

Improving the Private Rented Sector  
Central and East areas of Peterborough

## **Selective Licensing**

The Peterborough Selective Licensing Scheme for  
Landlords and Managing Agents

## Contents

Introduction .....

Central and East area .....

Who needs a licence?.....

What do I need to do? .....

How to apply .....

The Application Process .....

The Licence .....

The Licence Conditions .....

What does it cost? .....

What are the benefits of licensing? .....

Contact the team... ..

Other useful contacts .....

## **Selective Licensing Scheme – An Introduction**

This guide will give you the information you need to understand the law around licencing and how to obtain a licence.

The private rented sector is continually growing and is an essential and significant part of the City's housing market. We believe that residents should be able to live in good quality, safe, warm, affordable homes in mixed, thriving sustainable communities.

Landlord licensing is part of a wider set of measures to enable landlords to provide good quality housing within their communities and to address issues of anti-social behaviour and low demand within the areas.

## **The Housing Act 2004 - Improving conditions in Privately Rented Property**

The Housing Act 2004 has given councils the power to introduce Selective Licensing of privately rented properties to improve conditions for tenants and the local community in certain circumstances.

In order to introduce Selective Licensing the council must demonstrate either of the following criteria within the designated area:

- ❖ That the area is, or is likely to become, an area of low housing demand and that making the designation will, when combined with other measures taken in the area by the council contribute to the improvement of the social or economic conditions in the area; or
- ❖ That the area is experiencing a significant and persistent problem caused by anti-social behaviour and some or all of the private sector landlords which have premises in the area are failing to take appropriate action to combat the problem and that making the designation will, when combined with other measures taken by the local authority, lead to a reduction in or elimination of the problem.

## **Why is the Selective Licensing scheme being introduced?**

The problem of anti-social behaviour, poor quality rented housing and irresponsible and criminal landlords can have a detrimental effect on the community. This, combined with vandalism and other anti-social behaviour can cause people to move. Rapid and continuous churn within the housing market creates unstable communities. As the area becomes less attractive, owner occupiers also move and properties are either left empty or bought by speculative landlords. These landlords often have no interest in the community and often rent to tenants who are not properly vetted, leading to further anti-social behaviour, poor property management and decline.

Selective Licensing will now give the Council the power to make landlords accountable for the management of their property and tenants in the central and east area of the city. All landlords who rent a property in these areas must apply for a licence from **+++ commencement date+++**

### Central and East area

Below is a list of streets included in the licensing area in which all rented property will be required to have a licence to operate with effect from **+++date+++** (see also map).

Alexandra Road	Coleridge Place	Keeton Road	Scotney Street
All Saints Road	College Park	Kimbolton Court	Searjeant Street
Allen Road	Connaught Mews	Kings Gardens	Shakespeare Avenue
Alma Road	Conworth Close	Kingsley Road	Shelley Close
Ashcroft Gardens	Cowper Road	Kipling Court	Sheridan Road
Atkinson Street	Craig Street	Lammas Road	Shire Grove
Bamber Court	Crawthorne Road	Lawn Avenue	Silverwood Road
Bamber Street	Cromwell Court	Lime Tree Avenue	South Street
Beckets Close	Cromwell Road	Lincoln Gate	Springfield Road
Bedford Street	Crown Street	Lincoln Road	St James' Avenue
Beech Avenue	Danes Close	Link Road	St Johns Street
Belham Road	Dickens Street	Lister Road	St Marks Apartments
Berry Court	Dogsthorpe Grove	Loire Court	St Marks Court
Bettles Close	Dogsthorpe Road	Lynton Road	St Mark's Street
Bishops Close	Dryden Road	Manor House Street	St Martins Mews
Bishops Road	Durham Road	Maskew Avenue	St Martins Street
Boswell Close	Dyson Close	Mayfield Road	St Paul's Road
Bourges Boulevard	Eaglesthorpe	Kesteven Walk	Stanley Road
Bower Close	Eastfield Road	Lister Road	Star Close
Brassey Close	Eastgate	Monument Street	Star Mews
Briar Way	Eastleigh Road	Morris Street	Star Road
Bright Street	Elmfield Road	Nene Street	Stone Lane
Broad Close	English Street	New Road	Summerfield Road
Broadway (1-160)	Exeter Road	Newark Avenue	Taverners Road
Broadway Gardens	Field Walk	Norfolk Street	Tennyson Road
Brook Street	Fitzwilliam Street	Norman Road	The New Haven
Brownlow Road	Flag Fen Road	North Street	Thistlemoor Road
Buckle Street	Foxdale	Northfield Road	Tom Lock Court
Burghley Mansions	Fulbridge Road	Norton Road	Towler Street
Burghley Road	Garton Street	Nursery Close	Vere Road
Burmer Road	Geneva Street	Occupation Road	Vergette Street
Burns Close	Gildenburgh Avenue	Old Court Mews	Victoria Place
Burrows Court	Gillwell Mews	Oxford Road	Victoria street
Burton Court	Gilpin Street	Padholme Road	Viney Close
Burton Street	Gladstone Street	Park Road	Wake Road
Cambridge Avenue	Glenton Street	Park Lane	Walpole Court
Carl Hall Court	Granby Street	Parkodi Court	Warbon Avenue
Caroline Court	Grange Avenue	Parliament Street	Waterloo Road
Cavendish Street	Granville Street	Peveril Road	Wellington Street
Cecil Pacey Court	Gray Court	Pipe Lane	Wetherby Way

Cecil Road  
 Century Square  
 Chain Close  
 Chantry Close  
 Charles Street  
 Chaucer Road  
 Chester Road  
 Church Walk  
 Clare Road  
 Clarence Road  
 Claridge Court  
 Cobden Avenue  
 Cobden Street

Green Lane  
 Grimshaw Road  
 Hamilton Court  
 Hankey Street  
 Harris Street  
 Henry Court  
 Henry Street  
 Hereward Road  
 Herrick Close  
 Highbury Street  
 Hill Close  
 Huntly Grove  
 Ingleborough  
 Isherwood Close  
 Johnson Walk  
 Keats Way

Pope Way  
 Popley Court  
 Portland Avenue  
 Priestgate  
 Princes Gardens  
 Princes Street  
 Queens Drive West  
 Queens Gardens  
 Raedwald Court  
 Reeves Way  
 Rock Road  
 Rosehall Court  
 Russell Mews  
 Russell Street  
 Salaam Court  
 Sallows Road  
 Saxon Road

Whalley Street  
 Whitsed Street  
 Wilberforce Road  
 Windmill Street  
 Woodbyth Road  
 York Road

**Map of Area (n.b. not all streets within the boundary are included – see list above)**



## Who needs a Licence?

Once an area has been designated for licensing all properties let by private landlords must have a licence. A licence holder can be the owner or an appropriate person designated by the owner, e.g. a managing agent

## Exemptions

Certain properties are exempt from licensing, these include

- ❖ Those managed by Housing Associations or the local authority
- ❖ Buildings regulated by other legislation
- ❖ Holiday Lets
- ❖ Tenancies under long leases

## Temporary Exemption Notices

A property can also be exempted for a period of 3 months if a Temporary Exemption Notice (TEN) is in force. The council can issue a TEN, on written request of the owner/proposed licenceholder if they are satisfied that the proposed owner/ proposed licenceholder is taking steps to ensure that the status of the property will be changing within the exemption period and that it would not be required to be licensed thereafter.

If you think that your property is exempt from licensing you must contact the Private Rented Sector Team. If it is found that your property is exempt then a written confirmation will be provided to you.

## What do I need to do?

You must make a valid application online for each property you rent out. Applications can be made at [www.peterborough.gov.uk/selectivelicenisng](http://www.peterborough.gov.uk/selectivelicenisng).

If you need assistance with completing the form please refer to the guidance notes on the web site. If you need further assistance or you are unable to complete an online application you can contact the Selective Licensing team:

- ❖ online at [+++www.peterwebsite+++](http://www.peterwebsite)
- ❖ by telephone by calling 01733 +++++
- ❖ by email at [+++selective licensing+++](mailto:+++selective licensing+++)
- ❖ from the reception desk at Bayard Place
- ❖ by writing to: ++++++SL 4<sup>th</sup> floor, Bayard

In order to obtain a licence the applicant will need to demonstrate that they are a 'fit and proper' person and that they have satisfactory management arrangements in place for the property. This will involve providing your identification and providing a declaration to confirm your status with regards to criminal offences.

### **Fit and Proper Person**

The council must take into account any evidence that the person applying for a licence has:

- ❖ Committed any offence involving fraud or other dishonesty, violence, drugs and certain sexual offences
- ❖ Practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in connection with any business
- ❖ Contravened any provision of the law relating to housing or landlord and tenant law
- ❖ Adequate level of English (written and spoken) to be able to undertake their business

### **Management**

You must also be able to demonstrate satisfactory management is in place for each rented property. The council aims to use the Selective Licensing scheme to ensure that all privately rented properties are well managed. Many landlords do this already, however there are problems in many areas where landlords neglect their management responsibilities. There are also a number of well-intentioned landlords that are not aware of their responsibilities and the relevant laws and there are also some absentee landlords who may not be aware of problems that are being caused by their tenants.

Where licence holders are not able to demonstrate satisfactory management practices they may be required to undertake training to give them the knowledge and skills that are necessary.

As part of the application process the proposed licence holder must also provide evidence of appropriate safety and security within their property

- ✓ The licence holder must provide a valid gas safety certificate (if there is gas in the property) with the application form and then on a yearly basis.
- ✓ The licence holder must keep all electrical appliances and furniture supplied in a safe condition and they must provide a declaration as to their safety as part of the application and thereafter on demand.
- ✓ The licence holder must provide on a 5 yearly basis a satisfactory periodic inspection report on the electrical installation at the property. This must be carried out by a 'competent person' who is a member of one of the government approved schemes i.e. NICEIC, NAPIT, ELECSA, or BRE.
- ✓ The licence holder must ensure that all furniture supplied by the landlord complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 and that there are arrangements for the routine inspection of all items provided by the landlord to ensure they are maintained in a satisfactory and safe condition. A declaration must be signed as part of the application process confirming that all furniture meets the relevant standards.
- ✓ The licence holder must ensure that smoke alarms are installed in the property and keep them in proper working order at all times. The licence holder must also provide a declaration as to the condition and positioning of the alarms as part of the application form.
- ✓ The licence holder must supply to the occupiers of the house a signed, written statement of the terms in which they occupy i.e. a Tenancy Agreement. It must include the following:
  - a) Name and address of the licence holder or managing agent
  - b) A contact address and daytime telephone number
  - c) An emergency telephone number
  - d) A copy of the landlord licence and licence conditions
- ✓ The licence holder must abide by the conditions and responsibilities contained within the tenancy agreement and carry out all landlord functions as laid down in the agreement.
- ✓ The licence holder must obtain valid references for any person who wishes to occupy the house, in order to make an informed decision regarding their suitability. Evidence of these references and checks must be made available to the council upon request.
- ✓ The licence holder must take reasonable and practical steps, following advice and recommendations from the Council, to prevent or reduce anti-social behaviour by persons occupying or visiting the house.



- ✓ The licence holder must take reasonable and practical steps following advice and recommendation from the Council and/or police should it be found that the property is being used for illegal or immoral use.
- ✓ The licence holder must inform the Council of any changes of circumstances which may affect their suitability to be the licence holder. This must be done within 5 working days of any change taking place.
- ✓ The licence holder must ensure that if the property becomes empty that it is made secure to prevent any unauthorised entry.
- ✓ The licence holder must reside in the UK.

The team will work with you to support you throughout the application process and to assist you in meeting the criteria in order to be granted a licence. This may involve you undertaking a training course.

### **Anti-Social Behaviour**

The conditions set out a staged approach for landlords to deal with anti-social behaviour and that the landlord shall work with the council and partner agencies to address complaints associated with his/ her property. These include, but are not limited to:

- Writing to the tenant upon receipt of a complaint regarding ASB informing them of the allegation and the possible consequences of it continuing, then monitoring the complaint for a period of 14 days to see if the problem continues. If it doesn't then the landlord can just file the complaint in a safe place.
- If the issue is not resolved within 28 days the landlord must visit the property and give the tenants a warning letter advising them of the possibility of eviction. If the ASB continues for a further 14 days the landlord, shall if appropriate and supported by the landlord support officer and/or ASB team take the appropriate legal proceedings to evict the tenants

If the landlord suspects criminal activity he/she must notify the appropriate authorities, i.e. the landlord support officer, ASB team or police. The landlord must also participate in any case conferences or multi agency meetings that take place to address ASB associated with his property.

The Anti-Social Crime and Policing Act 2014 provides for a new absolute ground for possession in the following circumstance:

- Where a tenant or member of their household or visitor has met one of the following conditions:
  1. Is convicted of a serious criminal offence
  2. Is found by a court to have breached IPNA
  3. Is convicted of breach of a CBO
  4. Is convicted for breach of a Noise Abatement Notice
  5. Tenants property closed under a Closure Order

If a landlord applies to the court after serving the relevant notice then the court MUST grant possession provided the correct procedures have been followed. The courts discretion to suspend possession is restricted to 14 days or 6 weeks in exceptional circumstances.

The Council will take a lead role in improving education and effective support for landlords in the management of tenants who cause anti-social behaviour and bringing together the appropriate teams and agencies to tackle issues of ASB and support landlords through the eviction process should it become necessary to seek possession.

### **The Application**

Each application must be accompanied by:

- ❖ 2 forms of identification (one to be photo ID)
- ❖ A copy of the current gas safety certificate (if applicable)
- ❖ A copy tenancy agreement
- ❖ The fee
- ❖ A copy membership agreement if you are claiming a discount

## The Fee

Each licence will run for up to 5 years.

If your property is let to a single family the fee for each licence is £600.

You can pay a discounted fee of £50 if you meet the following criteria:

- ❖ You are an accredited member of a nationally accredited landlords association
- ❖ Your property is managed by an ARLA accredited agent

\*\*\* This discount is only available for the first 3 months of the scheme or for any property that is being rented for the first time\*\*\*

If your property is let as a house of multiple occupation the fee is £750.

Any landlord who is found to be renting a property without having made a valid application 3 months after the start of the scheme will have to pay a fee of £900.

## Penalties

Incomplete applications will be subject to an administration charge of £30.

Properties that are found not to be compliant with the licence conditions or where multiple inspections are required to achieve compliance will be charged a re-inspection fee of £100.

### What happens if I fail to apply for a licence?

It will be a criminal offence to let a property in the licensing area from **+++date+++**, without applying for a licence. There are a range of sanctions that could be applied. These are:

- ❖ You could be prosecuted in the Magistrates Court and face a fine of up to £20,000 for failure to apply for a licence and have a criminal conviction.
- ❖ If the Council cannot grant a licence or a licence is revoked, the Council has the power to make an Interim Management Order (IMO). This will transfer the management of the property to the council.
- ❖ You will be unable to use Section 21 to regain possession of your property
- ❖ For any period where an unlicensed property is rented, an application can be made to the Residential Property Tribunal for a Rent Repayment Order of up to 12 months.

### Right of Appeal

If a landlord feels that the council has made a decision that is unfair, in the first instance they should contact the Private Sector Housing Team to try and resolve the problem.

If the landlord still feels the council has acted unfairly you can appeal to the Residential Property Tribunal (RPT). The RPT is an independent tribunal that can either confirm, amend or overturn the council's decision.

### Monitoring the Scheme

The Council must from time to time review the operation of the scheme.

The Council intend to do this through a series of methods including but not limited to:

- Resident questionnaires
- Monitoring levels of ASB
- Regular reporting of prosecutions and enforcement action
- The number of accredited landlords and agents
- The number of houses brought up to the required housing standard
- The number of category one and two hazards removed from licensed properties
- Number of complaints received regarding poor properties and management
- Number of complaints regarding illegal eviction and harassment

## Private Sector Housing Team

### Contact details

Private Sector Housing Officers are responsible for the administration of landlord licensing and are available to help and advise you.

They are also responsible for the inspection of your property and ensuring that management conditions are adhered to.

The team are available during office hours Monday to Friday.

You can contact the team in the following ways:

Telephone: 01733 ++++++

Email: ++++email address+++

Post: Private Sector Housing  
Peterborough City Council  
4<sup>th</sup> Floor  
Bayard Place  
Peterborough  
PE1 1++

If you would like to meet with a member of the team please telephone to make an appointment.

This page is intentionally left blank