

Delivering better standards for private renters

Selective licensing Consultation

**Lambeth Council's response to
comments and representations
received during the public
consultation**



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1. Introduction

In order to improve the standard of privately rented property in the borough, Lambeth Council is proposing to introduce a selective licensing scheme covering 23 out of 25 wards. During the consultation, the Council received a range of responses regarding the proposed new scheme and the wider private rented sector in Lambeth. Section 80(9)(b) of the Housing Act 2004 requires the Council to consider any representations made in accordance with the consultation which are not withdrawn. The following is the Council's formal response to these representations, which have been considered and have informed a number of changes to the proposed scheme.

2. Changes made to the proposed scheme in response to consultation feedback

Licence Conditions

In response to the consultation feedback, the council has **removed** the following **thirteen conditions** from the proposed selective licence conditions:

Licence Condition	Licence Subject
1.7	Lighting and ventilation
1.12	Repairs, emergency issues and written complaints procedure
1.15	Disclosure of informal warnings or reprimands
1.19	Alternative arrangements for the appointment of a managing agent
3.5	Checks to determine single household status
3.8	Clause in tenancy agreement regarding external storage of refuse/rubbish
5.4	Notification of electrical remediation works
5.5	Portable Appliance Testing
7.3	Accessible means of escape
10.3	Tenant references and ASB
10.4	Reference request for a current or former tenants
10.5	Disclosure of unspent criminal convictions
10.7	Property inspection arrangements

The following **ten conditions** have been **amended** following feedback from the consultation.

Licence Condition	Licence Subject
1.8	Written declarations
1.16	Arrangement of alternate waste collections or receptacles for excessive waste
1.20	Notification requirements following material changes of circumstance
3.4	References
4.2	Gas safety remediation and notification requirements
9.1	Repair and maintenance request process
9.3	Exterior of property to be maintained and regular checks carried out (condition combined with 9.6)
9.5	Outhouses
9.6	Exterior of property to be maintained and regular checks carried out (condition combined with 9.3)
10.2	Approach to managing ASB

Details about these changes, including original conditions, comments and agreed amendments can be found in Section 4.8 of this report

Licence Fee Discounts

Licence applicants will be required to pay a fee for each property that needs a licence. The proposed selective licence fee is £923 per property and is payable in two parts. Part A is £650 and Part B is £273.

The Council also proposed to offer a £75 discount to applicants who are members of a Landlords Accreditation Scheme.

In response to the consultation feedback, the council is proposing to offer **two further discounts** in the following categories:

Category	Discount	Description	Justification
EPC	Part B fee reduced by £50	Properties must have an EPC rating of C or above	Properties with a C-rated Energy Performance Certificate (EPC), including new builds, are less likely to encounter significant disrepair issues. Consequently, they require fewer inspections and enforcement actions to maintain property standards.

Category	Discount	Description	Justification
			<p>Properties with an EPC rating of C or above are generally in better condition and less likely to have hazards such as damp, mould, and excess cold. As a result, these properties require fewer inspections and less enforcement action to ensure that property standards are met.</p> <p>This reduction in required resources is reflected in the discount provided to properties with a C or above EPC rating. The aim is to encourage property owners to improve the energy efficiency and overall condition of their properties, which in turn leads to a safer and healthier living environment for tenants.</p> <p>This also aligns to the Council's strategic commitment to climate change.</p>
Multi-Dwelling	Part A fee reduced by £100 in respect of applications relating to the 2nd, 3rd etc. Flat in a block. Part A fee payable at the full rate for the first flat.	Applicable where multiple properties are: <ul style="list-style-type: none"> a. In common ownership and management control. b. Contiguous with each other in the same block or building c. All applications made at the same time. 	There will be efficiencies in processing applications that relate to multiple units under the same ownership and control within the same building, which will result in cost savings.

The table below shows all proposed discounts and their effect on the total fee payable.

	Discount	Part A	Part B	Total payment after discount
Accredited Landlord	£75	£548	£300	£848
EPC	£50	£573	£300	£873
Multi- dwelling	£100	£523	£300	£823

The criterion for meeting a discount is as follows:

- A discount will not be applicable where the local authority has made two requests for additional supporting documents.
- A discount will not be applicable where the local authority has served a warning letter for failure to license the property.
- Discounts will be determined on receipt of full application and all supporting documents

3. Positive responses to the proposed scheme

The council would like to acknowledge some of the comments received during the consultation in support of the proposed scheme. These have helped to validate the council's approach and highlight the strengths of the proposal, which will be built upon to make the scheme even more effective.

- A very helpful and welcome development
- Agree with the proposed scheme to protect tenants and deal with rogue landlords.
- Although I am an owner occupier I support this and also a rent cap as it is virtually impossible for young people to rent desirable or affordable property
- Anything that holds landlords to account is a massive plus.
- As a private tenant, I would strongly advocate for all of the proposed conditions and am happy to contribute more evidence on my own experience of poor quality private lets in Lambeth to evidence this if useful!
- Having lived in poor quality PRS properties I think it's really important landlords are made accountable for them. Some landlords see tenants as cash cows and have no concern for their wellbeing whatsoever.
- Health and safety for all is key
- Housing is a human right. For too long landlords have been using the housing of Lambeth as a cash cow to squeeze income out of people to need a place to live whilst deflecting their obligation to maintain their properties. This should be the first step to giving tenants more power and reigning in the power of landlords. The only worry I have is that landlords will try to pass this cost of licensing onto their tenants through their rent. But I do believe this scheme will help improve standards and hopefully dispel dodgy landlords from thinking of renting in Lambeth.
- I am an architect and a tenant who has lived in and around Lambeth most of my life. Different members of my family have been both tenants and landlords in the borough since before the Second World War. I thus have a detailed and historically contextualised knowledge of housing provision, changing land values and the shameful persistence of poor maintenance. I therefore wholeheartedly support any proposal to improve housing conditions.
- I am really in favour of any scheme that improves the conditions of privately rented properties in my borough and holds bad landlords to account. Just wanted to say I support it and hopes it has good results.
- I commend the council for bringing forward this licensing scheme, it is much needed. Having been a private renter in Lambeth in an unlicensed (and potentially off-books) property, I urge the council to act against rogue and exploitative landlords.
- I rented in Lambeth for many years before buying here very recently. Hard agree with the council these changes are very welcome
- I think this is a good idea. Too many landlords make profit from unfit properties and tenants need more avenues for recourse.
- I think this would be a very positive step and would also positively impact the wider communities outside of Lambeth private tenants too due to controls over better rubbish management and anti social behaviour. Landlords - who are generating income from their property investments -

should have a responsibility to both their tenants and their neighbours which I don't think is currently recognised sufficiently and this would be a step towards that.

- I welcome the need for landlords to deal with anti-social behaviour. I had a problem with an abusive flatmate and instead of helping me address the concern, he validated the abusive persons behaviour.
- Lambeth needs to introduce landlord licensing, they should have done so years ago in line with many other boroughs.
- long overdue- far too many dangerous properties out there that have a seriously detrimental effect on people's lives and health
- On the whole, I think this is a really good proposed scheme. I believe it will help tenants to feel more secure by improving communication between landlord and tenant (e.g. knowing that rent has been received, that complaints have to be taken seriously, that reference requests cannot just be ignored). It's a huge step in improving rights for renters.
- Please go ahead with the proposal as Landlord's has been getting away too much with the lack of such a place to report them
- Speaking broadly, this seems like a scheme with good intentions.
- These proposals are necessary and long over-due.
- ACORN Lambeth members and supporters fully support the proposed selective licensing scheme and submit that the Council should implement the proposals in full.

4. Main themes from consultation feedback

The consultation focused on the extent to which respondents agree or disagree with the council's proposal to introduce the selective licensing scheme, and the two proposed designations. The consultation also looked at views on the proposed licence conditions and fees.

The consultation questionnaire featured free text boxes which provided respondents with opportunities to comment on the proposals in their own words, specifically:

- If you disagree with the proposal for a selective licensing scheme to address poor property conditions in the four wards of Knights Hill, Streatham Common & Vale, Streatham Hill East and Streatham St Leonard's, please explain why and what alternatives you think should be considered
- If you disagree with the proposal for a selective licensing scheme to address poor property conditions in a further nineteen wards (excluding Vauxhall and Waterloo & South Bank), please explain why and what alternatives you think should be considered
- If you disagree with any of the discretionary conditions for selective licensing, please explain why
- If you have any other comments about the proposed selective licensing scheme, please tell us about them here
- If there is anything else you think the council should consider to help improve the condition and management of private rented sector housing in Lambeth, please tell us about it here

The comments and feedback from the online survey, written representations received and those made during online public forum events have been analysed and categorised into themes. The council's response to these comments and themes are shown below:

4.1 Licence conditions

The following outlines general comments received about the licence conditions.

Theme	Issue	Example Comment	Comment Source	Council Response
Exemptions	Statutory exemptions are misplaced within licence conditions.	Inserted at the start of the proposed licence conditions is a summary of statutory selective licensing exemptions. This section is misplaced within licence conditions as these conditions will only be inserted on selective licences granted by the council. This information could instead be included within general guidance.	SafeAgent Letter	The council agrees that this list of exemptions is removed from within the licence conditions.
Timescales to provide documents	Timescales to provide documents should be standardised.	We would encourage the council to standardise the timescale and process for providing documentation to the council. Firstly, we think it should be a written request. A request made verbally could lead to misunderstanding and unintended non-compliance. Secondly, we think the timescale should be standardised. The conditions impose timescales of between 7 days and 28 days for providing information. We would suggest this is standardised to 21 or 28 days. We think 7 days is unreasonably short, particularly if an email is sent to someone on holiday	SafeAgent Letter	The Council considers it appropriate to require certain information to be provided in 7 days especially where this is in relation to health and safety matters or where such information is already required at the start of a tenancy. Enforcement action is considered on a case by case basis and factors impacting upon the ability to provide information within timescales will be taken into consideration.

Theme	Issue	Example Comment	Comment Source	Council Response
		or absent from the office due to illness.		
		Some of the conditions that have a 21 day window for action feels like a long time to wait if you are a tenant. For specific types of problems (infestations, etc) this could be brought down to 14 days.	Consultation Survey Comments	
Excessive burden	Landlords argue that there are too many licence conditions, they are excessive and place an unfair burden on responsible landlords. They believe that the current regulations and requirements are already sufficient and that additional conditions will only increase costs and administrative work for landlords.	<p>Again it puts more onus on the landlord and will clearly lead to mistakes.</p> <p>If rented via an agent Gas, EICR, Smoke alarms, References, Agreements (EPC), etc are all already scrutinized. If rented privately laws are already in place to cover the above...Noise, nuisance, rubbish and anti-social behaviour are already covered by the council with various systems in place to report.</p> <p>MOST of those conditions are already legally in place.</p> <p>All these conditions are required by law now anyway. Not sure what value Lambeth council will add to this.</p>	Consultation Survey Comments	<p>The Council believes that the proposed conditions are not excessive but necessary to ensure fairness, safety, and improved quality in the private rented sector. They are designed to be clear, reasonable, and proportionate to the scale of responsibilities landlords hold.</p> <p>The Council acknowledges that landlords are subject to existing regulations and laws. However, the existing regulations and powers do not require landlords to declare themselves to the council. This means there is no obligation for landlords to make their properties known to the council or to be proactive in improving conditions, including minor issues (that may still pose a health and safety risk) but still need to be addressed, but which a tenant may not complain to the council about. Formal action under the Housing Act can be a slow process, and</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>There are already strict guidelines for landlords in place for rentals.</p> <p>The proposals are too draconian with very short time periods to respond, and in some instances impose greater obligations than are already provided for under statute, for example PAT testing should not be enforced as long as a landlord has an EICR in place.</p> <p>There are way too many of them! How is one to remember them all? They are written in a style that suggests they are more obligatory than discretionary!</p> <p>Too onerous.</p> <p>It is too prescriptive.</p>		<p>improvements to properties can take many months.</p> <p>Whilst the Council acknowledges that many landlords operating in the borough keep their properties to a high standard, the evidence presented during the consultation shows that there are large scale issues with poor property conditions in the borough's private rented sector, that licensing can help to address. The council believes that many landlords will meet the licence conditions, and do keep their properties in good condition, but licensing enables the council to take action against those landlords who place their tenants in unsafe properties.</p>
Lack of clarity	Some landlords express frustration with the lack of clarity regarding the specific licensing conditions. They feel that without clear guidelines and details, it is difficult for them to fully understand and comply with the proposed conditions.	<p>It is unclear whether the intention is to apply the discretionary conditions to every license as standard, or on a case-by-case basis where problems arise.</p> <p>The use of mandatory and discretionary conditions seems quite complicated in the sense that it is a lot of information and regulations that landlords have to fulfil.</p>	Consultation Survey Comments	The Council believes that whilst comprehensive the licence conditions have been outlined with sufficient detail and clarity. The Council will work with any licence holder to help them to understand any conditions that are not clear to them.

Theme	Issue	Example Comment	Comment Source	Council Response
		There are way too many of them! How is one to remember them all? They are written in a style that suggests they are more obligatory than discretionary!		
		What are your discretionary conditions and how can I agree to them if I don't know what they are?		
More conditions required	There were also comments that there should be more conditions and these should be stricter.	The conditions are not strong enough. There should be a minimum floor space per person and a requirement to provide a kitchen accessible by all tenants.	Consultation Survey Comments	<p>The proposed conditions have been designed after careful consideration and are aimed at balancing the needs of tenants and landlords.</p> <p>Mandatory conditions are those required by law and the Council cannot introduce further mandatory conditions as this must be done via legislation.</p> <p>Although there is not a specific condition relating to floor space or accessible kitchens, these matters will be assessed in accordance with the Housing Health and Safety Rating System.</p> <p>Over occupation of a property is captured by condition 2 which states: <i>The maximum occupancy for this property is one household OR two people in two households (mandatory condition).</i></p>
		There are too few mandatory conditions, it's too complicated to explain in a few words. But it's a start.		
		There is no licence conditions that would allow for enforcement for breach of Selective licence conditions (HA 2004 s.95(2)) if the property is over-occupied, occupied by too many households, or has rooms that are not suitable to be used as accommodation being let.		

4.2 Fees, discounts and the financial impact of the scheme

Theme	Issue	Example Comment	Comment Source	Council Response
Fee too high	Proposed fee significantly above London average.	<p>We recognise that the council need to charge a reasonable fee to cover the cost of administering and enforcing the licensing scheme. It is important that the council implement an efficient and streamlined licence application processing system. This will help to minimise costs and keep fees at a reasonable level, thereby minimising upward pressure on the rent that is charged to tenants.</p> <p>We understand the council is proposing to charge a selective licence application fee of £923 per property. This would be the highest selective licensing fee in London and significantly above the London average selective licensing fee which is currently £720 (Source: London Property Licensing, 2024).</p> <p>We are unsure why it is more expensive to operate a selective licensing scheme in Lambeth than in any other borough. No financial modelling has been provided. The schedule of fees shows 70% of the licence fee is for processing the licence application and only 30% for operating the scheme and enforcing</p>	SafeAgent Letter	<p>The proposed fee has been calculated based on the cost of setting up and operating the licensing scheme. The aim is to ensure that the costs are covered by the expected income from the number of licence applications that the Council anticipates under the proposed designation.</p> <p>A selective licence obtained at the start of the scheme will require a one-off fee of £923 for a 5-year licence, which equates to around £3.55 per week.</p> <p>The Council recognises that this licence fee is higher than the current London average of £720. However, it's important to note that the fees for these current schemes are based on historical financial modelling conducted 2 or 3 years ago. These models do not account for the rising costs incurred by the council in recent years. As such, Lambeth's proposed fee reflects an adjustment to accommodate these increased costs.</p> <p>The Council is aware that Barking and Dagenham is currently consulting on a scheme where the proposed fee is £950, which is higher than Lambeth's proposed fee. This suggests that the costs of operating a</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>against landlords who fail to apply. We would encourage the council to review their financial modelling as it should not cost £630 to process one selective licence application using a modern integrated online application and payment system.</p>		<p>selective licensing scheme are significantly rising.</p>
Discounts	<p>Current offering is unfair or not enough.</p>	<p>Maybe the fee could be free for accredited landlords which would drive standards up everywhere and raise amount of property available to rent.</p> <p>There could also be more than one tier of license - the minimum standard could be the most expensive, with discounts for good practice like longer tenancies.</p>	<p>Consultation Survey Comments</p>	<p>The Council has listened to the feedback, as well as benchmarked against other schemes in operation (using the latest fees and charges for those councils).</p> <p>On the back of this, further discounts set out at the top of this document have now been set out to recognise different circumstances that lead to better premises.</p>
Discounts for almshouses and other charitable institutions	<p>Licence fees will impact charities that are not registered social housing providers and will not meet statutory exemption criteria.</p>	<p>The stated purpose of the licensing scheme is "a way of ensuring safer and better standards in private rented properties"; the licensing of the Foundation's 150 properties would have the opposite effect. Whilst assessed as being in the category of a Private Rented Landlord, the [REDACTED] is a charity accountable to a statutory body, publishes a statutory annual report and accounts and is demonstrably committed to maintaining its properties to the</p>	<p>Consultation Survey Comments</p>	<p>Charities are not covered in the statutory exemptions for Selective Licensing.</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		highest standard. The Trustees urge most strongly that the Foundation be included as an exemption in Appendix 2 in line with the other charities.		
Discount eligibility criteria	Clarification required on the circumstances when a discount 'may' apply.	We welcome the proposed £75 fee discount for licence applications where the licence holder or property manager is a member of Safeagent. We note it says the discount 'may' apply. We would ask the council to clarify any additional eligibility requirements being considered so we can comment on those.	SafeAgent Letter	<p>The criterion for meeting a discount is as follows:</p> <ul style="list-style-type: none"> • A discount will not be applicable where the local authority has made two requests for additional supporting documents. • A discount will not be applicable where the local authority has served a warning letter for failure to license the property. • Discounts will be determined on receipt of full application and all supporting documents
Money making scheme	Respondents perceived licensing as merely a means for the council to raise revenue, rather than a genuine effort to improve housing standards.	<p>It is just a means for the council to make more money out of landlords.</p> <p>This scheme - like the additional HMO - is nothing but a money-raiser to fund the councils work with poor rentals.</p> <p>Can you confirm that 36 hours of work would go into processing a licence? If not, where are the additional costs? More transparency around this would help allay concerns that this is a money-making venture, and could</p>	Consultation Survey Comments	Under the law, the Council is not allowed to make money from the licensing schemes. The proposed fees have been calculated based on the cost of setting up and operating the licensing schemes, so that the costs would be met by the expected income from the number of licence applications the Council anticipate, under the proposed designations.

Theme	Issue	Example Comment	Comment Source	Council Response
		help raise support for the wider objectives of the scheme.		
Increased financial pressure on landlords	Landlords already under financial pressure due to interest relief removal and mortgage rises.	With mortgage rates where they are landlords cannot afford to pay your proposed licences. It will drive rentals through the roof.	Consultation Survey Comments	We are mindful of financial pressures that landlords may currently be under. Landlords are encouraged to claim reasonable business expenses related to rental properties which may help reduce your tax bill.
		Landlords already suffering due to changes in tax law and mortgage rate increases. By all means enforce standards where there are complaints but do not raise fees for the majority of landlords who are good.		
		We currently make a small profit each month, but our mortgage is about to go up by £350 a month, which will wipe out any profit.		
Additional costs will be passed on to tenants	Respondents express concerns about the costs associated with licensing and how it would increase rents for tenants.	The cost of the licence will have to be passed on to tenants.	Consultation Survey Comments	From administering HMO licensing schemes , the council has seen no evidence that landlords have increased rents to cover their licence fee costs or that landlords have moved elsewhere . This is similar to the findings from the other 17 London Borough Councils currently operating selective licensing schemes. Similarly, research carried out by an independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) showed that selective licensing did not result
		Further legislation is unnecessary. This additional cost will only be passed on to tenants. Whoever came up with this idea didn't think it through!		
		Licensing schemes consistently add costs to letting that are passed on to tenants.		
		This is imposing a large additional cost on landlords, which is likely to be passed on to tenants in the form of		

Theme	Issue	Example Comment	Comment Source	Council Response
		higher rents, and may deter some people from renting out properties.		in an increase in rents in areas with a scheme, that market forces dictated the rent levels.
		Could the fee be passed onto tenants? How would the council protect tenants from landlords passing on the cost e.g. through higher rents.		If landlords want to increase the rent, there are procedures which must be followed and any increase above market rents levels can be challenged via the Residential Property Tribunal.
Landlords will leave the PRS	Concerns licensing could reduce the number of rental properties as some landlords sell up due to extra costs/burden.	Private landlords are utterly beleaguered by red-tape, and many of us are making a loss. Yet more legislation will result in more yet landlords leaving the market, higher rents, and higher pressure on fewer rental places.	Consultation Survey Comments	The council appreciates that the private rented sector plays a very important role in providing decent homes throughout the borough. However, as outlined in the evidence base, there is evidence of poor property conditions throughout the borough and the council does not wish to ignore the evidence of these issues. In light of the evidence, the council believes that it has to take steps to address these widespread issues of poor property conditions in the borough.
		If Lambeth chooses to impose an additional layer of bureaucracy on landlords then this may well result in less rental properties available as landlords choose to exit the sector.		
		Taxing the good landlords is pushing them out of the market. This is one of the reasons why we are seeing a decline in private rental stock across London and some steep increases in rent.		We have seen no evidence that landlords have moved elsewhere or that there has been an increase in difficulty in finding rental properties in a licensable area. This is similar to the evidence from other authorities who have also been operating licensing schemes. The private rented sector is a growing sector, and properties continue to be in high demand, including in areas where licensing has been introduced.
		The proposed measures along with other legislative changes proposed makes continuing as a landlord increasingly unviable without increased rents and are forcing		

Theme	Issue	Example Comment	Comment Source	Council Response
		landlords out of the market which only exacerbates the housing crisis.		
Discounts or exemptions for occasional landlords	Suggestion small/occasional landlords should face less burden than large portfolio operators.	<p>The additional administrative burden will risk driving away good landlords, a lot of which are smaller and only own 1 or 2 properties. We are then left with more institutional, larger landlords who will find ways around the system.</p> <p>I feel a blanket requirement would be inappropriate for small landlords with a single property.</p> <p>Whilst I understand that the council needs to address poor housing conditions, this proposed scheme penalises small-scale landlords such as myself.</p> <p>Furthermore, landlords of one property (i.e. not operating property as their main business) should not be under the same financial burden as landlords operating dozens of properties. The shortage of rental properties, it seems to me, will be exacerbated if single property landlords are to face additional administrative and financial burden at a time when many are selling up due to mortgage rises.</p> <p>There needs to be more targeted action against those with multiple</p>	Consultation Survey Comments	This has been considered but not practical in application. Ultimately all landlords face the same requirements when letting a premise be it for 12 months or 12 years, and it is important standards are maintained across all.

Theme	Issue	Example Comment	Comment Source	Council Response
		properties in poor repair and exemptions for those who are renting due to professional reasons		
		If you exempt or discount private landlords that offer suitable accommodation you may get somewhere.		

4.3 'Good' landlords and collaboration

Theme	Issue	Example Comment	Comment Source	Council Response
Negative Impact on good landlords	Concerns that licensing schemes drive good landlords out of the market due to increased costs and bureaucracy, leaving fewer rental properties available.	A blanket license punishes landlords and first time buyers who are good landlords. If a landlord is found to be poor then it makes sense, but if they are not then it adds unnecessary financial burdens to first time buyers and people in a cost of living crisis. This is particularly true to those who only own one property and already have a high mortgage and rent a room.	Consultation Survey Comments	The council understands that many landlords who rent out properties in the private sector manage their properties responsibly. However, the evidence shows that the borough is experiencing large scale issues in the private rented sector with poor housing conditions. The Council's intention is to use the regulatory framework provided by additional and selective licensing schemes to focus on those that do not comply and impact negatively on the reputation of those responsible landlords as well as having a detrimental effect on tenants and neighbourhoods. We will develop guidance
		All you do is drive out the good landlords, and the bad landlords continue to act as they always have.		

Theme	Issue	Example Comment	Comment Source	Council Response
		Existing building regulations and health and safety legislation are more than sufficient to cover major issues.		and work with landlords to bring about compliance where possible, but we will also use robust enforcement against wilfully non-compliant landlords.
Target rogue landlords	Respondents suggested that the council should focus on targeting and penalising rogue landlords who are known to be providing substandard housing, rather than implementing a blanket scheme that affects all landlords.	<p>Target specific addresses based on complaints and evidence. There is no need for a blanket licence that would be required even by good landlords and at properties where no such problems exists. A blanket licence is totally unnecessary and inefficient, adding to people's costs and work when they have done nothing wrong and do not need extra legislation and bureaucracy from the local authority.</p> <p>There are already legal requirements for private landlords and if landlords are operating within the laws there is no need for this scheme. If they are not then the council should be prosecuting them. The Council should not be charging good landlords to fund the policing of bad landlords.</p> <p>So in my opinion rather than penalising all landlords, the majority of which are very good landlords, the alternative here is to seek remedies against rogue landlords which are</p>	Consultation Survey Comments	<p>If approved, the Council will carry out inspections under the new scheme to find unlicensed properties and will take action against those who refuse to licence their properties.</p> <p>An independent agency on behalf of the government (An Independent Review of the Use and Effectiveness of Selective Licensing) found that licensing "provides a clearly defined offence (licensed / unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences".</p> <p>The council believes that licensing will enable them to work with landlords to raise standards of living in the borough and work to tackle the issues of poor housing conditions, by holding landlords to a high standard, and by carrying out inspections.</p> <p>Alongside the enforcement powers granted by licensing, the Council will also carry out a comms campaign to make landlords, tenants and residents aware of the licensing</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		sufficiently punitive to act as a deterrent and to fund enforcement. Make the bad guys pay not the good ones!		schemes, and raise awareness of how to report issues.
Work collaboratively with landlords	Respondents suggest that the council should work collaboratively with landlords rather than treating them as adversaries, in order to improve housing standards and increase the supply of rental properties.	Co-operate with the Leaseholders Homeowners Association. Work with them.	Consultation Survey Comments	If the licensing schemes are introduced, the council proposes to increase the landlord forums and support events, with help and guidance We will develop guidance and work with landlords to bring about compliance where possible.
		Work with landlords rather than seeing them as the enemy. We are helping to provide much needed accommodation, we need more good-quality landlords to enter the rental market to help with supply, and the licensing fee will put people off.		
		I would like to see a more support-based, partnership-focused approach that explains how different factors including the council can come together to tackle problems if they occur. The current suggested approach seems to put too much of a burden on one small part of the ecosystem.		
Work collaboratively with letting agents	Respondents suggest that the council should work collaboratively with letting agents.	Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore	SafeAgent Letter	The council agrees and is indeed open to exploring ways for effective collaboration with letting agents.

Theme	Issue	Example Comment	Comment Source	Council Response
		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.		
Support and guidance for landlords	There is a call for clearer guidance and support for landlords to help them meet the licensing requirements, including dedicated helplines or support services.	I don't think forums are enough, I would like to see a dedicated support offer to landlords to help them meet requirements - a staffed helpline, for example.	Consultation Survey Comments	The Council is committed to providing robust support for landlords, and we have several measures already in place to ensure this. Our guidance for landlords, available on the Council's webpage, provides comprehensive information and advice to landlords to support them in meeting their obligation to provide good quality rental accommodation for their tenants. Through the current licensing schemes, a database of over landlords and agents operating in Lambeth has been compiled, supporting better communication and engagement with the sector through a regular e-newsletter and a thrice-yearly landlords' forum. If the new licensing schemes are introduced, the council proposes to continue its engagement activities with landlords
		Landlords will need very clear guidance and support from the local authority on what their role and responsibilities are		

4.4 Anti-Social Behaviour

Theme	Issue	Example Comment	Comment Source	Council Response
Landlords responsibilities for dealing with ASB	Concerns were expressed about landlords' responsibilities regarding antisocial behaviour. A feeling that this should be supported by the council and that tenants themselves have a responsibility to behave well.	"A landlord is not the primary person responsible for antisocial behaviour - that is the person committing the behaviour. I would like to see a more support-based, partnership-focused approach that explains how different actors including the council can come together to tackle problems if they occur.	Consultation Survey Comments	The council understands that is the responsibility of all residents in the borough not to cause anti-social behaviour
		I do not disagree with the anti social behaviour conditions, but it is unclear to me how these would be implemented by a landlord.		The council does not expect landlords to be responsible for the behaviour of their tenants, but the council would expect landlords to meet the proposed licence conditions, which lay out how to help address issues with ASB in licensed properties.
		I believe making landlord's responsible for tenant behaviour will be very difficult and may well cut across tenant's rights in a way that makes it hard to enforce. Good goal, but hard to execute.		The council will work with landlords who are experiencing issues with tenants to address issues of ASB, including guidance on how to manage ASB caused by tenants.
		The provisions of Section 10 are unreasonable and potentially unlawful. Landlords are being saddled with responsibility for preventing and managing anti-social behaviour without the requisite authority to manage it effectively.		The council would encourage landlords to include clauses in their tenancy agreements about ASB, and to manage their tenancies and ensure that ASB caused by their tenants is effectively addresses and if necessary appropriate action taken. The licence conditions gives actions which landlords should take to indicate that they are dealing with ASB associated with their properties. Evidence presented to the LA may be used in claims for possession. The

		They cannot evict tenants readily for antisocial behaviour nor can they issue fines, attempting to resolve antisocial behaviour without police intervention could be dangerous.		Council's (ASB) officers will work in partnership to support landlords in dealing with tenants causing ASB.
		Landlords are not experienced in managing antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependency. Suppose there are any allegations about a tenant causing problems, and a landlord ends the tenancy. In that case, the landlord will have fulfilled their obligations, even if the tenant has any of the above issues. This moves the problems around Lambeth but does not help the tenant, who could become lost in the system, or worst, move towards the criminal landlords. They will also blight another resident's life.	NRLA	
		Regarding reducing antisocial behaviour and those landlords must tackle such activity within their properties, landlords and agents can only enforce a contract; they cannot manage behaviour.		
ASB and overcrowding	Difficulties for landlords to manage occupancy numbers.	The overcrowding issue is complicated for a landlord to manage if the tenant has overfilled	NRLA	The council believes there are steps that landlords can take to determine if a property has been sublet or overfilled.

		<p>the property. A landlord will tell a tenant how many people are permitted to live on the property and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord managing this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises?</p> <p>It is impractical for landlords to monitor tenants' everyday activities or sleeping arrangements.</p>		<p>Licence condition 10.7 requires '<i>the licence holder/management agents to make regular (at least 6 monthly) inspections of the property to ensure that it is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions</i>'. The NRLA's own guidance recommends that "inspections should be no less than every three months" The landlord's essential guide to periodic property inspections NRLA</p> <p>The council does not believe that these inspections would impact the tenants' welfare.</p> <p>As stated above, the council will work in partnership to support landlords in dealing with tenants causing ASB.</p>
<p>ASB and the impact on vulnerable tenants</p>	<p>Concerns about conditions relating to ASB and how they might impact vulnerable tenants.</p>	<p>It would be useful for Lambeth to look at the work of the Domestic Abuse Housing Alliance on this point or reach out to national charities such as Shelter and Crisis who are currently working on this area in relation to the Renters Reform Bill. Victims of domestic abuse are significantly more likely than other tenants to have ASB complaints made against them, often due to the misidentification of domestic abuse as ASB. National Government has forthcoming guidance for landlords on what genuinely constitutes anti-social behaviour and what does not.</p>	<p>Consultation Survey Comments</p>	<p>The council does not want tenants to be evicted because landlords lack a clear understanding of what constitutes anti-social behaviour, or are misidentifying it. We are committed to working towards this goal and appreciate your input and suggestions. The council will take steps to engage with the Domestic Abuse Housing Alliance and charities like Shelter and Crisis to ensure we are fully informed and can provide landlords with the most up to date guidance on this issue.</p>

		Ultimately, we don't want tenants to be evicted because landlords don't have a clear understanding of what anti-social behaviour is, or are misidentifying anti-social behaviour.		
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4.5 Administration of the proposed licensing scheme

Theme	Issue	Example Comment	Comment Source	Council Response
Council capability	Concerns expressed in the Council's ability to manage the licensing scheme effectively, raising doubts about its implementation and impact.	<p>If the four wards in phase 1 represent the council's highest priority, we would encourage the council to focus on that area and demonstrate positive outcomes before deciding if resources should be scaled up for a larger scheme. Even within four wards, the council predict over 2,500 properties with category 1 hazards, which would necessitate over 500 inspections during each year of the scheme. The consultation report provides no information on the proposed staffing structure to deliver this outcome and the associated financial modelling.</p> <p>With the council's evidence based indicating almost 49,000 private rented homes in the borough, there is almost no prospect the council could inspect 8,000 to 10,000 properties a</p>	SafeAgent Letter	<p>If the scheme is approved, the Council's enforcement capability will be increased in line with the number of licences. This forms part of the financial modelling as well as putting in place a recruitment and retention policy to address the increased capacity being put in place to address both the processing and inspection of licensed premises.</p> <p>Within the new scheme objectives we have set ourselves challenging targets. Resources shall be prioritised to effectively deal with the properties of most concern and target enforcement actions to those landlords who fail to licence their properties and/or breach licence conditions</p> <p>The council will be actively inspecting for unlicensed properties and will take action</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>year if the full scheme was rolled out. If the key driver for selective licensing is poor property conditions, the scheme cannot achieve its objectives without a realistic inspection programme. This is why we would suggest a staged approach. If all the selectively licensed properties in four wards can be inspected and improved within five years, resources can then be reallocated to the next priority area.</p>		<p>against those who refuse to license their properties.</p> <p>Pro-active licence compliance inspections will also be undertaken</p>
		<p>Whilst I agree with the proposal I have very low confidence that Lambeth Council will do this effectively. It is ironic that Lambeth is proposing to regulate other landlords when it is such a dreadful landlord itself.</p>	<p>Consultation Survey Comments</p>	
		<p>If only I had the confidence that such schemes would be administered intelligently with a light touch I would favour them.</p>		
		<p>I have little confidence that Lambeth is capable of managing such a scheme.</p>		
		<p>Given Lambeth's own shocking record as a Landlord (Ombudsman evidence</p>		

Theme	Issue	Example Comment	Comment Source	Council Response
		just partial part of the story), it is unfit to monitor other landlords. To do so is sheer hypocrisy and would not provide any confidence.		
Delivering effective enforcement	Scheme must be effectively enforced.	It is vital that the council have 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 associated with the licence application process and compliance, whilst others evade the scheme completely.	SafeAgent Letter	<p>The scheme has been costed to ensure that if approved the Council's enforcement capability will be increased in line with the number of licences.</p> <p>The council will be actively inspecting for unlicensed properties and will also be undertaking pro-active licence compliance checks.</p> <p>Within the new scheme objectives we have set ourselves challenging targets. Resources shall be prioritised to effectively deal with the properties of most concern and target enforcement actions to those landlords who fail to licence their properties and/or breach licence conditions.</p>
Use existing laws	Current laws already exist to maintain property standards and should be used effectively.	<p>Lambeth council has many existing enforcing powers that can rectify the identified problems as part of the council's housing strategy. These include [legislation listed]</p> <p>The council also has a wealth of housing enforcement legislation that can be used to enforce against poor</p>	NRLA	<p>The council have considered a range of alternatives to selective licensing, but do not believe they are as effective in dealing with poor property conditions in the borough.</p> <p>The current powers the council has, including the use of the Part 1 Housing Act 2004, do not require landlords to declare themselves</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		standards in the PRS, such as the Housing, Health, and Safety Rating System (HHSRS), Improvement Notices, Hazard Awareness Notices, Prohibition Orders and Emergency Remedial Action, civil penalties, and criminal prosecutions. These powers are available to the local authority now and do not need consultation to use.		to the council. This means there is no obligation for landlords to make their properties known to the council or to be proactive in improving conditions, including minor issues (that may still pose a health and safety risk) but still need to be addressed, but which a tenant may not complain to the council about.
		Enforce the existing Laws properly. That would be a start. Harsh Legislation is useless without enforcement.	Consultation Survey Comments	Formal action under the Housing Act can be a slow process, and improvements to properties can take many months.
	Effective use and enforcement of existing laws and powers the council has.	Requires the council to serve a notice and it is only if that notice is not complied with, that the council can then take enforcement action.		
	There are plenty laws against rogue landlords. Why not enforce those?			
	Enforcement of existing health and safety laws. The legislation to enforce safe conditions already exists- the licensing scheme just looks like the council's attempt to make more money from licensing fees.			

Theme	Issue	Example Comment	Comment Source	Council Response
Renters Reform Bill	The bill will provide much of what a PRSL scheme seeks to accomplish and that two parallel schemes are unnecessary.	We would encourage the council to reflect on proposals in the Renters Reform Bill to implement a Property Portal. All private landlords in Lambeth will be required to register on the portal and upload relevant gas, electrical and other safety certification. Enforcement of the property portal is likely to be delegated to the council. With this enhanced information on the private rented sector and the opportunity to scrutinise safety certification on every property, we would ask the council to consider whether a smaller more targeted scheme would make better use of limited resources.	SafeAgent Letter	The council has carefully considered the proposals in the Renters Reform Bill to implement a Property Portal. While the proposed portal is a valuable tool for local authorities, it is not a substitute for a selective licensing scheme. Selective licensing provides a locally tailored, systematic approach to improving housing standards. It is more than just a collection of information; it is a proactive means for local authorities to inspect privately rented housing without the need for tenant complaints. This facilitates targeted action where it is needed most, ensures property managers are fit and proper persons, and protects vulnerable tenants.
		Furthermore, their rationale for the scheme will be negated when the government introduces the Renters (Reform) Bill. All the mandatory conditions they list are already a legal requirement for rented properties.	Consultation Survey Comments	The property portal will aid in the identification of unlicensed properties and inform landlords about local activities. However, it will not directly improve property conditions and management. Certificates will still need to be checked for accuracy, and landlords can opt out of receiving notifications from the portal, limiting its impact.
		I am against this completely and most will be negated by the government introduces the Renters (Reform) Bill.		In conclusion, while the portal will provide a valuable source of information on the sector, a selective licensing scheme is still necessary. It ensures effective regulation and
		Also when the government introduces the Renters (Reform) Bill this will address the same concerns as the		

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>licensing scheme. The idea of a fee of £923 for a license already covered by other legislation seems excessive and irrelevant, and it will push up rents.</p> <p>There is no point in introducing SL in any wards as the Renters (Reform) Bill will do the same thing and will be national.</p> <p>There is a lot of existing legislation available to Lambeth Council to deal with issues in rental properties. In addition, the Renters Reform Bill is currently passing through parliament. Rather than creating more rules and expense for Landlords with a new licensing scheme, it would be better to enforce the existing legislation and new legislation that will soon follow from the Renters Reform Bill.</p>		<p>improvement of the private rented sector, providing a comprehensive solution that addresses the unique challenges of each local authority area. The Council supports the implementation of both tools in tandem to achieve the best outcomes for landlords, tenants, and local communities.</p>
Public Register	<p>Respondents emphasise the need for a publicly accessible register of landlords and a review system where tenants provide feedback on their rental experiences.</p>	<p>It is unclear from the survey whether the register of landlords will be publicly available and searchable for prospective tenants. It should be - tenants should be able to make sure their landlord has a good record just as landlords check their tenants are suitable. It should include the number of times a landlord has issued an eviction notice, any unreasonable</p>	<p>Consultation Survey Comments</p>	<p>It is a legal requirement for the Council to maintain a public register of all licensed properties in the borough. You can currently search for licensed HMO properties at HMO register Lambeth Council</p> <p>Information about private landlords and letting agents who have been prosecuted or fined can be found by searching the Mayor of London's Rogue Landlord and Agent</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>delays in undertaking repairs, any action the council has taken against them and historic rent cost data so that tenants are informed and able to ask about significant increases or historic issues.</p>		<p>Checker. This contains information about landlords and agents who have been:</p> <ul style="list-style-type: none"> • prosecuted or fined by London boroughs for housing-related offences • prosecuted by the London Fire Brigade for fire safety offences • expelled by one of the agency redress schemes
		<p>Lambeth could keep a public register of landlord ratings showing infringements of licenses.</p>		
		<p>I suggest; All letting agents must be registered (with Lambeth & Nationally) ; Lambeth could require all landlords to be on a register, for a nominal fee ; Landlords (or their agents) would be responsible for updating their register entry.</p>		
		<p>Don't know how it would legally work but I feel that having an open online database of properties/landlord/problems, complaints and issues with conditions and whether they have been resolved. This would allow transparency and highlight if you are going to be renting from a potential troublesome landlord and would create a record of when a condition complaint is requested VS resolved</p>		

Theme	Issue	Example Comment	Comment Source	Council Response
Complaint reporting methods	Suggestions for measures to protect tenants such as providing a way for tenants to report issues.	There should be more effective ways for tenants to report issues and meaningful consequences for landlords who get reported.	Consultation Survey Comments	<p>There are a number of ways for tenants, to get in touch with the team to report properties they are concerned about, or specific issues with a property. This includes a dedicated email to report issues, a licensing telephone line to speak to officers and an online reporting form on the Council's website .</p> <p>The council is committed to addressing complaints and will maintain this commitment within the framework of the licensing scheme. However the current process of reacting to complaints relies on complaints being made to the council and does not encourage landlords to be proactive.</p> <p>The council believes that a proactive approach will have a greater impact on improving property conditions and will increase the awareness of tenants of acceptable standards in privately rented properties.</p>
		Part of this license should give tenants a portal to report issues with their homes to the council, this will then allow the council to track landlord performance in resolving issues and the decisions they take in repairs.		
Scheme 'household' criteria	Concerns that the scheme only applies to properties with 1 or 2 households, leaving out properties with 3 or 4 households, which are common and may also need regulation.	I don't understand why it is only limited to 1 or 2 households in a property. A large majority of properties (including ones I have stayed in) have been 3/4 households in 1 property and these will not be licensed?	Consultation Survey Comments	The proposed selective licensing scheme will be in addition to the Mandatory and Additional HMO licensing schemes currently in place that apply to properties occupied by three or more people in two or more households.

Theme	Issue	Example Comment	Comment Source	Council Response
		When you reduced the HMO classification from five to three unrelated adults you caused an exodus. Why would a landlord let to three adults, and be a HMO (licensing, etc), when they can let to one family (which could be 10 people?!) and avoid it?		All properties will be inspected for overcrowding and be addressed using the relevant legislation.
Transparency	A need for the council to report on scheme outcomes.	Should the scheme be approved and implemented, the council should provide an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall.	NRLA	The council intends to produce an annual review of the licensing schemes, which will show how the council is tracking against the scheme objectives, and provide transparency to landlords, tenants and residents of the borough on the scheme.

4.6 The existing Additional HMO licensing scheme

Theme	Issue	Example Comment	Comment Source	Council Response
Implementation of existing additional HMO scheme	Limited information provided regarding the implementation of existing additional HMO scheme.	We note the council introduced a borough wide additional licensing scheme covering most Houses in Multiple Occupation (HMOs) in December 2021. Before embarking on new licensing schemes, we would ask the council to provide	SafeAgent Letter	The current schemes are kept under constant review, including monthly trackers to ensure on track. In addition, a new HMO and Selective Licensing Policy is being introduced to clearly set out approach and standards.

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>information on the implementation, resourcing and enforcement of the current scheme. The consultation report provides very limited information in this regard.</p> <p>We are concerned to see less than half of additional licence applications have been processed over two years after the scheme started, and no information about property inspections. We would encourage the council to focus on implementing the current additional licensing scheme and share the outcomes before embarking on any new schemes.</p> <p>We would highlight that Croydon Council's application to the Secretary of State for borough wide selective licensing was refused in 2021. One of the reasons given by the Secretary of State was failure to demonstrate strong outcomes or efficient delivery of their previous scheme.</p> <p>We anticipate the Secretary of State will apply similar considerations to an application from Lambeth Council. For this reason, we would encourage the council to evaluation the</p>		<p>There is an acceptance that there were administrative issues around the additional licensing scheme due to the use of the database system in place. Since March 2023, a new database system has been in place that allows full front webpage to back office interaction.</p> <p>As a result, by February 2023 85% of received applications had been processed and are being subject to inspection. Inspections are scheduled over the course of the 5 year licence, with concentration on those identified as highest risk (e.g. past complaints, layout, fire risk etc).</p> <p>Now this database system is in place, this will serve the processing of selective licensing applications which are more straight forward than HMOs. In addition, as part of the work that is scheduled to take place on approval of the designation is a clear enforcement strategy that uses intelligence and evidence to identify and target interventions where the greatest risks are.</p> <p>On the back of this, with the number of potential premises that will be subject to licencing, the financial modelling has included the resourcing necessary to not only administer the licences but also carry</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		implementation of mandatory HMO and additional licensing and share that information with all interested parties.		out proactive and reactive checks on premises. We are committed that such a scheme is not a tick box one, but actually involves visits to premises to ensure they are compliant and appropriate action taken where applicable.
		Additional licensing was introduced in Dec 21 and only a small proportion of the properties have been inspected to date. Most applications have been desktop processed and no follow up / visit to ensure conditions relating to fires safety works have been completed in the time line or meet the minimum standard. Therefore conditions have not improved in this sector and those that have complied are the already compliant landlords and have penalised by the licensing fee. The licensing fee has not been reinvested into housing enforcement as required by legislation but spent on contractors to process the applications or siphoned off to other departments.	Consultation Survey Comments	
Enforcement of Additional HMO licensing scheme	Lack of detail regarding current enforcement activity.	The NRLA submitted a Freedom of Information request requesting information on the current levels of enforcement activity of the council's additional licensing scheme, which has been in force since December	NRLA	It is agreed that enforcement and proactive inspections are key to any scheme. That is why the financial model builds in enforcement and inspection officers to ensure visits are conducted and appropriate enforcement action is taken.

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>2021. Despite submitting the request in mid-January this year, a response has not been received due to a delay in obtaining the information from a staff member. Consequently, it is a little unclear how effective additional licensing has been in detail.</p>		<p>We will continue to take an education approach first but will have a clear enforcement approach to tackle risk within the private rented sector.</p> <p>This includes working with external partners to improve efficiency around aspects of civil penalty notices and rent repayment orders for example.</p> <p>Current options have been examined, and are set out in the main report, but selective licensing allows a proactive approach to ensuring private rented premises are up to standard and being managed properly.</p>
		<p>Without enforcement - which will require designated officers and ring fenced funding - these licenses are pretty pointless as indicated by the HMO I live next door to.</p>	<p>Consultation Survey Comments</p>	
		<p>The recent HMO additional licensing scheme that Lambeth brought in made very little difference in terms of anything other than a few relatively minor fire upgrades whilst heavily contributing to a huge uplift in rents and lack of private rented stock in the market.</p>		
		<p>I agree, However HMOs are the biggest problem which already have licences and nothing is done to enforce the conditions. Is this just another money making scheme from Lambeth where there is no enforcement and therefore no benefit to residents? Why don't you start with actually enforcing the HMO licence conditions first? I</p>		

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>would hope the licence is free of charge for Landlords as there has been no reference to this.</p>		
<p>Use of existing enforcement powers</p>	<p>Lambeth has a poor record of using existing enforcement powers.</p>	<p>Recent FOI data shows that Lambeth has a poor record of enforcement when it comes to existing enforcement powers. The council reported they had issued zero civil penalties for an array of offences such as failure to comply with HMO management regulations and MEES regulations.</p> <p>Only 11 Improvement Notices were served between 2021-2023, and information could not be provided on the number of civil penalties served for smoke and carbon monoxide regulations (2015) and electrical safety standards regulations (2020).</p> <p>Information on the number of HHSRS inspections for 2021/2022 could not be provided either, with the council reporting 103 inspections for 2022/2023. This relatively low compared to other councils, such as Lewisham for example, who reported 872 HHSRS inspections in total for both years. Limited action has been</p>	<p>NRLA</p>	<p>See response above.</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		taken to tackle hazards in PRS properties, so the NRLA is unsure why selective licensing has been considered when existing enforcement powers are available to the council but have not been fully utilised.		

4.7 General comments about the licensing scheme proposals

Theme	Issue	Example Comment	Comment Source	Council Response
Excluded Wards	Concerns about the fairness of excluding the two wards of Vauxhall and Waterloo & Southbank.	Excluding Vauxhall and Waterloo & Southbank, where properties are expensive isn't fair - they too should be licenced.	Consultation Survey Comments	The council can only introduce selective licensing in areas in the borough where there is evidence that the area meets the criteria as laid out in section 80 of the Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions) (England) Order 2015. The council carried out a detail analysis of the PRS and the evidence supported a scheme based on poor property conditions. However, there was not the evidence of poor property conditions in the wards of Vauxhall and Waterloo & Southbank . The Council will continue to monitor the two wards not included in the scheme and
		Excluding expensive property in Vauxhall / Waterloo & Southbank is typical Lambeth, buddying up to wealth and wealthy property developers. If this scheme goes ahead, there should be no exemptions for "posher" properties. Disgraceful discrimination.		

Theme	Issue	Example Comment	Comment Source	Council Response
				should the evidence change then consideration will be given to introducing a third designation.
Uneven application across borough	Suggestions that licensing should only target problem areas or properties and should not be applied broadly across the whole borough.	Have true selective licensing where you target *individual* properties and landlords of concern and make them license for a period until they improve their standards. This improves their property without putting every single property rent up (because we tenants pay in the end).	Consultation Survey Comments	The council carried out a detail analysis of the evidence available and has been selective in proposing designations for areas that meet the criteria of poor housing conditions.
		If the issue is with 'slum' landlords then this should be the target and not automatically forcing every private landlord to be subjected to this licensing process.		
		Policing property owners and targeting only some areas is unfair and simply policing the people who have worked hard to get their property's and improve the Lambeth borough.		
Evidence base flawed	Respondent raises concerns about the Metastreet predictive modelling methodology.	Flawed underlying analysis on scale of Category 1, HHSRS prevalence - Statistical model developed by Meta Street, relies on meta data models extrapolating from a biased sample, appears to have been limited real	Consultation Survey Comments	The Metastreet's Tenure Intelligence (Ti) methodology is clearly outlined at page 45 of the Housing Stock Condition and Stressors report.

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>world un-biased sampling of property to develop or test the model. No explanation of how large a sample set was used. Sampling based only on properties which had 'action by local housing authority' extremely likely to bias analysis towards over-inflating prevalence - Meta street is not independent or experienced forecast agency. Analysis is highly likely to be biased towards inflating number of houses with category 1 issues given Meta Street develop software to handle property licencing - Unclear if qualified data scientists have been used to develop and test model analysis.</p>		<p>Ti uses a wide range of data and machine learning in combination with expert housing knowledge to accurately predict a defined outcome at the property level.</p> <p>Council and external data have been assembled as set out in Metastreet's data specification to create a property data warehouse. . This includes various data sources and is not based solely on where 'action' has been taken by the council. The council refutes the assertion that the model uses a biased sample.</p> <p>All results have been analysed by skilled practitioners.</p>
<p>Issues in council housing</p>	<p>Respondents pointed out that a significant number of poorly maintained properties are owned by Lambeth Council itself. They argue that the council should address the issues within their own housing stock before penalizing private landlords.</p>	<p>Most poorly maintained properties are council owned and properties where the council is the freeholder, therefore the council should direct more effort into solving its own properties problems rather than focusing on the private rented sector.</p> <p>Privately rented properties are not a problem. Anti social behaviour, poor standard of properties, disrepair, are all common in council owned properties. Perhaps you should licence yourselves instead?</p>	<p>Consultation Survey Comments</p>	<p>The licensing proposals are set in the context of the council's wider programmes to tackle housing need, increase sustainability, improve property standards and reduce ASB.</p> <p>Licensing is part of the Council's wider strategy to improve the lives of residents in the borough</p> <p>The council has recently consulted on a new Housing Strategy for 2023 onwards. The draft strategy recognises there are many housing challenges facing Lambeth and sets</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>Rather the irony that this only affects private properties, but not council owned ones, which often are in dire need of renovation, shows that this plan is - while in good faith - not thought through</p>		<p>out how these will be addressed across three priority themes:</p> <ol style="list-style-type: none"> 1. More Affordable Homes 2. Delivering Excellent Housing and Repair Services 3. Supporting Healthy and Safe Neighbourhoods <p>Whilst the Council acknowledges that all property types may have issues with poor property conditions, licensing is a tool available for the Council to use to address these issues in the PRS.</p> <p>Properties let by a local authority or a Registered Provider (housing association) are exempt from licensing by law.</p>
		<p>Why does a fit and proper landlord have to pay such a high license cost which is not tax deductible. Some of the council owned stock is in a bad state of repair, are license fees being used to repair these?</p>		
		<p>Discriminatory behaviours where Lambeth leadership want to fail to make sure social housing is fit and in good condition but love the idea to persecute like a witch hunt because Lambeth Council leadership want more money, simply as result of poorly financial management. A disgrace.</p>		
<p>Short term lets</p>	<p>Short term holiday lets and Air BnB properties need to be included too.</p>	<p>The licensing you propose will not address the problems because it excludes owner occupied lets and "holiday" lets. What it will do is encourage more landlords to opt for short term B&B style letting, of which there are already many, unregulated,</p>	<p>Consultation Survey Comments</p>	<p>Properties let through Airbnb are short-term lets and do not legally fall within the licensing scheme which applies to longer term rentals. However Airbnb properties may require planning permission for change of use if the property is rented out frequently.</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		<p>and cause numerous problems. It will also reduce the available long term private rental which is in demand. This is already happening. What happens is that the owner reserves the "box room" as theirs to fulfil the owner occupier requirement, they don't actually live there, and rent out all the other rooms as B&B short term without any protection, regulation, or nuisance control that comes with high turnover. And no protections for those "renting".</p> <p>While genuine rental of a room in a genuine home shouldn't be deterred, the loopholes should be closed, and air B&B style holiday rentals need to be regulated too.</p>		
<p>New builds and purpose built flats</p>	<p>New build properties and purpose built flats should be excluded from the scheme.</p>	<p>New build properties should be excluded from the licencing fee the same as in Waterloo and Vauxhall. Seems unfair that these wards are excluded.</p> <p>We support improving the quality of rental homes. BTR homes are newly built and provide quality professionally managed homes. As such we should be exempt from the</p>	<p>Consultation Survey Comments</p>	<p>The council cannot exempt properties from licensing on its own accord. This can only be done through the legislative process.</p> <p>The council does however seek to encourage the provision of good quality build-to-rent accommodation and has proposed a discount that applies to properties that have a high energy performance rating of B</p>

Theme	Issue	Example Comment	Comment Source	Council Response
		majority of selective licensing requirements.		<p>and also a multi-dwelling discount, applicable where multiple dwellings (properties/flats) are in the same block or building and have common ownership.</p> <p>It is envisaged that these discounts will be applied to submitted applications relating to brand new build to rent properties.</p>
		Lambeth's rationale is that it's the older type of converted properties that are most high risk. This scheme should therefore be targeted directly at those properties across the borough rather than on the basis of wards. Purpose built flats should be excluded.		
		An alternative policy option would be to provide a block license option for larger residential blocks which are held under a single ownership. This would allow councils to implement a charging structure which is reflective of the reduced administrative burden associated with these properties, whilst also reducing the administrative burden on large landlords in processing licenses.	Written Representation	
Tenant Behaviour		More support and address when a tenant abuses a property, and disrepair is due to their neglect. The tenant should have responsibility to fix things when it was clearly new, intact, when their Tenancy began.	Consultation Survey Comments	As stated above, the council will work in partnership to support landlords in dealing with tenants causing ASB.

Theme	Issue	Example Comment	Comment Source	Council Response
		The council should be addressing this imbalance in its approach to suspected rogue landlords vs. problem tenants.		
Statutory Exemptions	Respondents argued that all landlords should be held to the same standards and that exemptions create an unfair advantage	<p>I disagree that exemptions a), b), c), e), f), h) or i) should exist as there is no reason people living in these properties deserve less from this scheme than those living in other types of property. In particular student accommodations and temporary or night shelters have no right to be inadequate for their occupiers, regardless of who they are managed by.</p> <p>The only exemptions are for sectors that are known to have badly managed properties and problem with anti-social behaviour - the council and some housing associations. If you exempt or discount private landlords that offer suitable accommodation you may get somewhere.</p> <p>You are going to make private landlords pay £1,000 per property for a licence but are giving yourselves immunity from improving the quality of your own properties?!</p>	Consultation Survey Comments	The council cannot exempt properties from licensing on its own accord. This can only be done through the legislative process.

Theme	Issue	Example Comment	Comment Source	Council Response
		("Exemptions to the proposed selective licensing designation include:... properties let by a local authority"). Really?! On our road the properties in by far the worst state of repair and which have by far the most social problems are the local authority ones. No exemptions.		
Alternatives to licensing	The use of council tax records instead of licensing	The NRLA advocates using council tax records to identify tenures used by the private rented sector and those landlords in charge of those properties. Unlike discretionary licensing, landlords do not require self-identification, making it harder for criminal landlords to operate under the radar. With this approach, the council would not need to consult and implement changes immediately.	NRLA	The council has considered a range of alternatives to selective licensing, but do not believe they are as effective in dealing with poor housing conditions in the borough.
Opposed to scheme	Respondent disagrees on the introduction of the proposed scheme	The NRLA has a shared interest with the London borough of Lambeth in ensuring a high-quality private rented sector but strongly disagrees that the introduction of selective licensing is the most effective approach to achieve this aim both in the short term and long term.	NRLA	<p>Whilst the Council understands that some stakeholders may disagree with the proposal to introduce selective licensing, the Council has provided evidence of the need for selective licensing to tackle persistent issues with poor housing conditions.</p> <p>The Council can only introduce selective licensing in areas in the borough where there is evidence that the areas meet the criteria as laid out in the Selective Licensing</p>

Theme	Issue	Example Comment	Comment Source	Council Response
				<p>of Housing 2015 (Additional Conditions). The council carried out a detail analysis of the evidence available and has been selective in proposing designations for areas that meet the criteria of poor housing conditions.</p>

4.8 Specific Comments about the Licensing Conditions Raised

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Introduction Inserted at the start of the proposed licence conditions is a summary of statutory selective licensing exemptions. This section is misplaced within licence conditions as these conditions will only be inserted on selective licences granted by the council. This information could instead be included within general guidance</p>	<p>Exemptions</p> <ol style="list-style-type: none"> 1. Exemptions to the proposed selective licensing designation include: <ol style="list-style-type: none"> a. properties licensable as an HMO under mandatory or additional licensing; b. properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association; c. properties already subject to a management order or empty dwelling management order; d. properties subject to a temporary exemption notice; e. owners who reside in property they own as their main residence (owner-occupiers); f. holiday lets; and tenancies under a long lease and business tenancies. g. Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering; h. Student accommodation directly managed by educational institutions, e.g. halls of residence; i. properties managed by a charity registered under the Charities Act 2011 and which - <ol style="list-style-type: none"> a. is a night shelter, or 	<p>The council agrees that this list of exemptions is removed from within the licence conditions.</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
	<p>b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.</p>	
<p>Condition 1.7 This condition about lighting and ventilation cannot be added as a selective licensing condition. Selective licensing conditions can only relate to the management, use and occupation of the property. The Court of Appeal has confirmed that licence conditions cannot relate to property condition and contents (Brown v Hyndburn Borough Council [2018]). This condition should be deleted.</p>	<p>Condition 1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 5% of the internal floor space of each habitable room must be provided (<i>discretionary condition</i>).</p>	<p>The Council agrees and this condition will be removed</p>
<p>Condition 1.8 We found the wording about written declarations confusing as it leaves it unclear to whom, and when, such a declaration must be given. Far simpler wording would be to require the landlord to give their tenants an out of hours contact number for emergencies. We see no need to give an address for the out of hours contact, as any emergency situation would need to be reported online or by phone. There may be different emergency contact numbers for different situations.</p>	<p>Condition 1.8 The Licence Holder shall give a written declaration that they shall provide each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand (<i>discretionary condition</i>).</p>	<p>The Council agrees to reword the condition as follows:</p> <p>The licence holder shall provide tenants at the start of the tenancy details of how to make a complaint and report maintenance issues including telephone numbers for out of office hours. Any change in telephone numbers or contact details should be provided to the tenants within 24 hours of the changes being made. It is also good practice to provide contact numbers for contractors, i.e., plumbers, electrician, gas, electricity and water providers that can be used in an emergency.</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Condition 1.12 This somewhat overlaps with condition 1.8 which both refer to emergency repairs. The two conditions should be merged and simplified. The reference to a complaints policy is unclear as it says the policy must explain about repairs reporting. Reporting a repair is not the same as making a complaint.</p>	<p>Condition 1.12 The Licence Holder must provide the tenant with details of the arrangements in place to deal with repair and emergency issues as well as a suitable written complaints procedure at the start of their tenancy. The complaints procedure must include how complaints about the property's conditions will be addressed (<i>discretionary condition</i>).</p>	<p>Council agrees to remove.</p>
<p>Condition 1.15 We agree it is reasonable to require any conviction or caution involving the licence holder or property manager to be disclosed. However, we think extending this clause to cover any informal warning or reprimand is unreasonable. How would these terms be defined and what would be the rationale for requiring disclosure where there has been no offence?</p>	<p>Condition 1.15 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (<i>discretionary condition</i>).</p>	<p>The Council agrees to remove.</p>
<p>Condition 1.16 We would suggest this condition is deleted. The council waste collection authority is required to collect normal domestic refuse and recycling from residential properties. Properties licensed under a selective licensing scheme will all be single family houses or flats. We can foresee no circumstances where the council's waste collection scheme will not be suitable for a single family property.</p>	<p>Condition 1.16 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private or additional collections of waste from the property. This includes ensuring an adequate number of waste and recycling bins are provided (<i>discretionary condition</i>).</p>	<p>Council will retain this condition.</p> <p>Domestic premises are required to present waste as per local authority requirements, in the case of Lambeth being within the provided receptacles or timed bag collections. This condition addresses that some single household families still produce more waste than fits in the bins and therefore are required to make alternative arrangements other than leave it loose. Therefore this could include additional</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
		<p>bins at cost from the council, which will then be collected free.</p> <p>The council does however agree to reword the condition as follows <i>"Where excessive waste is produced that cannot be stored within the receptacles provided by the Local Authority, alternative collections or receptacles must be arranged by the licence holder"</i></p>
<p>Condition 1.17 1.17e could be strengthened - i.e. require that a new EPC is completed where one does not exist. Also should require minimum EPC rating in line with gov future home standards.</p>	<p>Condition 1.17 The Licence Holder shall at the commencement of a tenancy or where a tenancy exists provide to the tenant:</p> <ul style="list-style-type: none"> a. An inventory of contents and their condition at the commencement of the tenancy, b. details of the rent and dates due, rent payment methods and how and when rent may be increased and, c. details of arrangements for the payment for services including gas, water, electricity and heating, and provide the relevant contact information for the services provided at the house. d. details of the arrangements for the storage and disposal of refuse, including recycling requirements and days and times for collections. e. An Energy Performance Certificate (EPC). (discretionary condition) 	<p>Requirements relating to minimum energy ratings and EPC's are detailed at condition 11.1.</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Condition 1.19 We are unsure the purpose of this condition as it appears to contradict 1.3 and 1.5 which set out alternative arrangements for the appointment of a managing agent. There is no requirement for a managing agent to agree to be bound by licence conditions as set out in 1.19 as the licence holder remains the liable party until the licence expires or is revoked.</p>	<p>Condition 1.19 Should the Licence Holder be unable to fulfil the licence conditions they shall appoint a person to manage the house during the licence period, and:</p> <ol style="list-style-type: none"> a. Obtain from the appointed person a signed declaration identifying the licence conditions by which he agrees to be bound, and that the person understands the consequences of failing to comply with the conditions; b. Provide a copy of the signed declaration to the Council within 14 days of the said changes to management <i>(discretionary condition).</i> 	<p>Council has agreed to remove.</p>
<p>Condition 1.20 The wording needs to be revised as it puts the landlord and agent in a difficult legal position. Whilst tenants can be asked to allow access on giving at least 24 hours notice and any safeagent member would assist in requesting access, the tenant can refuse entry if it is not convenient. Only the council has legal power of entry under section 239 of the Housing Act 2004.</p>	<p>Condition 1.20 The Licence Holder must arrange access to be granted when requested by the Council at any reasonable time <i>(discretionary condition).</i></p>	<p>Council has agreed to reword as follows:</p> <p><i>The Licence Holder must allow officers of the Council, or an agent acting on behalf of the Council, (upon production of a valid warrant of authority) access to the licensed dwelling for the purpose of carrying out inspections at all reasonable times.</i></p> <p>This is a standard condition on most selective licensing schemes</p>
<p>Condition 1.22 Subsection (c) duplicates condition 1.3 and should be deleted. Subsection (d)</p>	<p>Condition 1.22 The Licence Holder must inform the Council, within 14 days of becoming aware, of material changes of circumstances regarding:</p>	<p>The Council agrees to:</p> <p>Delete subsection (c)</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>needs to define 'substantial works' and 'any emergency'. For example, does a planned retiling of the main roof or a water leak from a faulty pipe that is repaired require notification to the council, and what is the purpose of the notification? Subsection (e) seems muddles and misplaced. Any such issues prior to licence application must be stated on the application form. Any such issues post approval are covered by condition 1.15.</p>	<ul style="list-style-type: none"> a. The property becoming empty for more than 3 months b. Notification of repossession or foreclosure c. Change to the managing agent or the instruction of a new managing agent d. The undertaking of substantial works to the property, including conversions, or any emergency impacting the property such as fire, flood or damage to structural integrity e. Details of any unspent convictions not previously disclosed to the Local Authority, issued by a Court of Tribunal, concerning: <ul style="list-style-type: none"> a) Fraud or dishonesty, violence or drugs, any offence listed in Schedule 3 to the Sexual Offences Act 2003 or any conviction relevant to the Licence Holder and/or property manager's fit and proper person status; ii. Findings against the Licence Holder and / or the manager that they have practised unlawful discrimination on the grounds of any protected characteristic iii. Civil or Criminal proceedings against the Licence Holder and/or property manager relating to housing, public health, environmental health or landlord and tenant legislation resulting in a conviction or service of a related Civil Penalty. <p><i>(discretionary condition).</i></p>	<p>Reword subsection (d) as follows: <i>Changes to the construction, layout or amenity provision of the property</i></p> <p>Combine subsection (e) with condition 1.15</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Condition 3.3/3.4 We accept a condition must be imposed requiring references from potential tenants. However, we have some concern about the council seeking to dictate what constitutes a suitable reference and that too onerous requirements risk excluding some of the most vulnerable people from the private rented sector. Whether it is women fleeing domestic violence, people released from prison or those people granted asylum, it would be for the landlord and their agent to carry out all statutory checks and determine whether a tenancy offer can be made. As the council is seeking to roll out selective licensing across most of the borough and given minimal access to social housing, the council should recognise that people unable to access private rented sector will either be housed in temporary accommodation by the council or face homelessness.</p>	<p>Condition 3.3 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (mandatory condition).</p> <p>Condition 3.4 No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (<i>discretionary condition</i>). (References should be, as a minimum, checks to ensure the tenant’s identity, whether they have the right to rent a property [see https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check], their ability to pay rent, and their previous tenant history and tenancy conduct.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand (<i>discretionary condition</i>).</p>	<p>Condition 3.3 is mandatory so no changes will be made. However the council agrees to reword condition 3.4 as follows:</p> <p><i>No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference (discretionary condition).</i></p> <p><i>The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand (discretionary condition).</i></p>
<p>Condition 3.5 We have concerns about the practicality of carrying out such checks on every tenancy and would ask the council to reflect carefully on the unintended consequences this could have. What evidential checks would the council require to determine children are related to their parents, that a child has been adopted or is</p>	<p>Condition 3.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (discretionary condition).</p>	<p>Council has agreed to remove.</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>in foster care, or whether two people are in a relationship? Whilst we recognise HMO use requires a different licence, this is an onerous and unnecessary condition that would impact on every family trying to rent a home in the borough.</p>		
<p>Condition 3.8 We would ask that this condition is deleted. The council cannot dictate what conditions must be imposed in a tenancy agreement between the landlord and tenant. Clearly, such a requirement would also be inappropriate in a property that has no front or rear garden and no external space within the curtilage of the property. The correct approach is to ensure tenants are given information about refuse and recycling collections which is already covered in condition 1.17(d).</p>	<p>Condition 3.8 Any written statement of occupation (condition 3.1) must include a clause which stipulates that no refuse or rubbish may be kept in the front or rear gardens of the property, or in the yards, forecourts, alleyways or other spaces within the curtilage of the property, other than in the waste storage facilities provided for that specific purpose (discretionary condition).</p>	<p>The council has deleted this condition and amended condition 9.6 to cover this aspect.</p>
<p>Condition 4.2 Whilst any gas safety concern must be immediately addressed, there is no requirement to recheck all gas appliances in the property and obtain a new Landlord gas safety record if one issue arises. It would be reasonable for the council to seek confirmation from a gas safe registered engineer that any safety fault has been rectified.</p>	<p>Condition 4.2 If gas is supplied to the property, the Licence Holder must ensure that the gas installation and appliances are tested annually by an approved Gas Safe engineer. Within 14 days of the Licence Holder being notified by the Council of any safety risk, a new Gas Safe certificate must be submitted to the Council (discretionary condition).</p>	<p>Council has agreed to reword as follows: ...any defect notified by the Council or tenant must be rectified within 14 days and written confirmation received from a gas safe registered engineer that it has been rectified.</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Condition 5.2 Conditions 5.2 and 5.5 both cover testing of portable electrical appliances provided by the landlord but each impose slightly different requirements which creates confusion. The two conditions should be combined and the wording standardised to make clear what is required.</p>	<p>Condition 5.2 The Licence Holder must supply the Council, on demand, with a declaration by them as to the safety of such appliances. Where requested, test reports on the condition of the electrical appliances in the property must be provided to the Council within 14 days on demand (mandatory condition).</p> <p>Condition 5.5 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the Licence Holder. PAT tests should be carried out by a competent person every twelve months, or as often as recommended for the type of appliance, with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations (discretionary condition).</p>	<p>The Council agrees and condition 5.5 will be removed.</p>
<p>Condition 5.4 The condition requires electrical contractors to be approved but does not say by whom. We would encourage the council to adopt the same approach as set out in current electrical safety regulations and guidance. Departing from existing electrical safety requirements will lead to inconsistency and confusion.</p>	<p>Condition 5.4 Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the Council with a copy of such inspection reports. The Licence Holder shall inform the Council upon completion of such works. (discretionary condition)</p>	<p>The Council agrees to remove as is already a requirement with the below regulations: The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Condition 7.3 We are unsure the intended meaning of this condition with respect to a single family property. For example, in an HMO, the landlord and property manager must ensure the fire escape route from each bedroom to the final exit door is kept clear. There is no similar provision for single family lets and neither the landlord or agent have any control over where the tenant places furniture or possessions during the tenancy. This condition should either be deleted or altered to explain precisely what it means.</p>	<p>Condition 7.3 The Licence Holder must ensure that all means of escape from fire are accessible and maintained (discretionary condition).</p>	<p>The council agrees and this condition will be removed</p>
<p>Condition 9.1 Second paragraph. As mentioned above, notifying a repair request is quite different to making a complaint. We assume the council would differentiate repair requests and complaints in a similar way for their own property portfolio. Repair request rather than complaint would be a better term to use.</p>	<p>Condition 9.1 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.</p> <p>Copies of any such written complaint (including by email) and the response referred to in condition 9.1 must be provided to the Council within 21 days on demand. (discretionary condition)</p>	<p>The Council agrees to reword this condition as follows:</p> <p><i>The Licence Holder shall have in place a suitable repair and maintenance process that ensures requests can be made by the tenants and that all requests are addressed as soon as is reasonably practicable. Tenants must be kept informed of the status of their request and timescale for completion, and this must be in writing if the works are to take more than 21 days.</i></p>
<p>Conditions 9.3/9.4 We accept six monthly interim inspections are appropriate and would suggest these two conditions are combined as it would be one</p>	<p>Condition 9.3 The Licence Holder must ensure that regular (at least every 6 months) checks are carried out to ensure that the common parts, gardens and yards are free from</p>	<p>The council does not agree that these two conditions should be combined.</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>inspection covering both issues. In relation to condition 9.3, we note a single family let has no common parts and that terminology is not applicable to single family properties. In relation to condition 9.4, some pest issues will be the responsibility of the tenant rather than the landlord. Where responsibility lies will depend on the nature of the issue.</p>	<p>waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities. (discretionary condition).</p> <p>Condition 9.4 The Licence Holder must ensure that 6 monthly checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment programme is carried out to eradicate the pest infestation. Records shall be kept of such treatment programmes and copies of these must be provided to the Council within 28 days on demand (discretionary condition).</p>	<p>However, condition 9.3 shall be reworded and combined with condition 9.6 as follows:</p> <p><i>The Licence Holder must ensure that the exterior of the house is maintained and in good order and regular checks(at least every 6 months) are carried out to ensure any garden and yard is free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities(discretionary condition).</i></p>
<p>Condition 9.5 Whilst it is reasonable to require any outbuildings are lockable and the tenant is provided with keys, the licence holder has no control over whether the tenant engages the lock when the outbuilding is not in use during their tenancy.</p>	<p>Condition 9.5 The Licence Holder must ensure that all outhouses, garages and sheds are kept secure, and are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation (discretionary condition).</p>	<p>The council agrees to reword the condition as follows:</p> <p><i>The Licence Holder must ensure that tenants have the means by which to keep all outhouses, garages and sheds secure and are used for their intended purpose only.</i></p> <p><i>The Licence Holder must ensure that all outhouses, garages and sheds are not used for human habitation (discretionary condition).</i></p>
<p>Condition 9.6 We would suggest this condition is deleted. Selective licensing conditions can only relate to the management, use and occupation of the property. The Court of Appeal has</p>	<p>Condition 9.6 The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken</p>	<p>The council agrees to combine this condition with 9.3 as follows:</p> <p><i>The Licence Holder must ensure that the exterior of the house is maintained and in good order and</i></p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>confirmed that licence conditions cannot relate to property condition and contents (Brown v Hyndburn Borough Council [2018]). Other licence conditions already refer to repair reporting arrangements and identifying issues on six monthly inspections. Plus, in leasehold flats, maintenance of the external structure of the building will be the freeholder's responsibility.</p>	<p>windows, are addressed promptly (discretionary condition).</p>	<p><i>regular checks(at least every 6 months or on a receipt of a complaint) are carried out to ensure any garden and yard is free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities(discretionary condition).</i></p>
<p>Condition 9.7 This duplicates conditions 9.3 and 9.4 and should be combined into one six monthly inspection covering all relevant issues.</p>	<p>Condition 9.7 The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Council may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the Council within 28 days on demand (discretionary condition).</p>	<p>The council disagrees that this condition duplicates conditions 9.3 and 9.4 which are specifically in relation to pest infestation and harbourage.</p>
<p>Condition 9.8 (a) This part should be deleted as the council cannot impose minimum security requirements by way of licence conditions. Selective licensing conditions can only relate</p>	<p>Condition 9.8 (a) The Licence Holder is responsible for ensuring that the premise security is maintained, including:</p>	<p>The Council disagrees with the comments as the condition relates primarily to a Licence Holders management responsibility. It does not directly relate to the 'condition' of the property in terms</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>to the management, use and occupation of the property. The Court of Appeal has confirmed that licence conditions cannot relate to property condition and contents (Brown v Hyndburn Borough Council [2018]).</p>	<p>the front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five-lever security level;</p>	<p>of its physical state or quality. contribute to the overall condition of the property.</p>
<p>Condition 10.2 We do not agree it is reasonable for the council to require every landlord and agent to develop a bespoke action plan and procedures for dealing with any anti-social behaviour. Whilst such arrangements would be reasonable for a large social housing landlord like the council, it would be unreasonable for a landlord renting out one or two properties. Further, it says this must be done at time of application. A licence condition cannot impose requirements that must be complied with before the licence is granted. The council's approach with HMO licence holders is more reasonable. It sets out a sensible and pragmatic step by step process to be followed as and when any issues arise. We see no need to go beyond that for landlords of single family lets and would urge the council to reconsider this requirement.</p>	<p>Condition 10.2 The Licence Holder must produce a written action plan outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request to the Council (discretionary condition).</p>	<p>The council agrees to reword the condition as follows:</p> <p><i>2.5 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (i) below:</i></p> <p><i>(a) The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) concerning the visitors to or occupiers of the premises.</i></p> <p><i>(b) Any letters, relating to antisocial behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.</i></p> <p><i>(c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding antisocial behaviour for 3 years.</i></p> <p><i>(d) If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.</i></p>

Comment	Proposed Licensing Condition	Lambeth Council Response
		<p><i>(e) The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour.</i></p> <p><i>(f) Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises concerned with a warning letter about the consequences should the anti-social behaviour continue.</i></p> <p><i>(g) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.</i></p> <p><i>(h) If after 14 days of giving a warning letter the tenant has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti- social behaviour.</i></p> <p><i>(i) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or Police. Any correspondence, letters and records referred to in condition 2.5 above must be provided to the Council within 28 days on demand.</i></p> <p><i>(j) Copies of all action taken under this section must be provided to the Council within 28 days of a written request.</i></p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Condition 10.3 We strongly object to this condition. Firstly, it duplicates and contradicts condition 3.4. Secondly, it imposes an unreasonable, impractical and discriminatory condition that licence holders must not rent to tenants unless they are satisfied the tenant (or their family) is unlikely to cause anti-social behaviour.</p>	<p>Condition 10.3 The Licence Holder must obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of the proposed occupier and household. The Licence Holder needs to have due regard to what the reference says and be satisfied that the tenant is not likely to cause any anti-social behaviour (discretionary condition).</p>	<p>The council agrees to remove this condition.</p>
<p>Condition 10.4 We have some serious reservations about this condition. Clause 10.4(ii) would require the licence holder to reveal what could be sensitive personal information under GDPR to a third party without the tenant's consent. We would urge the council to seek advice from the ICO or the council's in-house GDPR team about whether this can be imposed as a legal requirement. Unfortunately, the very prescriptive nature of this condition is likely to result in many landlords and agents opting for the other option and declining to provide a reference. This condition could unintentionally make it harder for tenants to obtain a reference, which may preclude them from renting another property in the borough.</p>	<p>Condition 10.4 If a Licence Holder receives a reference request for a current or former tenant for the purposes of an application to rent a property from another Licence Holder he must respond to the request in writing within a reasonable period and either; decline the request for a reference; or when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against the tenant and, if such allegations have been made, give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal. (discretionary condition).</p>	<p>The council agrees to remove this condition.</p>

Comment	Proposed Licensing Condition	Lambeth Council Response
<p>Condition 10.5 We do not think the council can insist that a licence holder demands prospective tenants disclose all unspent criminal convictions. Nor is it reasonable to require the licence holder to risk assess whether any prior convictions should bar the tenant from renting privately in the borough. Criminal conviction data has additional data handling requirements under GDPR and it seems unlikely the council can insist such data is collected, analysed and stored by a third party landlord or agent. We would urge the council to seek advice from the ICO or the council's in-house GDPR team about whether this can be imposed as a legal requirement.</p>	<p>Condition 10.5 The Licence Holder must require any prospective tenant to disclose unspent criminal convictions when applying for a tenancy. Where the prospective tenant discloses unspent criminal convictions the Licence Holder must demonstrate that due consideration was given to whether those convictions indicate a real risk that the prospective tenant is likely to commit future acts of antisocial behaviour (discretionary condition).</p>	<p>The council agrees to remove this condition.</p>
<p>Condition 10.7 This duplicates conditions 9.3, 9.4 and 9.7. These four conditions should be combined into one six monthly inspection covering all relevant issues.</p>	<p>Condition 10.7 The Licence Holder/management agents must make regular (at least 6 monthly) inspections of the property to ensure that it is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions (discretionary condition).</p>	<p>The council agrees to remove this condition.</p>