

DECISION TITLE: To consult on a Selective Licensing Scheme for the areas of Bretton, Central, East, Fletton & Woodston, Fletton & Stanground, Paston & Walton, North, Orton Waterville, Park, Stanground South
<u>Councillor Steve Allen, Cabinet Member for Housing, Culture and Communities</u>
ENTER MONTH IN WHICH DECISION IS BEING TAKEN- December 2021
Deadline date: Consultation start date – 17 January 2022

Cabinet portfolio holder:	Councillor Steve Allen, Cabinet Member for Housing, Culture and Communities
Responsible Director:	Steve Cox, Executive Director for Place and Economy
Is this a Key Decision?	No If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: N/A and Non Key
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

RECOMMENDATIONS
<p>The Cabinet Member is recommended to:</p> <p>Authorise the public consultation on the proposal to implement a Selective Licensing scheme for the areas within Bretton, Central, East, Fletton & Woodston, Fletton & Stanground, Paston & Walton, North, Orton Waterville, Park, Stanground South</p>

1. PURPOSE OF THIS REPORT

- 1.1 This report is for Cllr Steve Allen to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (d)

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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3. BACKGROUND AND KEY ISSUES

The private rented sector and selective licensing in Peterborough

Peterborough is one of the fastest growing cities in the country. Latest statistics show there are around 86,832 properties in Peterborough of which 25.1% are privately rented. By contrast, the social rented sector represents 5% of the city's housing stock.

In England, the social rented sector is subject to comprehensive regulatory regimes which actively promote the interests of tenants and ensure that social landlords take a proactive approach to addressing their tenants' needs. Social landlords tend to maintain their properties to a higher standard than required by the Housing Act 2004 and are responsible for dealing with other issues including, ASB and waste management problems such as fly tipping.

In contrast, there is no similar regime to regulate the private rented sector. Local authorities can take statutory action when problems arise. The council can only intervene after the event and nearly always because a tenant complains however, tenants are often too frightened to complain for fear of retaliatory or "revenge" eviction. Research from Citizens Advice (2018) found that private renters in England who formally complained about issues, such as damp and mould in their home had an almost one-in-two (46%) chance of being issued an eviction notice within 6 months.

Selective Licensing allows local authorities to adopt a much more proactive approach to raising housing standards as licensing conditions are primarily aimed at good practice to prevent problems arising.

Peterborough's current selective licensing scheme began in December 2016 and expired on 31 October 2021. In encouraging landlords to meet their responsibilities through proactive engagement, licensing inspections and monitoring and enforcement work it is hoped that we can continue to make the city a better place to live and work for all residents.

In Peterborough, the proactive approach enabled by the current selective licensing scheme has allowed more than 7,300 licensed dwellings to be inspected. More detail on the impact of the selective licensing scheme in Peterborough is given at section 3 below.

Since Peterborough's current selective licensing scheme began there have been numerous developments, the most significant of which are:

- The number of new rental units in the city continues to increase both by conversion and new developments
- The Grenfell fire emphasised the increased need for fire safety in residential properties
- The Covid-19 pandemic

National policy and selective licensing

The private rented sector has doubled in size since 2002 and now houses 19% of households in England (English Housing Survey, 2017-18). Alongside the growth of the private rented sector, some local authorities noted an increase in the prevalence of

problems such as anti-social behaviour, poor property conditions, low housing demand and elevated levels of crime, deprivation and migration in areas containing high concentrations of privately rented properties.

The Housing Act 2004 introduced selective licensing to give local authorities an additional tool to tackle problems associated with private renting. Part 3 of the Housing Act 2004 gave local authorities the power to designate areas of selective licensing to help tackle anti-social behaviour and low housing demand. In 2015, the conditions for designation were expanded to include poor property conditions, high crime, high levels of deprivation and high migration.

Under further legislation introduced in 2015, local authorities are required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area.

The current Guidance on Selective Licensing sets out the statutory criteria for making a designation. Local authorities can designate an area for selective licensing for five years, but must first demonstrate the evidence for their concerns, look at alternative approaches and consult widely.

The application process for selective licensing designation is complex and rigorous and approval is not guaranteed. Approval is subject to recommendation from the Department for Levelling Up, Housing and Communities and is at the discretion of the Secretary of State.

Licences contain conditions with which the applicant must comply for the duration of the property licence. Local authorities inspect properties in the area and enforce compliance with the conditions of the licence. The licence requires payment of a fee, part A due at the point of application which covers processing of the application and part B due at point of issue which supports the associated enforcement scheme.

Subject to limited exemptions, a valid licence must be held by the appropriate responsible person in respect of all privately rented properties in such a designated area, typically the landlord or managing agent.

In spring 2019 the Government published an Independent Review of the Use and Effectiveness of Landlord Licensing. The research indicates that selective licensing can be an effective tool with many schemes achieving demonstrable positive outcomes, and that schemes appear to be more successful as part of wider housing initiative. In brief, the review found that licensing focuses resources, provides clearly defined offences, helps bring other problems to light through proactive inspections, provides a clear means through which local authorities engage landlords and enables intelligence gathering and promotion of joint working within the authority and other agencies.

Assessment of current Selective Licencing Scheme

Upon launching the scheme, the council identified 6205 properties in need of a licence. During the scheme 8995 applications have been received, with over 7900 licences being granted, 660 rejected, over 240 revoked. There are in the region of 200 properties that are still under investigation as unlicensed properties.

Of the 8995 applications made by landlords 1241 had to pay an increased fee because the applications were made as a result of council intervention. Throughout the scheme officers have undertaken investigations into properties where no licence application has been made, working with landlords to assist them and educate them in relation to their licensing obligations. In the main landlords submitted applications within a given timeline and paying

the increased fee. This has resulted in legal cases being necessary with only 22 landlords and letting agencies being issued with civil penalties or prosecuted.

The scheme started on 1 December 2016 and all landlords were required to have submitted an application by that date. By 1 December 2016 the council had received 5989 applications. During the first 30 months of the scheme these applications were processed, fit and proper checks done, safety documents checked, and each property had an initial safety inspection carried out. All defects and hazards identified were brought to the landlord's attention with a full housing health and safety inspection scheduled according to risk. A large number of landlords worked with the officers and rectified issues without delay. Some used the scheme as an opportunity to undertake large scale works and refurbish all their properties.

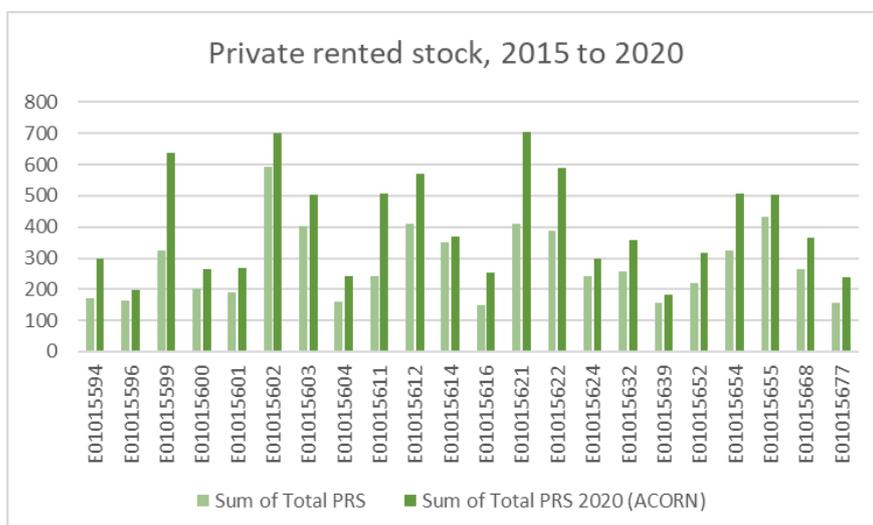
At the outset of this scheme the Council anticipated the following long-term benefits of introducing the scheme along with a range of other activities through the Safer Peterborough Partnership, these were:

- An improvement in the quality of life for those who live, work or visit the City.
- An improvement in housing conditions across the private rented sector.
- An increase on investments made by landlords providing private rented sector housing stock within the designated areas.

Low Housing Demand

During the course of the existing scheme the private rented sector has grown, an additional 1400 properties were found to be rented than first anticipated at the start of the scheme in 2016. In general, the population of Peterborough has grown by 7% over the period but the growth within the current scheme area is higher at 12%. In some areas the population has grown significantly, for example Central LSOA has grown by 33% and Fletton & Stanground by 40%. The table below shows the increase in the private rented stock in the current scheme area between 2015 and 2020.

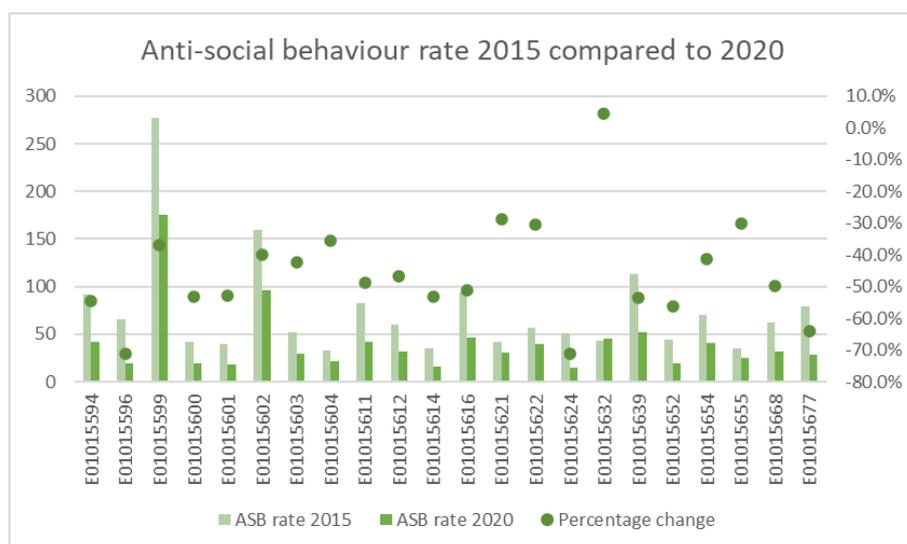
The number of empty dwellings across the city has remained static at 540, in the current scheme area the number has fallen slightly from 235 to 210 over the past 5 years. It is intended that in the new scheme, landlords of empty properties will be encouraged to bring their properties back into use and will pay no licence fees if the property is used by the council to house people on the housing waiting list.



The proposed new scheme will be spread over 10 wards, incorporating 24 LSOA's. Within these wards 38.75% of the total number of houses are privately rented.

Anti-Social Behaviour

Over the past 5 years anti-social behaviour has fallen by about 38% across the city. In 2015, 38% of all reported ASB incidents came from within the current selective licensing areas, in 2020 this increased slightly to 40%. However, despite an increase in the PRS in some LSOA's, ASB incidents fell by more than the city average EG: Central E01015603 has had an increase in private rented property of 5.4%, an increase in fly tipping of 310%, but rubbish accumulations have decreased by 45%. ASB fell by more than the citywide average in all the LSOAs within the scheme apart from in Central, North, Park and Fletton and Stanground as shown on the table below.



LSOA Code	Ward	% PRS 2015	% PRS 2020	% PRS Increase	% Increase in Flytipping 2015 to 2020	% Increase in Rubbish Accumulations 2015 to 2020	% Increase in ASB 2015 to 2020
E01015596	Bretton	25.2%	21.5%	-3.7%	160%	8%	-71%
E01015603	North/Central	45.1%	50.5%	5.4%	310%	-45%	-42.4%
E01015604	North/Central	29.3%	39.4%	10.1%	206%	18%	-35.6%
E01015632	North	33.3%	39.2%	5.5%	135%	86%	4.6%
E01015677	Paston & Walton	28.7%	34.1%	5.4%	288%	-25%	-64.1%
E01015594	Bretton	20.8%	28.3%	7.5%	231%	329%	-54.7%
E01015601	Central	31.3%	47.8%	16.5%	249%	-27%	-53%
E01015652	North	34.9%	40.8%	5.9%	631%	-24%	-56.2%
E01015654	Park	30.8%	39.5%	8.7%	589%	3%	-41.3%
E01015611	Central	22.5%	32.2%	9.7%	192%	-15%	-48.9%

E0101 5616	East	20.5%	30.3%	9.8	539%	-24%	-51.3%
E0101 5599	Central	41.4%	48.7%	7.3	424%	-27%	-36.8%
E0101 5600	Central	33%	42.8%	9.8	50%	-44%	-53.3%
E0101 5602	Central	56.7%	64.0%	7.3	366%	-30%	-40%
E0101 5612	East	40%	48.4%	8.4	-3%	17%	-46.6%
E0101 5655	Park	45.1%	49.7%	4.6	96%	0%	-30.3%
E0101 5622	Fletton & Stanground	32.7%	40.5%	7.8	18%	-50%	-30.4%
E0101 5621	Fletton & Stanground	37.9%	38.3%	0.4	115%	0%	-28.7%
E0101 5624	Fletton & Stanground	28.7%	36.5%	7.8	13%	0%	-71.3%
E0101 5668	Stanground South	26.8%	38.0%	11.2	57%	50%	-49.8%
E0101 5639	Orton Longueville	21.2%	18.1%	-3.1	82%	-55%	-53.6%
E0101 5614	East	38.1%	44.5%	6.4	38%	-38%	-53.2%

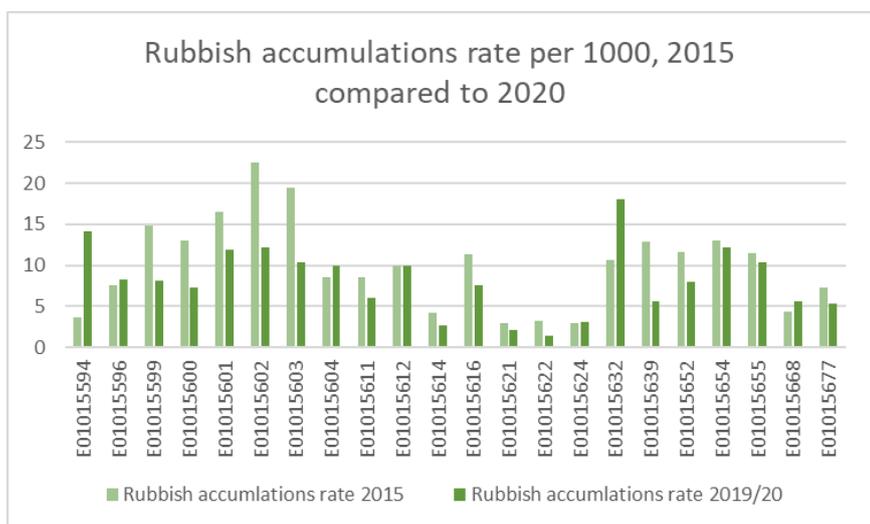
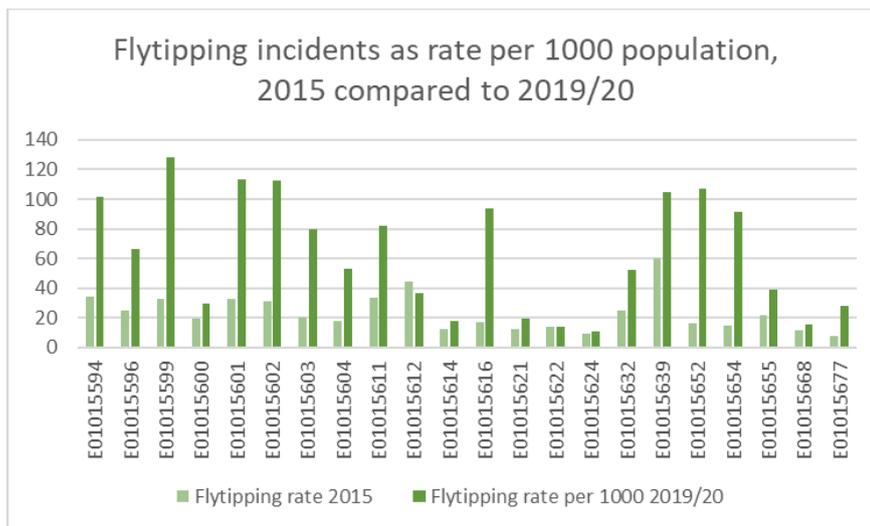
The current scheme was complemented with the introduction of a Public Space Protection Order (PSPO) for the Millfield, New England, Eastfield and Embankment area. This order was implemented in 2017 and expired in August 2020 and a total of 2,344 Fixed Penalty Notices were issued during this period.

Due to the Covid-19 pandemic it was not possible to carry out a public consultation at the time on extending the order for a further 3 years. However, a new PSPO for the Millfield, New England, Eastfield, and Embankment area has recently been implemented due to the continued anti-social behaviour which is blighting the quality of life for residents and businesses within the areas of Central, North, Park and East wards.

Fly tipping and Accumulations

Fly-tipping significantly impacts on local communities, blighting neighbourhoods and rural communities and places a significant financial burden upon the council (or the landowner where waste is fly tipped on private land). In addition, the actions of unscrupulous waste operators undercut legitimate businesses which are operating within the law. Under Section 34 of the Environmental Protection Act 1990, all occupiers of domestic properties are required to take reasonable measures to ensure that waste produced on their property is only transferred to an authorised person for proper disposal. Nationally, two thirds of fly-tipping incidents involve household waste, often as a result of an individual breaching their duty of care to ensure their waste is taken away by an authorised carrier.

Between 2015 and 2020 fly tipping incidents increased across the city by 189% which is 8412 cases city wide. Across the selective licensing area increases were even higher with a 210% increase, which is 3,184 cases in 2020. Reported fly tipping incidents can range from single items such as electrical goods, black bags to multiple items.



Whereas not all fly tipping comes from privately rented properties, the data does show that in almost half of the SL areas where accumulations have reduced, the incidents of fly tipping have increased. This could be linked to SL licence conditions which require licence holders to ensure that all waste is removed from a property between tenancies.

We propose to look into whether waste left behind by outgoing tenants, which is currently classified as commercial waste, can be dealt with differently and assistance given to landlords as part of their licence to help them dispose of this waste with the aim of reducing the number of fly tips currently blighting these areas.

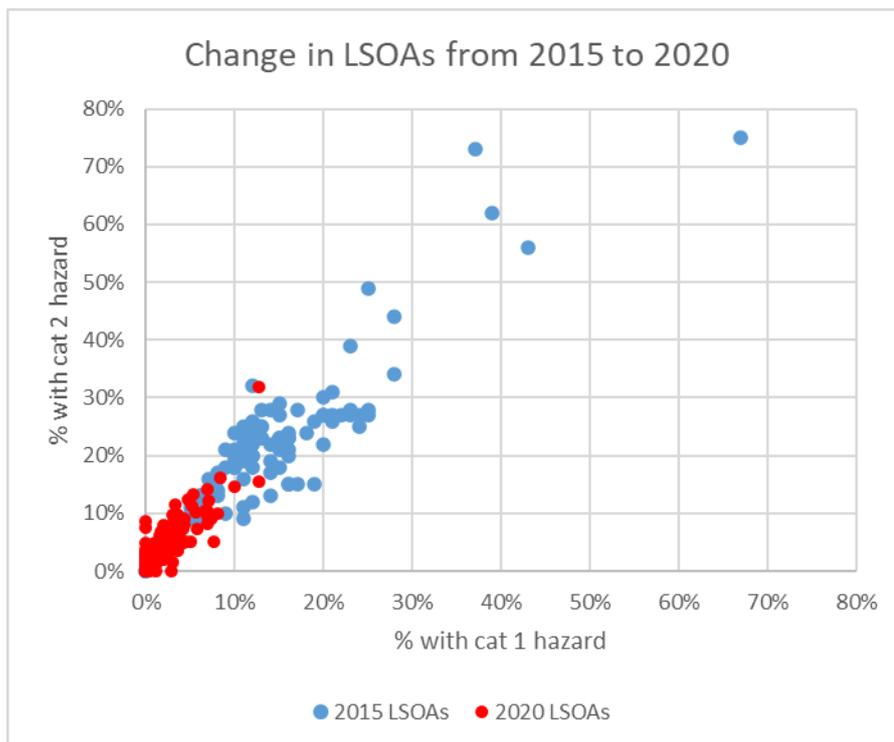
Poor Property Conditions

In 2015 the Council stated that through the scheme it aimed to achieve long-term sustainable improvements in the quality of private rented sector accommodation within the City and in particular within those areas of greatest need; those that comprise the proposed scheme boundaries. Therefore, it understands the need to ensure a balance is achieved between the rights and responsibilities of landlords and those rights and responsibilities of their tenants, whilst raising the housing conditions in the private rented sector and therefore the health and wellbeing of our residents. A selective licensing scheme facilitates large scale proactive inspections of the rented sector.

The current scheme has led to increased landlord and council engagement with many more landlords coming to the council for advice on managing their tenancies and maintaining their repairing obligations.

7278 properties have had an initial inspection. Housing defects identified from these inspections were notified to the owners with the opportunity to correct these informally. Many landlords did this and as a result the number of complaints and formal actions necessary reduced substantially from the pre-scheme period.

As a result of the scheme the percentage of properties with hazards such as excess cold, damp and mould, entry by intruders, electrical fire safety hazards that fall within category one and high category 2 under the Housing Health and Safety Rating System has improved, as shown in the graph below:



The percentage reductions for each LSOA from 2016 to 2020 are shown in the table below.

Code	LSOACode2015	Ward	% of PRS stock in LSOA with a Cat1 hazard 2015	% of PRS stock in LSOA with a Cat1 hazard (Unique Properties) 2020	Change in Cat 1 %pts	% of PRS stock in LSOA with a Cat2 hazard 2015	% of PRS stock in LSOA with a Cat2 hazard (Unique Properties) 2020	Change in Cat 2 %pts
Peterborough 011C	E01015594	Bretton North	14%	3%	-11%	13%	5%	-8%
Peterborough 009B	E01015596	Bretton North	12%	2%	-10%	12%	6%	-6%
Peterborough 014A	E01015599	Central	19%	5%	-14%	15%	8%	-7%
Peterborough 014B	E01015600	Central	8%	7%	-1%	14%	10%	-4%
Peterborough 012A	E01015601	Central	16%	7%	-9%	15%	9%	-6%
Peterborough 014C	E01015602	Central	9%	4%	-5%	21%	7%	-14%
Peterborough 010A	E01015603	Central	15%	7%	-8%	18%	13%	-5%
Peterborough 010B	E01015604	Central	21%	5%	-16%	26%	7%	-19%
Peterborough 013B	E01015611	East	12%	1%	-11%	22%	3%	-19%
Peterborough 014D	E01015612	East	20%	6%	-14%	27%	8%	-19%
Peterborough 013D	E01015614	East	13%	4%	-9%	25%	4%	-21%
Peterborough 013F	E01015616	East	22%	3%	-19%	27%	6%	-21%
Peterborough 017A	E01015621	Fletton and Woodston	25%	1%	-24%	27%	1%	-26%
Peterborough 016A	E01015622	Fletton and Woodston	24%	1%	-23%	25%	3%	-22%
Peterborough 017C	E01015624	Fletton and Woodston	20%	2%	-18%	27%	5%	-22%
Peterborough 010C	E01015632	North	19%	5%	-14%	26%	8%	-18%
Peterborough 021B	E01015639	Orton Longueville	21%	2%	-19%	27%	5%	-22%
Peterborough 012C	E01015652	Park	24%	5%	-19%	27%	11%	-16%
Peterborough 012E	E01015654	Park	13%	6%	-7%	28%	8%	-20%
Peterborough 014E	E01015655	Park	23%	4%	-19%	27%	5%	-22%
Peterborough 017E	E01015668	Stanground Central	20%	2%	-18%	30%	2%	-28%
Peterborough 010E	E01015677	Walton	21%	2%	-19%	31%	3%	-28%

Each property was assessed, and risk scored on compliance with statutory requirements, property condition and landlords letting experience to enable the council to carry out full housing health and safety risk assessments on each property starting with a worst first basis. A more formal approach was then taken with any landlords who had not made the required improvements to their properties or were not following the licensing conditions.

Formal action was taken following inspections of 284 properties that were found to have category 1 hazards, such as excess cold, entry by intruders and damp and mould. As a result, 80 Housing Act improvement notices were served for the most stubborn cases to make the landlords carry out the necessary repairs and ensure that their properties are free from hazards and are now safe for their tenants to live in. There remains in the region of 550 properties identified as likely to have category one hazards that require a full inspection and necessary action taking to reduce the hazards.

Officers worked closely with the landlord community to help landlords and agents comply with their licensing obligations and so to avoid legal action, resulting in only 24 prosecutions and civil penalties being issued.

A 23% increase in the number of rented properties within the scheme, and covid restrictions have meant that the team were unable to fully inspect as many dwellings as anticipated, so, whilst a good start has been made with improving properties and management practices there is still more to do. Another 5 year scheme would enable the council to embed these good practices into the sector, so they become the norm.

It became apparent early in the scheme that there were a significant number of properties that were rented but were not showing on the property gazateer. These therefore did not appear for council tax billing purposes. An unexpected benefit of the scheme is the increased council tax revenue from these previously invisible dwellings.

The introduction of the scheme has led to a large increase in landlord and managing agent engagement, with many landlords putting their properties into the hands of professional agents who ensure that all the legal processes are followed, tenants are referenced, deposits protected, safety checks regularly done and anti-social behaviour controlled.

There are many good landlords and agents in Peterborough and their assistance and professionalism are key to the council being able to maintain and enhance the improvements made over the current scheme. A number of landlords and agents have made it clear that they support selective licensing as it creates a level playing field across the private rented sector.

Migration

A designation can be made to preserve or improve the economic conditions of areas to which migrants have moved and ensure people (including migrants) occupying private rented properties do not live in poorly managed housing or unacceptable conditions.

Robustly establishing the impact of migration on an area is challenging. There are limited sources of accurate data that can be utilised, however there are certain sources that can provide indicative information. The 2011 census provided population counts across all LSOAs in the city, this information coupled with the recently released 2019 mid-term population estimates allowed for analysis to be conducted to identify those areas that had a numerical change.

Planned population growth could be deemed as where housing development has occurred, and population numbers understandably increase. Unplanned population growth is where population increases have been noticed, though without dwellings being built to accommodate this growth. With this in mind, the population change across each LSOA was compared against the number of new build completions spanning the same time period.

It could be assumed that if an area has had an increase in population, and little to no housing being built, these new residents are either taking up existing empty properties or the housing composition dynamics have change to accommodate them.

Over the 8 years between the 2013 population estimate and 2019 population estimates, the 24 proposed areas have experienced a relatively large increase in the size of the population. The population of the proposed 24 areas to be included amounts to 52,877.

Three separate criteria were used to assess the impact of migration and applied to all the 112 LSOAs across the city. Each of the LSOAs were given an indexed score within the migration condition and are shown with their index scores below. All but 5 of the 24 LSOA's in the proposed scheme area had higher levels of migration than the city average.

Deprivation

In the SL areas, across 4 of the 5 indices of deprivation there has been improvement compared to the rest of the country, in the sense that fewer LSOA's are in more deprived deciles in 2019 compared to 2015. However, the education and Skills index has slightly worsened.

Crime

Across the city, crime has increased from 80 crimes per 1,000 to 107 crimes per 1,000. In the SL area the rate has increased but not by as much, although it is still higher at 182.2 crimes per 1,000 in 2019-20. In the non-SL area, crime is lower at 82.9 crimes per 1,000 people, but has increased from 56.7 crimes per 1,000 in 2015.

Throughout the scheme landlords have said, that going forward, they want more support around dealing with tenancy issues and anti-social behaviour.

Qualifying conditions and process for selective licensing designation

The process of evidence gathering and consultation prior to designation is rigorous and challenging. Where the proposed designation covers either 20% of the total geographic area of the authority or 20% of the total privately rented stock. The designation requires approval by the Secretary of State.

Section 80(6) of the Housing Act 2004 provides that a local authority may designate an area for Selective Licensing if:

- the area is experiencing a significant and persistent problem caused by anti-social behaviour.
- some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and
- making a designation will, when combined with other measures by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of the problem.

The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 provide four additional criteria and must be read alongside Government Guidance. For these conditions to apply the Guidance requires that the level of PRS housing should be above the national average (19%):

- **Poor Property Conditions**
 - This condition is met if, following a review of housing conditions under section 3(1) of the Housing Act 2004, the authority considers a significant number of properties in the private rented sector need to be inspected in order to determine whether any of those properties contain category 1 or 2 hazards. The Selective Licensing Scheme must be part of a wider strategy to tackle housing conditions, so that enforcement action under Part 1 of the Act can be prioritised, whilst ensuring through licence conditions under Part 3 that the properties are properly managed to prevent further deterioration. In this context “significant” means more than a small number, although it does not have to be a majority of the private rented stock.
- **High Levels of Migration**
 - The Guidance states that a population increase of around 15% or more over a 12 month period would be indicative that the area has or is experiencing a high level of migration into it.
- **High Level of Deprivation**
 - When an area has a high level of deprivation when compared to other similar neighbourhoods in the local authority area or within the region.
- **High Levels of Crime**
 - The Guidance suggests that to meet this condition the area has displayed a noticeable increase in crime over a relatively short period, such as in the previous 12 months or the crime rate in the area is significantly higher than in other parts of the local authority area or that the crime rate is higher than the national average.

In addition to proving the existence of one or more of the above criteria, it must also be shown how existing measures alone are not sufficient to tackle the underlying housing

problems of a specific area. The Guidance states that selective licensing is not a tool that can be used in isolation. The designation should be part of the overall strategic city wide approach, complementing existing policies on:

- Homelessness
- Empty Homes
- Regeneration
- Anti-social behaviour associated with privately renting tenants

Selective licensing as part of wider housing strategy in Peterborough

Peterborough City Council will be developing a new housing strategy for Peterborough in 2022. The strategy will support the Council's growth agenda by promoting the development of new homes both for sale and to rent (private and affordable), look to eradicate homelessness, rough sleeping, and ensure that homes and infrastructure are of the highest quality and fit for purpose.

The Council has recently reviewed its housing structure, with the appointment of a new Assistant Director (Housing) and brought together the housing needs, housing enforcement (incorporating empty homes) teams and the management of traveller sites into a single service. This is complemented by closer links with the strategic housing team which currently sits in the planning policy team and is subject to a service wide review.

The Council is also developing proposals for an Article 4 direction for HMOs designed to tackle parking issues, littering and fly tipping and anti-social behaviour.

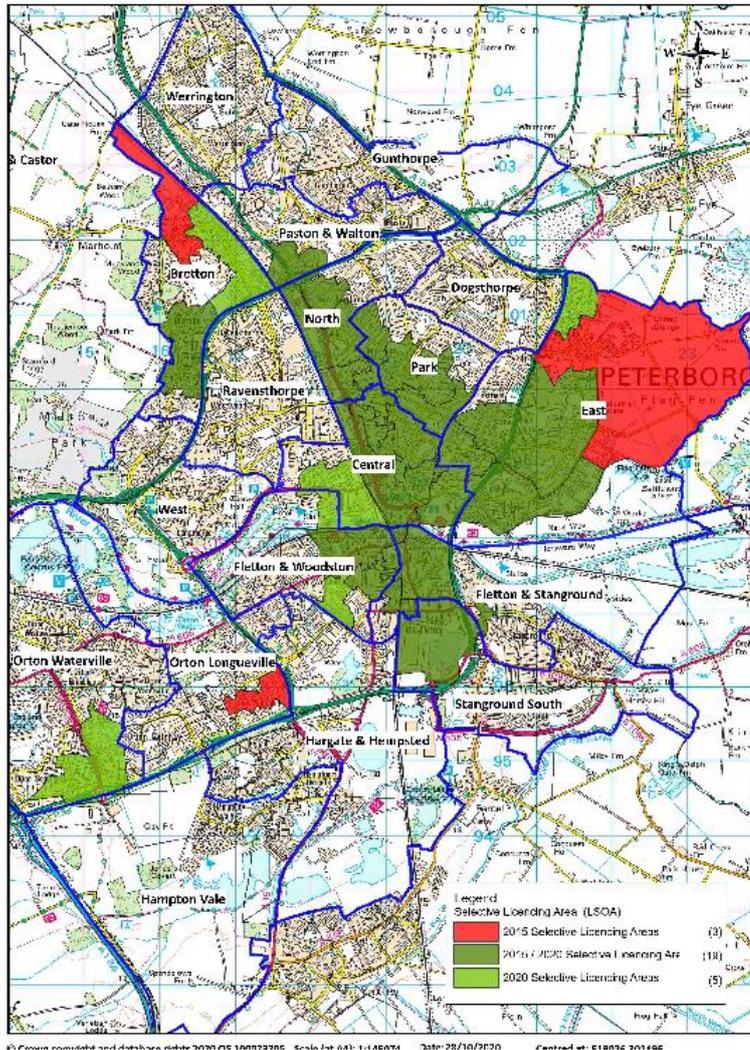
Proposals for a new Selective Licensing scheme

The council has reviewed the data it holds to understand how the private rented market has changed over the five years. Private rented accommodation now makes up 25.1% of housing in Peterborough (up from 19% in 2016). Using the council tax data the council holds, an up-to-date assessment has been carried out, identifying those areas which have a) a higher percentage of private accommodation than the Peterborough average and b) meets at least five out of the six criteria for selective licensing to be introduced.

As a result, three LSOA areas no longer meet the threshold for Selective Licensing, these are located within Bretton, East, and Orton Longueville. and an additional five areas do now meet the criteria; these are within; Bretton, Central, East, Fletton and Woodston, and Orton Waterville.

The proposed selective licensing areas are shown in the map below, with red areas no longer meeting the criteria for Selective Licensing, dark green areas remaining from the existing scheme and light green areas are new proposals.

Selective Licencing Areas 2021



Fee proposals and Licence Conditions

Each application for Selective Licencing must be accompanied by a fee. Consideration has been given to several fee options as well as government direction and legal advice on setting fees. The public consultation will ask for views on the fee model and amount.

The fee will be split into two parts – Part A will be payable with the application, Part B payable when the application has been processed and the licence ready to be granted.

There are several different fees proposed to cover the five-year period:

- £508 for landlords accredited with an approved national body and who apply for a licence prior to the scheme start date or within 28 days of requiring a licence. The Part A fee being £288 (payable on application) and Part B fee being £220 (payable on grant of licence).
- £608 for non-accredited landlords, who apply prior to the scheme start date, or within 28 days of requiring a licence. The Part A fee being £288 (payable on application) and Part B fee being £320 (payable on grant of licence).

- £908 for all late applications (28 days post scheme start date or after 28 days of requiring a licence). The Part A fee being £538 (payable on application) and Part B fee being £370 (payable on grant of licence).

A £40 “fit and proper person” discount will be applied to any subsequent applications for landlords who have multiple properties where a successful fit and proper person test has already been carried out on the manager and licence holder.

Block licence applications – Where the individual properties are grouped within a block. The Fees quoted below include the “fit and proper person discount”:

- Accredited landlords - £258 per property (Part A £125, Part B £133)
- Non -accredited landlords - £358 per property (Part A £125, Part B £233)
- Late applications - £758 per property (Part A £525, Part B £233)

A block licence can be applied for if the entire block is privately rented by the same applicant, and the block contains 10 or more individual properties each with self-contained facilities, sharing only corridors and stairwells within the same building.

For genuine applications received within the duration of the scheme, the Part A fee is payable as detailed above but the Part B fee will be pro-rated depending on the year(s) or part thereof remaining of the scheme as follows:

- Applications made in year 2 = £44/£64 discount
- Applications made in year 3 = £88/£128 discount
- Applications made in year 4 = £132/£192 discount
- Applications made in year 5 = £176/£256 discount

To avoid incentivising deliberate late applications, (whereby landlords hold back on applying until the following year to avoid a higher fee) the pro-rated Part B fee option will only apply in circumstances where the property has not been eligible for licensing and where the application is made within 28 days of the property first being let.

Consultation will also provide the public to comment on the licence conditions.

Each selective licence would be granted with a set of conditions that must be adhered to. Failing to adhere to any licence condition is a criminal offence and may result in prosecution and a fine of up to £5,000 if found guilty. There are 17 proposed licence conditions. These conditions ensure the property is managed correctly, complaints of anti-social behaviour are dealt with appropriately, gas and electrical certificates are supplied to the Housing Enforcement team, and smoke alarms are kept in working order, amongst other things. A copy of the licence conditions and other terms and conditions proposed are attached as appendix 1.

4. CONSULTATION

It is proposed that a 12-week public consultation is launched from 17 January 2022 to seek views on the scheme locations, fees and terms and conditions of the licence. The consultation will include:

- A flyer to each household in the proposed Selective Licensing area/s and adjacent wards outlining the scheme.
- A letter to all landlords identified within the proposed areas.
- Press notices and social media content.
- Member briefing pack with full details of the proposed scheme.
- Stakeholder engagement across the city.

- Regular online Q&A sessions for the public to ask questions and provide feedback.
- Updated website content with a comprehensive Frequently Asked Questions section.
- Dedicated email address for the public to contact.

4.1 As set out above, 12 week consultation with the public and stakeholders in the proposed selective licensing areas.

5. ANTICIPATED OUTCOMES OR IMPACT

5.1 The consultation will provide important feedback for the council in considering whether to apply to Government for a further Selective Licensing scheme. It will give the opportunity for landlords, tenants and other stakeholders to have their say on the proposals and suggest any amendments that should be considered.

6. REASON FOR THE RECOMMENDATION

6.1 It is a statutory requirement for a public consultation of no less than 10 weeks to be undertaken before the council can approach Government for approval to operate a further Selective Licensing scheme.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 Do not launch the public consultation or apply for a further Selective Licensing scheme. This option has been rejected given the implications that it will have in protecting private sector tenants and ensuring that rented accommodation is of good quality.

8. IMPLICATIONS

Financial Implications

8.1 None at consultation stage, however, should the scheme be approved by the Secretary of State, full cost recovery will be met from the licensing fee.

Legal Implications

8.2 None at consultation stage.

Equalities Implications

8.3 None identified

Rural Implications

8.4 None identified

Carbon Impact Assessment

8.5 The introduction of a selective licencing area will increase emissions through transport as site visits are made, however this can be justified as rented houses within these areas will be required to be of EPC E or above. Landlords of any houses which do not meet this standard, will be supported to achieve the necessary improvement in energy efficiency.

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

9.1 *None.*

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- Part 3 Housing Act 2004
- The Selective Licensing of Houses Additional Conditions)(England) Order 2015
- Department for Communities and Local Government 'Dealing with Rogue Landlords: A Guide for Local Authorities' - August 2012
- An Independent Review of the Use and Effectiveness of Selective Licensing – MHCLG - September 2019

11. APPENDICES

11.1 *1. selective licence conditions*