

London Borough of Barking and Dagenham

Council's Responses to Consultation Feedback Report

May 2024

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INTRODUCTION

A wide-ranging public consultation was carried out online from 16th February 2024 to 26th April 2024. The consultation was promoted extensively both within the borough and surrounding areas to encourage all interested parties to have their say. This included, but was not limited to, online campaigning, newspaper advertising, pop-up stalls and letters posted to residents.

The online survey received 824 responses, 8 stakeholder interviews were held, 33 people attended public meetings across 7 sessions, and 3 individuals or organisations responded with formal written submissions to the consultation.

Thank you to everyone who took the time to provide feedback on our proposals. We have carefully considered all feedback received and this document summarises the main feedback received across all consultation methods, including our official responses.

Responses below are broken down by theme, categorised into four main topics: views on proposed licensing designations, views on proposed licence conditions, views on proposed licence fees and discounts, and other views and suggestions on the proposed schemes including alternatives and improving support for landlords and tenants. A full list of themes can be found in the index. Verbatim comments from consultees have been included throughout. No significant changes were made, but the specific changes made to the licence conditions and property condition guidance can be found on pages 11-14 and pages 20-21 respectfully.

Alongside this response to representations document, we have published updated versions of all relevant documentation. We have also written a detailed report of the consultation results, namely the Consultation Outcome Report.

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VIEWS ON PROPOSED LICENSING DESIGNATIONS

Section Overview

Survey respondents were asked to provide their views on the proposed selective and additional licensing designations. 31% of people agreed with the proposed new targeted selective licensing designations. The most common reason for disagreeing was the sentiment that all areas should be treated the same by having one designation.

46% of people agreed with the proposal to introduce a new additional licensing scheme with the most common reason for disagreeing was the sentiment that it is a money-making scheme.

This section includes examples of the feedback received and provides the council's response to the main points raised by consultees.

Example comments from consultees	Council's consideration
Theme 1.1: There should be one designation for Selective licensing	
<i>"Why is this not consistent throughout the Borough? This becomes selective and favours certain areas."</i>	The three separate designations are part of our approach to consider in detail each ward and what the grounds are for a licensing scheme in each case.
<i>"Could be confusion of ward areas."</i>	
<i>"B&D Council should apply a consistent approach of licensing across all areas within the council. I do not agree with the evidence of this designation as this is incorrect and does not represent a true fact, such as Barking Riverside new build properties are made of good quality and better conditions than other part of the council as classified in the proposed change."</i>	
<i>"The whole Borough should be treated the same."</i>	
<i>"You will have disrepair, ABS and deprivation across the borough not just in some areas."</i>	
<i>"All areas should have the same rules, oversight."</i>	
Theme 1.2: It will reduce availability of housing and push landlords away from the area	
<i>"One of the reasons to discourage landlords/investors to buy more properties within LBBD."</i>	We understand that licensing is an expense for landlords. However, licensing has been in place in Barking and Dagenham for 10 years and as such, there will be little impact on your foreseen outgoings as part of being a Barking and Dagenham landlord. Moreover, there is no evidence that the current or previous licensing schemes have resulted in landlords leaving the market; rather there has been a huge increase in the number of PRS properties in the borough across this time. Our actions as part of the scheme have only resulted in criminal landlords selling their property or appointing someone else to manage it for them. We are not alone in
<i>"These scheme costs coupled with now high interest charges could likely mean landlords will sell up than have to pay these."</i>	
<i>"From experience it's been nothing more than an inconvenience due to fact that there were no issues that need policing by the council in first place that has encouraged me to sell up instead."</i>	
<i>"The licence scheme does little to improve rented property standards. It discourages investment in the Borough which leads to fewer</i>	

<i>private rented properties available which pushes up rents.”</i>	having a licensing scheme and many of our surrounding boroughs have them in place too.
<i>“We are not seeing any profit since the introduction of section 24 and interest rate rises. Some months we are making a loss. This is negatively impacting the housing availability as more landlords are leaving, demand going up and rents rising for tenants. How does this help anyone?”</i>	
Theme 1.3: Scrap licensing	
See response to Theme 2.1.5.	
Theme 1.4: There is a lack of evidence of licensing working	
See response to Theme 4.2.	

VIEWS ON PROPOSED LICENCE CONDITIONS

Section Overview

Survey respondents were asked to provide their views on the proposed licence conditions. They were asked whether the conditions were clear, reasonable and understandable. They were also asked whether there were any conditions that should be added or removed.

Overall, 32% of respondents thought that the selective conditions were reasonable and 40% thought they were unreasonable, whilst 30% of respondents thought that the additional conditions were reasonable and 19% thought they were unreasonable.

This section highlights the most common and significant feedback received and provides the council's response to these.

Overall Comments on the Proposed Draft Conditions

Example comments from consultees	Council's consideration
Theme 2.1.1: Unfair to landlords as tenants sometimes are to blame	
<i>"Make private tenants more accountable for their behaviour."</i>	We understand that unfortunately some tenants can cause problems, and we have many cases where we have written to tenants regarding their behaviour. We will not investigate an allegation of disrepair unless the tenant has reported it to the landlord to give them an opportunity to resolve the issue first. We will be producing a tenant information pack which will include, amongst other things, housekeeping advice to reduce the likelihood of pest infestations, how to properly heat and ventilate their homes, and what can happen if they don't pay their rent. We also have links to early intervention services if a landlord thinks a tenant is suffering from self-neglect and they need support. The risk of a tenant breaking the terms of the contract by damaging the property, subletting, or not paying rent, is the reason for taking a deposit, carrying out proper reference checks, taking photos of the property at the beginning of the tenancy, inspecting the property every 6 months for selective licenses and 3 months for HMOs. If a landlord is forced to evict a tenant to protect their property they are perfectly entitled to do so, and there is advice on the website how to do this legally.
<i>"Help to deal with bad tenants."</i>	
<i>"As landlords we do have problem tenants, I am too scared to contact you, most likely you will issue a court order for me to sort the problem – your consultancy document gives the same impression, every problem you want to give to the landlord."</i>	
<i>"I'm not entirely happy about the selective licensing I don't see it being improved as the issues and problems are from the actual family that occupy the house."</i>	
<i>"More help is needed to make tenants comply and not wreck a rented property."</i>	
Theme 2.1.2: Conditions are too complicated	
<i>"Writing is jargonistic and unclear throughout. Do you genuinely expect a lay person to understand these?"</i>	We appreciate the feedback on the clarity of the licence conditions. Though they do not go beyond statutory guidance, we have amended some of the wording of our conditions to make them clearer and easier to understand and will be producing supporting guidance. We also
<i>"These conditions are far too complicated and need to be spelt out in a shorter form using layman's terms."</i>	

<i>"Needs more explanation."</i>	have the dedicated PRPL Business Support team who are available 9am-5pm every weekday to answer any queries you may have and support you in understanding the conditions.
<i>"Barking and Dagenham is a multicultural city with people from backgrounds where English is not their first language. More simple English should be used in any material targeting those who have English as their second language."</i>	
<i>"Too complicated to understand."</i>	
Theme 2.1.3: Clarity needed on family exemption	
<i>"Family exemption should be clear."</i>	We appreciate this has not been as clear as it should have been, and we will ensure it is added to the Council's website.
This was highlighted during the public meetings.	
Theme 2.1.4: Conditions are not consistent across the borough	
<i>"Why is this not consistent throughout the Borough? This becomes selective and favours certain areas."</i>	While we appreciate the varying sets of conditions may cause some confusion at the beginning of the scheme, the conditions vary due to our more targeted approach to licensing this time round. Based on a strong evidence base, we have created three designations in the borough that target the key issues being faced in that area. This means we can target issues faced in the PRS whilst not putting excessive licence conditions in areas where there is not a direct link between the PRS and a particular problem, such as anti-social behaviour. However, we still have a dedicated anti-social behaviour team who will deal with cases should they arise.
<i>"Could be confusion of ward areas."</i>	
<i>"Designation 2 and 3 should have the same conditions as designation 1 plus management and conditions. The amount of stress and anxiety residents experience due to disreputable landlords is huge and any remedy for this situation that the Council can provide should be used."</i>	
Theme 2.1.5: Scrap licensing	
See response to Theme 4.1.	
Theme 2.1.6: Shouldn't need to display documents in property	
<i>"If it is a home, tenants may not want to display the licence."</i>	It is important that emergency contact details & the current gas safety certificate is displayed in the common parts of an HMO. Regarding a copy of the licence, condition 4.1 states it can be displayed in the common parts, or a copy given to the tenants. For properties with a selective licence the condition states that these documents can be displayed or alternatively provided to the tenants at the start of the tenancy. We have amended this condition to make it clearer for the selective licence and removed reference to common parts.
<i>"Sec 4 - Documents to be displayed. This should be amended to state that these documents can be left in a folder at the property instead of insisting "display in common parts" like a piece of art or a bus timetable."</i>	
Theme 2.1.7: Selective licensing not needed / only licence HMOs	
See response to Theme 4.1.	
Theme 2.1.8: General refurbishment	

<p><i>“How often should properties go under refurbishment if a tenant is living longer than 10 years i.e. changing the worn-out carpets, kitchen cabinets that are falling apart that are over 50 years old etc...”</i></p>	<p>Legally, we are not permitted to include licence conditions directly related to property conditions and refurbishment, despite them often being one of the key reasons for a designation. Under the management section of the conditions, we have included several conditions relating to good property management.</p>
<p>Theme 2.1.9: Damp and mould</p>	
<p><i>“I have damp and other issues in my rental property and my landlord will not fix it.”</i></p>	<p>If a landlord is failing to address damp or mould, we urge tenant to contact us urgently via the website.</p>
<p><i>“Damp and mould a very concerning and major problem and landlords refusing to have it reviewed and find permanent solutions to the problem like external insulation in the walls.”</i></p>	
<p><i>“Refusing to treat mould in the house and saying to open windows more when they are already opened for long periods of time.”</i></p>	
<p><i>“Damp and mould, make sure landlords address these issues. If it is condensation, we will address this as tenants but for damp and mould landlords should sort this out.”</i></p>	
<p>Theme 2.1.10: Fly tipping and eyesore gardens</p>	
<p><i>“Environmental issues due to garbage and left over materials in the gardens.”</i></p>	<p>It is a council priority that residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods. The conditions of the licence reflect that priority.</p>
<p><i>“Gardens are messy and bring the area down.”</i></p>	
<p><i>“Overcrowding and fly tipping major issues in and around Barking.”</i></p>	
<p><i>“Rubbish left on front gardens by neighbours on street for years.”</i></p>	
<p>Theme 2.1.11: Should be stricter</p>	
<p><i>“The stronger the better until you can immediately prosecute and evict then they’re not strong enough.”</i></p>	<p>We believe property licensing allows the council to improve the condition and management of privately rented properties. Action will be taken if there are property management concerns.</p>
<p><i>“More conditions to be added and strict for these properties and some are used as a business.”</i></p>	
<p><i>“It’s a shame this borough has been led by those with lofty ideas who have no real understanding of what life is like living near HMOs and hostels.”</i></p>	
<p>Theme 2.1.12: Be strict on unlicensed</p>	
<p><i>“Make sure property not rented without licence.”</i></p>	<p>In 2022, following a pilot project, we set up a dedicated unlicensed properties team who</p>

<p><i>“When a resident or neighbour identifies a property as being allegedly rented, this should be investigated and not just take the word of the landlord/lady, that the property is being used as a ‘large family’ residence.”</i></p>	<p>specifically investigate and enforce against unlicensed properties in the borough. To date their work has directly resulted in over 600 properties submitting a licence application. This work will be integrated into the new scheme design to ensure that those evading licensing are caught so the scheme is fair for all, and not just those willing to licence their property. If you are aware of an unlicensed property, please email ULP@lbbd.gov.uk and the team can investigate.</p>
<p>Theme 2.1.13: Anti-social behaviour/noise</p>	
<p><i>“The number of parties at all hours these rented properties tend to have with loud base music and thick smoke BBQs at any time of the year. More so during extremely hot weather when we have to close our windows to block out the smoke and noise and sweat in our own house. Since the influx of renting in this borough, from around 2010 I have not sat in my own garden due to this nuisance.”</i></p>	<p>The licence conditions have been amended since the current scheme to be clearer about the process a landlord should follow if the Council’s investigation has found that an individual’s behaviour has a detrimental effect on the quality of life of those in the locality, and if it is unreasonable, and it is persistent. The condition will be amended to be clearer, to state:</p>
<p><i>“Anti-social behaviour from persons several doors away since moving in several years back. Police at the location 3 times a week. Council have done nothing.”</i></p>	<p>If after 14 days of receiving a written Community Protection Warning the tenant is continuing with antisocial behaviour, the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement, which shall include promptly commencing legal eviction proceedings to address the anti- social behaviour.</p>
<p><i>“There are some very serious problems in Chadwell Heath due to HMO, litter, fly tipping, drug abuse, noise, abuse of neighbours, illegal business, dumped vehicles, rats.”</i></p>	
<p><i>“Late night parties or just the tenant engaging amongst themselves which go on anytime past 11pm, 1pm, 3pm, or all night which is usually outside.”</i></p>	

Specific Comments About the Proposed Draft Conditions

Example comments from consultees	Council’s consideration
<p>(Selective 1) Permitted occupancy and room size restrictions unreasonable & (Additional 1) not in line with schedule 4 of housing act, cannot impose local guidance</p>	<p>REJECTED - For the Selective licence conditions, these are based on the “The space standard” as set by Section 326 of the Housing Act 1985, also re-confirmed by “Definition of overcrowding” in part X of the Housing Act 1985. For the Additional licence conditions, the room sizes are set out in our HMO standards which are aligned to the minimum standards in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.</p>
<p>(Selective 2.2 & Additional 2.3) Reference requirements too strict</p>	<p>ACCEPTED - This change has been taken into consideration and the licence conditions have been updated to reflect this. They now request you confirm the tenant’s identity and their</p>

and will cause equality implications	right to rent which is a legal requirement set by the Government. The relevant GOV.UK link has been included in the licence conditions for ease and clarity.
(Selective 2.4) Proof of single household - adopted or fostered children, cousins, asylum seekers - equality and exclusion implications	ACCEPTED - This change has been accepted and amended to: 2.4 The licence holder shall carry out checks at the start of each tenancy and in each periodic inspection to ensure that occupiers belong to a single household. If they find a tenant has allowed members of a separate household to move in the licence Holder must take action to return the property to single household use.
(Selective 2.5 & Additional 2.2) TDPS information is required within 30 days, not when deposit is taken.	ACCEPTED - This change has been accepted and amended to: 2.5 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days. This information must be provided to the Council within 28 days upon demand.
(Selective designations 1&3, 2.6h and Additional 2.7h) Section 8 eviction for ASB should be last resort, not default after 14 days, focus on tenancy sustainment	REJECTED - This change has been rejected as CPWs are only issued after an extensive investigation and it is found that an individual's behaviour has a detrimental effect on the quality of life of those in the locality, it is unreasonable, and it is persistent. However, this condition will be amended to be clearer, to: If after 14 days of receiving a written Community Protection Warning the tenant is continuing with antisocial behaviour, the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement, which shall include promptly commencing legal eviction proceedings to address the anti- social behaviour.
Property management (Selective 3.1 and 3.2 & Additional 3.1 and 3.2) - unclear whether 3.2 refers to repair requests or complaints	ACCEPTED - This change has been accepted and amended to: 3.1 The licence holder shall ensure that if they are informed, in writing, by email or other form of communication, of a complaint of disrepair or a pest infestation in the property, from the occupiers or the Council, they take action to remedy the disrepair and/or infestation within 14 days. AND 3.2 Details in writing of any such written complaint (including by email) and the licence holder's response must be provided by the licence holder to the Council within 28 days on demand.
(Selective 3.3 & Additional 3.3) public liability insurance certificates for all contractors goes beyond legislation, is impractical and unnecessary	REJECTED - This change has been rejected as this is considered one of the main types of insurance and it covers compensation payments if works carried out cause injury or damage and this should be considered part of the landlord's basic due diligence. However, we will amend to make clearer to: 3.3 The licence holder shall ensure that any repairs, improvement works or treatments at the property are carried out by competent person(s), and that that person has public liability insurance, whether that person is employed directly by the licence holder or by an agent/employee of the licence

	holder. Copies of receipts and/or invoices for any such works must be provided to the Council within 28 days upon demand.
(Selective 3.10 & Additional 3.10) 'regular checks' is not clear, and a timescale should be given, possibly in line with 3.18 which refers to six-monthly inspections	ACCEPTED - This change has been accepted and amended to: 3.10 The licence holder shall ensure that inspections of the gardens and yards are carried out at least every six (6) months to ensure they are not an eyesore, and that they are free from waste which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling. If issues are found action must be taken within 14 days. Details of actions taken must be provided in writing to the council within 28 days upon demand.
(Selective 3.11/3.12 & Additional 3.11/3.12) disposing of waste is tenants' responsibility and terms of tenancy agreement	REJECTED - This change has been rejected as it is considered that the landlord will ultimately be responsible for clearing the waste, but we will amend this to incorporate condition 3.14 so the steps required are clear: 3.11 The licence holder shall ensure that waste such as old furniture, bedding, mattresses, rubbish or refuse from the property is not left outside the property or in its vicinity. If the licence holder is informed, in writing, by email or other form of communication, from the occupiers or the Council of waste outside the property, they shall: a) if appropriate write a warning letter to the occupiers within 7 days informing them of the permitted means of disposing of waste. b) If the tenants fail to remove the items take action to clear the refuse within 7 days. Details of action taken must be provided in writing to the Council within 14 days upon demand. Additionally, 3.9 has been amended to incorporate the deleted condition in 3.12 as follows: 3.9 The licence holder must provide the tenants with approved and adequate storage containers for refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.
(Selective 3.15 & Additional 3.15) pest control is tenants' responsibility, the same as it is for council tenancy conditions	REJECTED - This change has been rejected. We will provide advice in the tenant's information booklet on good housekeeping and how to reduce the likelihood of an infestation, however if the landlord becomes aware of a problem, they must take steps to eradicate it.
(Selective 3.19 & Additional 3.21) what tenants verification checks are intended and how would this	ACCEPTED - This change has been accepted and has been amended to be clearer: 3.19 The licence holder shall carry out checks every six (6) months to ensure that the Assured

<p>be done in practice? Cannot insist that all tenants are at every inspection</p>	<p>Shorthold Tenancy named tenants are still residing at the property and that the maximum occupant numbers are not exceeded, nor that other unnamed occupants have taken up residence.</p>
<p>(Selective 6.3a) in single family property, landlord or agent would have no knowledge of which room each occupant sleeps in and this could change</p>	<p>ACCEPTED - This change has been accepted and the condition has been amended to: 6.3 The licence holder shall if required by written notice provide the council with the names of all adult occupiers (regardless of whether they are the named AST tenant or not) and numbers of children in occupation. The particulars shall be provided to the Council within 28 days upon demand.</p>
<p>(Additional 3.16) not all HMOs fall within the remit of the Regulatory Reform (Fire Safety) Order 2005</p>	<p>REJECTED - The Fire Safety Regulations require that a fire risk assessment is carried out in all HMOs including shared houses.</p>
<p>Standardise timescale and process for providing documentation to council required - should always be requested in writing, and timescale either 21 or 28 days to allow for holiday or sickness</p>	<p>REJECTED - Where we ask for documentation, we ask for it within 28 days except for licence condition 2.1 (on both Selective and Additional). However, we have amended the condition to be clearer and it now states that 'Copies of the written statement of terms must be provided to the Council within 7 days on demand.'</p>

VIEWS ON PROPOSED LICENCE FEES AND DISCOUNTS

Section Overview

Survey respondents were asked whether they agreed with the proposed fees and discounts. They were also asked whether there were any discounts that should be removed.

This section includes the most common suggestions and points received and provides the council's response to the main points raised by consultees.

Example comments from consultees	Council's consideration
Theme 3.1: Costs may be passed on to tenants	
<i>"The fees are always passed down to the tenants which has reflected in massive increases in rents."</i>	Our proposed fees have been very carefully considered to ensure they cover the costs of running the scheme in the most efficient way possible to keep the licence fee as low as possible. Without any discounts, the fee equates to £3.65 per week for selective and £5.38 per week for additional HMO which, in comparison to rents in the area, is considered an affordable sum. Independent research commissioned by the Government found no evidence to support the claim that licence fees get passed onto tenants. Rather, the report found that the PRS is a "competitive market and market forces mean that rents are set at a level the market will bear". Moreover, there have been licensing schemes in the borough for the past 10 years. As such, the cost to landlords will be no different (and potentially less for those who qualify for our newly proposed discounts), and therefore no impact on finances should be felt by landlords or tenants alike. Finally, landlords must always follow statutory procedures around rent increases and are, therefore, unable to increase rents significantly.
<i>"The ones that don't increase housing costs for tenants."</i>	
<i>"Don't impose any more licence fees on landlords which will take out from tenants at the end."</i>	
<i>"Agreed but I'm worried the costs will be passed onto tenants."</i>	
<i>"These rules will make landlords increase the rents and ultimately tenants will suffer."</i>	
Theme 3.2: It is a money-making scheme	
<i>"It's all about raising more money. There are bigger problems here that are not related to the property."</i>	By law, councils are not allowed to make any profit from licensing schemes. Therefore, the scheme would be cost neutral solely covering the cost of running the scheme. Due to having a current scheme in place, we have been able to undertake very educated calculations around what the new scheme would cost and set the licence fees accordingly. Furthermore, the finances of the scheme will be reviewed annually to ensure that the scheme remains cost neutral throughout.
<i>"Another money-making scheme, LBBD scraping bottom of the barrel once again."</i>	
<i>"The new additional licensing is just another way for the council to make money from hard working good landlords and has no bearing on how I rent my property."</i>	
<i>"There will be nothing improved, only making money for council."</i>	
<i>"Another taxation scheme."</i>	
Theme 3.3: It penalises good landlords and bad landlords will continue to operate	

<p><i>“Licensing properties will not make much difference if a rogue landlord decides to not comply with quality assurance and good standing practices.”</i></p>	<p>As highlighted in our consultation evidence report, more than 50% of privately rented properties in Barking and Dagenham fail their compliance inspection meaning that they suffer from serious disrepair and are poorly managed. To combat this, not only will we be inspecting every single property, but we will be issuing guidance upon application so that landlords have clear guidelines for the condition of the property ahead of the inspection. To drive behaviour, change and urge landlords to ensure their property passes the inspection, we will be offering a substantial discount of £200 for every property that is compliant upon inspection. Alongside this, there will be a dedicated unlicensed properties team that will specialise in identifying and enforcing against all unlicensed properties in the borough. This will stop criminal landlords from being able to go under the radar and not licence their property. However, we recognise that many landlords take their responsibilities seriously and are just inexperienced resulting in non-compliance. Therefore, we hope that the inspection guidance, alongside our newly developed landlord and tenant booklets, will provide good competent landlords with the additional support and guidance they require to thrive in the PRS.</p>
<p><i>“Unfair financial burden on good landlords. Punish bad landlords with fines.”</i></p>	
<p><i>“The council should find and fine the rogue landlords rather than get payment from all regardless.”</i></p>	
<p><i>“Rogue landlords will not bother applying and law-abiding landlords are forced to pay for a licence. It is unnecessary cost with no benefit from it.”</i></p>	
<p><i>“While there are undoubtedly good landlords, there are also those who are negligent. However, it’s unfair to penalise responsible landlords with well-maintained properties due to the actions of others.”</i></p>	
<p>Theme 3.4: Costs too high</p>	
<p><i>“Something that doesn’t involve costing so much, I mean why not just do a check-up.”</i></p>	<p>As stated in response to Theme 3.2, it is illegal for us to profit from any licensing scheme. The costs have been carefully calculated to cover the cost of running the scheme and have been benchmarked against other boroughs. We have also introduced a two-tier discount for compliant properties and accredited landlords to recognise and reward those who will require less intervention throughout the duration of the scheme. The fees will be reviewed annually to ensure they remain cost neutral throughout the 5-year scheme.</p>
<p><i>“A more balanced approach, without huge fees, to avoid discouraging landlords which reduces availability of housing. Fails to take into account costs of mortgages increasing, so this just adds another cost and additional red tape to landlords.”</i></p>	
<p><i>“The cost is too high.”</i></p>	
<p><i>“If council is very serious about this, they should charge less fees and penalties from rogue landlords to be used to implement the scheme.”</i></p>	
<p><i>“The fees are ridiculously high, until council can justify the fees, they should not charge the landlords.”</i></p>	
<p>Theme 3.5: Should be free for compliant landlords/remove licensing fees</p>	
<p><i>“Rather than effectively fine good private landlords, only require those who do not do the right things to have a licence until they do comply.”</i></p>	<p>We cannot run the scheme without charging a fee, however, our proposed discounts focus on rewarding compliant landlords and offer a substantial discount for those who have a</p>

<p><i>"I assume that you know who the bad landlords are, target them and deal with them. Set up something where good landlords who meet criteria and can demonstrate that they look after their tenants are left alone."</i></p>	<p>compliant property, and an additional discount for accredited landlords. Therefore, you would only be paying for the inspection and administration checks and not the potential enforcement action and running of the scheme as we would not anticipate needing to liaise with you further due to your compliance.</p>
<p><i>"Landlords should not be paying for this. People that are signing up for the licence are generally not the ones who need to be monitored. It is the people in the hidden economy who need to be kept a check on."</i></p>	
<p><i>"Do an inspection, help landlords and penalise bad landlords and reward good landlords, not tax them via licence."</i></p>	
<p><i>"I do not believe that having to pay and have this licence actually makes the bad landlords any better... it makes the good ones still have to pay for the bad landlords out there."</i></p>	
<p>Theme 3.6: No discounts should be given</p>	
<p><i>"Landlords shouldn't be rewarded for doing what they are legally meant to do! They should pay the fee and if they don't meet the standards fine them."</i></p>	<p>Barking and Dagenham are keen to utilise the unique opportunity licensing presents for us to work together with landlords to drive up standards in our Private Rented Sector. The aim of the scheme is not to penalise landlords letting in the borough; it is about improving compliance by targeting those landlords who fail to accept their responsibilities and fostering good relationships with landlords that do. Part A of the licence fee covers the administration costs and inspection whilst part B of the fee covers the running of the scheme and required enforcement. We believe it is important to recognise good landlords who will not need further engagement from the Council due to having a well-maintained compliant property. Therefore, we have proposed a discount from the part B fee for compliant properties that we will likely not have to revisit, and a further discount for accredited landlords who have taken the time to be aware of their responsibilities.</p>
<p><i>"I think the discounts are too high in view of the cost to the council (the taxpayer) – landlords are making money on large HMOs and should be prepared to pay a reasonable fee to have the properties checked and the licence granted."</i></p>	
<p><i>"Silver Compliance and Gold Compliance should be removed."</i></p>	
<p><i>"Landlords should have a duty of care and act responsibly for the home, residents and the wider community. It should be a legal requirement – so why should they get discount for doing that. This all related to bricks and mortar and what about people's lives."</i></p>	
<p>Theme 3.7: Discounts for good landlords</p>	
<p><i>"Discount for landlords who have consistently provided good quality housing and complied with all terms and conditions."</i></p>	<p>Our proposed discounts are all aimed at rewarding good landlords, including a £200 discount for compliant properties and a £50 discount for accredited landlords. As such, discounts for good landlords are already part of our proposals.</p>
<p><i>"Discount for previous satisfactory licences."</i></p>	
<p><i>"Discount for landlords that have had good inspection report."</i></p>	
<p><i>"Long term discounts should be given to landlords who have never required enforcement action to bring their properties up to standard."</i></p>	
<p>Theme 3.8: Discounts for landlords with multiple properties</p>	

<i>"Discount for multiple properties."</i>	We understand the frustration in paying for multiple licences and understand the idea that landlords aim to keep all their properties in the same condition, we are promising that we will inspect every property which is partially what the licence pays for. It would not be fair on some tenants to not receive this inspection, but we could not afford to offer an additional discount and still inspect all properties. However, if all properties are compliant, the landlord will receive a significant discount on each of the licences through our compliance discount.
<i>"Discounts should be given to landlords with multiple properties especially if there are no issues with those properties."</i>	
<i>"Discounts based on number of properties."</i>	
<i>"If you're going to licence landlords, there should be one singular licence for all their properties."</i>	
Theme 3.9: Discounts for single property landlords	
<i>"Discount for single property landlords."</i>	We understand the sentiment that you are not running a business and making a living from renting out one property, however, landlords with only one property are more likely to be 'accidental' landlords and therefore require more advice and intervention from the Council. Therefore, we are unable to offer a specific discount for landlords with only one property. However, if your property is compliant, our proposed discounts would still offer you a substantial reduction in the fee.
<i>"Those with a single property who may have been forced into it due to financial circumstances or the cladding scandal should get a discount."</i>	
<i>"Anyone with one property should receive larger discount, compared to other landlord who have multiple properties."</i>	
<i>"Those with only 1 property or 'accidental landlords' shouldn't suffer the same expenses as those with many. Those with a portfolio are doing this for a living, whereas the former are just trying to survive."</i>	
Theme 3.10: Discounts for landlords who use accredited/reputable managing agents	
<i>"Landlords using a registered property management company should be discounted further."</i>	We are already proposing a discount of £50 for landlords who are part of an accreditation scheme or reputable membership body. All accepted membership bodies are listed in our updated fee structure.
<i>"If the property is managed by agents, then satisfactory quarterly reports could be used as a marker for further discounts."</i>	
<i>"Discount for properties with a good condition that are managed by letting agent."</i>	
<i>"If a landlord takes care of their property and lets it out through a licensed letting agent, should be given a bigger discount."</i>	
Theme 3.11: Discounts too low	
<i>"The gold award is only £50 extra discount, but it would cost more than £50 to get accreditation, including time to go and complete the course, therefore it is not financially beneficial for me to make the effort to get accredited, I would just pay the council the extra £50 over 5 years, rather than the accreditation costs which annual is more than that.. I would really like accreditation and would be happy to pay if I would get a further discount."</i>	Whilst we understand the current cost of living crisis, the scheme needs to be able to fund itself, with the remaining fee after the discounts covering the administration and inspection costs. Without any discounts, the Selective licence costs just £3.65 a week, and the Additional licence costs £5.38 per week - both of which are even cheaper with the discounts. Relative to the average rents in Barking and Dagenham, we believe this is an affordable rate.

<i>"If you get the right awards, should get a better discount."</i>	
<i>"The discounts should be much higher."</i>	
<i>"The discounts are not enough – for a gold standard, where the landlord goes well beyond, there should be a marked discount on accreditation fees/membership fees."</i>	
Theme 3.12: Free for accredited landlords	
<i>"The removal of all licensing costs (both A & B) for good and accredited landlords will be fair."</i>	We most definitely want to recognise those who have taken the time to become accredited and understand their responsibilities as a landlord which is why we have implemented a discount for accredited landlords. However, we will still be inspecting every property which comes at a cost meaning that we are unable to offer the licence free to accredited landlords. This is in line with all other London boroughs.
<i>"If a landlord is properly accredited and the property meets the standards immediately, they should pay nothing beyond a basic administration fee of say £50."</i>	
Theme 3.13: Discount based on tenant feedback	
<i>"Discount for existing landlords who have complied since licensing began and have had no complaints. Perhaps existing tenants could rate their landlords?"</i>	Although this suggestion has a great sentiment, in practice it could be very subjective and biased. It could also be open to manipulation and cause issues between landlords and tenants based on the review given and discount awarded. We believe it would be fairer, and our resources would be better used inspecting every property and awarding discounts for all compliant properties. Therefore, good landlords will still be rewarded but this will be done based on specific criteria to remove subjectivity.
<i>"Discount based on tenant feedback."</i>	
<i>"Discount if a landlord has conformed to all council legal requests and during inspection the tenants speak positively about the landlord."</i>	
Theme 3.14: Pro-rata refund when property sold	
<i>"Should the property be sold during the period in which the licence is valid then a refund should be made back to the Landlord on a pro rata basis. It is unreasonable to charge for a period it is not required and withheld by the Council."</i>	We understand the frustration in paying for a 5-year licence and then selling the property before the end of the 5-year term. However, the majority of the licence fee covers the administration and inspection which is required to be carried out for each licence holder. As such, it would not be financially viable to refund licence holders when they sell their property before their licence expires.
<i>"For landlords who are expecting to sell their property during the five years there should be a pro rata refund of the licence fee."</i>	
<i>"You are charging each landlord for each property, with any transfer of the property requiring a new licence. If you are going to licence landlords, there should be one singular licence for all their properties. If you're going to licence properties, then there should be one fee for the property and no 'doubling up' of an additional fee for the next landlord taking over."</i>	

Theme 3.15: Specific concerns around the property condition guidance for the compliance discount	
<i>“The guidance needs to make clear what is a legal requirement and what is a recommendation to encourage best practice.”</i>	REJECTED. The guidance has been created in accordance with the Government’s Housing Health and Safety Rating System, to reduce the potential risks to the health and safety of occupiers and visitors from property deficiencies. All of the requirements in the Property Condition Guidance are aligned with that guidance to make a clear set of standards to provide a safe and healthy environment.
<i>(HMOs) “It states all glass in windows must be safety glass. That is incorrect and would only be appropriate if it was low level glazing at heightened risk of impact damage.”</i>	ACCEPTED. This has been amended to: “All glass in doors, low windows, and other vulnerable locations must be safety glass.”
<i>(Selective – all internal rooms) “Whilst it is good practice to encourage tenants to keep any staircase and hallway within their letting clear of storage, this cannot be enforced.”</i>	CLARIFIED. These standards relate to property conditions, not tenant belongings. Therefore, it will be amended to be clearer. Instead of ‘Escape routes should be kept clear’, it will say ‘Escape routes from bedrooms shall not be via a kitchen or another room unless there is a reasonably sized openable window or door to a place of safety free from the effects of fire.’
<i>(Selective – Bathrooms and Kitchens) “It is not practical to deliver hot water to wash hand basins at 41 degrees Celsius. No heating engineer could achieve that precise result.”</i>	ACCEPTED. This has been amended to: “There should be hot and cold water to each sink, basin, and bath/shower. Water storage tanks should store hot water between 60°C to 65°C. Hot water delivered to taps should be scalding (advised: 40-44°C in baths and showers, 41°C to wash hand basins, and 60°C to kitchen sinks.) Supply pipes and drains must be in good repair with no leaks. Seals between a sink, a drainer, a worktop, a basin, bath, or shower and the wall should be free from mould, watertight and in good condition.”
<i>(Selective – Bathrooms and Kitchens) “Whilst it is good practice to have a heat alarm in the kitchen of a single-family property, it is not a legal requirement.”</i>	ACCEPTED. This has been removed.
<i>(Selective – Windows and Doors) “There is no requirement for all windows to be fitted with safety glass.”</i>	ACCEPTED. This has been amended to: “All glass in doors, low windows, and other vulnerable locations must be safety glass.”
<i>(Selective – Windows and Doors) “There is no requirement for thumb turn locks to final exit doors in a single-family property. If the council wish to suggest that the guidance should make clear it is a recommendation.”</i>	ACCEPTED. This has been amended to: “Doors should be able to be opened and closed from the inside with ease, and locks should provide a quick and easy exit. It is recommended they are ‘thumb turn’ locks or similar so that residents do not need to find a key to escape in an emergency. Speak to your insurance company to ensure the locks meet their rules.”

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OTHER VIEWS AND SUGGESTIONS ON THE PROPOSED SCHEMES

Section Overview

Survey respondents were asked whether there were any alternatives to property licensing that the council should consider and what more the council could be doing to support tenants and landlords. They were also given the opportunity to provide any other feedback they had on our proposals.

The most common landlord support suggestions were support with tenancy breaches and tenant issues (22%), reduce licensing fees (15%), and remove licensing fees (14%). The most common tenant support suggestion was to provide more advice and information (19%), closely followed by support with rent increases and rent controls (17%).

All remaining feedback from consultees is included below with the council's consideration clearly outlined.

Example comments from consultees	Council's consideration
Theme 4.1: There is already legislation in place to regulate the PRS / scrap licensing	
<i>"There is currently a great amount of legislation that can be used to deal with a great many of the matters proposed here, and additional charges should not be made to current owners."</i>	Barking and Dagenham believes that selective and additional licensing is a necessary tool to bolster our existing enforcement regime and achieve greater compliance in the PRS. Licensing stands out against other measures considered as it offers a much-needed proactive inspection approach and provides clearly defined offences (licensed/unlicensed) which simplify enforcement. Furthermore, we do not believe that, either individually or collectively, the other measures considered would prove to be as effective as a means of tackling poor housing conditions, deprivation and ASB in the borough. Nor can they deliver the scale of improvement that we believe is required. You can read the full list of options appraised and our rationale on pages 50 and 51 of the Consultation Evidence Report.
<i>"Remove licensing requirements."</i>	
<i>"I own one property and I am a good landlord, go above and beyond helping my tenants, don't need to pay a fee and receive a paper to inform me that I done my bit to keep tenant and property safe."</i>	
<i>"I don't see what improvements the scheme is making. Landlords are legally obliged to carry out the requirements within the licensing scheme anyway."</i>	
<i>"The licensing scheme should be abolished. Landlords know and have obligation to follow as per terms and condition of the tenancy agreement."</i>	
Theme 4.2: There is a lack of evidence of licensing working	
<i>"No comparative data."</i>	The Chartered Institute of Environmental Health and the Chartered Institute of Housing published a joint review of selective licensing (CIH & CIEH (Chartered Institute of Environmental Health), 2019). 20 councils participated in the research which analysed the performance of 37 schemes. The review found that many licensing schemes were delivering significant benefits in terms of tackling property conditions and anti-social behaviour. These findings were echoed by an independent review of selective licensing commissioned by the Government (2019, Page 7). The report
<i>"I would hope that regulation would improve – as a minimum – safety standards in rented properties, but I have no data to support this."</i>	
<i>"No change has been seen."</i>	
<i>"I wasn't aware of the scheme, so I guess it's not all that effective."</i>	

<p><i>"I have been living in a poor condition house which is licenced."</i></p>	<p>concluded that "selective licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes". More locally, our consultation evidence report published as part of the consultation highlights the successes of our previous schemes.</p>
<p>Theme 4.3: It needs regular monitoring/checks to enforce conditions</p>	
<p><i>"Check that properties are compliant with the licensed granted."</i></p>	<p>Under the proposed schemes, every single property will be inspected to ensure compliance. We also have a dedicated web reporting tool, phone line and email address for reports and complaints to be submitted. One of our Housing Enforcement Officers will then visit the property to ensure that any required works are completed, and the property remains compliant for the duration of the scheme. All unlicensed properties will be similarly investigated and enforced against to ensure compliance with the scheme. You can report any unlicensed properties to ULP@lbbd.gov.uk.</p>
<p><i>"The council should follow up the issues and do checks after."</i></p>	
<p><i>"Maybe have at least annual checks in private houses about matters concerning property conditions."</i></p>	
<p><i>"The Council Inspector should come from time to time to see and review the property conditions."</i></p>	
<p><i>"Have an officer who checks up on them once in 6 months."</i></p>	
<p>Theme 4.4: Need a system for reporting issues</p>	
<p><i>"Provide a support number for them to raise complaints."</i></p>	<p>We acknowledge the importance of accessible methods for reporting issues. We already have a dedicated reporting webpage in place, as well as a dedicated phone line, email address and mailing address which is picked up by the service's Business Support team Monday-Friday 8am-5pm.</p>
<p><i>"The council should simply have a scheme where tenants can notify the council of properties in poor condition."</i></p>	
<p><i>"There should be a regular consultation with the residents at least yearly so they can discuss their issues and get them resolved."</i></p>	
<p><i>"Hotline for concerns."</i></p>	
<p><i>"24-hour helpline number for landlords."</i></p>	
<p>Theme 4.5: Council should focus on its own properties and tenants</p>	
<p><i>"All council properties should be subject to the same conditions imposed on private sector. This is not happening at the moment, and they are in a worse state and over occupied."</i></p>	<p>Our 2023-2026 Corporate Plan focuses on ensuring that residents live in good housing and avoid becoming homeless. This covers all tenures, but actions specific to social housing include:</p> <ul style="list-style-type: none"> - Increasing the visibility of Landlord Services in wards to ensure tenant issues are dealt with promptly and effectively. - Improving the speed and quality of repairs and maintenance to prevent stock from falling into disrepair. - Strengthen the inspection and compliance regime to ensure that every Council-owned
<p><i>"Council tenants complain about the state of the homes they live in, and the council should be focusing on this."</i></p>	
<p><i>"Ought to look at condition of council homes in the first instance rather than targeting landlords."</i></p>	

<p><i>“Take a good look at council owned properties I have evidence of repairs taking in excess of 6 months for council tenants whereas private landlords would be penalised if we acted in the same way.”</i></p>	<p>property meets gas, fire, and electrical safety requirements.</p> <ul style="list-style-type: none"> - Launch a damp and mould taskforce. - Use a data-led approach to deliver sufficient properties, in terms of both development and allocation, that meet the needs of our residents <p>However, social housing is a different area to private sector housing with different policies. The PRS is a vital component of the housing stock in Barking and Dagenham, and we want to drive up standards across all tenures.</p>
<p><i>“The council needs to ensure that its own property stock is similarly required to meet the standards proposed for private landlords. Council property is by no means universally up to standard and LA tenants frequently have to fund matters that private landlords would be expected to pay for or do themselves (pest control).”</i></p>	
<p>Theme 4.6: Need more social housing</p>	
<p><i>“We need more social housing.”</i></p>	<p>Barking and Dagenham are dedicated to delivering 50,000 new affordable homes in the next 20 years. This includes a target of 18,470 new affordable homes between 2025/25 and 2028/29. However, it is important to tackle the issues faced across all housing tenures in tandem to ensure the best outcome for all Barking and Dagenham residents.</p>
<p><i>“Build more houses to accommodate more people.”</i></p>	
<p><i>“Build more council houses.”</i></p>	
<p><i>“The council should create more social housing options, build more council housing units.”</i></p>	
<p>Theme 4.7: More partnership working between Council & landlords/support from Council for landlords</p>	
<p><i>“Hire more staff to support landlords, run dedicated surgeries, 1-2-1 face to face sessions via appointment for landlords to discuss issues.”</i></p>	<p>Though we historically engaged in the NRLA landlord forum based in the borough, we recognise that this relationship dissipated following the COVID pandemic. We have already re-engaged with the NRLA and attended their March landlord forum and are on the agenda for the June session. We will be continuing with our landlord newsletter that was launched last year and expanding on this to provide as much valuable information as possible, including relevant membership discounts to support landlords in gaining access to further support and advice. We are curating a new landlord booklet, and property condition inspection guidance, so that upon application you receive all the relevant information required to be a successful landlord in Barking and Dagenham. Furthermore, we are working with the website team to improve the accessibility and functionality of our website and ensure that everything you need is readily accessible. More broadly, we have our dedicated phone line and email address with a team always around to offer advice and guidance.</p>
<p><i>“So far it is just ‘a newsletter’, which does nothing of value, and letting a gimmick ‘provider’ offer their courses for sale, all of which are in working hours, which is pretty useless for those of us in full-time employment and no spare money to afford said courses because of all the aforementioned costs.”</i></p>	
<p><i>“Better communication.”</i></p>	
<p><i>“I think council should be always ready to teach or advise and be the first contact for support to help comply with the current law. It’s so much to deal with for the landlords so would be great if the landlord could contact the council to make sure he understands everything that is required from him.”</i></p>	
<p>Theme 4.8: Providing more support to landlords to deal with ASB</p>	

<i>"Have a register of bad tenants, non-paying, anti-social, etc. so landlords can reference this."</i>	We appreciate the difficulties that landlords may face when dealing with problem tenants and breaches to tenancy agreements. We offer support to landlords facing difficulties with their tenants through our Private Sector Housing team and our dedicated Anti-Social Behaviour team.
<i>"Helping when tenants need to be evicted due to breaches of tenancy or overcrowding or ASB."</i>	
<i>"Look at issue objectively and not hold landlords responsible for the actions of tenants and for all issues and damages caused by tenants."</i>	
<i>"Support landlords to enforce the conditions on tenants."</i>	
Theme 4.9: Provide support to landlords to deal with tenancy breaches and tenant issues	
<i>"Helping when tenants need to be evicted due to breaches of tenancy or overcrowding or ASB."</i>	We understand that unfortunately some tenants can cause problems, and we have many cases where we have written to tenants regarding their behaviour. We will not investigate an allegation of disrepair unless the tenant has reported it to the landlord to give them an opportunity to resolve the issue first. We will be producing a tenant information pack which will include, amongst other things, housekeeping advice to reduce the likelihood of pest infestations, how to properly heat and ventilate their homes, and what can happen if they don't pay their rent. We also have links to early intervention services if a landlord thinks a tenant is suffering from self-neglect and they need support. The risk of a tenant breaking the terms of the contract by damaging the property, sub-letting, or not paying rent, is the reason for taking a deposit, carrying out proper reference checks, taking photos of the property at the beginning of the tenancy, inspecting the property every 6 months for selective licenses and 3 months for HMOs. If a landlord is forced to evict a tenant to protect their property they are perfectly entitled to do so, and there is advice on the website how to do this legally. We also have a dedicated Tenancy Sustainment Officer who can work with you and the tenant to mediate and provide all relevant advice and information.
<i>"Help them to deal with bad tenants rather than supporting them."</i>	
<i>"Support the landlord if the tenant breaches their contract."</i>	
<i>"To help landlords when tenants breach tenancy agreement."</i>	
Theme 4.10: Reduce licensing fees	
See response to Theme 3.4.	
Theme 4.11: Remove licensing fees	
See response to Theme 3.5.	
Theme 4.12: Provide more advice and information to tenants	
<i>"Better signposting and advice for dealing with issues. Share tenant information packs."</i>	Our website provides really valuable advice and information. We are currently reviewing the website to ensure that it is as accessible as

<i>“Provide free legal support to tenants.”</i>	possible and really easy to find the information you are looking for. We are also creating a new tenant information booklet which will include all relevant information for tenants and will be available on our website as well as sent out with every licence. Our dedicated Business Support team are always available to answer queries and provide advice and guidance.
<i>“Creating packs on what the landlord requirements are to meet property standards, repairs etc.”</i>	
<i>“Provide free legal support to tenants.”</i>	
Theme 4.13: Provide support to tenants regarding rent increases and rent controls	
<i>“Support services for rent rises, bullying by landlords.”</i>	Our website provides advice on what to do if your landlord increases the rent: Rent increases London Borough of Barking and Dagenham (lbbd.gov.uk) . If tenants have any specific concerns regarding unlawful rent rises and rent controls or your landlord increases your rent unlawfully, you can contact our Tenancy Sustainment Officer who can support you in working with your landlord to ensure you rent increases lawfully.
<i>“Helping with unreasonable rent increases.”</i>	
<i>“Make sure landlords has a limited amount they can increase the rent. This should be the only way to avoid high increase.”</i>	
<i>“Monitor private rent price trends. For example, the way the rental prices have risen in recent years is eyewatering and the conditions remain poor. There needs to be some kind of regulation and exceptional prices should be commensurate with exceptional facilities and standards.”</i>	