to see leniency here. (ARLA PropertyMark)</p>	
<p>Higher fees for late applications... if more than six months ...is applied as a blanket set date, this will not allow for sufficient discretion to be exercised (safeagent)</p>	
<p>The penalties seem quite high. If you happen to miss it if you have been away.</p>	
<p>We are small landlords and we're trying to run a business ... Why are we having to spend money on upgrading our properties, potentially making them compliant (which is what we want to do), and then on top of that, having to pay a license fee for the pleasure of it, when we won't need visits? ... Why does there need to be this large license fee paid every year? Can it just be a small initial fee for a visit and maybe then a nominal fee for renewals there on in?</p>	

102

<b>Consultation responses – comments regarding accreditation discount</b>	<b>Council Consideration</b>
<p>Financial discounts for accredited landlords should be significantly better or else where is the incentive?!</p>	<ul style="list-style-type: none"> <li>• For selective licensing, the accreditation discount proposed was £180, not £100. We have revised costs slightly and the selective licence fee will now be £280 – a discount of £200.</li> <li>• The accreditation schemes eligible for a discounted application fee is being expanded to include NRLA, safeagent, UKALA and ARLA PropertyMark along with smaller run Council supported schemes.</li> <li>• The current HMO licensing scheme makes it clear that it is either the licence holder (normally the landlord) or the managing agent with full management control that needs to hold accreditation i.e. there is no dual accreditation. This will apply to both schemes. The only time dual accreditation would apply is where the agent is only partly responsible for</li> </ul>
<p>If a landlord is accredited or their property is managed by an accredited agent, they should instantly access the biggest possible discount. These are the low-risk properties in the Oxford PRS</p>	
<p>Accreditation only worth £100! Accreditation (landlord and working via an accredited agent) should trigger the whole and largest discount”</p>	
<p>Landlords who are working within an accredited agent can access it through their agent and have access to that discount. Those that don't work through letting agents can gain accreditation and they access a single tier of discount</p>	
<p>The term “accredited” needs to be clarified... includes members of professional accrediting bodies (safeagent)</p>	
<p>We would say that, if the landlord has an accredited agent, and that agent is the licence holder, that person should get the discount. Dual accreditation is a</p>	

# Appendix 3

huge problem for amateur landlords who, for obvious reasons, have gone to an agent. They don't want to sit through training courses themselves. That's what they're paying the agent to do." (safeagent)	the property e.g. agent responsible for let and rent collection and licence holder responsible for management / maintenance.
OCC should make it clear that there does not need to be 'dual accreditation' of both agent and landlord and that agents can, where appropriate, be the license holder. This, together with a fee discount, "provides a clear incentive for small landlords to engage a professional, accredited agent".	
We do agree with the discount for accreditation ... and that Oxford recognises that as a way to lift standards. (ARLA Propertymark)	

Consultation responses – comments regarding block discount	Council Consideration
I would like to ask the Council why there is a group discount if a landlord owns a block of flats but does not offer the same to a landlord has a portfolio of the same number of properties, albeit in different blocks	<ul style="list-style-type: none"> <li>The Housing Act 2004 Part 3 only allows for a licence to be issued to more than one property where the person in control of the block is the same.</li> <li>We acknowledge there may be landlords who have multiple properties not within the same block however the legislation does not allow for multiple licences to be issued. This means we cannot offer a discount.</li> </ul>
If our properties are scattered around the city, we are being penalised for properties not all being in one block	
Block discount, I've not seen that before and I thought, 'yeah, that is good for those landlords that do own a lot of apartments in one'"	

Consultation responses – comments regarding homechoice / homeless pathway discount	Council Consideration
For Home Choice and Charities for homeless pathway the fee should be zero. If the figures are drastically different enough it gives people the incentive to think about whether they could actually offer it for an LHA rate. (OTU)	<ul style="list-style-type: none"> <li>Comments noted. We anticipate the fee will be the same as the accredited landlord rate (£280)/</li> </ul>
All sorts of incentives are offered to landlords in order to do that with homeless individuals. So, we were really pleased to see it. For some reason, they haven't said what the amount will be on that one, so I suppose our feedback would be to make it a decent discount; and we're very supportive because we say this in every response to the consultation, and this the first one, that I've seen it's going through! (safeagent)	
Should be incentivised for accredited landlords to take tenants who are in receipt of benefits, as these individuals often face difficulties when being considered for renting private accommodation....licensing should be used as an opportunity to discourage discriminatory behaviour (Syrian Vulnerable Persons Resettlement Scheme)	

# Appendix 3

104

Consultation responses – comments regarding refunds / pro-rate fees	Council Consideration
<p>You're buying a five-year licence regardless of what your plans are. For example, let's say the scheme started today, landlord currently owns the property and is refurbishing it, if they miss out on the first six months and they're only planning to rent it for a year before they move back in, they've got a £1,100 bill for it that could only be for a one year licence. So, I think there's some concern over the structure of the fees and, potentially, having to pay £1,100 for licence that you actually only need for 12 months"</p>	<ul style="list-style-type: none"> <li>• The default length of licence for the selective licence scheme will be 5 years. The First-tier Tribunal case determined that licences can be issued for a full 5 years with an expiry date beyond the date the scheme expires. Licences will not be issued on a pro rata basis, where a landlord applies part way through the selective licence scheme.</li> <li>• Pro-rata refunds will not be on offer. A refund policy has been developed, similar to the HMO licence refund policy.</li> <li>• The legislation does not allow for licence fees to be paid in instalments apart from the 2 part fee introduced following the High Court Ruling in R (Gaskin) v LB Richmond Upon Thames (2018) EWHC 1996 (Admin). We acknowledge concerns regarding COVID 19, however the scheme will not be introduced until 2022.</li> </ul>
<p>Fees should be refunded if sold after one year.</p>	
<p>It's unfair that any 'new' licence holder applying part way through the designation period would be required to pay the full fee... the fee should be charged 'pro-rata... is also considered anti-competitive, as it can "add cost to the process of engaging or changing a license holding managing agent". (safeagent)</p>	
<p>It is disappointed that the Council has not mentioned the possibility of weekly or monthly instalments for licence fee payments (especially given that the introduction of licensing post Covid 19 will impact on the cash flow of many) (NRLA)</p>	

## F. Operation of schemes / application process (previous and future)

Consultation responses regarding application process / administration	Council Consideration
<p>The HMO team are doing a good job; they have been very helpful whenever we've contacted them"</p>	<ul style="list-style-type: none"> <li>• Comments noted.</li> </ul>
<p>"We are happy with the number of inspections we get. We never experience tenants wanting an inspection and not being able to get one quickly and that works for us well. We find working together with the Council can resolve issues between landlords and tenants, landlords and agents, agents and tenants. We find the inspections and enforcement... we're happy with that</p>	
<p>The operation of the scheme, the registration, has been a bit difficult. The website wasn't clear, the forms were not quite clear, and I needed help to fill them in and it was time-consuming"</p>	<ul style="list-style-type: none"> <li>• The Council acknowledges the frustration of landlords regarding the application process. The Council are planning to introduce an online application system at the start of the additional HMO licensing scheme if approved by Cabinet. This will include the ability to upload paperwork.</li> </ul>
<p>"The agents in the group were saying that ... when they've got a hundred HMOs to put through, the system feels quite complicated and difficult for them</p>	

# Appendix 3

105

to manage”	The Council are also looking at the ability to upload certificates throughout the licence.
“The system does not facilitate the provision of documents which should be easy to upload. It should be easy to see the progress of applications and re-applications and how they stand. There is too much delay in processing applications and issues there...”	<ul style="list-style-type: none"> <li>• We are investing in improvements to the processing system to allow more automated reminders to landlords. However, the Council’s position is that the responsibility for compliance with the law clearly rests with duty holders, i.e. individuals and businesses</li> </ul>
I would like to say about the simplicity of ... submitting the correct certificates and paperwork every year, surely ... if it were automated the way road tax is renewed on the same sort of basis then you don’t have someone sitting in an office having to go through that paperwork and having to validate it ...	<ul style="list-style-type: none"> <li>• Over the last few years, the Council has improved timescales with regard to issue of licences – the reference to 6 to 7 months is not the situation now. For new applications, in 2020, over 90% new applications were issued within 16 weeks of the date of application. For renewals, 85% licences were issued within six weeks of expiry (due to the requirement for a two stage fee, the measurement is six weeks). However, we acknowledge that publishing performance information will demonstrate the service provided.</li> </ul>
“We’re asked to fill in the same information time after time. Why don’t they keep the information they’ve got on file and ask you just to say whether it’s still correct? Because it’s very tedious and time-wasting and, therefore, money-wasting to have to fill in the same basic information time after time.”	<ul style="list-style-type: none"> <li>• The Housing Act 2004 and associated regulations requires certain information to be provided each time (application details, licence holder details, manager details and ownership details) so it is more information than on road tax – however we are exploring increased automation in relation to renewals and “validation” of information already provided rather than repetitive completion.</li> </ul>
When you apply for a license, to the Council today, to license your property for HMOs, it will take 6 – 7 months for the Council to respond back and do an inspection and issue a license. (OCF)	<ul style="list-style-type: none"> <li>• If Selective Licensing is introduced, a similar online system will be in place.</li> </ul>
“The HMO licence team already has a backlog for new licence applications and renewal licences which does cause landlords some difficulty. There are concerns that the massive increase in volumes of the selective licensing might make that backlog worse”	<ul style="list-style-type: none"> <li>• Large agents / landlords in the HMO scheme have a single point of contact for HMO applications. The Council accepts the same approach is beneficial for selective licensing – although agents / landlords may have be a different named officer for the HMO scheme and selective licence scheme.</li> </ul>
It is said that ... the Council is behind in implementing the current HMO scheme does not bode well... particularly concerned that the new schemes are at risk from under-resourcing and delays associated with processing the barrage of applications that will be received soon after the start date (safeagent)	
OCC must simplify the administrative burden on responsible landlords: progress has been made ....welcomes the potential proposals for an audit-based scheme....recommends that large-scale landlords have a single point of contact or there is an online system where paperwork can be uploaded (Lucy Properties)	
Sometimes landlords don’t have time, or they neglect, or they don’t look and see when you’re supposed to have the license renewed...	
While an overall supporter of the current Additional Licensing scheme...do not feel that its renewal addresses the perceived failures and limitations (in their experience) of the existing scheme, namely: Poor online simplicity and transparency – for example in terms of communication with the Council; pre-advice, general queries, providing feedback , submission of documents, knowledge of application status, reminders etc. The timeliness and backlog of	

# Appendix 3

106

the administration of applications;	
... they're going to be faced with a lot of applications, early doors. If they don't work with, say, lettings agents and partner organisations effectively, they're going to build up a heavy workload of inspections that then drags on. (safeagent)	
... receipt of emails needs to be acknowledged and inboxes need to be checked. It's just that sheer task of administration and nothing drives our members mad more than just not getting a reply to something for weeks... it's that initial acceptance. Whatever the hurdle is, is it then a valid application if there are questions of principle like, if they've forgotten to sign it or to put the proper postcode in, then it comes back, is [that counted as part of] the 6 month run-in? It needs to be managed on that sort of level... At the end of the day, it's not the £480, it's the fact that people start thinking that they're not getting anything for that money; not even a decent service. (safeagent)	
If it really means 100% of PRS properties how is this going to work admin wise with all those applying for early adoption discounts?"	
Funding, staff ... Is it going to create a bottleneck for the work they've already got? Will it impair the good work they already do in tackling the rogue elements ... Is it going to put too much pressure on departments? (OBSU)	
"Will there be an administrative burden on the Council with the running of HMO and if they're going to be extending the accredited landlord scheme and extending the licensing scheme? Have OCC have thought through their ability to manage both in a time sensitive manner?"	
... there was a slight sense of, 'Hang, on a minute, they're [the Council] doing it again and extending it into selective licensing – they haven't even got the first scheme right.' (safeagent)	

Consultation responses – comments regarding information / transparency	Council Consideration
You already have people that missed the initial trial because they weren't properly informed. You will have people that just have one property that they're letting because they're out of the country. They won't know what to do, they won't be informed, they'll think they can just put an advert in, and they'll	<ul style="list-style-type: none"> <li>For selective licensing, it is acknowledged that information will need to be provided in advance of the scheme starting. There is a three month publication notice period before the start of the scheme. This period would</li> </ul>

# Appendix 3

107

actually be breaking regulations”	have intensive publicity via all channels and we would wish to do so in conjunction with agents and landlord / agent associations.
My concern was not over the cost of the changes from a recent inspection, it was about the communication of the information of those standards that change regularly. Clearly as a landlord there is duty on me to find out, but it’s about where I can find it out...”	<ul style="list-style-type: none"> <li>• Prior to the COVID -19 pandemic, the Council held bi-annual “landlord information exchanges” for landlords and agents where information on best practice or changes were communicated. We will look to hold these in the future or in alternative format. The Council will also re-instate the landlord newsletter and consider whether it should be a “private rented sector” newsletter directed at both landlords and tenants.</li> </ul>
Transparency is important. We try to send an email to all of our managed landlords and our rent collection landlords two or three months before a new scheme goes live and so many of them have no idea that there’s a new scheme is coming in”	
“It needs to be more transparent. There are some selective licensing or Council websites where you can see when a landlord has paid, has applied for his application, it tells you when the Council has picked that up and investigated and then it says when the licence was issued. It is really helpful for a landlord to track where his application is and very good for agents when we’re out taking on properties. We can have a little look on there, like we would for any EPC on the EPC register. Some Councils don’t even have any registers. You pay a lot of money and you want to see where that is going”	<ul style="list-style-type: none"> <li>• There is legal requirement for a public register. Recent improvements to our systems has allowed us to publish the HMO register in a map format. However, licences addresses can only be made public once issued. The fee a landlord has paid is not public information. We cannot publish data on complaints received in relation to a specific property.</li> </ul>
There was some discussion about extra training needed for staff involved in the scheme ... The people who came out know the law, but the law has various grey areas [and] the way it’s applied isn’t necessarily consistent”	<ul style="list-style-type: none"> <li>• The Council acknowledge that some systems may allow applicants for licences to “track” their applications and this is a suggested possible improvement.</li> </ul>
Good practice should be recognised and encouraged...how the Council plans to communicate best practice to the landlords and tenants of Oxford (NRLA).	<ul style="list-style-type: none"> <li>• The Council aim to deliver consistent service, however for HMO licences and conditions on licences then we are also bound by Court of Appeal to consider each case on its’ merits. This may create differences between properties and leads to “grey” areas. We do regular consistency exercises within the team. We have also undertaken a consistency exercise in landlord forums, by asking landlords whether they think a repair is needed or not to gauge our decisions against what landlords think require repairs. The outcome of which was that we were consistent. This type of two-way engagement / feedback can continue.</li> </ul>
Regular information on the implementation of the scheme should be made available in a clear and consistent format to local landlord and agent forums, representative bodies and other stakeholders... to help to enable the Council to work in partnership with [these individuals and organisations] to ensure the success of the scheme (safeagent)	
Yes, with all the caveats. A key one for me is about transparency. They publish the data on where the HMOs are and the HMO licences, but I think it would be very easy to include within those data the condition of the property and any previous complaints and make that publicly available so there’s a degree of accountability that goes alongside that regulation. (OTU)	<ul style="list-style-type: none"> <li>• The Council acknowledges comments on transparency and will publish an annual report with information on timescales to issue licences, number of properties with one, two, five year licences and other data e.g. inspections undertaken.</li> </ul>
[I]t needs investment in the team ... education to the landlords. If it’s going to be proactive, they can’t bring the scheme in and then be proactive. It needs to be proactive before the scheme comes in. You can’t launch a scheme on the first of January and be proactive from then. You need to be building the landlords and the lettings agents up to get their houses to standard from the point at which the scheme comes in, otherwise, you’re reactive. (Police)	<ul style="list-style-type: none"> <li>• The Council have a current landlord information exchange for landlords (pre-COVID) and this is a way of allowing landlords and agents to share good practice. The Council will provide regular information updates and</li> </ul>

# Appendix 3

I think the Council needs to start addressing some of these bigger issues and if they are going to have another licensing scheme – and again, we’re sitting on the fence; we’re not against it but we’re not for it – we want to see demonstrable outcomes both for the landlord community and from the tenants’ side. (NRLA)	further guidance and information to clarify points raised.
How do you take into account the fact that many of the landlords here present have many years’ experience of renting properties in Oxford. How is that going to be taken into account in setting out a new scheme?	
The situation for those hosting foreign language students or school children should be clarified;	
There was some confusion / clarification requested (from a registered charity) in terms of whether or not a corporate body can be granted an HMO licence;	

108

Consultation responses – comments regarding HMO licensing inspection	Council Consideration
I’ve been critical that when problems were found in an HMO, people had no opportunity to put it right without being penalised straight away”	<ul style="list-style-type: none"> <li>• The Council aims to work with landlords however we also expect landlords to proactively manage their properties.</li> <li>• We aim to deliver consistent request for work in properties. We have a published Amenity and Facility guide that was revised in 2018 (in consultation with landlords). This may have led to requests to change items when a property was last inspected over five years ago, for example under the 2011-2015 scheme.</li> <li>• However for HMO licences and conditions on licences then we are also bound by Court of Appeal to consider each case on its’ merits. This may create differences between properties and leads to “grey” areas. We do regular consistency exercises between the team. We have also undertaken a consistency exercise in landlord forums, by asking landlords whether they think a repair is needed or not to gauge our decisions against what landlords think require repairs. The outcome of which was that we were consistent. This type of two-way engagement / feedback can continue.</li> <li>• Inspecting officers are qualified with a background in building, although this is not to building control officer level. We would expect officers to</li> </ul>
There is the occasional lack of experience and knowledge of the inspectors. We had a rather odd situation where we ... had got an HMO licence, and what we found is on subsequent inspections, the inspectors come up with something different that they want changed on it. We’ve already got a licence and then someone comes along and looks over a particular thing ... on this occasion, they didn’t like the fact that when the fire door to the kitchen was closed and with it being next to the cooker, that somebody could walk in the kitchen and there was a chance you could knock the person at the cooker. Therefore, they asked us to cut a window in the fire-door so you could look through the door to make sure there was nobody on the other side of the door before it was opened. I did point out to the inspector that if you start cutting holes in fire doors you very quickly diminish the ability of a fire door to do its job, and in any event, would breach the regulations because the fire door wouldn’t be compliant. We ended up cutting a window in an adjacent wall, which meant moving a radiator and it was quite expensive. We did it and we achieved the objective, but I just thought that whoever makes suggestions like that ought to understand that if they’re going to make an observation as they did as to the proximity of the cooker to the door, they ought to understand building regulations as to how such a problem could be amended”	
Some landlords do some extensions or convert a garage into a bedroom and	

## Appendix 3

109

<p>all of a sudden you have more people in your household than possibly the licence they have allows. I don't know if this is inspected and this creates a big problem because you don't have enough facilities or you don't have enough toilets, or your sharing area is getting much more crowded and it affects your living standards"</p>	<p>suggest work that it practical.</p> <ul style="list-style-type: none"> <li>We inspect all HMOs before issue of licence to ensure they have adequate facilities and will inspect where a landlord requests to increase occupancy number. During COVID19, desktop checks have been undertaken however we will revisit at a later date.</li> </ul>
<p>There's inconsistency between different inspectors' views of different properties, and what is needed to make a property compliant or not. In my experience ... it was different in different places</p>	
<p>After the initial assessment, I got a list with changes needing to be done and that was OK, but the inspection afterwards was not a very pleasant experience. The inspector had a lack of knowledge on actually what had been done and what was correctly done and didn't seem to know what they were doing. It was also a very expensive experience and I'm not sure that the tenants were pleased with the changes, which actually mainly consisted of fire doors needing to be put in</p>	
<p>Our major thoughts were just wanting to make sure there's consistency and also having the appropriate resource. We've found in the past there have been delays in getting licenses and sometimes it can be different HMO inspectors who ask for different works to be carried out on a year on year basis. I think everybody is behind the licensing and thinks it is a good idea, but it's just making sure that it serves a correct purpose and it's manageable and it works on a practical level</p>	
<p>We came to renew the licence again recently, and the next inspector decides that there's not enough sockets in the kitchen. Now, I think this is the third renewal on this HMO, and I just question why we can get issued an HMO licence in the first place and everything's fine and hunky dory, and then the next inspector says this needs doing and the next one another thing ... we've had three different things in the same HMO. I just think that the inspectors need to be consistent</p>	
<p>I do think there should be a three-way agreement so the tenant is included and can raise issues. It seems only landlords and the Council are involved"</p>	
<p>More inspections might be a good idea, but I'd be interested in knowing what the criteria are, what it is they're looking for? Is it just that the property is relatively clean, or do they check the gutters ... health and safety stuff? It'd be good for the tenant to know that</p>	<ul style="list-style-type: none"> <li>The Housing Act 2004 does not require consultation with tenants (or neighbours) on HMO licence conditions.</li> <li>On inspection, we would expect an officer to explain why they are visiting to tenants. During an inspection, officers may ask tenants if they have problems although it is acknowledged that tenants may not wish to speak up.</li> <li>The Council will investigate complaints from tenants and where necessary, add conditions to complete work.</li> </ul>
<p>Inspections; I agree with more communication. It'd be good to know what they're doing, what they're looking for and if we could have an input. Not to stuff up the landlord, just to say, 'I'm safe and the house is appropriate'</p>	
<p>In my current house there is nothing like that, but we recently had an</p>	

# Appendix 3

<p>inspection from the Council. There seems to be no communication between us, the Council and the letting agent; they didn't tell us exactly what they were going to do, they just told us that they needed to go into our rooms. I think people don't understand that this is my home, I don't really want someone coming into the place where I sleep ... The letting agent are pretty good, but they didn't tell us why or what they were looking for and they installed a new fire door which is great, but they installed a new electric plug socket half way through our kitchen, they didn't explain why. When the person turned up from the Council, he was very polite and professional, but he didn't explain why he was here, what he was doing. I still haven't received a licensing thing from the Council; I don't know if we're compliant, I have no idea if they're coming back"</p>	<ul style="list-style-type: none"> <li>• The Council can develop guidance for tenants concerning inspections – for example, what to expect and how to report issues.</li> </ul>
---	---

110

<b>Consultation responses – comments regarding selective licensing inspections</b>	<b>Council Consideration</b>
<p>In terms of selective licensing, there was a query about how realistically the Council planned to manage [it]. If you've got 25,000 houses, it feels that some landlords will be picked on at random for inspections, because you're not going to get round 25,000 houses over the course of even five years. So, how do you know whether standards will be applied consistently, and what's going to happen there?"</p>	<ul style="list-style-type: none"> <li>• The Council acknowledges concerns regarding lack of inspection. Properties will be prioritised for inspections, although this will not happen before the licence is issued. <ul style="list-style-type: none"> <li>➤ Those properties where landlords have a history of non-compliance will be prioritised as will landlords that fail to supply documents on application.</li> <li>➤ Those properties managed by accredited agents and landlords will be lowest priority. It would be anticipated that for large agents, a random sample will be inspected each year. Accredited landlords will be least priority for inspection.</li> </ul> </li> <li>• The scheme will be resourced to employ enough officers to inspect the properties.</li> </ul>
<p>If you have no inspections, how do you know the property is compliant?</p>	
<p>If Selective Licensing properties are not inspected, what's the point? I can't see the justification for it without inspections</p>	
<p>You try to improve standards of let properties for private landlords, but now you are introducing fees without mandatory inspecting every property. How are you then going to keep high standards of let properties?</p>	
<p>Not inspecting beforehand means that you're giving licences to properties that you subsequently discover are properties of concern. You will only discover that once you have given the licence because you would not have visited them before you give the licence ... It seems to me that you're going to be issuing licences to these properties and subsequently taking the licences away but only after having charged everybody, in order so you can do this"</p>	
<p>Too few inspections, lots of extra properties, the Council won't be able to cope</p>	
<p>How are you going to do all these inspections? House prices are ridiculously expensive in Oxford, so where are you going to find the staff? (NRLA)</p>	

# Appendix 3

## G. Enforcement of the new schemes

111

Consultation responses – comments regarding enforcement of unlicensed properties	Council Consideration
<p>There's also a concern that there are quite a lot of unlicensed properties and how are they policed, and how are they caught? Because with these schemes, the good people are going to be the people that do what's required and the problem ones are the one's you've got to get a hold of"</p>	<ul style="list-style-type: none"> <li>• The current HMO licensing schemes works to find unlicensed properties on a proactive and reactive basis. Proactive means gathering intelligence and assessing this to determine if action is needed e.g. a letter or a visit. Reactive means that an enquiry has come in about a specific property. All reactive complaints are put through a desk based intelligence check and which results in either the landlord receiving a letter or an unannounced visit. The same system will apply to selective licensing.</li> <li>• The Council has a good understanding of the process and time costs to find unlicensed HMO properties and based on this experience, has predicted the resources required to find unlicensed selective licensing properties to ensure the scheme is staffed appropriately.</li> <li>• The Council will report on outcomes, such as unlicensed property investigation.</li> </ul>
<p>"All of us are on board with the standards of private-rented sector housing being improved [but] you're preaching to the converted. The fact that we're all on this call, we really do care about standards, being compliant and getting everything right. What we want to make sure is that the resources are being focused in the right areas as the people who don't want to comply are still not going to comply, and it's going to take an effort to go and find them"</p>	
<p>... we've got a good baseline now, but we need to roll it out and take it further and there has to be proper enforcement and within that enforcement there has to be support for the tenants because they are the people at risk here because the landlord will assume in most cases that the tenants have grassed up the landlord. There is a massive risk for people in that situation. It makes them very vulnerable and I know the Council's position on that, but they will say X, Y and Z and it's not but think we have to be very clear because we have very vulnerable people living in .... second languages, escaping domestic violence. (CAB)</p>	
<p>Low rate of enforcement and successful avoidance by landlords.</p>	
<p>Huge resources will be required to follow up varying landlords, agencies, short term tenancies, etc. etc. to establish where the responsibility is to improve premises</p>	

# Appendix 3

Consultation Response - comments regarding enforcement (general)	Council Consideration
<p>As an agent I had a landlord that was heavily penalised. When there was an inspection on a house in good condition and there were some things that didn't comply, he was penalised heavily despite willingness to correct everything. We found that the scheme is punitive in that respect. He didn't have an opportunity to put things right before bearing a heavy fine, despite being very willing</p>	<ul style="list-style-type: none"> <li>The Council aims to take a balanced approach and consider each case on its merits. HMO landlords have a duty to actively manage their properties and failure to do so may lead to a higher fee.</li> </ul>
<p>An active enforcement policy is an important part of protecting the sector from criminals who exploit landlords and tenants and creating a level playing field (NRLA)</p>	<ul style="list-style-type: none"> <li>Agreed – the Council has demonstrated in the current HMO licensing scheme actively and robustly enforce against breaches of the scheme and will, if the proposed schemes are introduced, continue to do so.</li> </ul>
<p>[Would support additional HMO licensing]... absolutely. Without enforcement it's just a joke, a bit like quarantine isn't it? At the moment, the HMOs scheme is getting people who are already compliant to get a certificate, it's not getting people who are non-compliant because they are doing it on the black market. There is no follow through. (CAB)</p>	<ul style="list-style-type: none"> <li>The Council has achieved on average around 25 prosecutions or financial penalties each year.</li> </ul>
<p>Do your officials support the law? You investigate over 1000 cases, 2.2.% cases are fined, 97% therefore shouldn't have been investigated, very frustrating ... landlords should have the opportunity to mentor Oxford Council, because some representatives don't follow the law"</p>	<ul style="list-style-type: none"> <li>The Council understands that landlords, residents and the public may view the number of penalties as a way of measuring success or failure. However, the Council cannot have a "target" for number of penalties / prosecutions – to do so would be wholly against the Council's Enforcement Policy that <b><i>"Our enforcement activities will reflect the level of risk to the public and enforcement action taken will correspond to the seriousness of the offence. We will seek to resolve cases at the lowest level of intervention appropriate to the case."</i></b></li> </ul>
<p>Enforcement isn't really happening ... if the current properties are not being managed or properly monitored, how will even more properties being taken into this system be managed and properly enforced?"</p>	<ul style="list-style-type: none"> <li>Prosecution and financial penalties are for the worst offenders – we use higher licence fees as a deterrent. We acknowledge there needs to be greater transparency and so yearly reports will be published against scheme outcomes, including enforcement / higher fees</li> </ul>
<p>... the Council does not have the capacity to enforce these schemes, with the result that rogue landlords continue as before, while responsible landlords comply and pass on the licensing costs to their tenants ... Given that the Council has operated the HMO scheme for nine years with such poor results, it is perfectly reasonable to assume that a similar scheme targeted at private landlords would be equally as ineffective in its stated goal of improving standards, while</p>	<ul style="list-style-type: none"> <li>In the last five years, Oxford City Council prosecuted 43 cases, issued 57 financial penalties and gave 6 formal cautions during the scheme. Looking at prosecutions and penalties, 100 cases equates to 2.8% of the licensed stock (3,511 HMOs). It is understandable the public think this is low number however it is not possible to measure "success" or "failure" by the number of prosecutions or financial penalties. The Council must follow the Code of Crown Prosecutors when taking decisions on whether to prosecute or issue a penalty – to have a "target" driven approach would not be in line with the Council's Enforcement Policy or the Crown Code.</li> <li>There are no nationally available statistics to determine if Oxford City Council's enforcement record is comparable. However, some information</li> </ul>

112

# Appendix 3

113

	<p>is in the public domain and this demonstrates Oxford City Council has comparable enforcement records against other authorities running large licensing schemes.</p> <ul style="list-style-type: none"> <li>• For example, in 2017 the London Borough of Newham reported their borough wide selective licensing scheme had 39,321 licensed properties and they had taken 1,111 prosecutions (financial penalties were not a legal option at this time). This equates to 2.8% of the licensed number of properties. Oxford City Council’s record for HMO licensing prosecutions is also 2.8%.</li> <li>• Liverpool City Council, in 2020<sup>2</sup>, reported on their city wide selective licensing scheme in late 2020 with 51,764 licences and they had issued 311 prosecutions or penalties – this equates to 0.6% of licensed stock. Oxford City Council comparably has a higher rate.</li> <li>• In 2017, a report in the press<sup>3</sup> named the authorities with the highest number of Housing related prosecutions and reported most authorities had not taken a single prosecution. The top six authorities were named – the sixth highest had 29 prosecutions and in that year, Oxford City Council had completed 25. It is clear that Oxford City Council are among the top authorities for prosecutions.</li> </ul>
<p>The fact that they had to get money from government to take on a lawyer to show how to prosecute someone ... What had you been doing for the nine years beforehand, then? (NRLA)</p>	<ul style="list-style-type: none"> <li>• The Council was given funding to develop a best practice toolkit for other authorities to recover unpaid financial penalties served under the Housing Act 2004, in conjunction with a solicitor. This funding was given due to Oxford’s strong record of issuing financial penalties and in recognition of our current approach. The above statistics demonstrate our enforcement record.</li> </ul>
<p>“I have tenants that have applied to the regulatory side of the scheme to help them and have been told that nothing can be done for nine months when the conditions were really unliveable in. I wonder, how well is this working when things are going seriously wrong? Delays, no proper inspections, not taking it seriously. One wonders, what do they really consider an infringement of the licence?”</p>	<ul style="list-style-type: none"> <li>• With HMO licensing, we aim to inspect each house before issue of a licence and then conditions are added to the licence for work to be completed. Where necessary, the Council gives shorter deadlines to complete works. If a landlord then does not complete the work, this is an offence (infringement) and they will be charged a higher renewal fee or may receive a fine.</li> </ul>

<sup>2</sup> Liverpool City Council Selective Licensing in the Liverpool Private Rented Sector A Proposal for Cabinet 2020 point 3.6 & 3.14

<http://Councillors.liverpool.gov.uk/documents/s244845/M5%20-%20Selective%20Licensing%20in%20the%20Liverpool%20Private%20Rented%20Sector%20Proposal%20for%20Cabinet.pdf>

<sup>3</sup> The Guardian 2018 <https://www.theguardian.com/society/2017/oct/28/rogue-landlords-enjoy-an-easy-ride-as-Councils-fail-to-prosecute> accessed 14/01/2020

# Appendix 3

	<ul style="list-style-type: none"> <li>For HMOs, there are management regulations and where landlords have failed to proactively manage their properties, they may receive a fine.</li> </ul>
--	---

## H. Planning / Air B&B

114

Consultation responses – comments regarding planning / air B&B	Council Consideration
Not allowing new HMOs to be created and/or banning HMOs;	<ul style="list-style-type: none"> <li>This is a planning issue, there is a planning Article 4 in place which prevents new HMOs being developed in areas where there is already a high concentration of HMOs.</li> <li>In response to concerns, the criteria for a longer HMO licence will include having the necessary permission granted (or clear historic use). Landlords without permission will be given a one year licence.</li> <li>Where a property is occupied as an HMO and does not have planning permission, the Council will add a condition to obtain planning permission within a set time frame. We cannot refuse to grant a licence as this would then impact on the landlord's ability to serve a section 21 notice and lawfully gain possession to cease use as an HMO.</li> <li>Where a property is empty and an HMO licence is applied for and there is no planning permission for HMO use, the HMO licence will be refused.</li> <li>The Council often discovers rent to rent and sub-letting when undertaking unannounced visits to HMOs. This type of letting practice, whilst not illegal can often mean that private tenants are living in unsafe accommodation with a lack of tenancy security. Guidance will be</li> </ul>
Opposed to further HMOs ....rules about acceptable concentrations of private rented accommodation in general are worth considering. private rented accommodation is "high cost housing" and not sympathetic to its continuing absorption of ever higher proportions of City housing (Bullingdon Road Community Association)	
The Council should carefully consider its ceiling on HMOs because for young people who wish to save money in such an expensive rental market, living with roommates is an "important and fundamental housing option (Unnamed group of tenants)	
Consider a policy of refusing new licences to landlords who are increasing occupancy levels in existing HMOs, in areas where the planning saturation policy that limits HMOs to 20% of buildings in the immediate area has been exceeded. It is concerned that allowing existing HMOs to increase in size in these areas that may already be well in excess of the limit impacts on existing residents and HMO tenants (in terms of noise, antisocial behaviour, parking, and refuse issues) and undermines the intention of the planning policy. (Divinity Road Area Residents Association)	
I think there needs to be stricter definition of Airbnb. Clearly, a lot of stuff is operating as Airbnb that should actually be restricted. I think that's bad for the PRS"	
"The Council need to put their thinking hat on with Airbnb. Leaving it open is asking for trouble	

# Appendix 3

<p>“[Is there an] issue with Airbnb properties in the area? Are people trying to dodge the HMOs licenses by having Airbnb tenants in the properties instead? And would licensing help pick that up to ensure the properties are compliant?”</p>	<p>produced outlining landlords and tenants responsibilities in relation to such practices. Properties used as Airbnb are exempt from property licensing but such properties may need planning permission depending on the intensity of the use.</p>
<p>The NRLA is concerned that the proposals do not take account of rent-to-rent (including Airbnb) and those who exploit tenants and landlords. For instance, “there is no provision for landlords who have legally rented out a property that has later been illegally sublet”. It seeks clarification around the support that will be offered to landlords who find themselves in this position.</p>	

## I. COVID 19 concerns

115

Consultation responses – comments regarding covid 19 concerns	Council Consideration
<p>I’m concerned about timing within a pandemic. We’re currently struggling to get contractors to go to properties, tenants are stressed at this difficult time</p>	<ul style="list-style-type: none"> <li>• The Council has regard to government guidance on COVID19 for landlords and tenants.</li> </ul>
<p>If it does need to be introduced, why now? It’s more difficult to find tenants, contractors etc.</p>	<ul style="list-style-type: none"> <li>• For HMO licensing and work required, the Council will work with landlords to agree suitable timescales given the urgency of the work and contractor availability due to COVID19.</li> </ul>
<p>The impact of Covid and unemployment: ... more people falling into rent arrears is a worry as well so the additional cost is less likely to incentivise landlords to remain in the sector and our members often talk about investment confidence ... and of course, most of them across the country only have one or two properties ... also if you’ve got a mortgage on that there’s a potential impact. So, these are the broader issues that our members tell us about on a daily basis. (ARLA Propertymark)</p>	<ul style="list-style-type: none"> <li>• With regard to selective licensing, this scheme will not start until 2022 by which time, it is anticipated that impact of COVID19 will have decreased.</li> </ul>
<p>This would require much more resources and agents are already struggling due to excessive business rates over the years and the COVID-19 crisis.</p>	<ul style="list-style-type: none"> <li>• With regard to inspections, the condition will be amended to reflect the situation that landlords may not be able to visit the property.</li> </ul>
<p>If you have extreme arrears (owing to Covid), we’re worried that extra fees on top of already rising costs could mean that landlords leave the market. (ARLA Propertymark)</p>	<ul style="list-style-type: none"> <li>• With regard to accreditation, our current scheme operates on the understanding that a landlord will attend the course within six months of the accreditation date – with COVID19 then this has been extended. This means that landlords can renew their accreditation and receive the training at a later date. However, we are investigating accreditation provision via online courses or another provider.</li> </ul>
<p>In a pandemic we may not be able to do inspections. If a landlord can’t, if they’re high risk and having to isolate, or tenants, or an agent can’t because that branch is closed could we be open to fines, or will that invalidate the licence? Is there a safety net in this current climate?”</p>	
<p>Landlord accreditation during Covid. Landlords can’t renew these; they need to attend courses etc. with the Council. Will this mean that landlords who aren’t accredited will be unable to apply for a five-year licence?</p>	

# Appendix 3

## J. Comments regarding the consultation itself

Consultation responses – comments regarding the consultation itself	Council Consideration
<p>I feel that conducting research in the midst of a pandemic is wholly improper and unreasonable. A large number of people are isolated due to the pandemic and are unaware of what is going on and this is preventing people from raising their concerns and from putting forward their objections. Furthermore, community groups are unable to hold meetings and articulate and coordinate appropriate responses that are required. Therefore, I respectfully argue that any consultation should be postponed until next year</p>	<ul style="list-style-type: none"> <li>• The Council has regard to government guidance on COVID19. The Council was initially proposing to consult in April and the Council halted consultation. Later in the year, guidance changed to where local authorities are in the process of introducing selective or additional Houses in Multiple Occupation licensing schemes, but these are not yet in force they should continue to take a pragmatic approach and continue/commence work on licensing having regard to local circumstances.</li> <li>• We extended the consultation in November given the second lockdown and believe there has been opportunity to respond.</li> </ul>
<p>... failure to provide information about the legal basis upon which it seeks to introduce selective licensing means it has not complied with the requirement to 'take reasonable steps to consult persons who are likely to be affected by the designation and the consultation document is "highly misleading, omitting relevant context and stats, and lacking transparency.</p>	<ul style="list-style-type: none"> <li>• The Council believes the legal basis has been demonstrated in the Cabinet reports published. The consultation was far reaching and it can be seen from the Appendix to the report compares favourably with similar consultation exercises carried out concerning property licensing.</li> </ul>
<p>There was a complaint about some landlords becoming aware of the consultation after it had started, and about a lack of evening and weekend virtual events</p>	<ul style="list-style-type: none"> <li>• The Council notes these comments. The consultation exercise was publicised on the Council's website and via social media, all HMO landlords were made aware as well as those who were registered with Council Tax, the exercise was extended in order that more stakeholders could respond.</li> </ul>

## Selective Licensing conditions

### Mandatory licence conditions – applied to all licences

The Housing Act 2004 s90(4) requires licences to include the conditions listed in Schedule 4 of the Housing Act 2004. These are known as mandatory conditions:

- production to the council of gas safety certificate (if gas installed);
- to keep the electrical installation in a working and safe condition;
- to keep electrical appliances supplied in safe condition;
- to keep furniture supplied in safe condition;
- to ensure a smoke alarm is installed on each landing and kept in proper working order;
- to ensure there is a carbon monoxide detector in any room with a solid fuel burning appliance and kept in proper working order;
- to supply the occupiers with written terms of occupation; and
- to demand references from persons who wish to occupy the house.

### Discretionary licence conditions – applied to all selective licences

The Housing Act s90(1) states: *A licence may include such conditions as the local housing authority consider appropriate for regulating the management, use or occupation of the house concerned.* The conditions that Oxford City Council consider appropriate to place on all selective licences are known as discretionary conditions.

.

### Licence Conditions – Categories or Themes

To address concerns raised regarding the layout of licence conditions and to assist landlords in understanding the lengthy documentation, the Council will group licence conditions by areas or themes. This should make it clearer to landlords as to what their obligations are for specific areas. Themes include both “mandatory” conditions and the “discretionary” conditions applied to all licences. Mandatory conditions will be clearly marked on the Licence. The areas are:

- Permitted numbers
- Gas Safety
- Electrical Safety
- Fire Safety
- Carbon monoxide
- Waste management
- Tenant management
- Property Management
- Energy Performance
- Anti-social behaviour
- Notification of changes

A copy of a Licence is below with the mandatory and discretionary conditions applicable to all selective licences.

## **Ability for landlords and agents to raise objections to licence conditions**

Before granting a selective licence, a “notice of intention” must be served with the draft licence conditions. The licence holder (and other parties with a relevant interest) have to be given a minimum of 14 days to make “representations” (objections) to the licence length and / or conditions. The Council must consider the representations. Following the consideration it will be decide to either change the proposed conditions as requested or to keep them as served.

The Council must then serve a “notice of decision” with the licence and conditions. At this point, the licence holder (and other parties with a relevant interest) can appeal to the First-tier Tribunal within 28 days if they are still not in agreement with the licence conditions.

In general, Oxford City Council would not change any of the discretionary conditions attached to all licences.

It must be noted that “relevant interested” party means those with a legal interest in the property i.e. freeholder, leaseholder, mortgage provider, licence holder and managing agent. The Housing Act 2004 makes no legal requirement to send the notice of intention or decision to the tenants or neighbours – this is different to planning that requires notices to be displayed in the vicinity of the property.

In response to comments raised that the process is “confusing”, further guidance will be developed for landlords and agents



HOUSING ACT 2004  
Part 3

## SELECTIVE LICENCE FOR RESIDENTIAL ACCOMODATION

*This*

# Licence

will be granted under Section 88 of the Housing Act 2004 to

LICENCE HOLDER NAME

of

LICENCE HOLDER ADDRESS 1

LICENCE HOLDER ADDRESS 2

LICENCE HOLDER ADDRESS 3

POST CODE

for the house at

# Appendix 4

123 SOME STREET  
in the City of Oxford

to be occupied as a SELECTIVE LICENCE property

*This Licence remains in force until the **DATE**  
and is subject to the Conditions specified in the attachment which forms  
part of this document.*

Signature

HEAD OF SERVICE  
REGULATORY SERVICES AND COMMUNITY SAFETY  
OXFORD CITY COUNCIL

## LICENCE CONDITIONS

Any failure to comply with these conditions is an offence under the Housing Act 2004 s95(2) and may render the Licence Holder liable to prosecution and an unlimited fine upon conviction or a financial of up to £30,000 as an alternative to prosecution. Under the Housing Act 2004 Section 93(2)(a) the Licence may also be revoked.

Further information is provided in the “guidance and notes” section about the licence conditions, including template notices for you to display in the property / information to give to your tenants.

\*Indicates a mandatory condition prescribed by the Housing Act 2004.

Any reference to “on demand” means to provide, to the Council officer, the document within 14 days of the demand.

---

### **Permitted Occupation**

#### 1 OCCUPATION

The house is to be occupied as a non-HMO property either:

- one household (a family house); or
- Two unrelated persons (Two households)

A household is defined as persons:

- married or living together - including people in same-sex relationships
- relatives or half-relatives, e.g. grandparents, aunts, uncles, siblings
- step-parents and step-children

### **Gas Safety and Carbon Monoxide**

#### 2. LANDLORD'S GAS SAFETY CERTIFICATE

The Licence Holder must ensure that gas is supplied to the house, each year obtain and submit to the Council a new landlord's gas safety certificate issued by a recognised engineer approved under Regulation 3 of the Gas Safety (Installation and Use) Regulations 1998\*.

Ensure that a valid gas safety certificate is in place for the property for the duration of the licence (there should be no gaps in between certificate dates) and copies of all gas safety certificates obtained whilst the licence is in force must be kept by the Licence Holder for the duration of the licence and, on demand, supplied to the Council.

## 3. CARBON MONOXIDE ALARMS\*

The Licence Holder must ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel combustion appliance. A 'room' includes a hall or landing and 'living accommodation' includes a bathroom or toilet.

The Licence Holder must keep all alarms in proper working order and supply the Council, on demand, with a declaration by him as to the condition and positioning of any such alarm.

## **Electrical Safety**

## 4. ELECTRICAL SAFETY CERTIFICATE

The Licence Holder must ensure that every electrical installation in the house is in proper working order and safe for continued use and supply, on demand, with a declaration as to the safety of such installations\*.

The Licence Holder must ensure that an electrical condition report dated within the last five (5) years is submitted to the Council. If the current report expires during this licence, ensure the new report is submitted. A valid electrical condition report must be in place for the property for the duration of the licence (there should be no gaps in between certificate dates).

The report must detail the condition of the fixed electrical installation of the property, Carry out any remedial works identified on the report and submit evidence to the Council upon completion. The report must be issued in accordance with the latest edition of the BS7671 Regulations for Electrical Installations, as issued by the Institute of Electrical Engineers. The inspection, report and all electrical work must be undertaken by qualified electricians registered and assessed by a UKAS accredited Certification Body to A1.2 of the IET Electrotechnical Assessment Scheme. The register of competent persons is available from: [www.competentperson.co.uk](http://www.competentperson.co.uk)

## 5. ELECTRICAL APPLIANCE SAFETY\*

The Licence Holder must ensure all electrical appliances made available to the occupants are kept in a safe condition. On demand, the Licence Holder must submit to the Council a declaration by him as to the safety of such appliances.

## **Fire Safety**

### 6. SMOKE ALARMS\*

The Licence Holder must ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation.

The Licence Holder must keep all alarms in proper working order and supply the Council, on demand, with a declaration by him as to the condition and positioning of any such alarm.

### 7. FURNITURE SAFETY\*

The Licence Holder must ensure all furniture made available to the occupants of the house must be kept in a safe condition and must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. On demand, the Licence Holder must submit a declaration concerning the safety of the furniture to the Council.

## **Tenancy Management**

### 8 WRITTEN TERMS OF OCCUPANCY

The Licence Holder must supply the occupiers of the house / rooms, on commencement of their occupancy, with a written statement of the terms in which they occupy the house (i.e. a tenancy agreement). The Licence Holder must, on demand, provide the Council with a copy of the written statement\*.

The Licence Holder must make a copy of the tenancy agreement available before the house is let so that tenants can read it before being asked to sign. It also gives the tenants the opportunity to get independent advice before signing.

### 9 REFERENCES

The Licence Holder must demand that references are requested from persons who wish to occupy the house.\*

When referencing, consideration must be given to the tenant's history, credit and right to rent checks.

The Licence Holder must, on demand, ensure that the Council is provided with a copy of any such references and records.

## 10 RENT RECEIPTS

The Licence Holder must ensure there is a record of all rent payments received in respect of the property. The record must cover the duration of the licence.

Where rent is paid in cash or cheque, the occupant(s) must be given a written receipt for the rental payment stating the date of payment, amount paid and the name of the person who collected the payment.

Where rent is paid via BACs, this will count as the record of rental payment.

The Licence Holder must, on demand, ensure that the Council is provided with a copy of rent payment records.

## 11 INVENTORY

The Licence Holder must ensure that an inventory is provided to the occupants.

The Licence Holder must, on demand, ensure that the Authority is provided with a copy of the inventory/ies.

## 12 UTILITIES AND APPLIANCES

The Licence Holder must ensure that, where tenants are to pay the bills, they are provided with details of the utility provider and billing information within 14 days of occupation of the house.

The Licence Holder must ensure that the tenants are provided with a user manual or written instructions for the correct operation and setting of the fixed form of heating system in the property.

### **Waste disposal and refuse**

## 13 WASTE DISPOSAL AND RECYCLING REQUIREMENTS

### Properties with blue / green bin collection:

Oxford City Council policy is to collect no greater quantity of domestic waste from refuse bins (green bins) than from recycling bins (blue bins). Oxford City Council will not collect recycling or refuse material unless correctly presented in a receptacle meeting the Council's specification.

### Properties with sack collection or block of flats

Where a property has waste collection via sacks or is within a block of flats, then the Licence Holder must comply with the information on the council website [www.oxford.gov.uk/recycling](http://www.oxford.gov.uk/recycling)

# Appendix 4

## All properties:

The Licence Holder must give new tenants information, in writing, on disposing of all rubbish / recycling in an appropriate manner and at the appropriate time including:

- The collection days for the refuse and recycling
- Details on what they can and cannot recycle
- How they can dispose of bulky waste and the penalties for fly tipping

The Licence Holder must ensure suitable and adequate provision is made available at the start of a tenancy for storage of refuse generated in the house.

The Licence Holder must make supplementary arrangements for the disposal of refuse from the house as may be necessary.

The Licence Holder must ensure that at the end of each tenancy any rubbish or unwanted household goods left behind are removed and disposed of appropriately before the start of the next tenancy. In particular any rubbish or goods left in the front or back garden or the pavement in front of the property should be removed.

## **Property Management, Inspections and Emergency Arrangements**

### 14 PROVISION OF CONTACT DETAILS TO TENANTS

The Licence Holder must give the tenants, in writing, the name, address and telephone contact number of the person who manages the house.

The Licence Holder must provide to the tenants, in writing within 7 days of their occupation, details of who to contact to report repairs, including out of hours emergency contact details.

### 15 DIS-REPAIR / PESTS

The Licence Holder must ensure that, if they are informed, in writing, by email or other form of communication, about a complaint of disrepair or pest infestation in the property from the occupiers, the Council or a third party, they take action to investigate and if necessary remedy the disrepair and/or infestation within a reasonable period of time. The Licence Holder shall respond, preferably in writing to any such complaint, within 14 days of receipt of the complaint, stating what action they have taken or intend to take.

Where an emergency issue is reported to the licence holder or their managing agent (e.g. loss of heating, hot water, issues relating to security), it should be responded to within 24 hours. This includes undertaking a temporary measure before the full repair can be undertaken.

Where a pest problem is identified following a complaint, the Licence Holder must employ a suitably qualified pest control company to investigate the

# Appendix 4

problem and undertake all action needed to remove pests (this includes baiting and any structural repairs to prevent pest access).

## 16 PROPERTY INSPECTION

The Licence Holder must ensure that inspections of the house are carried out at least every six months to identify any problems relating to the condition and management of the house. The records of such inspections must be kept for the last year. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection any issues found and actions(s) taken. Copies of these must be provided to the council within 28 days of demand. In the event that an inspection is not possible (e.g. pandemic situation) then it is acceptable for the Licence Holder to fulfil this in alternative ways (e.g. zoom call with tenants who show the house and landlord takes notes or written confirmation from tenants there are no problems).

## 17 EMERGENCY ARRANGEMENTS

Where the Licence Holder is out of the country for more than two weeks and for less than four weeks, there must be emergency arrangements in place for the tenants to be able to arrange emergency repairs. These arrangements must be provided, in writing, to the tenant.

Where the Licence Holder is out of the country for more than four weeks at a time, there must be a named managing agent or alternative person who can arrange repairs. This person must be named on the application form and must be a “fit and proper” person. These arrangements must be provided, in writing, to the tenant.

### **Energy Performance Certificate**

## 18 ENERGY PERFORMANCE CERTIFICATE (EPC)

Where an EPC is required for the property, on demand submit to the Council an energy performance certificate stating the property has a minimum energy efficiency standard of an E-rating. The person issuing the certificate must be an Approved Energy Assessor qualified to undertake such inspection and testing.

If the property is exempt from the Minimum Energy Efficiency Standard, on demand provide details of the registered exemption.

### **Notification of changes**

## 20 CHANGES TO CONTACT DETAILS

The Licence Holder must advise the Customer Services Applications Team in writing of any permanent change to the address or contact details of each person (except any mortgage provider) named on the licence application form as soon as reasonably practicable.

# Appendix 4

## 21 CHANGES WITHIN THE HOUSE

The Licence Holder must advise the Customer Services Applications Team in writing of any change in the house (apart from the change of occupants) that is likely to affect the operation or management of the HMO as soon as reasonably practicable.

## 22 CHANGES TO FIT AND PROPER PERSON STATUS

The Licence Holder must advise the Customer Services Applications Team in writing of any changes to the Licence Holder, the Manager's or any associate's circumstances which could affect their fit and proper person status, i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord / tenant law or convicted of a banning order offence or issued with a banning order. The Licence Holder to inform the Council within 14 days of becoming aware of the change to fit and proper person status.

## 23 SALE OF PROPERTY

Where the property is sold and the owner is the Licence Holder, the Licence Holder must request that the licence is revoked. Licences cannot be transferred.

Where the property is sold and the Licence Holder remains the same (for example, the agent is the Licence Holder), then the Licence Holder must inform the Customer Services Applications Team in writing with the new ownership details.

## **END OF LICENCE CONDITIONS**

## Guidance and Notes

This information is provided to assist the Licence Holder to understand his / her obligations and comply with the Licence Conditions.

### Planning permission, including listed building consent, and Building Regulations

The grant of a licence does not give planning permission for use.

Where conditions require work to be undertaken, the licence holder must ensure that you seek the necessary approval from Building Control and Planning, including Listed Building Consent, prior to work commencing.

### Further guidance / information

The following appendices are provided to assist licence holders to understand their duties and comply with their duties:

1. Housing Act 2004 Schedule 5 – process and procedure for grant or refusal to grant licence
2. Reasons for licence conditions
3. A “manager and emergency arrangements” notice for display
4. A “waste management” notice for display
5. Information on anti-social behaviour
6. Rent receipt template

The government website <https://www.gov.uk/renting-out-a-property> contains information for landlords including:

- Landlord responsibilities
- Financial responsibilities (including tax and mortgage permissions)
- Repairs

The government website [https://www.gov.uk/housing-local-and-community/rented-housing-sector#guidance\\_and\\_regulation](https://www.gov.uk/housing-local-and-community/rented-housing-sector#guidance_and_regulation) contains information for landlords on:

- How to let guide
- Model tenancy agreement
- Understanding the possession action process
- Universal credit
- Landlord and tenants’ rights and responsibilities
- Housing Health and Safety Rating System guidance for landlords

# Appendix 4

## **Penalties for non –compliance with licence conditions**

Under the Housing Act 2004 s95(2) any failure to comply with these conditions may render the Licence Holder liable to prosecution and an unlimited fine upon conviction or a financial of up to £30,000 as an alternative to prosecution. Under the Housing Act 2004 Section 93(2)(a) the Licence may also be revoked. Appendix 1 provides notes from the Housing Act 2004.

Some conditions impose a duty on the Licence Holder which endures for the period of the Licence. Other conditions require a specific task or work to be done, which once completed, will discharge that obligation but the condition will remain as part of the Licence.

## **Relevant legislation**

Licence conditions are pursuant mainly to the following legislative authorities:

- Housing Act 2004 Section 90
- Schedule 4 of the Housing Act 2004

Further information regarding reasons for imposition of licence conditions is contained in Appendix 2.

## **Definitions**

Each Condition refers to the house named on the front page.

In these Conditions:

‘BS’ and ‘BS EN’ mean a British Standard as published by the British Standards Institution.

‘competent person’ or ‘competent’ means a person properly qualified and accredited by the appropriate authority to install and/or inspect, test and certify the equipment, facility or utility.

‘house’ means the dwelling or residential accommodation at the address identified above for which this licence has been granted.

‘HMO’ means House in Multiple Occupation as defined by the Housing Act 2004.

‘IEE regulations’ means the latest edition of the Wiring Regulations published by Institution of Electrical Engineers (BS 7671).

‘Licence Holder’ means the person to whom this licence has been granted.

‘obtain and submit to the Council’ means that the Licence Holder must obtain a certificate from a competent person and forward a copy of it to the Customer Services Applications team at St Aldate’s Chambers, 109-113 St Aldate’s, Oxford.

‘on demand’ means that the Licence Holder must provide the Customer Services Applications team or the named officer with a copy of the document if and when the Council requires it to be produced.

‘provide’ means that the Licence Holder must install the item mentioned as a fixture within the house and make its use freely available to the occupants of the house.

## APPENDIX 1: HOUSING ACT 2004 - SCHEDULE 5.

### LICENCES UNDER PART 2 PROCEDURE AND APPEALS - GRANT OF LICENCES

#### ***Requirements before grant of licence***

- 1 Before granting a licence, the local housing authority must-
  - (a) serve a notice under this paragraph, together with a copy of the proposed licence, on the applicant for the licence and each relevant person, and
  - (b) consider any representations made in accordance with the notice and not withdrawn.
- 2 The notice under paragraph 1 must state that the authority are proposing to grant the licence and set out-
  - (a) the reasons for granting the licence,
  - (b) the main terms of the licence, and
  - (c) the end of the consultation period.
- 3 (1) This paragraph applies if, having considered representations made in accordance with a notice under paragraph 1 or this paragraph, the local housing authority propose to grant a licence with modifications.
  - (2) Before granting the licence the authority must-
    - (a) serve a notice under this paragraph on the applicant for the licence and each relevant person, and
    - (b) consider any representations made in accordance with the notice and not withdrawn.
- 4 The notice under paragraph 3 must set out-
  - (a) the proposed modifications,
  - (b) the reasons for them, and
  - (c) the end of the consultation period.

#### ***Requirements following grant of licence***

- 7 (1) This paragraph applies where the local housing authority decide to grant a licence.
  - (2) The local housing authority must serve on the applicant for the licence (and, if different, the Licence Holder) and each relevant person-
    - (a) a copy of the licence, and
    - (b) a notice setting out-
      - (i) the reasons for deciding to grant the licence and the date on which the decision was made,
      - (ii) the right of appeal against the decision under Part 3 of this Schedule, and
      - (iii) the period within which an appeal may be made (see paragraph 33(1)).
  - (3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.
- 8 (1) This paragraph applies where the local housing authority refuse to grant a licence.

# Appendix 4

(2) The local housing authority must serve on the applicant for the licence and each relevant person a notice setting out-

- (a) the authority's decision not to grant the licence,
- (b) the reasons for the decision and the date on which it was made,
- (c) the right of appeal against the decision under Part 3 of this Schedule, and
- (d) the period within which an appeal may be made (see paragraph 33(1)).

(3) The notices required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

### ***Exceptions from requirements in relation to grant or refusal of licences***

9 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority-

(a) have already served a notice under paragraph 1 but not paragraph 3 in relation to the proposed licence, and

(b) consider that the modifications which are now being proposed are not material in any respect.

10 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority-

(a) have already served notices under paragraphs 1 and 3 in relation to the matter concerned, and

(b) consider that the further modifications which are now being proposed do not differ in any material respect from the modifications in relation to which a notice was last served under paragraph 3.

### ***Meaning of "the end of the consultation period"***

12 (1) In this Part of this Schedule "the end of the consultation period" means the last day for making representations in respect of the matter in question.

(2) The end of the consultation period must be-

(a) in the case of a notice under paragraph 1 or 5, a day which is at least 14 days after the date of service of the notice; and

(b) in the case of a notice under paragraph 3, a day which is at least 7 days after the date of service of the notice.

(3) In sub-paragraph (2) "the date of service" of a notice means, in a case where more than one notice is served, the date on which the last of the notices is served.

### ***Meaning of "licence" and "relevant person"***

13 (1) In this Part of this Schedule "licence" means a licence under Part 2 or 3 of this Act.

(2) In this Part of this Schedule "relevant person", in relation to a licence under Part 2 or 3 of this Act, means any person (other than a person excluded by sub-paragraph (3))

(a) who, to the knowledge of the local housing authority concerned, is-

(i) a person having an estate or interest in the HMO or Part 3 house in question,  
or

(ii) a person managing or having control of that HMO or Part 3 house (and not falling within sub-paragraph (i)), or

# Appendix 4

(b) on whom any restriction or obligation is or is to be imposed by the licence in accordance with section 67(5) or 90(6).

(3) The persons excluded by this sub-paragraph are-

- (a) the applicant for the licence and (if different) the Licence Holder, and
- (b) any tenant under a lease with an unexpired term of 3 years or less.

### ***Right to appeal against refusal or grant of licence***

31 (1) The applicant or any relevant person may appeal to a First-Tier Tribunal (Property Chamber) against a decision by the local housing authority on an application for a licence-

- (a) to refuse to grant the licence, or
- (b) to grant the licence.

(2) An appeal under sub-paragraph (1)(b) may, in particular, relate to any of the terms of the licence.

### ***Time limits for appeals***

33 (1) Any appeal under paragraph 31 against a decision to grant, or (as the case may be) to refuse to grant, a licence must be made within the period of 28 days beginning with the date specified in the notice under paragraph 7 or 8 as the date on which the decision was made

(3) A First-Tier Tribunal (Property Chamber) may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time)

### ***Powers of First-Tier Tribunal (Property Chamber) hearing appeal***

34 (1) This paragraph applies to appeals to a First-Tier Tribunal (Property Chamber) under paragraph 31 or 32.

(2) An appeal-

- (a) is to be by way of a re-hearing, but
- (b) may be determined having regard to matters of which the authority were unaware.

(3) The tribunal may confirm, reverse or vary the decision of the local housing authority

(4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.

## APPENDIX 2: REASONS FOR LICENCE CONDITIONS

The following information is provided to explain the reasons for licence conditions.

### MANDATORY LICENCE CONDITIONS

The Housing Act 2004 s90(4) states that all licences include the conditions required by Schedule 4 of the Housing Act 2004. The authority has no discretion on these conditions. These licence conditions are denoted by the \* by the condition title or in the text.

### DISCRETIONARY LICENCE CONDITIONS

The Housing Act 2004 s90(1) permits the authority to include conditions that the authority consider appropriate to regulate the management, use and occupation of the house concerned and under s90(2):

Those conditions may, in particular, include (so far as appropriate in the circumstances)—

(a) conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;

(b) conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;

All Selective Licences have conditions numbers 1 through 23. Oxford City Council considers it necessary to add these conditions to all HMO licences either as a mandatory condition to regulate the management, use and occupation of the house concerned.

# Appendix 4

## APPENDIX 3: INFORMATION NOTICE

### MANAGER'S INFORMATION

<b>MANAGER'S NAME</b>	
<b>MANAGER'S ADDRESS</b>	
<b>MANAGER'S CONTACT TELEPHONE NUMBER</b>	

### EMERGENCY ARRANGEMENTS

<b>TO REPORT EMERGENCY REPAIRS OUT OF HOURS</b>	<b>Name:</b>  <b>Contact telephone:</b>
<b>EMERGENCY HEATING / HOT WATER CONTACT INFORMATION</b>	(Insert information if there is a contract with a service provided e.g. British Gas HomeCare)
<b>EMERGENCY ELECTRICAL CONTACT INFORMATION</b>	(Insert information if there is a contract with a service provided e.g. British Gas HomeCare)
<b>IF YOU SMELL GAS, OR THINK THERE IS A GAS LEAK, THEN CALL THE NATIONAL NUMBER.</b> Do not smoke or light matches  Do not turn electrical switches on or off  Open doors and windows  Turn off the meter at the control handle unless the meter is in the cellar	<b>National Gas Emergency Service</b> <b>0800 111 999(1)</b>
<b>CARBON MONOXIDE LEAK – AS ABOVE</b>	<b>National Gas Emergency Service</b> <b>0800 111 999(1)</b>
<b>FIRE</b>	<b>IN EVENT OF A FIRE – EVACUTE IMMEDIATELY AND CALL 999</b> <b>For problems with the fire alarm: call ????????</b>

# Appendix 4

## APPENDIX 4: WASTE MANAGEMENT NOTICE

PROPERTY ADDRESS	
Food waste must be put in the (delete as appropriate)	LARGE FOOD CADDY RED BIN (FLATS ONLY)
Food waste is collected	WEEKLY COLLECTION ON:
Refuse (general) waste must be put in the (delete as appropriate or for flats, complete)	GREEN WHEELED BIN / LILAC SACKS ...../ _____ All rubbish must be inside your green bin with the lid closed. Extra rubbish left outside the bin will not be collected. Three LILAC SACKS will be collected.
Refuse (general) waste is collected	EVERY OTHER WEEK ON:  STARTING FROM:
Recycling must be put in the (delete as appropriate)	BLUE WHEELED BIN / BLUE SACKS...? _____ Extra recycling will be collected if placed neatly at the side of your blue bin or sacks in a clear sack or cardboard box.
Recycling is collected	EVERY OTHER WEEK ON:  STARTING FROM:
Bin / sack collection	Please put your bins / caddy / sack out for collection by 7am. You can put your bins / sacks out the day before, after 6pm. Please remove your empty bin from the pavement as soon as possible after collection.
Bin / sack collection reminders	You can sign up for email reminders - they will prompt you on which bins to put out and when – see <a href="http://www.oxford.gov.uk/recycling">www.oxford.gov.uk/recycling</a> You can download Oxford City Council mobile app for free reminders. Available via the app store / google play
Bulky Waste can be disposed of:	By calling Oxford City Council on 01865 249811 and booking a collection. There may be a fee.
Penalties	If occupants do not put out the bins / sacks by the required time, your waste may not be collected. You will need to make alternative arrangements. If you do not place items in the correct bins / sacks then your collection may be rejected. You will need to make alternative arrangements. Failing to abide by collection rules and leaving rubbish out can be classed as “nuisance and environmental anti-social behaviour”. Oxford City Council can issue fixed penalty fines of up to £150.
Tenant responsibilities:	Tenants are responsible for disposing of all rubbish / recycling in an appropriate manner and at the appropriate time, including at the end of tenancy. The HMO Management Regulations state occupiers must: <i>store and dispose of litter in accordance with the arrangements made by the manager.</i>
Manager (landlord and agent) responsibilities:	The manager (landlord) must— <i>(a)ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and</i> <i>(b)make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.</i>

# Appendix 4

## APPENDIX 5: RENT RECIEPT TEMPLATE

Name of tenant	
Property address	
Date of payment	
For rental period:	
Amount paid	
Paid by	Cash / Cheque
Name of person receiving money (write name clearly)	
Signature of person receiving payment	
<i>This receipt must be given to the tenant and a copy kept by the licence holder. NB – a photo of the receipt will be accepted as “copy”</i>	

# Appendix 5A

## Appendix

### Designation of an area for Selective Licensing

#### Oxford City Council - Designation of an Area for Selective Licensing No.2 20XX.

Oxford City Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

#### CITATION, COMMENCEMENT AND DURATION

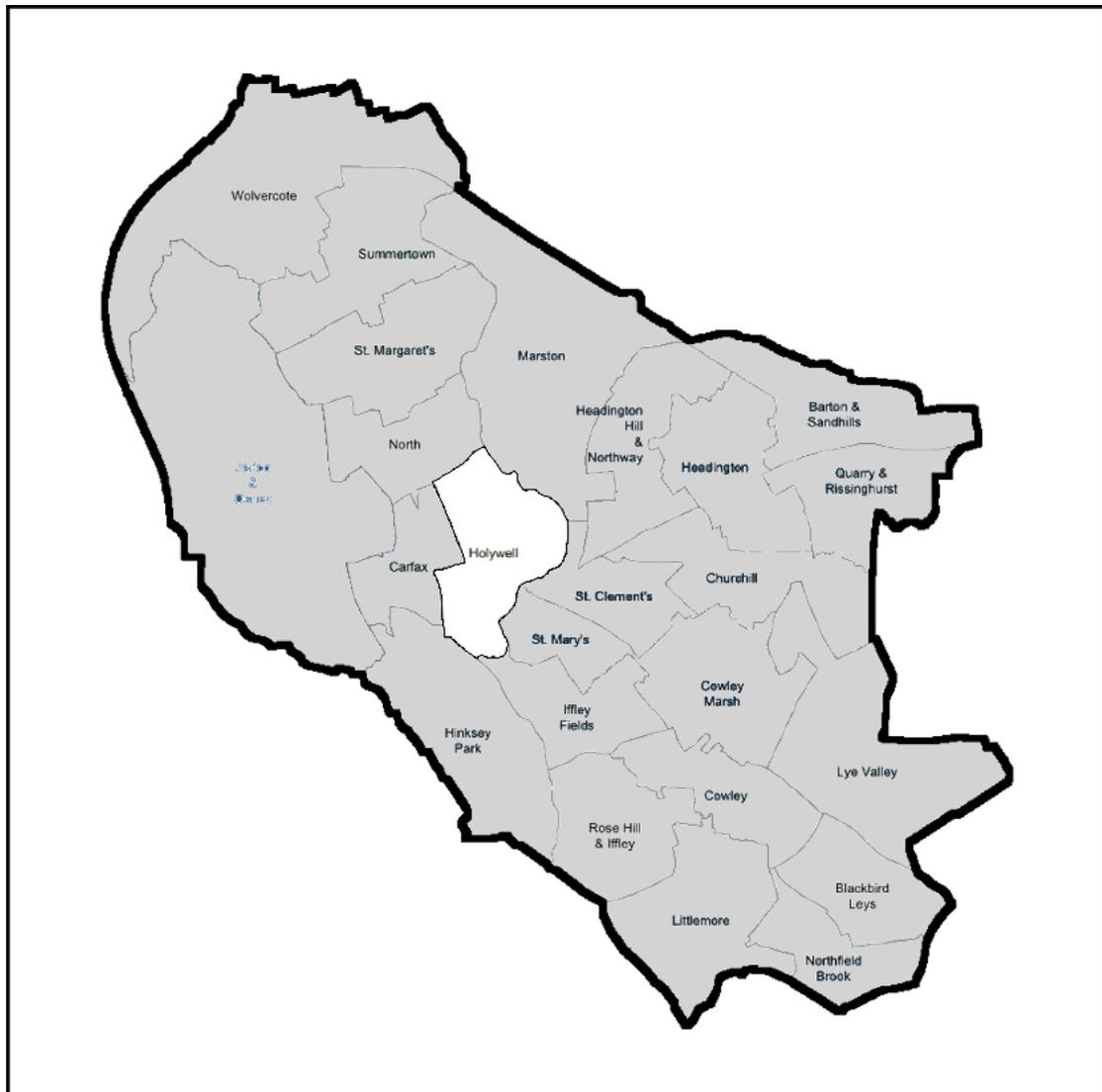
1. This designation may be cited as Oxford City Council Designation for an Area for Selective Licensing No 2, 20XX
2. This designation is made on XXXX20XX and requires confirmation by the Secretary of State for Housing Communities and Local Government
3. This designation shall come into force on a date specified for this purpose by the Secretary of State for Housing Communities and Local Government and shall cease to have effect five years after such date.

#### DESIGNATION AND AREA

4. The Council hereby designates under section 80 of the Act as subject to selective licensing the area within the district of Oxford City Council shaded grey, excluding Holywell Ward, on the map at Annex A

# Appendix 5A

## Annex A – Paragraph 4: Map of Designated Area



*(Please Note: The legislation cited below is up to date as at 19th January 2021 and may be subsequently amended).*

# Appendix 5A

## APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
- (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup>;
  - (b) the tenancy or licence of the house has been granted by a registered social landlord<sup>3</sup>;
  - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (d) the house is subject to a temporary exemption under section 86 of the Act; or
  - (e) the house is occupied under a tenancy or licence which is exempt under the Act<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in annex b;

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>

7. Oxford City Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation as required under section 232 of the Act.<sup>6</sup>

Head of Regulatory Services and Community Safety

Date:XXXX 20XX

---

<sup>1</sup> For the definition of “house“ see sections 79 and 99 of the Act

<sup>2</sup> Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

<sup>4</sup> Section 79 (4) of the Act and the Selective Licensing of Houses (Specified Exemptions) (England) Order SI 2006/370

<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

<sup>6</sup> Section 232 of the Act, regulation 11 of Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations SI 2006/373

# Appendix 5A

The Secretary of State for Housing, Communities and Local Government under the power conferred on him by section 82 (2) of the Act hereby confirms the scheme described above

Signed

An officer authorised by the Secretary of State

Date

## **Annex B – Paragraph 5(d): Exempted Tenancies or licences<sup>7</sup>**

### **Prohibition of occupation by law**

1. A tenancy or licence of a house<sup>8</sup> or a dwelling<sup>9</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

### **Certain tenancies which cannot be assured tenancies**

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 and falling within any paragraph in Part I of Schedule 1 of that Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>10</sup>;
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>11</sup>;
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>12</sup>.

---

<sup>7</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370

<sup>8</sup> Sections 79 (2) and 99 of the Act

<sup>9</sup> For the definition of a dwelling – see section 99 of the Act

<sup>10</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>11</sup> For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

<sup>12</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

# Appendix 5A

## Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>13</sup> by:
  - (a) a local housing authority;
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
  - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
  - (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

## Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989;
  - (b) section 43 (4) of the Prison Act 1952;
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
  - (d) The Secure Training Centre Rules 1998<sup>14</sup>;
  - (e) The Prison Rules 1999<sup>15</sup>;
  - (f) The Young Offender Institution Rules 2000<sup>16</sup>;
  - (g) The Detention Centre Rules 2001<sup>17</sup>;
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>18</sup>;
  - (i) The Care Homes Regulations 2001<sup>19</sup>;
  - (j) The Children's Homes (England) Regulations 2015<sup>20</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>21</sup>.

---

<sup>13</sup> For the definition of "person managing" and "person having control" see section 263 of the Act

<sup>14</sup> SI 1998/472 as amended

<sup>15</sup> SI 1999/728 as amended

<sup>16</sup> SI 2000/3371 as amended

<sup>17</sup> SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>18</sup> SI 2001/850

<sup>19</sup> SI 2001/3965 as amended

<sup>20</sup> SI 2015/541

<sup>21</sup> SI 2002/3213 as amended

# Appendix 5A

## **Certain student lettings etc**

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
  - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment<sup>22</sup> and
  - (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act<sup>23</sup>

## **Long leaseholders**

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
  - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
  - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

## **Certain family arrangements**

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
  - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
  - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

## **Holiday lets**

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

## **Certain lettings etc by Resident Landlord etc**

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with

---

<sup>22</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016 for the list of specified bodies

<sup>23</sup> The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

# Appendix 5A

the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

## Interpretation

In Annex B -

- (a) a "person" includes "persons", where the context is appropriate;
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate;
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease";
- (d) a person is a member of the family of another person if –
  - (i) he lives with that person as a couple;
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple  
and
  - (iv) For the purpose of this paragraph –
    - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
    - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
    - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
- (4) a stepchild of a person is to be treated as his child

This page is intentionally left blank

# Appendix

## Designation of an area for Selective Licensing

### Oxford City Council - Designation of an Area for Selective Licensing No.2 20XX.

Oxford City Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

#### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as Oxford City Council Designation for an Area for Selective Licensing No.2, 20XX
2. This designation is made on XXXX20XX and requires confirmation by the Secretary of State for Housing, Communities and Local Government
3. This designation shall come into force on a date specified for this purpose by the Secretary of State for Housing, Communities and Local Government and shall cease to have effect five years after such date.

#### DESIGNATION AND AREA

4. The Council hereby designates under section 80 of the Act as subject to selective licensing the area within the district of Oxford City Council which **is the area shown shaded in green**, on the map at Annex A

## Annex A – Paragraph 4: Map of Designated Area



*(Please Note: The legislation cited below is up to date as at 19th January 2021 and may be subsequently amended).*

### APPLICATION OF THE DESIGNATION

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
  - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup>;

<sup>1</sup> For the definition of “house“ see sections 79 and 99 of the Act

<sup>2</sup> Section 55 of the Act defines which Houses in Multiple Occupation are required to be

- (b) the tenancy or licence of the house has been granted by a registered social landlord<sup>3</sup>;
- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in annex b;

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>

7. Oxford City Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation as required under section 232 of the Act.<sup>6</sup>

Head of Regulatory Services and Community Safety

Date:XXXX 20XX

The Secretary of State for Housing, Communities and Local Government under the power conferred on him by section 82 (2) of the Act hereby confirms the scheme described above

Signed

An officer authorised by the Secretary of State

Date

---

licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

<sup>4</sup> Section 79 (4) of the Act and the Selective Licensing of Houses (Specified Exemptions) (England) Order SI 2006/370

<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

<sup>6</sup> Section 232 of the Act, regulation 11 of Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations SI 2006/373

## **Annex B – Paragraph 5(d): Exempted Tenancies or licences<sup>7</sup>**

### **Prohibition of occupation by law**

1. A tenancy or licence of a house<sup>8</sup> or a dwelling<sup>9</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

### **Certain tenancies which cannot be assured tenancies**

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 and falling within any paragraph in Part I of Schedule 1 of that Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>10</sup>;
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>11</sup>;
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>12</sup>.

### **Tenancies and licences granted etc by public bodies**

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>13</sup> by:
  - (a) a local housing authority;

---

<sup>7</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370

<sup>8</sup> Sections 79 (2) and 99 of the Act

<sup>9</sup> For the definition of a dwelling – see section 99 of the Act

<sup>10</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>11</sup> For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

<sup>12</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

<sup>13</sup> For the definition of “person managing” and “person having control” see section 263 of the Act

- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

#### **Tenancies, licences etc regulated by other enactments**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989;
  - (b) section 43 (4) of the Prison Act 1952;
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
  - (d) The Secure Training Centre Rules 1998<sup>14</sup>;
  - (e) The Prison Rules 1999<sup>15</sup>;
  - (f) The Young Offender Institution Rules 2000<sup>16</sup>;
  - (g) The Detention Centre Rules 2001<sup>17</sup>;
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>18</sup>;
  - (i) The Care Homes Regulations 2001<sup>19</sup>;
  - (j) The Children's Homes (England) Regulations 2015<sup>20</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>21</sup>.

---

<sup>14</sup> SI 1998/472 as amended

<sup>15</sup> SI 1999/728 as amended

<sup>16</sup> SI 2000/3371 as amended

<sup>17</sup> SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>18</sup> SI 2001/850

<sup>19</sup> SI 2001/3965 as amended

<sup>20</sup> SI 2015/541

<sup>21</sup> SI 2002/3213 as amended

### **Certain student lettings etc**

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
  - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment<sup>22</sup> and
  - (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act<sup>23</sup>

### **Long leaseholders**

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
  - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
  - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

### **Certain family arrangements**

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
  - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
  - (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

### **Holiday lets**

8. A tenancy or licence of a house or a dwelling within a house that has been

---

<sup>22</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016 for the list of specified bodies

<sup>23</sup> The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

granted to the person for the purpose of a holiday.

### **Certain lettings etc by Resident Landlord etc**

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

### **Interpretation**

In Annex B -

- (a) a "person" includes "persons", where the context is appropriate;
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate;
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease";
- (d) a person is a member of the family of another person if –
  - (i) he lives with that person as a couple;
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
  - (iv) For the purpose of this paragraph –
    - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
    - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
    - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
- (4) a stepchild of a person is to be treated as his child

This page is intentionally left blank

# Appendix 6

## Selective Licensing Licence Length Criteria

Examples that may lead to a one year licence:

- Previous civil penalty issued for Housing Act contraventions
- Entry on to national rogue landlord database;
- Prohibition Order or Improvement Notice served on property that is not yet complied with;
- Open investigation into contraventions of housing or landlord and tenant law e.g. illegal eviction and harassment, failure to comply with HMO law;
- Numerous justified<sup>1</sup> complaints received over the last two years regarding the licence holder and / or property demonstrating poor management;
- Evidence the property does not have planning permission for current use or open planning enforcement investigation<sup>2</sup>;
- Evidence that works undertaken at the property (or in any part of the property) does not have Building Regulation approval
- Serious concerns raised by other departments or partner authorities e.g Police/ASB team

---

<sup>1</sup> Justified complaint is one where the council have investigated and have evidence that supports the allegation and / or had to take action to resolve the issue.

<sup>2</sup> London Borough of Waltham Forest V Khan Neutral Citation Number: [2017] UKUT 153 (LC)  
<http://www.bailii.org/uk/cases/UKUT/LC/2017/153.html>

# Appendix 6

## Accreditation for Property Licensing Schemes

There is no legal requirement for a landlord to undertake training before offering a property for rent. Landlords and agents who voluntarily obtain accreditation do so because they wish to be recognised as a professional landlord.

The English Private Landlord Survey 2018 established that

- 52% landlords do not use a letting agent at all and only 9% landlords use a letting and management service from a letting agent<sup>3</sup>.
- 75% landlords did not belong to any landlord association<sup>4</sup>.

Conditions can be added to licences for landlords to attend training or development. However rather than require all landlords to attend training, Oxford City Council has taken the approach in the previous HMO licensing scheme that accreditation with Oxford City Landlord Accreditation Scheme (OCLAS) is used as an incentive to help improve standards.

There are 2 main purposes for encouraging landlords to become accredited

- Accreditation schemes are aligned with ensuring a good standard of accommodation for rent, which goes above the minimum legal standard.
- Professional operation and management of accredited properties should lead to a reduction in service demand.

This has resulted in 20% of Oxford City Council HMO licensed properties being managed by an accredited landlord or agent with a five year licence. There are a further 12% properties managed by an accredited agent however not holding a five year licence.

A review by Oxford City Council of other property licensing schemes has found that 63% councils' offer discounts associated with HMO licensing and this rises to 70% councils with selective licensing. Evidence suggests that using accreditation schemes as an incentive for licensing schemes does encourage membership of schemes – for example, 35% of licensed HMOs in the city are managed by an agent compared to the 9% found in the English Private Landlord Survey 2018.

The consultation exercise has demonstrated that “accreditation” is a popular incentive and supported by landlords and agents and landlord / agent organisations. Furthermore, it was proposed that “accreditation” should be expanded to include other national schemes. It is proposed to accept “accreditation” schemes that meet the “key requirements” listed below and that the Head of Service Regulatory Services and Community Safety has approval to revise this list in future (e.g. accept new schemes or remove schemes).

### Key Requirements for acceptable Accreditation schemes

---

<sup>3</sup> Ministry of Housing, Communities and Local Government January 2019 – English Private Landlords Survey 2018 Main report Point 1.23 page 20  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/775002/EPLS\\_main\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775002/EPLS_main_report.pdf) accessed 21/12/2020

<sup>4</sup> Ministry of Housing, Communities and Local Government January 2019 – English Private Landlords Survey 2018 Main report Point 1.26 page 20  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/775002/EPLS\\_main\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775002/EPLS_main_report.pdf) accessed 21/12/2020

# Appendix 6

As the purpose of this incentive is to ensure landlords and agents meet their legal requirements and “professionalise” the sector then the key requirements for accepted accreditation schemes are:

1. Initial training requirements set out below
2. Adherence to the scheme’s code of conduct covering the elements set out below

The proposed accepted accreditation schemes are listed below. This is divided in to “landlord” accreditation schemes and “agent – full management” accreditation in recognition of the differences between a landlord managing their own properties and agents who are employed by a landlord to manage their properties on someone’s behalf. During the licensing schemes other accreditation schemes can be included if they meet the criteria set.

It should be noted that the current OCLAS scheme requires properties to reach a Band D on the EPC (or for agents to state they will work towards Band D), this is a local agreement to align with the Council’s work on energy efficiency In order to accept other accreditation schemes, the council would need to accept that properties will only be at the current minimum statutory level (Band E).

## Proposed Accreditation schemes

Landlord schemes	Full management service agent schemes*
(OCLAS) Oxford City Council Landlord Accreditation Scheme – existing members	ARLA (Association of Residential Letting Agents) Propertymark Protected Agency with one member Level 3 qualified (English law) (who has passed Disrepair and HMO element)
NRLA (National Residential Landlord Association) accredited member	Safeagent Protected Agency with one member Level 3 qualified (English law) (who has passed Disrepair and HMO element)
DASH (Decent and Safe Homes Scheme) (Midlands based scheme)	UK Association of Letting Agents (UKALA) with one member appropriately qualified (English law) (who has passed Disrepair and HMO element)
Accreditation & Training for Landlords and Agents Service (ATLAS) (includes London Landlord Accreditation Scheme and other local authority schemes in the south east)	National Code of Standards for Larger Developments for University Accommodation NOT managed or controlled by University Establishments
Midlands Accreditation Scheme / Homestamp	
<p>*Agents act on behalf of landlords and so we believe they should reach a higher standard of accreditation than a landlord who manages their own properties. This reflects the recommendations of the Regulation of Property Agents Working Group.</p> <p>*To be eligible for the incentive on a specific property, agents must hold a full management agreement with the landlord</p> <p><b>Other schemes will be considered providing the scheme requires a code of conduct and training covers the elements outlined. Where a landlord is a member of a different scheme, the landlord will be asked to provide details of the scheme and a contact at the scheme so we can check scheme requirements. Schemes will be approved by the Head of Service (Regulatory Services and Community Safety)</b></p> <p><b>Rent Smart Wales is not included because it covers Welsh housing law and the same applies to Scottish / Irish based schemes.</b></p>	

# Appendix 6

## Training requirements

To be accepted as an accreditation scheme, training required must cover the following elements:

Subject area	Elements to cover
<b>Landlord and Tenant Law &amp; related requirements</b>	<ul style="list-style-type: none"> <li>• Type of tenancies (common law, fixed term, periodic, lodgers, single / joint or separate)</li> <li>• Setting up a tenancy (references, guarantors, deposits, inventory)</li> <li>• Right to rent checks</li> <li>• Equalities Act / discrimination</li> <li>• Tenancy agreements –oral and written, unfair terms</li> <li>• Rent collection &amp; how to deal with rent arrears</li> <li>• How to end a tenancy legally – section 8 &amp; grounds for possession and section 21 process (correct notice, court order, bailiff) &amp; illegal eviction. Return of deposits</li> <li>• Harassment</li> <li>• Permissions to let – insurance, mortgage, planning permissions</li> <li>• Council tax &amp; utility payment</li> </ul>
<b>Repairs and maintenance</b>	<ul style="list-style-type: none"> <li>• Routine inspection &amp; notice requirements for a landlord to enter and inspect</li> <li>• Common law repair obligations</li> <li>• Emergency repair provisions</li> <li>• Housing Health and Safety Rating System (what the system is, how to identify hazards, local authority enforcement provisions)</li> <li>• Fitness for Homes (what this is, legal obligations on landlords, tenants' enforcement provisions)</li> </ul>
<b>HMOs</b>	<ul style="list-style-type: none"> <li>• Definition of HMO under Housing Act s254 &amp; s257</li> <li>• HMO Management regulations</li> </ul>
<b>Property Licensing schemes</b>	<ul style="list-style-type: none"> <li>• Mandatory HMO Licensing</li> <li>• Additional HMO Licensing</li> <li>• Selective Licensing</li> <li>• Fit and proper person criteria</li> </ul>
<b>Safety required for letting</b>	<ul style="list-style-type: none"> <li>• Gas Safety certificates</li> <li>• Electrical safety certificate</li> <li>• Energy Performance Certificate &amp; Minimum Energy Efficiency Standard</li> <li>• Smoke alarm &amp; Carbon monoxide regulations</li> </ul>

Agent accreditation schemes are also expected to cover: Health and Safety at Work, Contract Law, Employment Law, Data Protection, Client money protection, Customer Service and complaints procedures.

# Appendix 6

## Codes of Conduct

To be accepted as a LANDLORD accreditation scheme, the code of conduct must be based on the Private Rented Sector Code<sup>5</sup>. This code was developed by letting agency industry to ensure:

- good-quality homes for rent
- consistent and high standards of management
- choice for the consumer.

Codes of conduct should reflect the following elements (it is accepted elements may not be stated exactly as below):

1 To comply with all laws relating to the letting and management of residential private rented sector property

2 To meet all other legal requirements and relevant codes of practice.

3 To let and manage properties in an honest, fair, transparent and professional manner.

4 To manage properties with due skill, care and diligence, and ensure that, where staff are employed, they have the skills and training needed to carry out their tasks.

5 To do their best to avoid conflicts of interest and, where they do arise, to deal with them openly, fairly and promptly.

6 To not discriminate on the basis of age, gender, race, language, sexuality or any other factor that might place an individual at a disadvantage.

7 To ensure that all communications and dealings with clients and tenants are fair, clear, timely and transparent.

8 To ensure that all relevant information is provided to clients and tenants, including publicising fees, prior to them committing to a transactional decision.

9 To ensure that all advertising and marketing material is accurate and not misleading.

10 To take steps to look after client money and to hold this separately from other funds

11 To behave ethically and responsibly at all times

The Code contains some principles aimed specifically at letting and management agents, as follows.

: • To ensure that landlords and tenants are given details of complaints-handling procedures and the redress scheme to which the agent belongs

• To ensure client money is covered by client money protection.

---

<sup>5</sup> Private Rented Sector Code, 1<sup>st</sup> Edition <https://www.rics.org/uk/upholding-professional-standards/sector-standards/real-estate/private-rented-sector-code-1st-edition/>

## Oxford City Council - Criteria for Block licences

### Block licences

The Housing Act 2004 Part 3 s79 (2) states that selective licensing applies to a house if:

- The whole of it is occupied under a single non-exempt tenancy or licence; or
- The whole of it is occupied under two or more non-exempt tenancies or licences in respect of different separate dwellings within the building.

The majority of licences will be for individual properties, typically houses, where the whole house is occupied under a single tenancy – falling under the first requirement.

However, there may be some circumstances where residential blocks contain individually let dwellings, i.e. blocks of self-contained flats / studios – falling under the second requirement. It is therefore possible to grant **one** licence covering separate dwellings – a “block” licence.

- This does not apply to buildings which are classed as HMOs under section 257 – a building converted into and consisting of self-contained flats where the conversion does not meet Building Regulations. Such HMOs will require an HMO licence and the rented dwellings within it will require either an individual selective licence or an HMO licence if it is a “flat in multiple occupation”.
- A “block licence” will typically be applicable to purpose built blocks of flats or conversions that comply with Building Regulations (certified by a valid completion certificate).

A block licence is applicable where all of the following criteria are met:

- each of the dwellings are separate dwellings (usually self-contained flats), within the same building; and
- each of the dwellings are occupied under “non-exempt tenancies” and no dwellings are occupied as an HMO; and
- each of the dwellings are within common ownership and management control (i.e. the freehold and leasehold is the same).

It is open to an applicant (which is usually, but not invariably, the landlord) to apply for a “block” licence where the applicant considers that each of the above conditions is met. Where such an application is made to the Council it **may** grant such a Block Licence where it is satisfied that:

- the conditions set out above are met; and
- there are no other contra-indications that would mean that such a Licence should not be granted, such as those detailed in the ‘Determining Licence Applications - Fit and proper person checks and associated issues’ document

# Appendix 6

## Reasons to adopt block licence fees

Issuing a “block licence” has advantages because of inspection efficiencies - inspecting multiple flats in one block, owned by one person, is easier to arrange and a sample of flats can be expected (one would expect all flats to be of similar standard). Any items of disrepair may need to be undertaken for the whole block.

Issuing a block licence gives the advantage that Oxford City Council can impose conditions relating to the management of the whole block rather than simply restricted to the individual dwelling – for example, the fire alarm system would cover the whole block and waste management may be undertaken differently.

## Inspection of block licences

All block licences will be classified as “high priority” for inspection due to the higher number of occupants in a residential block. This is to ensure good management. The common parts and a sample of the flats would be inspected, in conjunction with Oxfordshire Fire and Rescue Service (if necessary) due to the overlap with the requirements of The Regulatory Reform (Fire Safety) Order 2005. Following inspection, it may be necessary to add additional conditions.

## Fees

The application fee is charged in two parts – stage one reflects the processing costs, and stage two reflects the wider operational and enforcement costs. Given one reason to issue a block licence is due to increased efficiency with processing and inspection, this should result in lower licence fees. As with other fees, the discount will be determined as part of the licence processing and applied to the stage two payment will be discounted. The early bird and accreditation discounts still apply.

- Stage one fee – applicable stage one fee for each dwelling
- Stage two fee – applicable stage two fee for first dwelling paid in full then subsequent dwellings applicable stage two discounted by £60.

*At this stage it is unknown how many “blocks” with multi properties within them that meet the above criteria, requiring a licence, exist in the city and therefore the impact of this discount and the work associated with this type of property is to be kept under review and subject to the annual fees and charges review.*

## Student blocks – non HMO

Student accommodation that consists of individual self-contained units with no sharing of facilities would fall under this policy where the building is managed by an organisations signed up the National Code of Standards for Larger Developments for University Accommodation NOT managed or controlled by University Establishments. This is a stringent code and comes with its’ own inspection and audit regime.

These student blocks will have a flat fee of £280.

# Appendix 6

**Table 1 – Examples of fees for block licences**

Number of flats	Application type	Stage One fee	Stage two fee	Total fee	Individual licence comparison	Saving
5	Standard	£178 x 5 dwellings = <b>£890</b>	First flat charged at £302 Remaining dwellings £302 - £60 = £242 £242 x 4 dwellings = £968 <b>Stage 2 total: £1,270</b>	£2,160	£480 x 5 dwellings = £2,400	£240 (10%)
5	Early bird	£178 x 5 dwellings = <b>£890</b>	First flat charged at £222 Remaining dwellings £222 - £60 = £162 £162 x 4 dwellings = £648 <b>Stage 2 total: £870</b>	£1,760	£400 x 5 dwellings = £2,000	£240 (12%)
5	Accredited	£178 x 5 dwellings = <b>£890</b>	First flat charged at £102 Remaining dwellings £102 - £60 = £42 £42 x 4 dwellings = £168 <b>Stage 2 total: £270</b>	£1,160	£280 x 5 dwellings = £1,400	£240 (17%)

# Appendix 7

## Proposed Selective Licensing fee structure

The proposed fees are shown in Table 1. Concerns were raised that fees were “too high”. The fee charged for accredited landlords has been reduced.

Table 1: Fees						
Category	Licence length (years)	Description	Criteria applied	Stage 1	Stage 2	Total
Standard New Application	Five	Standard fee	<ul style="list-style-type: none"> <li>Months 0 to 3 – early bird / accredited applications where requested documents not completed or Stage Two fee was not paid on time as requested</li> <li>Months 4 to 12 from designation start date = standard charge</li> <li>Year 2 onwards – where the property is newly acquired and the application is made within 12 weeks of the acquisition date</li> </ul>	£178	£302	£480
Early Bird New Application	Five	Made within 3 months of start of scheme	<ul style="list-style-type: none"> <li>All requested documentation is submitted with application and is satisfactory and</li> <li>Stage Two fee paid on time as requested</li> </ul>	£178	£222	£400
Accredited New Application	Five	Where accreditation applies	<ul style="list-style-type: none"> <li>Licence holder or full managing agent is accredited and</li> <li>All requested documentation is submitted with application and is satisfactory and</li> <li>Stage Two fee paid on time as requested</li> </ul>	£178	£102	£280
Higher rate New Application	One or Five	Applicable from Year 2.	<ul style="list-style-type: none"> <li>Where landlord is unable to demonstrate property is newly acquired or first tenanted within 12 weeks of application date</li> </ul>	£539	£569	£1100
Renewal	One or five	Charged for renewal application	<ul style="list-style-type: none"> <li>Applicable from year 2</li> <li>All renewal applications</li> </ul>	£86	£45	£131

# Appendix 7

## Requested documentation

- Gas safety certificate dated within last 12 months (unless no gas at property);
- Electrical installation condition reported dated within last five years;
- EPC demonstrating property is Band E dated within last 10 years or confirmation the property has been listed on exemption register;
- Statement there are smoke alarms / detectors installed on each landing and kept in proper working order (self-declaration is sufficient and this will be a discretionary question on the application form)
- Statement that there is a carbon monoxide detector in any room with a solid fuel burning appliance and kept in proper working order (self-declaration is sufficient and this will be a discretionary question on the application form)
- Statement that any electrical appliances were supplied in a safe condition (self-declaration is sufficient and this will be a discretionary question on the application form)
- Statement that any furniture was supplied in a safe condition (self-declaration is sufficient and this will be a discretionary question on the application form)
- Statement that the occupants have been given a written statement of the terms of their occupation (i.e. a tenancy agreement) (self-declaration is sufficient and this will be a discretionary question on the application form)
- Confirmation of accreditation (for accredited applications only) (discretionary question on the application form and further document may be requested).

# Appendix 7

## Costs included with licence fees

Table 2: Costs included in fees	
163	<p><b>STANDARD NEW APPLICATION</b>            This our standard cost for a new application.            This includes</p> <ul style="list-style-type: none"> <li>• the time to process the application;</li> <li>• a charge towards an inspection – selective licences will be “risk rated” to determine those requiring inspection. Therefore, the cost on inspection is split across all licences.</li> <li>• general scheme costs - this charge is added to all licences to reflect ongoing costs associated with licensing, such as general enquiries, variations, revocations, temporary exemptions, landlord educational events,</li> <li>• compliance and enforcement charge – this charge is added to all licences to reflect ongoing costs associated with compliance and enforcement such as contribution towards inspection, ongoing auditing of documents and compliance checks.</li> </ul>
	<p><b>EARLY BIRD APPLICATION</b>            This is available to landlords that apply within the first three months where all requested document is provided            This includes the charges as per the STANDARD application. A discount has been applied to reflect that all requested documents were provided with the application, thereby reducing the compliance and enforcement needed for the particular property.</p>
	<p><b>ACCREDITED APPLICATION</b>            This is available to landlords through the scheme.            This includes the charges as per the STANDARD application. A discount has been applied to reflect that an accredited landlord will be compliant – we expect all requested documents to be provided with the application and trust they will supply new documentation as needed (e.g. gas certificate is supplied each year to us without prompt), we trust they manage their houses and so there is no need for inspection.</p>
	<p><b>HIGHER RATE APPLICATION</b>            This application will be charged for Year 2 onwards where landlords fail to demonstrate they newly acquired the property / newly rented.            This includes the charges as per the STANDARD application.            An enforcement charge has been added to reflect the fact the landlord cannot prove they have just acquired / first rented the property – they have avoided licensing. The council undertakes proactive enforcement work to find unlicensed homes – a portion of this costs is included in the application.</p>
	<p><b>RENEWAL APPLICATION</b>            This category is for a RENEWAL licence - it is our standard cost for a renewal application.            This includes the time to process the application.            There are no additional charges as these were paid in the first application.</p>

# Appendix 7

## Refunds

<b>Table 3: Refund criteria</b> <i>The retained amount covers administration costs</i>		
<b>Application Type</b>	<b>Circumstance</b>	<b>Refund</b>
New or Renewal application:	Property did not require a selective licence at the time the application was made and still does not require one.	Stage one payment – full refund
	<i>Landlord may be required to submit documentary evidence</i>	Stage two payment – full refund
New application:	Property has ceased to require a selective licence since application was made and intention notice not yet issued.	Stage one payment – amount paid minus xx
New application:	Property has ceased to require a selective licence since application was made. Intention notice issued however decision notice not yet issued	Stage one payment – nil Stage two payment – full refund
Renewal application:	Property has ceased to require a selective licence since application was made. Intention notice not yet issued	Stage one payment – amount paid minus £50
Renewal application:	Property has ceased to require a selective licence since application was made. Intention notice issued however decision notice not yet issued	Stage one payment – nil Stage two payment – full refund
New or renewal application	Intention notice issued. Stage two not paid. Application withdrawn by Council.	Stage one payment – amount paid minus £20
Revocation of licence (new or renewal licence)	After decision notice is issued	Stage one payment – nil Stage two payment – nil
Overpayment of fees	Where a landlord has overpaid fees, then any overpayment on stage one will be transferred to stage two and then any remaining difference will be refunded. Stage two overpayment then any difference will be refunded.	Stage two – difference refunded

# Appendix 7

This page is intentionally left blank

# Appendix 8

## Appendix 8: Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Risk Rating						Comments	Controls				
							Gross I	Gross P	Current I	Current P	Residual I	Residual P		Control description	Due date	Status	Progress %	Action Owner
Income generation not as predicted	Applications reduced or increased and not as predicted	O/T	Income is based on predicted numbers from review of Selective licensing - true numbers will not be known until licensing starts	resources not being matched to demand	Jan 2021	Gail Siddall	3	3	3	2	2	2	Build in flexibility in staffing to increase/decrease if scheme income and costs are out of balance	Provide Net zero budget. Budget based on predicted workload on annual basis and ensure resources aligned				
Scheme not approved	Secretary of State must approve the scheme before it can be implemented	T	The Council do not make a compelling enough case for the introduction of selective licensing	Regulation of the sector would continue to be piecemeal and operated on a reactive basis - leaving many occupiers in the private rented sector living in poor housing conditions. Rogue/criminal landlords would be able to continue to operate with limited resources available to tackle poor practices in a fair and consistent manner	Jan 2021	Gail Siddall							City wide schemes have recently been turned down by the Secretary of State	Ensure that the evidence presented to the Secretary of State provides clear evidence of the need for selective licensing to tackle the poor conditions experienced in the private rented sector throughout the city.				
167 legal challenge / judicial review	The decision to introduce a selective licensing scheme could be subject to a legal challenge via a Judicial Review	T	Statutory requirements not met. Insufficient resources provided to fulfil requirements. Insufficient evidence base. Lack of wider consultation	The time table for introducing the scheme would be altered and extra unbudgeted spending would be required to defend the legal challenge.	Nov 2020	Gail Siddall	3	3	3	2	2	2	A number of challenges have been brought against councils introducing property licensing schemes - for various reasons with varying success	External experts have been employed to ensure that consultation exercise has been undertaken widely - all statutory requirements have been met and robust evidence for proving need for scheme provided				
Insufficient evidence base	The consultation project does not provide sufficient evidence to support an approach for the future of the scheme or is undertaken in an unrealistic timeframe.	Opp and Threat	Lack of interest; insufficient marketing, promotion, inaccurate targeting of audience. Affected by COVID-19 pandemic aftermath	The consultation exercise does not ensure all stakeholders in the private rented sector, including those living within the sector, have a voice. This could lead to uneven responses and insufficient evidence of the need for a scheme.	Mar 2020	Gail Siddall	3	3	3	2	2	2		Ensure that statutory consultation period is satisfied and undertaken at an appropriate time. Independent consultation supplier with appropriate skill base and resources used to carry out consultation to reach all stakeholders				
Recommendations not approved	The recommendations of the report are not approved	Threat	Insufficient support from members to proceed with statutory consultation	Scheme will not proceed and problems in private rented sector will continue to be dealt with reactively	Mar 2020	Gail Siddall	3	2	3	2	2	2		Review and implement appropriate consultation project and ensure requirements of legislation fulfilled.				

Legal challenge	A legal challenge to the proposals is put forward as a judicial review	Opp and Threat	Statutory requirements not met. Insufficient resources provided to fulfil requirements. Insufficient evidence base. Lack of wider consultation	Scheme will not proceed until legal challenge resolved	Mar 2020	Gail Siddall	3	3	3	2	2	2		Ensure that statutory requirements for proving the case for selective licensing is robust and are met and that sufficient resources provided to undertake comprehensive consultation.				
Changes to Government Policy	Change in government policy in relation to Selective licensing schemes which require their approval	Threat	The COVID 19 pandemic may reduce the appetite for regulatory activity including the introduction of discretionary licensing schemes	The government may not approve the scheme or require further evidence from the council	January 2021	Gail Siddall	4	3	4	3	4	3	Government policy will be kept under review throughout the consultation period.	If policy is changed officers will review and inform cabinet				
IT system	The number of applications expected in year 1 will require a robust and tested application processing system	Threat	The current system is not designed to cope with a large number of applications. It requires manual transference of data from one system to another.	Applications not processed in timely manner and staff input into processing will be increased leading to further costs. Reputational damage to the scheme will occur if licences are delayed.	January 2021	Gail Siddall/Mic helle Iddon	3	4	3	4	3	4	The Council is implementing a robotic system to improve efficiencies in the applications process -	The robotic processing is being introduced before selective licensing ( if agreed) will be implemented, giving the opportunity to test the system.				
Impact on the housing market	The rollout of selective licensing may have some unintended impacts on the housing market	Threat	Selective licensing will be used to enable the improvement of standards in the PRS. Landlords will need to pay for a licence, and some landlords will need to invest in their properties to comply with minimum statutory standards. The scheme will also drive financial transparency in the sector, which will not be welcomed by all Landlords.	Some landlords may exit the market and others will rely more on professionals to manage their stock. Others may use the scheme as a reason to justify increasing rents which could impact affordability in the housing market.	Jul-20	Gail Siddall/Nerys Parry	4	3	4	2	3	2		Close working between Regulatory Services and Community Safety and Housing Services to ensure impacts on the housing market, tenants and prospective PRS tenants are considered, closely monitored, and responded to throughout the design process, and into implementation (if licensing goes ahead). Consider how selective licensing and the council's PRS access schemes align (such as Homechoice), to ensure homeless families can access the PRS.		Ongoing		Gail Siddall/Nerys Parry

Appendix 4: Risk Register

					Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
Title	Risk description	Opp/ threat	Cause	Consequence			I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Income generation not as predicted	Applications reduced or increased and not as predicted	O/T	Income is based on predicted numbers from review of Selective licensing - true numbers will not be known until licensing starts	resources not being matched to demand	Jan 2021	Gail Siddall	3	3	3	2	2	2	Build in flexibility in staffing to increase/decrease if scheme income and costs are out of balance	Provide Net zero budget. Budget based on predicted workload on annual basis and ensure resources aligned				
Scheme not approved	Secretary of State must approve the scheme before it can be implemented	T	The Council do not make a compelling enough case for the introduction of selective licensing	Regulation of the sector would continue to be piecemeal and operated on a reactive basis - leaving many occupiers in the private rented sector living in poor housing conditions. Rogue/criminal landlords would be able to continue to operate with limited resources available to tackle poor practices in a fair and	Jan 2021	Gail Siddall							City wide schemes have recently been turned down by the Secretary of State	Ensure that the evidence presented to the Secretary of State provides clear evidence of the need for selective licensing to tackle the poor conditions experienced in the private rented sector throughout the city.				
legal challenge / judicial review	The decision to introduce a selective licensing scheme could be subject to a legal challenge via a Judicial Review	T	Statutory requirements not met. Insufficient resources provided to fulfil requirements. Insufficient evidence base. Lack of wider consultation	The time table for introducing the scheme would be altered and extra unbudgeted spending would be required to defend the legal challenge.	Nov 2020	Gail Siddall	3	3	3	2	2	2	A number of challenges have been brought against councils introducing property licensing schemes - for various reasons with varying	External experts have been employed to ensure that consultation exercise has been undertaken widely - all statutory requirements have been met and robust evidence for proving need for scheme provided				
Insufficient evidence base	The consultation project does not provide sufficient evidence to support an approach for the future of the scheme or is undertaken in an unrealistic timeframe.	Opp and Threat	Lack of interest; insufficient marketing, promotion, inaccurate targeting of audience. Affected by COVID-19 pandemic aftermath	The consultation exercise does not ensure all stakeholders in the private rented sector, including those living within the sector, have a voice. This could lead to uneven responses and insufficient evidence of the need for a scheme.	Mar 2020	Gail Siddall	3	3	3	2	2	2		Ensure that statutory consultation period is satisfied and undertaken at an appropriate time. Independent consultation supplier with appropriate skill base and resources used to carry out consultation to reach all				
Recommendations not approved	The recommendations of the report are not approved	Threat	Insufficient support from members to proceed with statutory consultation	Scheme will not proceed and problems in private rented sector will continue to be dealt with reactively	Mar 2020	Gail Siddall	3	2	3	2	2	2		Review and implement appropriate consultation project and ensure requirements of legislation fulfilled				

Legal challenge	A legal challenge to the proposals is put forward as a judicial review	Opp and Threat	Statutory requirements not met. Insufficient resources provided to fulfil requirements. Insufficient evidence base. Lack of wider	Scheme will not proceed until legal challenge resolved	Mar 2020	Gail Siddall	3	3	3	2	2	2		Ensure that statutory requirements for proving the case for selective licensing is robust and are met and that sufficient resources provided to undertake comprehensive consultation.				
Changes to Government Policy	Change in government policy in relation to Selective licensing schemes which require their approval	Threat	The COVID 19 pandemic may reduce the appetite for regulatory activity including the introduction of discretionary licensing schemes	The government may not approve the scheme or require further evidence from the council	January 2021	Gail Siddall	4	3	4	3	4	3	Government policy will be kept under review throughout the consultation period.	If policy is changed officers will review and inform cabinet				
IT system	The number of applications expected in year 1 will require a robust and tested application processing system	Threat	The current system is not designed to cope with a large number of applications. It requires manual transference of data from one	Applications not processed in timely manner and staff input into processing will be increased leading to further costs. Reputational damage to the scheme will occur if licences are delayed.	January 2021	Gail Siddall/Michelle Iddon	3	4	3	4	3	4	The Council is implementing a robotic system to improve efficiencies in the applications process -	The robotic processing is being introduced before selective licensing ( if agreed) will be implemented, giving the opportunity to test the system.				
Impacts on the housing market	The rollout of selective licensing may have some unintended impacts on the housing market	Threat	Selective licensing will be used to enable the improvement of standards in the PRS. Landlords will need to pay for a licence, and some landlords will need to invest in their properties to comply with minimum statutory standards. The scheme will also drive financial transparency in the sector, which will not be welcomed by all Landlords.	Some landlords may exit the market and others will rely more on professionals to manage their stock. Others may use the scheme as a reason to justify increasing rents which could impact affordability in the housing market.	Jul-20	Gail Siddall/Nerys Parry	4	3	4	2	3	2		Close working between Regulatory Services and Community Safety and Housing Services to ensure impacts on the housing market, tenants and prospective PRS tenants are considered, closely monitored, and responded to throughout the design process, and into implementation (if licensing goes ahead). Consider how selective licensing and the council's PRS access schemes align (such as Homechoice), to ensure homeless families can access	Ongoing			Gail Siddall/Nerys Parry

# Appendix 9



## Form to be used for the Full Equalities Impact Assessment

171

<b>Service Area:</b> Regulatory Services and Community Safety		<b>Section:</b> HMO Enforcement Team	<b>Date of Initial assessment:</b> 15 <sup>th</sup> January 2020	<b>Key Person responsible for assessment:</b> Gail Siddall	<b>Date assessment commenced:</b>		
<b>Name of Policy to be assessed:</b>			Introduction of a Selective Licensing Scheme for Oxford				
<b>1. In what area are there concerns that the policy could have a differential impact</b>			<b>Race</b>		<b>Disability</b>		<b>Age</b>
			<b>Gender reassignment</b>		<b>Religion or Belief</b>		<b>Sexual Orientation</b>
<b>Other strategic/ equalities considerations</b>			<b>Safeguarding/ Welfare of Children and vulnerable adults</b>		<b>Mental Wellbeing/ Community Resilience</b>		<b>Homelessness Reduction</b>
<b>2. Background:</b>  Give the background information to the policy and the perceived problems with the policy which are the reason for the Impact			Oxford City Council maintains a reactive approach to improving the standards of properties in the Private Rented Sector (PRS). The council has worked on numerous other initiatives within the city to achieve, yet despite our efforts the PRS has the highest amount of significant hazards within properties. Through our Additional and Mandatory schemes for Houses in Multiple Occupation (HMO) HMO property standards have been improved and as such the council is exploring expanding on these successes with the introduction of a Selective Licensing Scheme. Selective licensing is				

# Appendix 9

<p>Assessment.</p>	<p>similar to our existing schemes but would have the scope expanded to include all properties in the PRS in any area we designate.</p> <p>As Oxford has one of the highest percentage of residents living in the PRS any changes have the potential to impact a large number people. Should landlords choose to remove properties from the PRS to avoid the scheme, or choose to carry on illegally this could potentially place vulnerable tenants and children at risk of living in poor accommodation.</p>
<p><b>3. Methodology and Sources of Data:</b></p> <p>The methods used to collect data and what sources of data</p>	<p>The data used to support the councils exploration of selective licensing has been drawn from existing internal data sources including property, council tax, electoral roll and service request information. This has been supplemented by freely available data from the ONS and energy performance data.</p> <p>Feedback received from the consultation has also been used to determine the policy.</p>
<p><b>4. Consultation</b></p> <p>This section should outline all the consultation that has taken place on the EIA. It should include the following.</p> <ul style="list-style-type: none"> <li>• Why you carried out the consultation.</li> <li>• Details about how you went about it.</li> <li>• A summary of the replies you received from people you consulted.</li> <li>• An assessment of your proposed policy (or policy options) in the light of the</li> </ul>	<p>A statutory consultation exercise between 10<sup>th</sup> September 2020 and 31<sup>st</sup> December 2020 has taken place. The results and methodology and the Council's response are included in the main report.</p> <p>Following the comments received which have been considered, actions have been proposed to address issues raised and these include</p> <ul style="list-style-type: none"> <li>• Simplifying the fee structure</li> <li>• Introducing an updated and streamlined application process.</li> <li>• Revising the discretionary licence conditions</li> <li>• Widening the acceptable accreditation schemes to beyond OCLAS</li> <li>• Providing templates for licence holders to assist them in communicating with tenants</li> <li>• Development of a communications plan for Property Licensing to include revision of webpages and a Private Sector Newsletter, to encourage both landlords and tenants to adopt good practice.</li> </ul>

172

# Appendix 9

173

<p>responses you received.</p> <ul style="list-style-type: none"> <li>• A statement of what you plan to do next</li> </ul>	
<p><b>5. Assessment of Impact:</b> Provide details of the assessment of the policy on the six primary equality strands. There may have been other groups or individuals that you considered. Please also consider whether the policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults</p>	<p>The main aim of a selective licensing scheme is to improve property management in the private rented sector, therefore there will be a direct impact on those residents accommodated within the sector. Selective licensing will bring about the following benefits :</p> <ul style="list-style-type: none"> <li>• Protects vulnerable tenants by improving property/ living conditions in the sector. Proactive inspections by the council can also identify issues such as safeguarding/trafficking which would not be as easily identified if operating a reactive service.</li> <li>• Licence holders and those involved with the management of licence properties have to be “fit and proper” and suitable management arrangements need to be in place. This make landlords responsible for proactively managing their properties and will assist in raising standards.</li> </ul> <p><b>People from different ethnic groups</b> Property in the PRS is occupied by a diverse population. Such communities can be particularly affected by overcrowding, illegal accommodation, substandard conversions and poor management. Potential benefit: Selective Licensing would bring improved quality and safety of accommodation for BAME tenants living and assist in the identification and removal of landlords who cause negative impact to vulnerable BAME or new communities via substandard or illegal accommodation. This would also be a benefit to all compliant landlords as it would ensure all landlords are operating within the legislative framework.</p> <p><b>Children and Vulnerable Adults</b> – the licensing scheme will have a positive benefit on the safeguarding of children and vulnerable adults as the fit and proper test will prevent persons managing or being a licence holder who has convictions for sexual offences, drugs, fraud etc</p> <p><b>Potential adverse impact:</b> <b>(a) Landlords</b> In regulating hazards in privately rented properties, owners and agents who are regulated against may feel that they have been adversely impacted upon. However there are no other ways in which the service could be provided that would achieve these aims without adverse impact. Ultimately, when working within the legislative framework, people have a right to legal redress should they feel that a decision was unfairly/unlawfully taken; this can be via an appeal process or the Council’s Complaints system</p>

# Appendix 9

174

	<p>The Council does not currently record the ethnicity of landlords on applications, however it is recognised that landlords were of South Asian (Indian and Pakistani) heritage form a significant part of the landlord community and will be affected by any adverse impacts as all landlords will be.</p> <p><b>(b)Tenants</b>          Concern has been raised that licensing could cause an increase in rents as a result of the increased landlord expenditure on the licence fee and the costs of complying with licensing conditions being passed onto the tenant. Overall, the additional cost of the licence fee to landlords is considered to be small as a proportion of rental income, especially across the term of the licence it should not equate to more than a few pounds per week for compliant landlords</p>
<p><b>6. Consideration of Measures:</b></p> <p>This section should explain in detail all the consideration of alternative approaches/mitigation of adverse impact of the policy</p>	<p>Alternatives to the introduction the scheme have been suggested during the consultation exercise. These suggestions have been considered and can be found in the main report. The majority of alternatives are based on increasing the use of the existing powers the Council already have in tackling poor conditions, this will rely upon tenants making complaints to the Council, it is the experience of the Council that tenants in the private sector do not do this.</p>
<p><b>6a. Monitoring Arrangements:</b></p> <p>Outline systems which will be put in place to monitor for adverse impact in the future and this should include all relevant timetables. In addition it could include a summary and assessment of your monitoring, making clear whether you found any evidence of discrimination.</p>	<p>The positive impact of the scheme - improved property conditions, safety, tenancy management, community relations and reduced ASB - can be continually improved via monitoring and enforcement action against non-compliant landlords</p> <p>Ongoing liaison and engagement directly with and with groups representing landlords, tenants and their component communities will be undertaken to ensure engagement with a broad range of stakeholders. Issues of communication and understanding in respect of learning from the existing licensing scheme and for any new scheme will be factored into operational delivery.</p> <p>It is felt that overall the benefits of selective licensing outweigh the potential disadvantages; it is believed will have a positive impact on the groups that live in the private sector , including vulnerable, low income or otherwise economically disadvantaged</p>

# Appendix 9

<b>7. Date reported and signed off by Cabinet:</b>					
<b>8. Conclusions:</b>  What are your conclusions drawn from the results in terms of the policy impact					
<b>9. Are there implications for the Service Plans?</b>	YES/NO	<b>10. Date the Service Plans will be updated</b>		<b>11. Date copy sent to Equalities Lead Officer</b>	
<b>13. Date reported to Scrutiny and Cabinet</b>		<b>14. Date reported to Cabinet</b>		<b>12. The date the report on EqlA will be published</b>	

175

Signed (completing officer) Gail Siddall

Signed (Lead Officer)

**Please list the team members and service areas that were involved in this process:**

Equalities Lead Officer  
 Service Manager  
 Legal Services Manager

This page is intentionally left blank