

Appendix B2- NRLA Submission

Bristol City Council
6th November 2023

Dear Sir or Madam,

Selective & Additional Licensing Proposals

The NRLA is an association following the merger of the National Landlords Association and the Residential Landlords Association. Our membership represents over 100,000 landlords and agents, the largest organisation in the sector.

Thank you for the opportunity to respond to the above consultation regarding the introduction of further selective and additional licensing in Bristol. The NRLA objects to the relevance of further Selective and Additional Licensing schemes by Local Authorities. Although we sympathise with the aims of Bristol City Council, we believe that Licensing does not align with the successful completion of these objectives.

The NRLA seeks a fair legislative and regulatory environment for the private rented sector while ensuring landlords know their statutory rights and responsibilities.

Main Objections

Antisocial behaviour and low housing

Landlords are usually 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 Bristol City Council 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.

Furthermore, the overcrowding issue is complicated for a landlord to manage if the tenant has overfilled 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?

It is impractical for landlords to monitor tenants' everyday activities or sleeping arrangements.

Where overcrowding occurs, the people involved know what they are doing and that they are criminals, not landlords. The council already has the power to deal with this.

Regarding reducing antisocial behaviour, landlords must tackle such activity within their properties; it should be highlighted that landlords and agents can only enforce a contract; they cannot manage behaviour.

Bristol City Council has many existing enforcing powers that can rectify the identified problems as part of the council's housing strategy. These include:

1. Criminal Behaviour Orders
1. Crime Prevention Injunctions
1. Interim Management Orders
1. Empty Dwelling Management Orders
1. Improvement Notices (for homes that do not meet the Decent Homes Standard)
1. Litter Abatement Notices (Section 92 of the Environmental Protection Act 1990)
1. Fixed Penalty Notices or Confiscation of equipment (Sections 8 and 10 of the Noise Act 1996)
1. Directions regarding the disposal of waste (for example, Section 46 of the Environmental Protection Act 1990)
1. Notices to remove rubbish from land (Section 2-3 of the Prevention of Damage by Pests Act 1949)

Waste management

When tenants are nearing the end of their contract/tenancy and are moving out, they will dispose of excess household waste through various methods. These include but are not limited to putting waste out on the street for the council to collect. This is in the hope of getting their deposit back and is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with many privately rented properties need to consider a strategy for collecting excess waste at the end of a tenancy in place of selective licensing.

Would the council consider a free/low-cost service for private landlords to remove numerous bunk items when tenants vacate the property and not dispose of such waste beforehand if such a mechanism is not already in place?

Licensing Conditions

Proposed additional and selective licence condition 7.3 states “*supply to the council on demand the names of all occupants*”. If a tenant does not want their name disclosed to the council and refuses permission for the landlord to supply their name, where does this leave a licence holder who would be in breach of a licence condition?

Consultation method

The choice by the council to not consult with public stakeholders for such large proposals that will affect many landlords is counterproductive. Potential licence holders quite rightly want to ask questions whilst the consultation process is live to receive clarity and feedback. Only accepting questions and feedback and addressing them once the formal consultation process is concluded shows a limited amount of engagement, especially important as the proposed additional licensing scheme will be city-wide for example. The NRLA offered to co-host a webinar with Bristol City Council during the consultation process to invite members and landlords to present the proposals and take questions about the licensing consultation. This was rejected by the council.

Conclusions and alternatives

The NRLA believes local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.

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.

If the scheme is approved, the council should consider providing 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.



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The NRLA has a shared interest with Bristol City Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of further selective and additional licensing is the most effective approach to achieve this aim both in the short term and long term.

Yours Faithfully,

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