

London Borough of Barnet

Table of consultation comments received and the Council's response

The public consultation on the Council's proposed property licensing scheme resulted in several comments from consultees being received relating to various elements of the proposals. The following table sets out the comments received and the Council's response to the issues raised. There were a significant number of similar comments raised and where applicable these have been grouped together with a single response.

No.	Scheme	Issue	Comment received	Type of respondent	LBB response
1	Additional licensing	Previous scheme compliance	<p>According to the council's consultation report, about 32% of licensable properties had been licensed by the time the scheme ended. Just 591 additional licences were issued. This is disappointing and indicates a non-compliance rate of about 68%.</p> <p>With so many landlords evading the licensing scheme, it could not achieve its intended purpose of creating a level playing field for responsible landlords.</p>	Letting agent accreditation organisation	<p>We note these comments. The data included in the consultation was compiled prior to the end of the scheme in July 2021. An updated and final review of the scheme has been produced now the scheme has come to an end and will be submitted to council members as part of the report on the outcome of the consultation. This review addresses the issue raised by the respondent. Compliance levels were not as high as expected, but enforcement was severely hampered in the last sixteen months of the scheme by the COVID-19 pandemic, which cut short activity to target those properties that had still not been licenced. It has been possible to undertake a more robust analysis of multiple data sets to identify likely HMOs than for the previous scheme. This will enable identified addresses to be specifically investigated should an application not be received. Ongoing promotion, targeting and enforcement will be factored in to the proposed new scheme to increase compliance levels compared to the previous scheme.</p>

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2	Additional licensing	Previous scheme compliance	We could find no information on housing enforcement activity, including prosecutions and civil penalty notices, in the consultation report. We have therefore been unable to assess how effectively the council enforced the previous scheme.	Letting agent accreditation organisation	Enforcement activity was reported to council members in a review of the previous scheme to help inform their decision to consult on a new scheme. https://barnet.moderngov.co.uk/documents/s65232/Appendix%201%20Review%20of%20the%20existing%20additional%20licensing%20scheme.pdf As mentioned in the response to the previous point, a final review has been produced and will be submitted to council members as part of the report on the outcome of the consultation.
3	Additional licensing	Previous scheme compliance	The consultation report does not explain why the previous licensing scheme was so ineffective and whether this was due to intentional evasion or lack of awareness. Importantly, the report does not explain what would be done differently if a new licensing scheme is introduced. The danger is that any new licensing scheme would capture the same compliant landlords and agents, whilst failing to address the criminal operators who ignored the previous scheme.	Letting agent accreditation organisation	Whilst we agree that a number of HMOs were not licenced, we do not agree that the previous scheme was ineffective. Please see the response to comments 1 and 2. A large number of those who applied did not have properties that met the relevant standards. In fact, 77% of all licensable HMOs by the end of the scheme had to have major conditions applied to their licence. The majority of licenced premises did not proactively submit a licence application.
4	Additional licensing	Previous scheme evaluation	We could find no evaluation of the additional licensing scheme in achieving scheme objectives. For example, to what extent was stock condition and management improved, and was there a reduction in anti-social behaviour associated with licensed properties over the five years?	Letting agent accreditation organisation	Please see the response to comments 1 and 2.

5	Selective licensing	Outcomes and efficient delivery	<p>We would highlight that Croydon Council's application to the Secretary of State for borough wide selective licensing was refused earlier this year. One of the reasons given by the Secretary of State was failure to demonstrate strong outcomes or efficient delivery of their previous scheme. We anticipate the Secretary of State will apply the same considerations to an application from Barnet Council. For this reason, we would encourage the council to focus on a smaller scheme within the 20% threshold. The council should demonstrate competent scheme delivery before seeking permission for a larger scheme.</p>	Letting agent accreditation organisation	<p>We are aware of the Croydon Council decision and reasons given for refusal by the Secretary of State for their proposed selective licensing scheme. We believe the outcomes of the previous additional licensing scheme, in terms of the properties licenced were positive, although the extent of targeting unlicensed HMOs was severely impacted by the pandemic. We believe the pandemic mitigates the overall final outcomes of the scheme and these do not reflect poor or inefficient delivery. A review of the property condition data against the new wards has led to a decision to only proceed with the selective licensing designation for Burnt Oak, Colindale North and Colindale South at this time. Further proposals for selective licensing designation will be developed for future re-consultation. This will also provide time to set up the new Additional HMO Licensing Scheme and Selective Licensing Scheme in Burnt Oak, Colindale North and Colindale South, before commencing any future schemes.</p>
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6	Both schemes	Data	<p>We note that the council is basing their licensing decision on historic housing stock data. The report says there has been no housing stock modelling exercise for thirteen years and the council have referenced English House Condition Survey data from fifteen years ago. Both pre-date the council's previous licensing scheme and offer limited value.</p>	Letting agent accreditation organisation	<p>The council has not based its licensing decision on the historic housing stock data. As the most recent full stock survey, the 2008 survey has been referenced. Certain findings of relevance from that survey were highlighted and without the council being able to undertake significant enforcement activity in the time since that survey, due to a lack of a comprehensive licensing scheme or enforcement resources, it is believed that the trends quoted are likely to continue to be largely the case now. Nevertheless, as explained in the full consultation business case, in section 8, a survey was conducted in 2020, which helped to inform the findings. A survey was also conducted in 2014 to provide an evidence base prior to the first additional licensing scheme. In addition, actual property condition data from complaints and enforcement activity was analysed against the numbers of PRS properties in each ward to provide an indication of the extent of poor property conditions. This has now been updated to the new wards. Deprivation data used to inform the decision is the most recent available from the 2019 Index of Multiple Deprivation. The business case showed there has been an increase in the PRS of around 21% since the 2011 census.</p>
7	Additional licensing	Data	<p>The report indicates that 74.6% of licensed HMOs had 'major conditions' attached and this indicates ineffective management. Data relating to mandatory HMO licensing is not relevant to the business case for additional licensing. Secondly, we do not know what is meant by 'major conditions'. The legislation requires councils to deal with any significant hazards before the licensing</p>	Letting agent accreditation organisation	<p>The review report set out the data relating to both mandatory and additional licenced properties, both combined and individually. It also explained what is meant by 'major conditions'. These are conditions relating to significant hazards. This data has been updated at scheme end and will be presented to committee with the final proposals. All licenced HMOs have been inspected and appropriate action taken in relation to category 1 hazards identified. Early data recording will have included HMOs in scope for additional licensing which were subsumed in the extension to mandatory licensing in 2018. It indicates the effectiveness of a scheme introduced to include HMOs which are otherwise out</p>

			<p>scheme ends. As such, we assume those issues have already been resolved.</p>		<p>of scope and that the issues with HMOs that come to be licensed apply to HMOs whether under the mandatory or additional licensing schemes</p>
8	Additional licensing	Data	<p>The geographical mapping of HMOs on pages 52 – 54 and 66 does not differentiate large HMOs already subject to mandatory HMO licensing. The key consideration for the additional licensing business case is small HMOs occupied by three or four people and certain section 257 HMOs. That data has not been mapped.</p>	Letting agent accreditation organisation	<p>Map 6 on page 54 shows the location of properties we believe to be subject to be unlicensed. These are the smaller HMOs that are subject to the additional licensing proposal. Most HMOs subject to mandatory licensing are now licenced, although the map may include a very small number of properties that may prove to be larger HMOs covered by mandatory licensing. Evidence from the registered tenancy deposit schemes supports this supposition. Therefore, the mapping included is believed to be sufficiently representative of the distribution of HMOs that will be subject to the proposed additional licensing scheme.</p>
9			<p>What has been mapped indicates a high concentration of HMOs around Hendon, West Hendon, Golders Green and Childs Hill wards. This same finding is reinforced by the HMO complaint data on page 67 and the ASB data on page 74.</p> <p>Localised HMO hotspots are also apparent in the analysis of licensed HMOs on page 65. It shows most licensed HMOs are in four wards. We would encourage the council to implement a smaller additional licensing scheme focused on the areas of greatest concern. This would enable the council to maximise effectiveness of their</p>	Letting agent accreditation organisation	<p>Notwithstanding lower numbers of HMOs in some areas, there are two significant factors that confirm the decision to propose a borough-wide additional licensing scheme:</p> <ol style="list-style-type: none"> 1 The twelve new wards with the lowest number of HMOs range between 35 and 78 HMOs that have not been licenced under the previous scheme. These twelve wards account for 645 HMOs in total. This is a significant number of HMOs that did not come forward for licensing. Those that do not come forward tend to be the least effectively managed. 2. Even those areas that had lower numbers of licenced HMOs under the previous scheme or the mandatory scheme were shown to not be being managed sufficiently effectively, as most, if not all HMOs in some wards required the application of major conditions, meaning that they had significant issues, such as lack of adequate fire precautions. The fact that there are a higher number of complaints in some hotspots does not mean that there are not problems with HMOs in other areas and this is possibly just a reflection of the more urban

			limited resources and try to overcome the problems experienced with the previous scheme.		nature/density of housing and population in the areas in which the complaints arise?
10	Selective licensing	Measures to be taken	<p>We understand the proposed Burnt Oak, Colindale North and Colindale South</p> <p>Wards would be declared a selective licensing area based on the deprivation criteria.</p> <p>We could find no detailed explanation of the range of measures proposed by the council and other stakeholders to tackle deprivation in these three wards, nor the baseline data against which a reduction in deprivation would be measured.</p>	Letting agent accreditation organisation	<p>The consultation explains that new wards of Burnt Oak, Colindale North and Colindale South are suffering from higher levels of deprivation than other parts of Barnet, it also shows that these areas are suffering from poor property conditions, albeit the data on poor property conditions in Colindale North and South is not as compelling as for other wards. However, this is in part explained by the nature of the demographics of the area. The most deprived residents are in the poorest properties at the lower-end of the rental market and also in the council's experience far less likely to complain. Available data is therefore considered to not accurately reflect the conditions seen in parts of Colindale. Colindale North in particular has a high proportion of property condition issues relative to the size of the PRS in the ward.</p> <p>Section 9 of the full consultation business case sets out the council Corporate Plan and relevant strategies that both specifically support and complement this proposal. These strategies and plans cover issues such as regeneration and growth, tackling crime, maximising income, employment, tackling homelessness and rough sleeping, anti-social behaviour, healthy, clean, safe and well run. All these strategies contribute to addressing the main domains of deprivation. The baseline of deprivation is the IMD 2019.</p>
11	Selective licensing	Data	<p>We could not see how many private rented properties would need licensing across these nine wards if the schemes are approved. This is important, as the council need to assess if there is a realistic</p>	Letting agent accreditation organisation	<p>The numbers of private rented properties across these nine wards is set out in Section 8, Part E of the full consultation business case divided into the equivalent four pairs of existing wards. As set out in the response to comment number 5, it is now proposed to proceed only with Designation A. The number of properties that this designation will apply to is</p>

			<p>prospect of inspecting a significant number of these properties in the six phase 2 council wards within five years.</p> <p>Overall, we think the council should focus their limited resources on a smaller geographical area.</p>		<p>believed to be 5,050.</p> <p>It is intended that the schemes will be resourced sufficiently to inspect a significant number of the properties in scope and the licence fees have been calculated to reflect this. The implementation of additional licensing and the selective licensing designations will be phased in incrementally.</p>
12	Additional licensing	Scope	<p>We understand the council intend to include section 257 HMOs within the additional licensing scheme but restrict licensing to situations where the building is three or more storeys in height, comprises at least three flats and both the building and the self-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control.</p> <p>We would suggest slight adjustment to the wording. i.e. that licensing is restricted to situations where the building is three or more storeys in height, comprises at least three flats, all the flats are privately rented and both the building and the self-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control.</p> <p>We think this amended working</p>	Letting agent accreditation organisation	<p>The council are grateful for this suggestion. Upon reflection, the proposed designation had been amended to reflect it.</p>

			would resolve many of concerns experienced by letting and managing agents when letting flats within a converted building.		
13	Both schemes	Fees	We would encourage the council to set licensing fees much closer to the London average. The average selective licensing fee in London is currently £640. The average mandatory HMO licensing fee for five rooms is currently £1,293. This is based on research by London Property Licensing. As most additional licences will have a limit of just three or four people, the fee should be lower than for mandatory HMO licences.	Letting agent accreditation organisation	The proposed fees are based upon the cost to the council of the running cost and management of the overall scheme in accordance with the principles of the Services Directive. In the experience of the council the work involved in a three or four person HMO is not necessarily significantly less than for a larger (mandatory licenced) HMO. However, in line with good practice fees will be kept under review over the life of a scheme.

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14	Both schemes	Fees	Whilst we are pleased the council is proposing a discount for accredited landlords, we note the 10% discount equates to just £37.60 for each selective licence and £64.80 for each additional licence. We think a 20% discount would be more appropriate, and act as a bigger incentive.	Letting agent accreditation organisation	We note this comment. Fees have been maintained for HMO licensing at the same level as for last year, without any increase for inflation. The potential for reviewing the approach for discounts will be reviewed at the next fee setting in 2022. It is challenging to cost a scheme where the number of properties with potential for discount is unknown.
15	Additional licensing	Fees	We note that a lower fee is being charged for licence renewals. We would seek assurance that all landlords who licensed their property under the previous scheme will be eligible for the discount, regardless of whether the licence has since expired due to the delay in implementing a replacement scheme.	Letting agent accreditation organisation	In paragraph 3.7 of the full consultation business case we stated that licences already issued will transfer across to the new scheme. It is the intention that any such licence, regardless of when it expires or expired would be able to make a renewal application under the new scheme at the relevant fee for renewals in force at the time, subject to the making of a renewal application within a reasonable time scale. We agree that this was not explicit in paragraph 3.7 and will clarify this in the published licence fees.
16	Both schemes	Fees	Further, we would request that the accreditation discount is widened to include landlords who use an accredited managing agent. This will help to professionalise the lettings industry and should include accredited Safeagent members.	Letting agent accreditation organisation	The council would be prepared to consider a discount for any accreditation awarded to a letting agent, subject to the scheme applying strict rules of conduct. We would want to see the full details of the accreditation scheme and that it meets at least the same standard as the London Landlord Accreditation Scheme.

17	Both schemes	Fees	We note the council is proposing to charge an additional fee if the part 2 application fee is not paid within 48 hours of request. We think this timescale is unreasonably short and is something we have never come across before. If a 'late payment' fee is to be charged, a timescale of 14 days would be more reasonable.	Letting agent accreditation organisation	We note this comment. However, the applicant is given advanced notice of the requirement to make the part 2 payment and for additional licensing is given the opportunity to pay at the time of the inspection once the decision to issue the licence has been made. Delay in receiving payment results in a slowing down of the process in issuing the licence and chasing non-payment is an unnecessary, but not uncommon waste of resources. Delays outside the control of the applicant, where this is communicated to the council in a timely manner will usually be taken into consideration in terms of whether a late payment fee is levied.
18	Selective licensing	Applications	On page 12 on the consultation report, it says the council will require a far more extensive list of documentation with selective licence applications, when compared with HMO licence applications. We assume this is an error, and the list should be reversed.	Letting agent accreditation organisation	The list of proposed submissions for selective licensing applications is found at paragraph 3.16 on p.4, rather than page 12. Additional documents are required up front in the Selective Licensing process as licences will be issued before any inspections are completed whereas all HMOs will be inspected before the issue of an Additional HMO licence
19	Selective licensing	Conditions	We would encourage the council to number licence conditions, so it is easier to know which condition is being referred to. As there was no numbering, we have referred to the section headings.	Letting agent accreditation organisation	The council are grateful for this comment. Upon reflection the conditions have been amended to include numbering.

20	Both schemes	Conditions	<p><u>Gas Safety</u> We would encourage the council not to require automatic annual submission of gas safety certificates. It will lead to submission of thousands of documents that the council must log, process and file. This micro-management creates the risk of a criminal offence if the gas safety check has been done, but the licence holder forgets to forward a copy to the council, or it gets misplaced in the post.</p> <p>We would encourage the council to seek advice from other councils such as Newham who have adopted a more effective and streamlined approach. Instead of requesting automatic submission of documents, they undertake intelligence-led document audits and require information to be provided on request.</p>	Letting agent accreditation organisation	The council are grateful for this comment and upon reflection have amended the conditions to include that the documents must be available upon request.
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21	Selective licensing	Conditions	<p><u>Smoke Alarms</u> The council cannot impose a licence condition requiring a mains-wired smoke detector in single family lets. The proposed condition exceeds the mandatory licence condition imposed by the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. It also breaches the Court of Appeal decision Brown v Hyndburn Borough Council (2018). The court ruled that selective licence conditions are restricted to management, use and occupation of the property and cannot include ‘condition and contents’.</p>	Letting agent accreditation organisation	<p>This proposed condition has been amended to read as follows: 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, and keep each such alarm in proper working order. 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, and keep each such alarm in proper working order. 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, and keep each such alarm in proper working order. 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, and keep each such alarm in proper working order.</p>
22	Selective licensing	Conditions	<p><u>Heating</u> The proposed condition breaches the Court of Appeal decision Brown v Hyndburn Borough Council (2018). The court ruled that selective licence conditions are restricted to management, use and occupation of the property and cannot include ‘condition and contents’. If the council believe a selective licensed property has inadequate heating, this needs to be risk assessed and dealt with under Part 1 of the Housing Act 2004.</p>	Letting agent accreditation organisation	<p>This proposed condition has been removed.</p>

23	Selective licensing	Conditions	<p><u>Security</u> The proposed condition breaches the Court of Appeal decision Brown v Hyndburn Borough Council (2018). The court ruled that selective licence conditions are restricted to management, use and occupation of the property and cannot include ‘condition and contents’. Further, the reference to common external and bedsit doors is not appropriate to a selectively licensed property.</p>	Letting agent accreditation organisation	<p>This proposed condition has been amended to: The Licence Holder must maintain in a good working order all entrance door and any window locks and/or other measures or fittings resistant to forced entry, or intruder alarms, including testing and replacing any batteries, and tenants made aware as to their operation.</p>
24	Both schemes	Conditions	<p><u>Management Practices</u> It is unclear what is meant by ‘The Licence Holder shall provide the Council with evidence of the appropriate management practice and procedures’ within 3 months of the licence being granted. In relation to a property managed by a safeagent member, would a copy of our member service standards suffice, or what additional information would be required? The intended meaning is open to interpretation, which creates a risk of unintentional non-compliance. Few small landlords will have a full suite of written policies and procedures and neither is this a requirement.</p>	Letting agent accreditation organisation	<p>The first paragraph of this proposed condition has been amended to: The Licence Holder shall provide the tenants, and the council, within three months of a request, written confirmation of how they will undertake routine maintenance and pest control and any annual repair or maintenance programme.</p>

25	Selective licensing	Conditions	<p>We would ask the council to define the requirement for inspections to be 'sufficiently regularly'. We would suggest six-monthly inspections are appropriate to balance management responsibilities with the tenant's right to quiet enjoyment of the property.</p>	Letting agent accreditation organisation	<p>The third paragraph of this proposed condition has been amended to: The Licence Holder shall ensure that inspections of the property are carried out regularly, as a minimum every six months, to identify any problems relating to the condition and management of the property, including a review of refuse storage arrangements where necessary. As a minimum requirement, the records must contain a log of who carried out the inspection, the date and time of inspection and any issues found and action(s) taken. The records of such inspections shall be kept for the duration of this licence and available for inspection by a visiting council officer. A copy of such records shall also be provided to the Council within 14 days of a request in writing from them to do so.</p>
26	Selective licensing	Conditions	<p>We do not agree that the licence holder should be responsible for keeping the garden clean and tidy. In a single family let, with exclusive use, this would usually be the tenant's responsibility. In a flat within a block, communal grounds will usually be the freeholder's responsibility. If the tenant is not maintaining their own private garden, it would be reasonable to expect the licence holder to write to the tenant and point out their obligation to act under the terms of the tenancy. This is similar to how a council or housing association landlord would operate.</p>	Letting agent accreditation organisation	<p>The fourth paragraph of this proposed condition has been amended to: The Licence Holder shall regularly, and as a minimum every six months, monitor that the exterior of the house, including the garden is kept clean, and tidy. Where this is not the case, the licence holder shall write to the tenant to remind them of their obligation to keep the exterior clean and tidy and to take steps within 14 days to clean and tidy the exterior.</p>

27	Both schemes	Conditions	<p><u>Managing Anti-Social Behaviour</u> It is unclear what is meant by 'The Licence Holder shall provide the Council with evidence of the appropriate management practice and procedures to address antisocial behaviour' within 3 months of the licence being granted. In relation to a property managed by a Safeagent member, would a copy of our member service standards suffice, or what additional information would be required? The intended meaning is open to interpretation, which creates a risk of unintentional non-compliance.</p>	Letting agent accreditation organisation	<p>The first paragraph of this proposed condition has been amended to: The Licence Holder shall provide the tenants, and the council, within three months of a request, written confirmation of how they will manage complaints of anti-social behaviour and what action tenants should take if notified by the licence holder that complaints of anti-social behaviour have been made relating to the property or occupation of it.</p>
28	Both schemes	Conditions	<p><u>Managing Anti-Social Behaviour</u> The second paragraph widens the responsibility to investigate complaints of harassment. Harassment is a criminal matter that would be investigated by the Police. The licence holder or their manager have no power to undertake a criminal investigation and consult with the CPS to determine if an offence has been committed. However, it would be reasonable for the licence holder</p>	Letting agent accreditation organisation	<p>Reference to and/or harassment has been removed from this proposed condition. A link will also be added to the council's guidance note for landlords.</p>

			to cooperate with the Police in any such investigation.		
29	Both schemes	Conditions	<p><u>Waste Disposal</u> To help licence holders provide written information in a clear and easy format about household recycling, residual and bulky waste, we would encourage the council to develop a clear and simple pamphlet that could be used for that purpose. It would help to ensure tenants receive accurate and consistent information.</p>	Letting agent accreditation organisation	<p>The third paragraph of this proposed condition has been amended to: The licence holder must provide written information to all tenants, at the start of the tenancy advising them of their responsibilities for the proper storage and disposal of household recycling and waste. Any written guidance on recycling or waste disposal provided by the council in written form or online, shall be provided to, or brought to the attention of the tenants by the licence holder. The fourth paragraph has been amended to: information provided by the Licence Holder must be provided in a clear and easy to understand format which tenants can refer to throughout the period of their tenancy and should include the following: -</p> <ul style="list-style-type: none"> • How household recycling and residual waste should be separated, stored and placed out for collection in the correct containers; • How to dispose of bulky household waste; • If applicable, the licence holder must inform tenants of the arrangements for accessing communal recycling and waste containers that are placed in secure areas and ensure that tenants are able to access these.

30	Both schemes	Conditions	<p><u>Waste Disposal</u> We would ask the council to define the requirement for ‘regular checks’ on the tenant’s refuse and recycling and what this means in practice. For example, it would be an invasion of privacy for the landlord or agent to sort through the tenant’s bins to check waste material has been correctly sorted. Any requirements imposed should not exceed the approach adopted by social landlords.</p>	Letting agent accreditation organisation	<p>The fifth paragraph of this proposed condition has been amended to: The Licence Holder must carry out regular checks, as a minimum every six months, throughout the duration of the tenancy to ensure that all tenants are complying with their responsibilities with regards to the storage and recycling of waste (including bulky waste) within the property and any exterior areas within the curtilage and its placement for collection in accordance with the policies set out by the council. Checks should be recorded and records should be made available to the council upon request, within 14 days.</p>
31	Selective licensing	Conditions	<p><u>Energy Efficiency</u> The proposed condition breaches the Court of Appeal decision Brown v Hyndburn Borough Council (2018). The court ruled that selective licence conditions are restricted to management, use and occupation of the property and cannot include ‘condition and contents’. If a property has an EPC rating of F or G and is not covered by a statutory exemption, this can be enforced by the council under the minimum energy efficiency regulations. It cannot be enforced as a selective licence condition.</p>	Letting agent accreditation organisation	<p>This proposed condition has been amended to: The Licence Holder must produce to the tenant (and the council within 14 days of a request) a valid energy performance certificate (EPC) for the property where one is required to comply with the Domestic Minimum Energy Efficiency Standard (MEES) Regulations. An additional note has been inserted at the end of the conditions, relating to these regulations.</p>

32	Selective licensing	Conditions	Included at the end of the conditions is guidance on other statutory requirements including planning, building control, fitness for human habitation, etc. As the conditions are unnumbered, the guidance merges into the conditions. We would suggest having a 'notes' sub-heading at the end of the licence which contains this guidance.	Letting agent accreditation organisation	The conditions have now been numbered and the heading of 'General' has been replaced with a heading of 'Notes relating to selective licence conditions'. Paragraphs 16 to 29 are not licence conditions but provide supporting information to Licence Holders.
33	Selective licensing	Conditions	The guidance on HMO Management Regulations, the council's HMO Standards and the Fire Safety Order are not appropriate for a selective licence if the scheme is restricted to single family dwellings.	Letting agent accreditation organisation	In the section now headed 'Notes relating to selective licence conditions', references to the HMO Management Regulations, HMO Standards have been removed from the selective licensing conditions. Reference to 'and the Fire Safety Order' makes clear that these do not apply to a single-family dwelling, although it does apply to common parts of blocks of flats and maisonettes, and so has been retained.
34	Additional licensing	Conditions	We would encourage the council to number licence conditions, so it is easier to know which condition is being referred to. As there was no numbering, we have referred to the section headings.	Letting agent accreditation organisation	The conditions have now been numbered.

35	Additional licensing	Conditions	<p><u>Standard of Accommodation</u> Compliance with the council’s HMO standards should not be a licence condition, as the standards need to be interpreted having regard to the use, layout and occupancy of each property. As the intention is to inspect every HMO as part of the licence approval process, it would be far better to list any necessary work as a property specific condition with a timescale for compliance. This would provide a more fair and equitable approach.</p>	Letting agent accreditation organisation	We agree with the comments made and amendments have been made to the wording of the conditions accordingly.
36	Additional licensing	Conditions	<p><u>Levels of Occupancy</u> The council must include the mandatory room size conditions in Schedule 4 of the Housing Act 2004, as amended by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.</p>	Letting agent accreditation organisation	We agree with the comments made and amendments have been made to the wording of the conditions accordingly.

<p>37</p>	<p>Additional licensing and Selective licensing</p>	<p>Conditions</p>	<p><u>Display of Information in the property</u> We disagree with the requirement to have a copy of the licence displayed in the property. Whilst this might be appropriate for buildings converted into flats and bedsits, many Safeagent members will let properties to small groups of sharers on a single tenancy. Having legal documents displayed on the wall in their home can create an institutional feel and neither the landlord nor agent can prevent the tenants from removing a copy from display once the tenancy has started. We would encourage the council to follow the approach adopted by many other councils and allow either displaying a copy in the property or giving a copy to the tenants.</p>	<p>Letting agent accreditation organisation</p>	<p>We have amended the condition to: The Licence Holder shall ensure that a copy of the current licence and the licence conditions are either displayed in the property or given to the tenants within one month of the licence being granted. We have added a similar paragraph for selective licensing to ensure we are adopting a consistent approach.</p>
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38	Additional licensing	Conditions	<p><u>Smoke Alarms and Fire Precaution Equipment</u></p> <p>We have no objection to a general condition requiring the maintenance of existing fire precautions. However, if the condition requires the installation of a mains wired fire alarm system, or alterations to the existing fire alarm system, this needs to be a property specific condition with a reasonable timescale for compliance. If all properties are inspected before the licence is granted, the officer can specify any necessary works when they visit.</p>	Letting agent accreditation organisation	<p>On inspection each property will be considered against the relevant standards, then specific conditions will be included in the licence to bring the property in line with the standards where appropriate. There is however a need for an ongoing requirement for a property to meet the council's standards. The first paragraph of this proposed condition has been amended to:</p> <p>The Licence Holder shall ensure that a fire alarm system is installed in accordance with BS5839-6:2019 and having regard to the guidance given in the LACORS 'Guidance on fire safety provisions for certain types of existing housing' and where required, any necessary works in this respect are specified in a condition in this Section. The fire alarm system shall be maintained in proper working order.</p> <p>A link to the LACORS guide has been provided at the end of the second paragraph.</p> <p>The requirement relating to carbon monoxide detectors has been separated out into a separate condition:</p> <p>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 burning combustion appliance and keep any such alarm in proper working order; and</p> <p>Within 14 days of a written request supply to the authority a declaration by him/her as to the condition and positioning of any such alarm.</p>
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39	Additional licensing	Conditions	<p><u>Fire precautionary facilities</u> It would seem appropriate to combine the two 'fire precaution' conditions which have similar and overlapping requirements. As mentioned above, if specific works are required, this should be a property specific condition with a reasonable timescale for compliance.</p>	Letting agent accreditation organisation	<p>These are separate conditions as the first referred to is a mandatory condition and the Fire Precautionary Facilities are a discretionary condition. We have however moved Fire Precautionary Facilities up the conditions list to follow on from Smoke Alarms and Fire Precaution Equipment. This proposed condition has been amended to: The Licence Holder shall ensure that the appropriate fire precautions and equipment are provided to reduce the spread of flame and smoke and the risk of death/injury to the tenants in the event of fire. Fire precautionary facilities must in all other respects comply with the Council's Adopted Standards for Houses in Multiple Occupation, the LACORS 'Guidance on fire safety provisions for certain types of existing housing' and otherwise as may be required in this licence. Where required, any necessary works in this respect are specified in a condition in this Section. Fire precautionary facilities shall be maintained in proper working order.</p>
40	Additional licensing	Conditions	<p><u>Energy Efficiency</u> The wording of this condition would not be appropriate for HMOs let on individual room tenancies where no EPC is required, as explained in government EPC guidance.</p>	Letting agent accreditation organisation	<p>This condition has been amended to: The Licence Holder must ensure a whole property has adequate thermal insulation to minimise heat loss through the building structure. To achieve this, the property shall have a minimum EPC (Energy Performance Certificate) rating of E. The Licence Holder shall carry out works to achieve this rating and must submit a copy of the EPC to the Council within 6 months of the licence being granted. A guide to energy performance certificates for the marketing, sale and let of dwellings can be found at the following website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671018/A_guide_to_energy_performance_certificates_for_the_marketing_sale_and_let_of_dwellings.pdf</p>

41	Additional licensing	Standards	<p>Whilst we have not commented in detail on the council's guidance, we note it suggests every bedroom in a licensed HMO must be at least 10m² if there is a kitchen in a separate room.</p> <p>Many Safeagent members rent properties to sharers on a single tenancy. Whilst captured by the HMO definition, this mode of occupation can be very similar to a single family let, with shared kitchen, bathroom and living / dining space.</p> <p>Most council's HMO standards contain different room size requirements for shared accommodation and bedsit HMOs, as they are different modes of occupation.</p> <p>We would encourage the council to amend their HMO standards to include guidance on minimum bedroom and communal living space expected in traditional shared accommodation.</p>	Letting agent accreditation organisation	<p>We believe that having a single standard is more straight forward. From experience, however many categories of standards you have, there are always properties that do not fall neatly into one envelope. On inspection the space available in each property is considered looking at individual room sizes and room sizes of other shared spaces internally and externally. The property as a whole is then assessed having regard to the council's adopted standards and the requirements of the Housing Act and occupancy levels then set accordingly.</p>
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42	Both schemes	Implementati on timetable	<p>COVID Implications</p> <p>The government’s latest guidance for local authorities says that councils should be prepared to pause the licensing implementation process completely where it is not safe and reasonable to continue due to the COVID pandemic. We would encourage the council to delay any scheme designation until the current surge in coronavirus infections has subsided and all restrictions have been lifted. During the pandemic, some tenants are reluctant to allow access and every visit to an occupied property risks adding to community spread of the virus. It is important to adopt a pragmatic approach, put wider public health concerns first, and delay any scheme designation until it is clear all normal activities and social interaction can safely resume.</p>	Letting agent accreditation organisation	<p>We note these comments. We are aware of the guidance issued by the government in relation to property licensing during the pandemic. These proposals are unlikely to come into operation until July 2022 at the earliest. However, the COVID-19 situation will be kept under review and decisions taken appropriate to the conditions and in accordance with any government guidance applicable at the time. We would also add that we only inspect where absolutely necessary, where it is possible to do so, we use photographic evidence to assess completed work. All inspections are completed in line with a risk assessment and measures put in place to ensure the safety of the officer and residents and landlords.</p>
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43	Additional licensing	Resourcing	<p>Inspection regime</p> <p>The consultation report says that all additional licence applications will result in an inspection prior to the licence being granted. As such, it is vital that the council has sufficient officers available to conduct these inspections in a timely manner so that licence approvals are not unduly delayed. Many other councils have backed away from this approach as they lacked sufficient staffing resources, combined with inspection programmes being placed on hold due to the pandemic.</p>	Letting agent accreditation organisation	<p>It is the council's intention to inspect all properties prior to licence issue, however as we have done through the pandemic we will take a dynamic approach and where it is not appropriate or possible to inspect before issuing the licence, it will be issued based upon a desktop assessment of the property and an inspection completed at a later date, as has been proposed for selective licensing.</p> <p>Up until the pandemic inspections were made prior to the issue of the licence and at the end of June 2021 92% of licences were issued within 3 months of validation. We believe this shows that the process is not delayed and gives certainty and a much more tailored and risk appropriate licence, which avoids the need to vary the licence upon later inspection due to a situation which could not have been known without it.</p>
44	Selective licensing	Resourcing	<p>Inspection regime</p> <p>The consultation report says that selective licence applications will not be inspected prior to licence approval. Instead, it says that properties will be selected for inspection based on a risk assessment. For the six wards meeting the 'poor housing condition' criteria, we would highlight the legal requirement to inspect a 'significant number' of those properties during the five-year scheme. It is important to ensure the council have the necessary resources to meet that duty.</p>	Letting agent accreditation organisation	<p>We are aware of the requirement to inspect a significant number of properties during the five-year period of the scheme. This has been factored into our plans and the proposed fees reflect the resources required to achieve this. Now that the consultation is completed, the service standards and performance monitoring has been finalised and will be presented to members as part of the approval process. For existing licensing we have key performance indicator that is published relating to the licence being issued within 3 months of a complete application being received, subject to property access provision by the landlord.</p>

			<p>We would ask the council to publish clear service standards setting out the timescale for processing and approving licence applications and to publish regular updates so that performance in this area can be monitored. In other boroughs, we regularly see licence approvals delayed by one year or more due to a backlog of work and inadequate resourcing.</p>		
45	Both schemes	Enforcement	<p>Delivering effective enforcement It is vital that the council establishes and maintains a well-resourced and effective enforcement team to take action against those landlords and agents that seek to evade the licensing scheme. Without effective enforcement, new regulatory burdens will fall solely on those that apply for a licence whilst the rogue element of the market continue to evade the scheme and operate under the radar. This creates unfair competition for Safeagent members who seek to comply with all their legal responsibilities. They are saddled with extra costs</p>	Letting agent accreditation organisation	We note this comment and agree that adequate resourcing and enforcement of the scheme is vital to the success of the scheme and achieving its desired purposes.

			associated with the licence application process and compliance, whilst others evade the scheme completely.		
46	Both schemes	Liaison	<p>Recognising the important role of letting agents</p> <p>Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as safeagent licensed firms.</p>	Letting agent accreditation organisation	We note this comment and will explore mechanisms for effective liaison with letting agents both during the operation of the schemes and more generally. We would welcome further suggestions of how such liaison might operate, although we envisage more involvement in landlord's forum; Invitational meetings to the main landlord's and agent's groups say every year; Establishing good relations generally by dealing with issues together etc.
47	Both schemes	Enforcement	<p>Regulation of letting agents</p> <p>To achieve better regulation of the private rented sector and improve consumer protection, it is important the council takes a holistic approach that extends far beyond the proposed licensing scheme.</p> <p>To assist councils in regulating the private rented sector and effectively utilising these enforcement powers, we developed the NALS Effective Enforcement Toolkit.</p>	Letting agent accreditation organisation	We note this comment. The NALS Toolkit is acknowledged as being a helpful resource to local authorities.

48	Additional licensing	Energy efficiency	Why does the scheme not propose to increase the minimum EPC level above 'E'?	Respondent - email response	The law sets the minimum standard for EPC ratings for rented property at a level of 'E'. The law does not allow for a higher level to be required through conditions attached to licences. Nevertheless, when liaising with landlords through the inspection process, council officers will discuss energy performance and ways to improve it with the licence holder, although this is not a legal requirement.
49	Selective licensing	Scope	<p>We all would really like to know why private landlords renting out their often brand new of freshly completed purpose-built flats across Colindale are suddenly required to get a license. The proposals cite deprivation, ASB & crime as the grounds for the introduction of selective licensing (SL). Yet - as you all probably know, these are brand new developments like Pulse or Edition were subject of multiple awards when they were completed just a few years ago, so the logic really does not add up! When did they suddenly become ridden with ASB, crime and deprivation? And surely, we as the people who live here would have noticed...!</p> <p>Please explain to me why flats that have been built within the last few years and rented to hardworking professionals for as much as £2000 per month suddenly require</p>	Respondent - email response	<p>The council is of course aware of the significant new development and regeneration that has and is taking place in certain areas of the borough, including parts of the existing Colindale Ward. Nevertheless, latest deprivation data shows that the existing Burnt Oak and Colindale Wards as a whole are the most deprived wards in Barnet and some of the most deprived in the country. Despite the new developments, there continue to be large areas of these wards with poor quality privately rented properties and Burnt Oak in particular is above average for the measures of poor property conditions in our analysis. These areas are also above average for ASB and crime associated with the PRS.</p> <p>Any ward-based scheme, which is the convention for designation amongst most authorities operating selective licensing, and most readily administered and understood by all relevant parties, will inevitably include some better-quality rented properties that sit alongside and amongst the poorer properties in the area of the ward. However, the licence requirements and conditions will not be an issue for responsible landlords with new properties and as explained in the consultation the fees represent a very small amount per week over the five-year licence period and should not be a burden on responsible landlords. The consultation explains that inspections will be concentrated on those properties assessed as high risk and so again will not burden those well-</p>

government regulations, inspections or licensing!! What deprivation? What ASB? What crime?

I respectfully urge you, please do take a stroll through Colindale, especially the newly-regenerated parts around the tube station. Those are some of the most expensive rental units in Barnet's (per square foot) and populated predominantly by young professionals. Your arguments just do not hold water and you haven't convinced us that this is anything but another scheme designed to syphon money out of landlords and cause rent increase for those same young professionals who already live there. By all means, go target HMOs to your heart's content, there's probably some logic there. But leave out the shiny new AWARD-WINNING purpose built developments populated by hardworking young professionals!!! Lastly, I hope you all know that for thousands of Colindale leaseholders trapped in the ongoing Fire Safety Crisis renting out their flats will be the only way to escape the nightmare we've all endured in the hands of this

run properties.

Notwithstanding this, we have decided to exclude a number of new developments and regeneration areas from the proposal to try to avoid the type of properties the respondent has mentioned being captured unnecessarily. These are:

Colindale Gardens
Beaufort Park
The Pulse (former Colindale hospital sites)
Edition (Former Newspaper library site)
Trinity Square (Former Barnet and Southgate College)
The exact areas are as shown in the map appended to the draft Selective Licensing Designation

			<p>government. By introducing SL you will place additional financial burden on all of us, despite us already having to pay thousands in higher service charges & insurance premiums. Adding an extra £750 will be a further kick in the teeth, and an incredibly painful one at that!</p> <p>If this goes ahead hundreds of private landlords will vote with their feet... Do stop this madness now!</p>		
50	Both schemes	Reason for introducing the scheme	The scheme is not needed, the council should enforce existing regulations	Online respondents	<p>This issue was addressed in Section 8 of the Property licensing summary consultation document, Section 5 of the full consultation business case and in FAQ 1 of the consultation. HMOs can be the first home for some, particularly students and young professionals but significantly can provide affordable housing for some of the most vulnerable and disadvantaged. In some cases, HMOs represent the only housing option available. However, the rapid turnover and the vulnerable nature of some tenants in HMOs amid fears of reprisals or even the loss of their home, mean that poor standards often go unreported and can escape the attention of the Council. This is especially the case given that tenants are often unaware of their rights and /or have language difficulties that mean that they are less able to understand their rights or identify support services. A primarily reactive approach means that problems in HMOs are dealt with on a more ad hoc basis and in this situation the Council can only deal with difficult or potentially dangerous situations or poor conditions after they have arisen.</p> <p>The Council is aware that the problems with HMOs in the</p>

				<p>borough are not confined to those to which the existing mandatory scheme applies and has collected evidence of poor conditions in smaller and other types of HMOs within the borough.</p> <p>We can more easily target the rogue landlords within the licensing framework, create and share intelligence. In this way, the scheme will enable resources to be more effectively targeted toward the improvement of the worst of them. As a more proactive and inclusive approach and through publicity for the scheme, poor conditions can be avoided, and standards of management driven up. The Council agrees that not all of the issues can be tackled through a licensing framework and will continue to use all its other powers as and where necessary. The proposed Additional Licensing Scheme, together with an Article 4 Direction withdrawing permitted development rights which allow the conversion of dwelling houses to small HMOs without planning permission are part of the Council's Housing Strategy 2015-2025.</p>
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51	Both schemes	Purpose of the scheme	The scheme is a money-making scheme/extra tax on landlords. Fees are too high. Fees are too low.	Online respondents	<p>This issue was addressed in Section 4.4 of the Property licensing summary consultation document, Section 6 of the full consultation business case and in FAQ 10 of the consultation. The council has a responsibility to charge fees to cover the cost of services. Fees cannot be used for councils to make profit or be used towards anything other than the administration of the scheme. The fee structure is not intended to be punitive. The fee for licences granted for only one year in certain circumstances is more expensive to reflect the increased associated administrative costs. Where the number of lettings in an HMO is greater than 5, there is a further fee for each additional letting (£27). In this way, the licensing fee is greater for larger HMOs.</p> <p>Following a ruling by the Supreme Court, (R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) (Respondents) v Westminster City Council (Appellant) [2015] UKSC 25, On appeal from [2013] EWCA Civ 591), the applicant must pay: -</p> <ol style="list-style-type: none"> 1) On making the application, the costs of the authorisation procedures and formalities, and 2) On the application being successful, a further fee to cover the costs of the running and enforcement of the licensing scheme <p>Fees are kept under review annually. In line with the Supreme Court judgement, the fee will be split over two parts, an initial application fee on application and a further licence fee when the licence is received.</p>
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52	Additional licensing	Effect of introducing the scheme	There will be fewer rental properties/harder to find accommodation. Landlords will withdraw/fewer rental properties	Online respondents	<p>This issue was addressed in FAQ 11 of the consultation. There is little evidence from other local authorities of any significant impact of licensing on the housing supply in the private rented sector. Oxford City Council reported in a 'Review of Licensing in Houses in Multiple Occupation 2015' that they estimated HMOs had fallen from 12% to around 8% as a proportion of their total housing stock in the 10 years between 2005 and 2015. However, it is not clear whether and to what extent HMO licensing may have been an attributing factor among other influences on the market.</p> <p>Barnet residents in housing need can contact the Barnet Homes for advice and help. However, we do not anticipate a rise in evictions based on the licensing scheme and Barnet Homes will work hard to ensure that people stay in their homes in accord with Barnet's Housing Strategy.</p>
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53	Additional licensing	Effect of introducing the scheme	Licensing doesn't work/won't solve problems	Online respondents	<p>The council disagree that additional licensing doesn't work. There are many councils in London and across the country that have successfully used additional HMO licensing to raise standards in HMOs and have gone on to renew their schemes due to the improvements these have brought about. In Barnet the previous additional licensing scheme brought about improvement to a significant number of HMOs through the application of conditions to licences. The council acknowledge that a range of factors can lead to a scheme failing to achieve all of its objectives. The scheme will be carefully monitored, with targets set, in order to achieve the scheme objectives and corrective actions will be taken if necessary to address any issues arising.</p> <p>Whilst mandatory licensing leads to an improvement in conditions, only certain HMOs are covered by the scheme and poor conditions exist elsewhere in the sector. Other powers are reactive in that they require a response to a complaint. This approach is very resource intensive and because tenants are often reluctant to complain, produces an inconsistent response to conditions in HMOs. A more proactive and preventative stance within a licensing framework will enable those resources to be better targeted and will focus on improving conditions across the sector. The application of standard set of conditions to ensure the health, safety and welfare of tenants will enable landlords to know what is expected of them and this will bring a greater certainty to the process.</p>
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54	Additional licensing	Scope of the scheme	Too restrictive/three households should not be an HMO	Online respondents	<p>This issue was addressed in Section 4 of the full consultation business case and FAQ 1 in the consultation.</p> <p>Anecdotally, it is understood that landlords sometimes reduce occupation levels to avoid the requirement to licence, even though the risks associated with the property, or management of the property doesn't change. Nevertheless, tenants of HMOs occupied by three persons who do not form a single household should be afforded the same level of protection and standards of management as HMOs with more occupants.</p>
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55	Additional licensing	Effect of introducing the scheme	Penalises responsible landlords/rogues will not register	Online respondents	<p>The council disagree that responsible landlords will be penalised. On the contrary the scheme benefits responsible landlords as explained in Section 3.3 of the property licensing summary consultation document. The issue of rogue landlords was also addressed throughout the consultation. The scheme will provide the council with dedicated resources to target those rogue landlords that do not obtain a licence, or do not meet licence conditions and it will be these landlords that are penalised, rather than the responsible landlords.</p> <p>We will actively seek out rogue landlords who attempt to avoid licensing and will have a robust enforcement policy in place to deal with those that should have a licence but do not have one. The Council believes that Additional Licensing will increase the focus on professionalising landlords helping to drive up standards, whilst at the same time ensuring that the basic health and safety standards set out in licence conditions are effectively communicated and enforced. The rigorous enforcement regime, which is an integral part of the proposed licensing framework, will serve to make rogue landlords more identifiable and therefore more easily targeted. Further and better data is being and will continue to be gathered and we will encourage and share intelligence about HMOs and their landlords with our partners and other stakeholders. If introduced, we will also promote the scheme widely with the public and provide advice about how they can contact us about properties of concern to them. The resultant shift in emphasis will be towards landlords being more aware of and fulfilling their responsibilities through the operation of the scheme. At the same time, bad landlords or those who are not fit and proper persons will be forced to leave the sector. The Council does not intend good landlords to be the focus of its attention. The Council is not aware of any substantial evidence that licensing regimes do not work.</p>
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56	Additional licensing	Effect of introducing the scheme	Costs will be passed on to tenants/rents will increase	Online respondents	<p>This issue was addressed in FAQ 12 of the consultation. Whilst rents have risen generally, distinguishing the potential effects of licensing on rents and the general increase in demand and other inflationary pressures is problematic. There is as yet no evidence from other boroughs that have introduced discretionary schemes, that this has been the case. It has been suggested in research carried out for the London Borough of Camden by the LSE that many landlords set rents with reference to market comparable and not their outgoings. An exercise conducted prior to the previous additional licensing scheme demonstrated the fee for a 5 year licence represented around just 0.8% of rental income annually, meaning this is not a pressure that might lead landlords to have to pass the cost on to the tenants.</p>
57	Additional licensing	Anti-social behaviour (ASB)	Landlords shouldn't be responsible for tenants' behaviour	Online respondents	<p>The council's licence conditions will not make landlords personally responsible for tenants' behaviour, but responsible for being proactive and reactive in tackling behaviour that has an impact on others. Whilst some matters may be criminal behaviour that might need to involve the police or local authority, a landlord must be responsible for ensuring that if they let a property, they take appropriate steps to ensure that they provide the facilities and information that enable the tenants to understand how they are expected to occupy and behave in the property such that it does not have an unreasonable impact on other individuals or the neighbourhood, and to take appropriate steps where tenants do not adhere to reasonable requests.</p> <p>All landlords have a responsibility to provide decent, safe, well managed accommodation in reasonable condition. The proposed scheme represents a shift in emphasis toward landlords being aware of and fulfilling those responsibilities. The council have produced a policy note to assist Licence Holders with complying with conditions associated with ASB to</p>

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					avoid any ambiguity in relation to what we would expect of them.
58	Additional licensing	Licence conditions	Not needed/should enforce existing regulations	Online respondents	This issue is dealt with in Section 7 of the full consultation business case. A number of the conditions must be applied to additional licences, as they are mandatory as prescribed in the Housing Act 2004. The discretionary conditions, as stated in the consultation, in the view of the council are not onerous, and good landlords are unlikely to find that they need to do any more than they already do in maintaining a good property. Some of the conditions have been amended as discussed in response to helpful comments received.
59	Selective licensing	Licence conditions	Reference requirements not needed/may be discriminatory	Online respondents	We have considered the comments and reviewed the proposed approach and removed this condition for selective licensing. This is a mandatory condition under the Housing Act and so must remain as proposed.
60	Additional licensing	Fees	Discounts should not be offered	Online respondents	As the cost of a licence should relate only to the cost of providing the service, discounts are offered primarily where the work to process an application is reduced, for example for a renewal, the application will tend to be quicker to process as there is less to check because it has been checked before. Discounts for accredited persons, can be given as the costs involved with enforcing the scheme should be less when associated with those who have demonstrated their competence by becoming accredited/bound by rules of conduct by associations etc.

61	Both schemes	Lack of repairs and maintenance	Focus group attendees reported concern about the failure of landlords to deal with issues of disrepair and dampness in the property they rent	Focus group attendees (private tenants)	<p>This issue was covered throughout the consultation documents.</p> <p>This is exactly what the proposed licensing schemes are intended to help with. Inspections will be undertaken as part of the schemes and landlords will be required to address any repair or maintenance issues, either through informal or formal means.</p> <p>Issues of disrepair, poor maintenance and neglect will be highlighted within the licensing framework and will help to identify those premises which are in need of remedial works under Part 1 of the Act and which may not have received that attention otherwise</p>
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62	Both schemes	Fear of eviction	Focus group attendees reported concern about being afraid to complain to landlords about issues of disrepair in the property they rent, for fear of being evicted as a result.	Focus group attendees (private tenants)	<p>Landlords must follow strict procedures if they want tenants to leave their property, depending on the type of tenancy agreement they have and the terms of it. If they do not, they may be guilty of illegally evicting or harassment.</p> <p>It is a crime to harass or try to force tenants out of a property without following correct procedures. Tenants might have the right to claim damages through the court if landlords do not follow the rules.</p> <p>If a licensing scheme is in place, a landlord must ensure the property is maintained adequately. If they want to continue to let the property, this would still be the case even if the tenancy changes. Therefore, there is no benefit in a responsible landlord evicting a tenant because they have to undertake works to be compliant. The licensing scheme will mean that the landlord will be reminded of their obligation by the council through the licensing process and reduce the need for tenants who are not comfortable complaining to their landlord having to do so.</p> <p>The licensing framework will highlight more premises requiring remedial measures within this more proactive regime and will remove some of the reliance on the need for tenants to complain although we would always encourage them to bring matters of disrepair and other home safety consideration to the attention of their landlords to give them the opportunity to remediate them. As for support, we are able to give limited advice and refer those who require advice we are unable to give them to other organisation that can e.g. to CAB, Barnet Homes for support etc.</p>
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63	Both schemes	Subletting and overcrowding	Focus group attendees reported concern about subletting and subsequent overcrowding being an issue.	Focus group attendees (residents)	<p>This issue was covered in the consultation documents. The proposed licensing scheme will enable the council to more readily deal with overcrowding issues and require the landlord to deal with it.</p> <p>Not only will a licensing regime assist the Council to deal with overcrowding but also to prevent it through the imposition of suitable occupancy limits in the licence. Whilst licensing itself may not be able to prevent unlawful subletting it is more likely under the licensing framework that such practices will come to the attention of the Council, and we will then be able to inform and work with the landlord to resolve the situation.</p>
64	Both schemes	Lack of trust in the council	Focus group attendees spoke about a lack of trust in Barnet Council and not having enough staff to carry out inspections.	Focus group attendees (private tenants)	The licensing schemes are intended to be self-financing and the fees are set to enable adequate resourcing to administer, inspect and enforce the schemes, that would not otherwise be possible with existing resources.
65	Both schemes	Anti-social behaviour (ASB)	Focus group attendees spoke about ASB being an increasing problem for tenants and residents.	Focus group attendees (private tenants and residents)	<p>This issue was considered throughout the consultation documents. Licensing schemes are designed to ensure that conditions, aimed at making sure anti-social behaviour from tenanted properties is reduced, are applied to licences and enforced.</p> <p>We recognise that licences will not stamp out ASB but will make the LH responsible for taking reasonable steps to deal with it and is part of an approach to the issue that we will take alongside our colleagues and partners in other service areas/services, e.g. community safety, the Police, Fire Brigade and mental health services etc.</p>
66	Both schemes	High rental costs	Focus group attendees spoke about the significant cost of renting in London generally, leading to smaller accommodation with very poor facilities.	Focus group attendees (private tenants and residents)	It is unfortunately a fact that rents in London are higher than other parts of the country. However, the licensing schemes will ensure that, irrespective of rent levels, landlords cannot let substandard property. Identification of poor property conditions within the licensing framework will allow a more proactive approach to be taken.

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67	Both schemes	Licence conditions (maintenance)	Focus group attendees spoke about good property maintenance being key and for landlords it meaning that their tenants do not complain.	Focus group attendees (residents and landlords)	This issue was considered throughout the consultation documents. The proposed licensing schemes will ensure that landlords are maintaining properties appropriately either informally or through formal action.
68	Both schemes	Licence conditions (gas installations)	Focus group attendees spoke about the need for safe electrical installations and fire safety in HMOS, as well as gas installations.	Focus group attendees (private tenants and letting agents)	Safety of fixed electrical installations and installation of smoke alarms in HMOs are already included in the proposed conditions and are mandatory for houses subject to licensing under the Act.
69	Both schemes	Licence conditions (licence holder property inspections)	Focus group attendees spoke about having to give prior notice of landlord inspections will not achieve what the council wants them to as tenants will tidy up.	Focus group attendees (letting agents)	The purpose of landlord inspections is not just to ensure the tenants are living tidily but to enable the landlord to identify any maintenance issues and more substantial issues around the use and occupation of the property that cannot be tidied in 24 hours. Inspections allow the Council to monitor compliance with licence conditions as part of the licensing enforcement regime.
70	Both schemes	Licence conditions (security)	Focus group attendees spoke about security and it generally already being in place and that fire safety is more important.	Focus group attendees (letting agents and landlords)	It is the council's experience that some rented properties do suffer from poor security due to poor maintenance and repair. The council believe that fire safety and security are both important and good standards of both can be readily and reasonably achieved, without security compromising fire safety.
71	Both schemes	Licence conditions (minimum standards of heating and energy efficiency)	Focus group attendees spoke about not being clear what was meant by minimum standards and that it is essential to stop tenants from bringing in and using other electrical heating equipment that might cause fire if not used properly	Focus group attendees (letting agents)	Minimum standards of energy efficiency relates to the proposed condition that a property shall have a minimum energy performance certificate (EPC) of E. The proposed conditions for selective and additional licensing have been amended as explained in responses 31 and 40 above respectively. We would suggest it is sensible for landlords/agents to control the use of portable electrical heating equipment using appropriate terms in tenancy agreements (save where they are

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					provided as temporary heating in an emergency (heating breakdowns etc)
72	Both schemes	Impacts of the schemes	Focus group attendees (residents and private tenants) spoke about the positive impact they thought the schemes would have.	Focus group attendees (residents and private tenants)	The council is pleased that the respondents can see the positive benefits of the schemes that were set out in the consultation and agree with the comments made.
73	Both schemes	Impacts of the schemes	Focus group attendees (letting agents) spoke about how they did not see how having licences would reduce problems, such as ASB.	Focus group attendees (letting agents)	The council believe that the obtaining of tenant references, providing clear information to tenants, regular inspections and liaising with tenants in the event of complaints, by landlords will, in combination, play a significant role in reducing ASB associated with privately rented properties. This does require landlords to take a responsible role. Other councils have seen their property licensing schemes contribute to a reduction in ASB. ASB resolution must be seen as part of a holistic inter-agency approach.
74	Both schemes	Improving health and safety of tenants	Focus group attendees (private tenants) spoke about the positive impact on health and safety, whilst a letting agent believed that issues such as pests and damp and condensation are caused by tenants.	Focus group attendees (private tenants and letting agents)	The council believe that overall the introduction of the schemes will have a positive impact on health and safety of tenants, although we accept that some tenant behaviour might cause issues. The licensing scheme will enable such issues to be managed more effectively. Inspection officers are able to distinguish between conditions caused by tenant behaviour/standards of cleanliness and approach the matter accordingly

75	Both schemes	Helping to identify and assist poorer performing landlords to raise standards	Focus group attendees (private tenants and residents) spoke about the positive impact the schemes would have, whilst landlords felt well-performing landlords would see no benefit and pay for poor performing landlords.	Focus group attendees (private tenants, residents, landlords and letting agents)	<p>The benefits for responsible landlords were considered in Sections 3.3 and Section 6 of the property licensing summary consultation document.</p> <p>Responsible landlords will appreciate that good management practice is key to ensuring that high standards and satisfactory conditions are achieved and maintained. Being a licence holder is a signal to tenants that a potential home will meet minimum safety standards. One of the scheme's objectives is to provide a reasonable, simple and unambiguous set of basic health & safety standards and to create clear expectations of what is required between all the parties (landlords, tenants and the council). The implementation of a rigorous enforcement policy is essential to the success of proposed scheme along with continuous evaluation and development of the inspection programme and licensing processes and measures of the scheme's success. Rogue landlords will be more identifiable and therefore more easily targeted within this licensing framework. Further and better data has been and will continue to be gathered and we will encourage and share intelligence about HMOs and their landlords with our partners and other stakeholders. If introduced, we will also promote the scheme widely with the public and provide advice about how they can contact us about properties of concern to them. The resultant shift in emphasis will be towards landlords being more aware of and fulfilling their responsibilities through the operation of the scheme. At the same time, bad landlords or those who are not fit and proper persons will be forced to leave the sector. The Council does not intend good landlords to be the focus of its attention. In this way it is our objective to professionalise the sector raising the standards of poorer performing landlords and identifying and targeting rogue landlords</p>
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76	Both schemes	Helping support good landlords	Focus group attendees (landlords and private tenants) spoke positively about how the scheme would help support good landlords.	Focus group attendees (private tenants and landlords)	The council is pleased that the respondents can see the positive benefits of the schemes that were set out in the consultation and agree with the comments made.
77	Both schemes	Concern about landlords cutting costs/not obtaining a licence	Focus group attendees spoke about concern that the additional cost that licensing brings may lead to landlords cutting corners to reduce costs or not obtain a licence.	Focus group attendees (residents and private tenants)	The licensing schemes are intended to prevent landlords from cutting corners. Where they do the scheme is intended to be resourced to enable appropriate enforcement action. Enforcement action will also be taken against landlords who fail to obtain a licence.
78	Additional licensing	Definition of HMO	Focus group attendees spoke about the rules and definition of an HMO being confusing and it is difficult for a landlord to monitor who is in the property if the tenants don't let them know. Landlords and letting agents asked if there would be flexibility or if the scheme could be reviewed and amended, although it was not suggested how.	Focus group attendees (letting agents and private tenants)	The definition of an HMO is set out in Part 7 of the Housing Act 2004. Any property let to three people who constitute more than one household (e.g. a family) and where the occupants share one or more basic amenities, or the property lacks an amenity, is deemed an HMO. Responsible landlords should manage their property in such a way that they are aware who is occupying and may occupy their property to avoid any risk that a property 'inadvertently' becomes an HMO without their knowledge. The consultation considers the issue of why a licence will be required for HMOs occupied by three persons sharing, who are not a single household in Section 4 of the full consultation business case document and FAQ 2. For HMOs, there may be planning implications as well as those concerning licencing matters under the Housing Act 2004

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79	Additional licensing	Concern about resource spent on classification	Focus group attendees spoke about rather than focusing on how many people occupy a property, the council should concentrate on the quality of the accommodation and amenities.	Focus group attendees (letting agents)	As the respondent suggests, amenities in HMO properties are frequently poor. By including all size HMOs up to those covered by mandatory licensing, the council will be achieving the respondent's suggestion as every property will be inspected and any defective amenities addressed. The focus on the number of persons occupying a house/flat is to identify those that will fall into the scheme. After that the licence will regulate the quality of the accommodation and standards of management where permissible and draw in those premises which also need our attention using out Part 1 powers.
80	Selective licensing	Extent of the areas of the proposed schemes	Focus group attendees spoke about agreeing with the areas proposed for the selective licensing schemes, although some suggested the whole borough should be included.	Focus group attendees (private tenants and residents)	The council is pleased that the respondents support the areas proposed. However, as regards a borough-wide selective licensing scheme, the law requires local authorities to establish that certain criteria are met before a scheme can be declared, which generally leads to a presumption against a blanket scheme. The council has only proposed schemes for the wards where they believe the evidence supports the case for a scheme, as described in the consultation documents. This does not prevent the council revisiting the issue in the future to see if the evidence supports introduction of licensing in further areas.
81	Both schemes	Incentives and penalties for licensing	Focus group attendees spoke about taking a different approach and incentivising good landlords by offering a refund at the end of five years if they have remained compliant, or not apply a fee but fine those that are not compliant.	Focus group attendees (landlords)	We are grateful for this suggestion; however, the council have a fiscal duty to recover the costs of a licensing scheme and so refunding fees or not applying any fee is not a viable option. The proposals include a rigorous enforcement approach to non-compliance and so non-compliant landlords may be fined by the courts if prosecuted, or receive a civil penalty issued by the council. The council will continue to consider where discounts might be applied where the work required is less.

82	Both schemes	Fairness of fees	Focus group attendees (residents and private tenants) spoke about thinking the fees were fair, although some were concerned about the costs being passed on to tenants. However, landlords and letting agents believed the fees were high, especially compared to other London boroughs.	Focus group attendees (residents, private tenants and letting agents)	The council is pleased that respondents think the fee is fair. The issue of being passed on to tenants in rent increases is addressed in FAQ 12 of the consultation. The fees have been calculated on the cost to the council of delivering the licensing scheme and as mentioned in earlier responses, the council has a fiscal duty to recover the costs of the scheme.
83	Both schemes	Offering discounts to good landlords	Focus group attendees spoke about discounts not being high enough and also being offered for a good track record or paying a smaller fee if they invest the full fee in the property instead.	Focus group attendees (residents, private tenants and letting agents)	Discounts are primarily offered where the cost of processing is less, for example renewals and if a landlord is accredited. However as previously mentioned in other responses to comments received, the council has a fiscal duty to recover the costs of the scheme, so if the council increases discounts such that fees do not cover costs, then the full fee would have to be increased to offset the deficit.
84	Both schemes	Allowing payment by instalments	Focus group attendees spoke about allowing fees to be paid by instalments to make it easier for landlords to pay.	Focus group attendees (private tenants)	The fee is payable in two parts as required by law, as explained in the consultation documents. Whilst the council would like to offer a further instalment facility, this would increase the collection costs and so would lead to the need to increase fees to keep the scheme cost neutral.
85	Additional licensing	Fees	Increased cost to landlords/owners of HMOs. This could lead to worries over finances with landlords, but more concerning would be increasing the rent in order to cover the costs incurred.	Barnet Public Health	This issue was addressed in Section 4.4 of the Property licensing summary consultation document, Section 6 of the full consultation business case and in FAQ 10 of the consultation. It is also covered in the response to comment no. 51.
86	Additional licensing	Fees	Good landlords who already achieve standards required for license, but would be required to pay the fee for the license, could feel that they are being	Barnet Public Health	This issue was covered in the consultation in FAQ 11. The proposed fee for a licence is affordable, as it is only a small proportion of the overall rental income from a property over a period of five years. We believe that irresponsible landlords who do not keep their properties in good condition and do not manage them properly might decide to sell, in order to avoid

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			punished by the scheme, as they are already managing their properties well.		licensing. This will however, open up their properties to people that will manage them well. Licensing will improve the image of the sector as a whole and will help encourage responsible landlords to invest in Barnet. FAQ 18 dealt with the package of support for good landlords.
87	Selective Licensing	Designation	Public Health should be involved in the process when considering a selective licensing designation.	Barnet Public Health	The need for a selective licensing scheme must be based upon evidence and data to show that the proposals meet at least one of the criteria in the legislation, such as deprivation, poor property conditions and ASB. Barnet Public Health was consulted on the proposals to seek overall views on the proposals, but wider issues are not able to be taken into account in formulating the need for the designation outside of those in the legislation and guidance. We are however, grateful for the positive comments and note the foreseen risks mentioned and addressed in these responses.
88	Both schemes	Rental costs	Preventing landlords/owners from increasing rental costs by systematic monitoring and control measures.	Barnet Public Health	There are strict rules around the increase of rent by landlords. Generally, this can only be done with the agreement of the tenant.
89	Both schemes	Licence incentives	Encouraging landlords/owners to license their property with incentives, license discounts and support during the process.	Barnet Public Health	Good landlords are incentivised with a 5-year licence, rather than a 1-year licence, which works out cheaper for them. Landlords that are accredited with a recognised accreditation scheme receive a 10% discount on the licence fee. As already mentioned, licenced landlords receive a package of support.
90	Both schemes	Advice for tenants	Advice and information for tenants to increase awareness of their rights and pathways to report issues to the council.	Barnet Public Health	The licensing schemes will be widely publicised, with advice for tenants of how to contact the council if they live in a licensable property. The council's website will also provide advice and information on who to contact. Officers inspecting licensable properties will discuss any concerns with tenants and will signpost them to the appropriate support if required.