

APPENDIX 3

No.	Comment	Probable identity	Positive or Negative
1.	<p>Hi there</p> <p>If anyone can offer an opinion on this consultation, I would like to add that I think the proposal is a good idea, tighter controls are needed in the area.</p> <p>Please could you advise:</p> <ul style="list-style-type: none"> - if you have any details of a HMO and parking problems it is causing in Charters Cross? - if there is anything that can be done to help alleviate this problem? - when any new policy about additional licensing for HMO's is due in Harlow? <p>Thanks [Redacted]</p>	Resident	Positive
2.	<p>Hi,</p> <p>I have a 3 bedroom house in Little Parndon. It's a normal family house.</p> <p>I have perspective tenants showing interest: 2 working couples want to share it, there would be 4 adults, no children.</p> <p>Can you advise exactly what impact (if any) Additional Licensing for HMO would have on this perspective tenancy please?</p> <p>Regards, [Redacted]</p>	Potential landlord	Neutral
3.	<p>Dear Mr Pitt,</p> <p>In response to your letter dated 30th of September 2013 regarding [redacted]</p> <p>This is to confirm that I am the owner of the property and it is not a multiple let property. My property is a single family let and my letting agreement is with [redacted] who reside in the property with 2 of his elderly family who he is looking after.</p> <p>I did sent [redacted] and his relatives name to the council for the purpose of council tax payment only which I am require to do by law; this does not constitute multiple let; therefore I would be grateful if you take my name and my property address off your multiple let records as your record is not correct.</p> <p>I look forward to you confirming to me in writing that you have taken my name and my property address off your multiple let records via this email conversation or you could write to me at my postal address below. [redacted]</p>	Landlord	Neutral
4.	<p>The GPRA agree to all the above. 9 Members present. It was requested that landlords keep a register of their tenants and try not to rent to illegal immigrants. [Redacted] Chair</p>	Residents' Association	Positive
5.	<p>Extended response from Citizen's Advice Bureau reproduced in full below</p>	CAB	Positive

6.	Extended response from a local landlord reproduced in full below	Landlord	Negative
7.	i don,t agree with licensing houses, you people are sick ,instead you should go out and earn your living not staying around the table and making harder for the onest working citycens , my openium is you lot should be thrug out in the street and be hang by the feet.	Landlord	Negative
8.	Extended response from a Landlords Association reproduced in full below	Landlords Association	Negative
9.	Extended response from a local landlord reproduced in full below	Landlord	Negative
10.	Extended response from a Residents' Association reproduced in full below	Residents' Association	Positive

Response 5.

Additional Licensing for HMOs in Harlow proposal

Consultation response from Harlow CAB. Deadline November 11th 2013

Thank you for allowing us to contribute in the consultation on the above proposal

The Cab in Harlow welcomes the proposals from Harlow Council to introduce a licensing scheme applied as a requirement for all HMOs in Harlow. In our opinion it will raise the quality standards of this type of housing provision.

We welcome the scheme as we believe that the current standards in HMOs generate more concerns for residents who come to the CAB for assistance. We believe that the new licensing proposal will improve quality for residents and having officers responsible for HMOs will enable us to refer residents back to the relevant officers to address housing issues as they arise in HMOs in Harlow. The scheme will encourage and support landlords to improve the standards of the HMO units they make available for rent. It will prevent poor landlords from being able to have poor standard HMO accommodation licensed which could result in the Council taking enforcement action against them.

The council Housing Options team will have accurate information regarding which landlords offering HMOs for rent are licensed by the council.

The introduction of the specific licensing scheme for HMOs enables us to work more closely in partnership with the Council in this area of housing. We believe this will have a favourable impact on us being able to assist HMO residents. Please do not hesitate to contact us if you need to discuss anything

Jean Franks, Advice Services Manager

Response 6.

Dear Michael,

Nice speaking with you today.

Just to reiterate the points I made during our phone discussion. As an HMO landlord in Harlow, who actually cares about his tenants and the conditions they live in, I am disappointed at the way I am penalised for doing the right thing.

I've always been up front with the EH department and would get Stuart Athol the EHO, out to inspect my properties after purchase before refurbishments had begun. We would make sure that my ideas for applicable work and facilities were in line with the council's regulations.

Contrary to public perception, a lot of landlords don't make fortunes from each property and therefore increases in expenses affect the profits we make. And it's not fair (or possible) for us to always pass these onto our tenants.

It's very hard work being a landlord, often thankless, regularly with opposition from other residents who aren't interested in the housing problems with others less fortunate than themselves.

I no longer look for properties to buy in Harlow, I can get places in other parts of the country for far less money and with a lot less work involved. So to be honest, if it's going to cost me more money to carry out the service to the community, then I'll stop doing it. I'll give my tenants notice and apologise to them. Then sell the houses and invest my money elsewhere.

I'd be very surprised if any landlords come forward and agree that this is a good idea. If it goes ahead anyway, then I'll presume that the response from other landlords were insufficient, and/or it's purely a revenue raising exercise for the council.

Kind regards,

[Redacted]

Response 8.

ADDITIONAL LICENSING FOR HMOs IN HARLOW

REPLY TO CONSULTATION FROM EASTERN LANDLORDS ASSOCIATION – 15 OCTOBER 2013

We at the Eastern Landlords Association, a membership organisation for residential landlords in the east of England, welcome the opportunity to respond to the consultation document.

As a body that represents private sector landlords we have a code of conduct for all our members that includes adherence to the legal regulations for the sector, and they must abide by a series of Guiding Principles.

It is encouraging to read that the council makes information available to landlords on the requisite standards. Reference is made to complaints, and it would be relevant to have figures of these complaints, of numbers and type of complaint, and following on the action taken by the council, including figures for enforcement and prosecutions, if any.

Under present legislation the council already has considerable powers to deal with complaints, and certainly the power to enforce and prosecute.

We are a little confused when it is stated that the licensing will give more information, and in the same document you estimate a number of HMOs, and then state a very precise figure of 92% were in need of works. A breakdown of this statistic would be very welcome, as it does seem to imply that staff have visited these properties, and if so within existing budgets. It is stated that licensing means minimum standards. We would argue that these are already in force, and the current legislation is available to landlords, tenants and the council, and that further licensing is not necessary.

The document adds that HMOs are associated with issues such as poor waste management and anti-social behaviour which can occur due to poor management. This seems to be almost a statement of fact. However, unlike in previous consultations to which we have replied, there is no evidence to support this claim. For example police records would show the anti-social behaviour, and the type. We would welcome the evidence to show these comments, and of course to compare with the records for the rest of the district, especially where there are areas of social housing.

If a landlord has been declared as a fit and proper person by another local authority, whether for an HMO Licence under the 2006 act, or by means of an additional or selective licensing system, can this be transported?

The ELA fully supports that all parties strive to improve the private rented stock, and acknowledges that some landlords have moved their house from one sector of the market to another.

We do not accept that there is confusion. The law is quite straight forward and relatively simple in the 2006 act, and by implication you as a council have managed for many years – so why now. We do hope that this is not a 'jump on the bandwagon' reaction, and would repeat that the legislation is all there now.

The annual licence seems rather strange, and not economic for either party, council or landlord. On a five year licence the property can be inspected every year.

Finally we would comment on the fees. Why so much higher than the present HMO fee?. And what is so special about landlords in Harlow who happen to have a property

in Oxford? Also could you explain the NLA scheme – they do not issue HMO licences, we assume you mean accreditation.

Response 9.

Additional Licensing for Houses in Multiple Occupation (HMO): consultation response

In response to your call for consultation on the proposal for additional licensing for HMOs in Harlow, I make the following observations to your various points as an owner of eight HMOs, both licensed and unlicensed.

Why do we want to do it?

Your comment:

Of the HMOs that would fall within this scheme 92% were found to need works under housing law to make them fit and safe for the tenants to live in, when Council officers visited. This puts tenants at risk. Licensing means HMOs that meet minimum standards before tenants can move in.

My observation:

Naturally all houses need comprehensive works to meet the current guidelines for multi-occupancy status. I am sure the odd one had already been converted by an experienced landlord and no doubt this falls under the remaining 8%. Up until a few months ago all HMOs were inspected by Harlow Council Environmental Health to ensure full compliance, usually before and after conversion. All the guidelines had to be adhered to before occupation by tenants. This ensured that tenants were not at risk. Ipsos factoring is not the determinant that makes HMOs meet minimum standards before tenants move in. Of course some HMOs operate unbeknownst to Environmental Health and licensing will not alter that.

Your comment:

HMOs are also associated with issues that affect the neighbourhood such as poor waste management and anti-social behaviour which can occur because of poor management of the property. Poor quality HMOs can also change the nature of an area and result in reduced community cohesion.

My observation:

I agree that this is occasionally an issue. Again licensing will not directly address this over and above the proper enforcement of current Council regulations (environmental) and detection of HMOs not known to Environmental Health.

What has the Council been doing about HMOs up to now?

Your comment:

The Council has set standards and made information available for landlords on acceptable standards in HMOs. The Council responds to complaints and where appropriate works with the landlord or takes enforcement action to bring HMOs up to its adopted standards. However this takes time, and tenants do not always complain for various reasons. Without Licensing, HMOs that do not meet Council standards can be set up and occupied without reference to the Council.

My observation:

Licensing is unlikely to speed up remedial works and tenant complaints are unlikely to be altered. To stay within Council regulations HMOs are de facto declared to the Council by the vast majority of HMO landlords to comply with the evidencing of initial electrical safety, fire alarm and gas certificates. Bad landlords are just as unlikely to declare their ownership of an HMO to the Council under a licensing arrangement.

What difference will licensing HMOs make?

Your comment:

Licensing will give the Council enhanced powers to deal with HMOs. The Council will be visiting properties on a proactive basis rather than only visiting in the event of a problem or service request/complaint. Conditions can be attached to the licence that the licence holder must comply with, and if there are any unresolved problems we can take legal action which may result in the licence holder losing their licence and their ability to run HMOs.

The extension of licensing to cover the whole HMO stock will improve the accountability of landlords and license holders and provide a level playing field, raising the standard of poorer property so that it does not unfairly undercut landlords who have higher standards.

Once every HMO requires a licence the system would be simplified. At present there is the potential for confusion as to whether a licence is required. A scheme in which every HMO requires a licence should reduce this.

Certain landlords who are currently operating may not pass the statutory test required to be a HMO licence holder, because they have been prosecuted for relevant offences. These landlords will have to stop letting property as HMOs, or find an agent or another suitable person to be the licence holder and cooperate with them to improve the property and its management.

Additional licensing will also give the Council more comprehensive and up-to-date information about the HMOs present throughout Harlow than has been available in the past.

My observation:

Without licensing Environmental Health can still require copies of electrical, fire alarm and gas certificates and command an inspection at any time, in fact has Environmental Health ever been refused entry? Conditions regarding the construction and facilities within an HMO can be imposed on a licence only in the same way as these conditions can be demanded on a normal Environmental Health inspection.

As a landlord I have never been confused about whether a licence is required.

In practice I am sure the demand for a fit and proper person to be a landlord never puts off, or in reality, disqualifies an individual, or if the application is nominally delegated to a suitable person that this would make any difference.

Will there be any benefits for Landlords?

Your comment:

Most landlords required to licence an HMO have come to realise that any expenditure to meet the Licence Conditions amounts to a worthwhile investment. A few landlords have elected to remove their house from that market and moved their properties into other letting arrangements.

Improving private rented housing stock is a significant social and financial benefit to the general economy of an area, maintaining the buoyancy of the rental market.

Many landlords strive to offer safe, secure, well-maintained and well-decorated accommodation above minimum standards, with washing machines, microwave cookers and tumble driers for example provided to attract and retain good tenants. However, there is also evidence of tenants living in poorer standard accommodation. Landlords of poorer HMOs will be required in meeting licence conditions to invest in their properties to improve their standards and in the worse cases, rogue landlords will not be able to hold a licence and will be forced out of the market. This will make the rental market more equitable and create a more level playing field with the better landlords not being undercut by the non-compliant landlords.

My observation:

The proposed cost of around £1,000 per HMO over every five year period, which for my eight properties would total £32,000 for a twenty year period and this is before future increases in charges, represents very poor value for an exercise which gives, at best, limited benefits. This could reflect itself in a combination of reduced money spent on refurbishment and increased rents to a poorer section of our community.

How often will a licence be required?

Your comment:

The Council intends to introduce a scheme with an annual licence so each HMO licence will be valid for 12 months from the date of issue. The benefit of this for landlords will be that the fee payable will be more affordable than for example a 5 year licence and the benefit for tenants and local residents is that there will be the occasion for a check on the premises at least every year.

My observation:

An annual inspection is an expensive bureaucratic overkill.

What about landlords who try and avoid licensing their properties?

Your comment:

We will make reasonable steps to ensure that those concerned can understand their responsibilities under the scheme, and will take tough enforcement approach where it is clear that a landlord has been avoiding their responsibility to license a property that is being used as an HMO.

My observation:

Your proposed penalty for not declaring your HMO to the Council at £200 is ludicrously low. Given the high cost of compliance for the good landlords, surely a penalty of the order of around £5,000 per HMO would be needed to make non-declaration unattractive.

SUMMARY

I believe the licence proposal is a result of a council meeting attended by members of the public, a couple of tenants and two landlords of which I was one. I was appalled by the one sided nature of the meeting which consisted of neighbours to some HMOs blaming the landlords for everything that's wrong with their environment, usually with no evidence that their complaints had anything to do with the HMO. In some cases I could clearly see it was nothing to do with them. I heard a number of things said which confirmed that the members of the public and also the council members had no understanding of the current regulations and inspections undertaken by the Council. Indeed the department responsible for the inspections, Environmental Health, were either not present at the meeting or had no voice.

As I was concerned that this meeting gave a total misrepresentation of the situation surrounding HMOs. I suggested to the council that a number of HMO landlords would be delighted to meet Council representatives to explain our problems and where we succeed and fail, yet the Council did not want to avail itself of this knowledge. Now we are faced with this unnecessary red tape overkill and in my case over £32,000 to be spent in the next 20 years which will ultimately have to be funded in part by the poorer sections of the community through increased rents. This will be detrimental to residents and businesses in Harlow allied with bad publicity for everyone involved.

[Redacted]

Response 10.

Dear Mr Pitt,

Thank you for the letter of 30th September 2013 inviting comments about the proposed Additional Licensing Scheme for all HMOs in Harlow. I am responding on behalf of the Morley Grove Residents Association as discussed at our Committee meeting on 30th October 2013.

We fully support the proposals as described in your website document and are keen to see them realised as soon as possible.

Since a developer started converting some townhouses in Morley Grove into HMOs in 2005 we have endured a great deal of adverse effects from HMOs in both the houses and, less visibly, the flats. The detail of this was presented to the Review of HMOs carried out by the Citizenship, Regeneration & Environment Overview Working Group at its meeting on 29th November 2012. In brief, the adverse effects upon our neighbourhood consisted of noise nuisance; parking and vehicle problems; rubbish and litter (which can attract rats); damage to neighbouring properties by poor maintenance and blocked drains; anti-social behaviour, crime and illegal immigration. Established residents ceased to feel safe in the area.

Harlow Council took enforcement action under planning law against the three largest HMOs among us. Following the landlord's appeal, the Planning Inspector supported the Council, requiring the landlord to cease to use the properties as HMOs by July 2009. After further legal action by the Council, the landlord finally converted the last of these back into a single dwelling-house at the end of 2012. We have ample experience of "rogue landlords" and recognise the importance for Harlow that the Council takes a proactive approach to managing all HMOs in the town

We would like to highlight the following points:-

1. The Statutory Licensing Scheme for 5 or more tenants in three-storey properties covers some HMOs in Morley Grove. They are licensed, at present, for 5 years at a time. We would like to see them on an annual licensing basis as well so that they could be monitored and checked in the same way as proposed in the Additional Licensing Scheme.
2. It is not always clear how many people are living in an HMO. This proposal to license all HMOs would mean landlords could not evade licensing by claiming fewer residents than was truly the case.
3. The annual check is important because tenants living in poor conditions often complain to neighbours but not to the landlord and the Council only acts in response to complaints from tenants. Additionally some less scrupulous tenants allow other tenants to share the property without the knowledge of the landlord.
4. Requiring better standards of accommodation from landlords is in the best interests of all concerned as your report describes, including neighbours of such properties.

5. This proposal would also save money for the Council in the medium and long term by preventing problems from arising and so the need to spend on enforcement.

We fully support Harlow Council with this proposal to better manage HMOs.

[Redacted] Chair, Morley Grove Residents Association