

## **Statement from Rob Crawford, Chair for the National Landlords Association (Wessex)**

We, the National Landlords Association (Wessex) are strongly opposed to the Proposal, as we see it as unwarranted, overbearing and unnecessary over-regulation. Our view is supported by facts, that have not been properly or fairly brought out in the 'evidence' papers issued by the Council.

**The Council is not exempt from law** and may only legally enact additional licencing after satisfying the following certain criteria embodied in the Housing Act 2004 (HA04):

1. *The local authority must consider that a significant proportion of the HMOs to be covered by the scheme **are being managed** sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. (s.56 (2))*
2. *The local authority **must not** make a particular designation under section 56 unless they have considered whether there are any other courses of action (of whatever nature) that might provide an effective method of dealing with the problem or problems in question. (s. 57 (4) (a))*
3. *The local authority must not make a particular designation unless they consider that making the designation will significantly assist them to deal with the problems. (s. 57 (4) (b))*

Not satisfying this criteria **is a breach of primary legislation** if the measures are approved. In such circumstances the Council could be subject to action for legal redress.

Our response to the consultation drew attention to **a large number of deficiencies in the Council's case**. Despite our strong and detailed criticism contained in that response and the specific analysis supporting our position, we have received little in the way of an acceptable response.

**The Council's 'evidence' documents do not reflect fact, fairness and balance of presentation** and as a result are flagrantly biased. A large part of the evidence base rested upon information gathered by officers conducting a doorstep survey with occupants of HMOs in the three wards and contains lengthy descriptions purporting to show the management of HMOs in a poor light. Regrettably the survey regime was singularly ill-conceived as it was carried out from late May to late June 2012 and **there were only 78 responses from 1158 surveys issued, a poor 6.7% response rate**. This fact was hidden from the reader in the summary. However, **the consultation documents seek to make all sorts of negative claims about HMOs based on a response rate that, statistically, is virtually meaningless!**

The Council is not in a position to state that a significant proportion of HMOs are being managed ineffectively simply because the data is inconclusive and the number of HMOs is quite unknown.

**The previously stated criteria embodied in the Housing Act 2004 has not been satisfied:**

- **The local authority has not** made the case that "*a significant proportion of the HMOs to be covered by the scheme are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to problems.*"
- **The local authority has done little** in considering other courses of action that might provide an effective method of dealing with the problem or problems in question, a requirement of the 2<sup>nd</sup> criteria.
- **The Council has not stated with any clarity** how the scheme will solve the perceived problems. Nor have we detected confidence in local officials that the measures would be effective.

All of the benefits claimed for additional licencing can be achieved by targeting existing powers and making an effort to engage with landlords, particularly through NLAW.

**The Council's case is very weak and has failed to satisfy the stated legal criteria.** Local landlords wish to improve housing standards but **additional licencing is not the way to do it and amounts to a clear case of over-regulation.**

**I regret to say that the strength of feeling amongst our members and other local landlords is such that if the Council presses ahead with this measure, we will regrettably have no option other than to look to a legal remedy.**