

# PROPOSAL TO DECLARE A SELECTIVE LICENSING DESIGNATION WITHIN THE PRIVATE RENTED SECTOR



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## Executive Summary

This proposal is an investigation into the value of introducing Selective Licensing within an area in the Borough of Gedling. It explains how Selective Licensing works, and gives the background to Netherfield, the area in question.

Netherfield is an area with a high concentration of privately rented accommodation and in accordance with the Government guidance there is evidence to suggest the following conditions are satisfied; 'high levels of deprivation', 'a significant and persistent problem caused by anti-social behaviour', 'high levels of crime' and 'poor property conditions'. It is proposed that Selective Licensing will play a significant contribution to addressing these problems. Data within the proposal shows significantly higher antisocial behaviour complaints compared to neighbouring wards and highlights the Netherfield ward as an area with a number of crime 'hotspots'. The proposal also shows Gedling Borough Council receives more requests for service about poor property conditions in the Netherfield ward than any other in the Borough, and since 2010 the annual number of reported cases has increased by 54%. The ward is also the second highest in terms of Housing Act enforcement notices.

The proposal outlines that Selective Licensing would improve the situation on the following grounds:

- 1) Landlords will be required to ensure properties are free from significant hazards to health and safety, and that adequate checks are carried out to gas and electrical appliances; including installations of adequate fire detection and alarm systems.
- 2) Landlords are required to implement appropriate property and tenancy management; to provide advice to new tenants on dealing with rubbish; to ensure properties are inspected at least every 6 months and at least 24 hours' notice of inspection is given; and to tackle anti-social behaviour.
- 3) Positive relationships between the Council and landlords will reduce homelessness and empty properties.
- 4) Landlords would have to obtain references, thus avoiding occupation of privately rented properties by those likely to commit crime and anti-social behaviour.
- 5) A more collaborative approach should ensure improved property conditions.

The proposal considers other alternatives to Selective Licensing including; accreditation, enforcement of housing standards, management orders, private sector leasing schemes, and raising landlord awareness. These options would all require some funding from the Council, whereas Selective Licensing is self-financing. The alternatives don't compel landlords to address tenant behaviour or obtain references whereas current Selective Licensing schemes have proven effective in this respect. The alternative options can only tackle a small number of properties compared to Selective Licensing which covers all rented properties within the proposed area.

In conclusion the Council proposes that Selective Licensing within Netherfield is necessary to address the issues of crime, anti-social behaviour, deprivation and poor housing conditions. There will be a consultation period of at least 10 weeks after which a decision will be made.



## **1.0 Introduction**

Selective Licensing was introduced as part of the Housing Act 2004, and allows Local Housing Authorities to make designations based on factors such as low housing demand, high levels of anti-social behaviour, or landlords failing to take action to combat problems within the houses that they let. A designation can be made for a maximum of five years, however can be lifted sooner if it is felt that the problems within the area have been significantly reduced and Selective Licensing is no longer required to maintain the changes that have been made.

Selective Licensing requires all private sector landlords within a designated area to obtain licences in order to let their properties, which can be acquired via applications to the Council. The licence is valid for the duration of the designation and will contain a series of conditions that must be met by the landlord, in order to prevent the licence being revoked. Breaches of licence conditions are a criminal offence; as is failure to apply for a licence, which can lead to prosecution and a fine of up to £20,000.

This document outlines Gedling Borough Council's proposal to designate the Netherfield ward as an area for Selective Licensing, based on a significant and persistent problem caused by anti-social behaviour, high levels of deprivation, high levels of crime, and poor property conditions in line with Part 3 of the Housing Act 2004 and Selective Licensing in the private rented sector: A Guide for Local Authorities.

This document sets out detailed information for the proposed designation area and invites comments and feedback from all stakeholders in the area that are affected by the proposal. A consultation period will run for a minimum of ten weeks involving any persons likely to be affected by the designation in adherence to section 80 (9) of the Housing Act 2004.

The Council will consider all consultation responses alongside any other relevant information in order to prepare a report for the Council's Cabinet. A decision can then be made as to whether the area should be designated as a Selective Licensing area

## **2.0 What is a Selective Licensing Scheme?**

### **2.1 Legal Framework and Guidance**

This section provides a summary of the legal requirements to bring in Selective Licensing. The relevant legislation can be found in the Housing Act 2004, accompanied by the supporting document "Selective Licensing in the Private Rented Sector: A Guide for Local Authorities"; published by the Department for Communities and Local Government.

Part 3 of the Housing Act 2004 gives Local Authorities the power to designate the area, or part of the area in their district for Selective Licensing if one of two conditions is met; detailed in section (80) of the Act.

**(80) (3)** The first set of general conditions are—

(a) That the area is, or is likely to become, an area of low housing demand; and

(b) That making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area.

(80) (6) The second set of general conditions are—

(a) That the area is experiencing a significant and persistent problem caused by anti-social behaviour;

(b) That some or all of the private sector landlords who have let premises in the area (whether under leases or licenses) are failing to take action to combat the problem that it would be appropriate for them to take; and

(c) That making a designation will, when combined with other measures taken in the area 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.

“Selective Licensing in the private rented sector: A Guide for Local Authorities” also provides a list of six conditions which if the area is experiencing one or more of, a Selective Licensing designation may be made. These include:

- low housing demand (or is likely to become such an area)
- a significant and persistent problem caused by anti-social behaviour
- poor property conditions
- high levels of migration
- high levels of deprivation
- high levels of crime

Other sections of the Act list requirements of local authorities to show how making a designation will improve an area and how it will work alongside pre-existing measures. A Local Authority may only make a designation after they have considered if there any other available courses of action to them and if these would produce the intended outcomes that the designation would achieve; and if making the designation will significantly assist them to achieve the objectives.

Prior to making a designation, the legislation requires Local Authorities to take reasonable steps to consult anyone likely to be affected by the designation and consider any representations made in accordance with the consultation

A full copy of the Act can be obtained from the [legislation.gov](http://www.legislation.gov) website.<sup>1</sup>

## 2.2 Consequences of Designating a Selective Licensing Area

Once a Selective Licensing designation has been made, any private landlord wishing to rent out properties within the designated area must apply for a licence. A separate licence must be obtained for every tenanted house within the designated area. In the context of this proposal, house is defined as a building or part of a building consisting of one or more

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2004/34/part/3>

dwelling. If houses have been made exempt under the Selective Licensing of Houses (Specific Exemptions) Order 2006 the local housing authority cannot require them to obtain a licence. Examples of circumstances in which this would apply include business tenancies, tenancies which have a term over 21 years or buildings which are regulated under any other legislation. Selective Licensing also does not apply to any person registered as a social landlord under part 1 of the Housing Act 1996.

An application must be submitted for every property in accordance with specific requirements. The council is entitled to charge a fee which accompanies the application; further details of the proposed fee can be found in Appendix 1. As part of this application process, proposed licence holders and managers will be required to provide information that they are “fit and proper persons” and that they have satisfactory management arrangements in place, including dealing with anti-social behaviour. Further details of the proposed “fit and proper person” criteria can be found in Appendix 2. In circumstances where the Council are not satisfied that the licence holder or manager are a “fit and proper person”, and/or the management arrangements are unsatisfactory, then it can refuse to grant a licence. The proposed licence conditions are attached to this document as Appendix 3.

## 2.3 Implications of Renting a Property without a Licence

A landlord's failure to apply for a licence to rent a property in a designated selective licensing area could result in prosecution with the potential of a fine of up to £20,000 as it is a criminal offence to do so.

### Management Orders

Part 4 of the Housing Act 2004 introduced Management Orders; meaning the council has a duty to make an interim management order in respect of a house if:

The property is required to be licenced but is not, and there is no reasonable prospect of it being licenced in the future or; (Part 4, Section (102) (3))

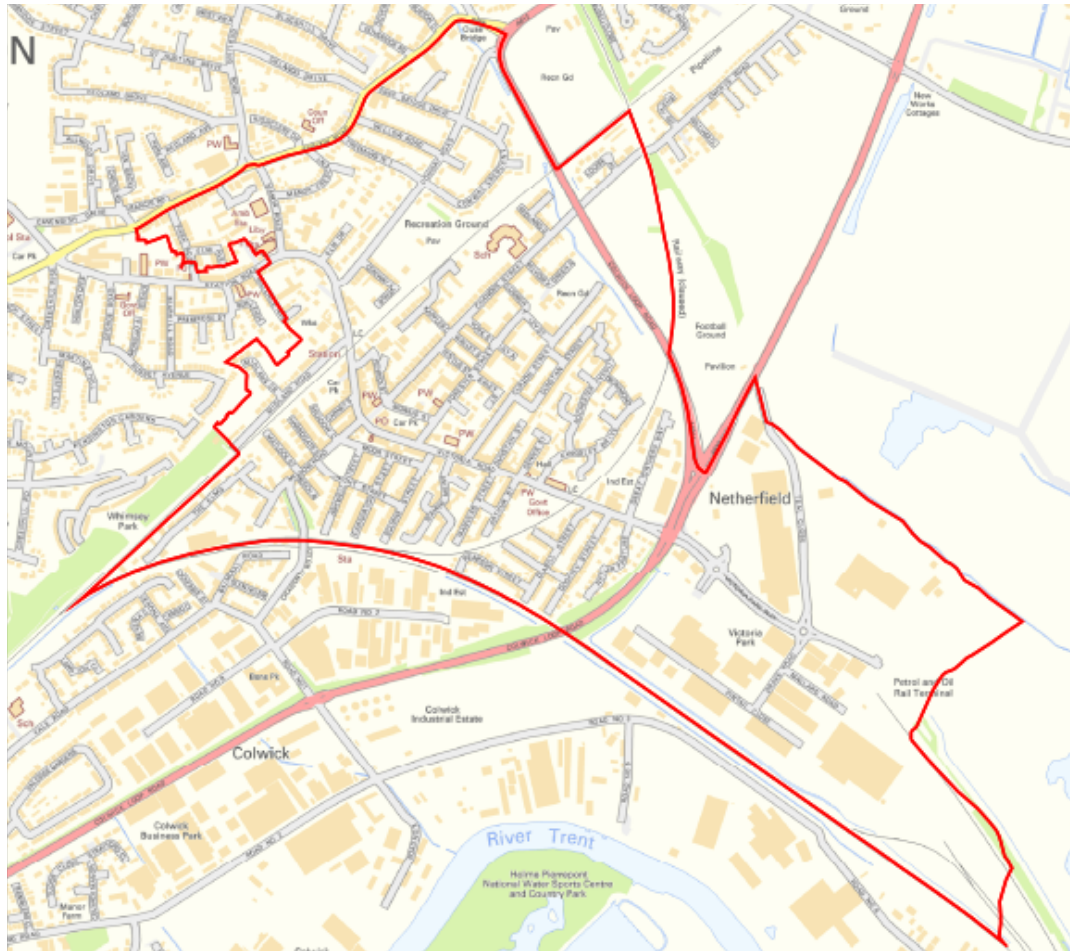
The interim management order is necessary for the purpose of protecting the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity. (Part 4, Section (104) (2))

An interim management order allows the council to take possession of the house and subject to existing rights to occupy,

- Do anything in relation to the house, which could have been done by the landlord including repairs, collecting rents etc.
- Spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the house, and
- Create new tenancies (with the consent of the landlord).

A landlord/licence holder of any property will also be committing a criminal offence if they fail to comply with any conditions of a licence. This could lead to the revocation of a licence, and an unlimited fine.

### 3.0 Background – Netherfield



3.1

#### Netherfield

Netherfield is a railway town situated 5km east of Nottingham, making up one of the 19 wards served by Gedling Borough Council. It comprises around 2,780 properties, and according to the 2011 census data; 22.5% of the ward is privately rented. There is also a primary school, a shopping centre and a railway station. Netherfield's main road links it with the Carlton and Mapperley areas.

The main characteristics of architecture in Netherfield are rows of terraced Victorian houses. These were built towards the end of the 1800's in order to accommodate the workforce of Colwick sidings; a large railway marshalling yard that was built in stages from 1872, designed for the concentration of coal traffic from Nottinghamshire and Derbyshire Coalfield for transfer to other marshalling yards. The site was closed in 1970, and has since been developed into Victoria Retail Park.

Netherfield is home to the long-established Colwick Industrial Park as well as to Victoria Retail Park, an out of town retail park that includes such names as Argos, Marks and Spencer, Boots, Halfords and McDonald's. Victoria Retail Park is currently expanding - plans have been submitted recently for a development that includes a Sainsbury's superstore with a petrol station, a pub/restaurant and a fast food outlet.



## 4.0 Why do we need a Selective Licensing Scheme?

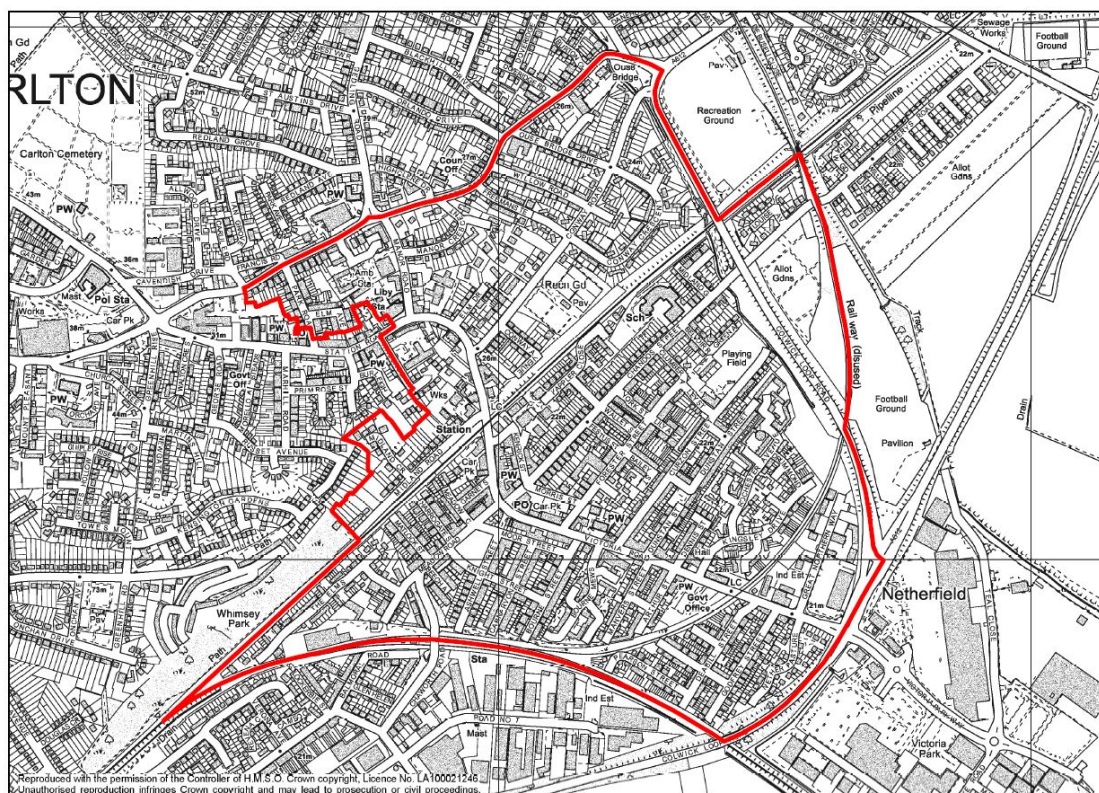
This proposal outlines how and why the council believes that the conditions for Selective Licensing apply within Netherfield, or part of, and how the proposal complies with the legislation and guidance as explained at the start of this document.

Within this proposal, the council makes the case for Selective Licensing on the basis of antisocial behaviour, high levels of crime, high level of deprivation and poor property conditions. Selective Licensing is of strategic importance to the Gedling Housing Delivery Plan and is the only option available to the local authority that compels landlords to review how they manage their rented properties and if required, make improvements to management practices. In order to ensure that the area remains a sustainable mixed tenure environment, we need to ensure effective management practices are operating for properties within the private rental sector. This will ensure a range of housing options for tenants. The initiatives to support this good practice will ensure that the considerable investment in improving the built environment is adequately supported.

### 4.1 Why choose the Netherfield Ward for a proposed Selective Licensing designation?

It is proposed that Gedling Borough Council designate Netherfield as a Selective Licensing area as outlined within the map below; based on the criteria of: high levels of deprivation, high levels of crime, a significant and persistent problem caused by anti-social behaviour and poor housing conditions. <sup>2</sup>

Map 1: Proposed Selective Licensing designation area



<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418551/150327\\_Guidance\\_on\\_selective\\_licensing\\_applications\\_FINAL\\_updated\\_isbn.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418551/150327_Guidance_on_selective_licensing_applications_FINAL_updated_isbn.pdf)

Netherfield is one of the 15 identified Partnership Plus areas within Nottinghamshire, and has a high concentration of privately rented accommodation in poor condition and requires further regulation and control. The area is experiencing a “significant and persistent” problem caused by anti-social behaviour and crime.

#### 4.2 Indices of Multiple Deprivation

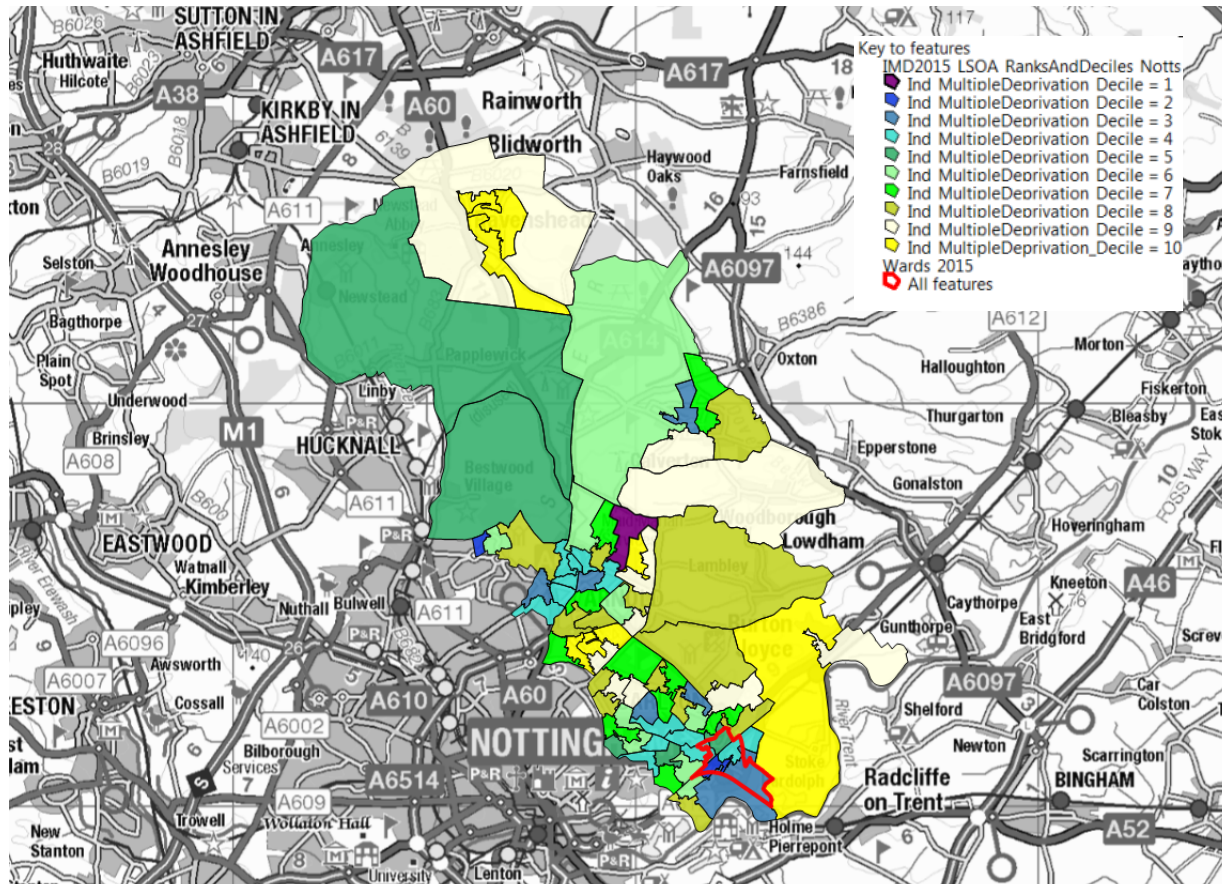
The map below shows the ranks and deciles for the Index of Multiple Deprivation 2015 (IMD 2015) at Lower-layer Super Output Area (LSOA) level.

The deciles are calculated by ranking the 32,844 LSOAs in England from most deprived to least deprived and dividing them into 10 equal groups. LSOAs in decile 1 fall within the most deprived 10% of LSOAs nationally and LSOAs in decile 10 fall within the least deprived 10% of LSOAs nationally. The domains were combined using the following weights to produce the overall Index of Multiple Deprivation:

- Income Deprivation (22.5%)
- Employment Deprivation (22.5%)
- Education, Skills and Training Deprivation (13.5%)
- Health Deprivation and Disability (13.5%)
- Crime (9.3%)
- Barriers to Housing and Services (9.3%)
- Living Environment Deprivation (9.3%)

Netherfield indicated on the map below outlined in red; half of the LSOA's fall within the top 20% most deprived in England and the rest within the top 50% most deprived in England.<sup>3</sup>

Map 2: IMD in Gedling District



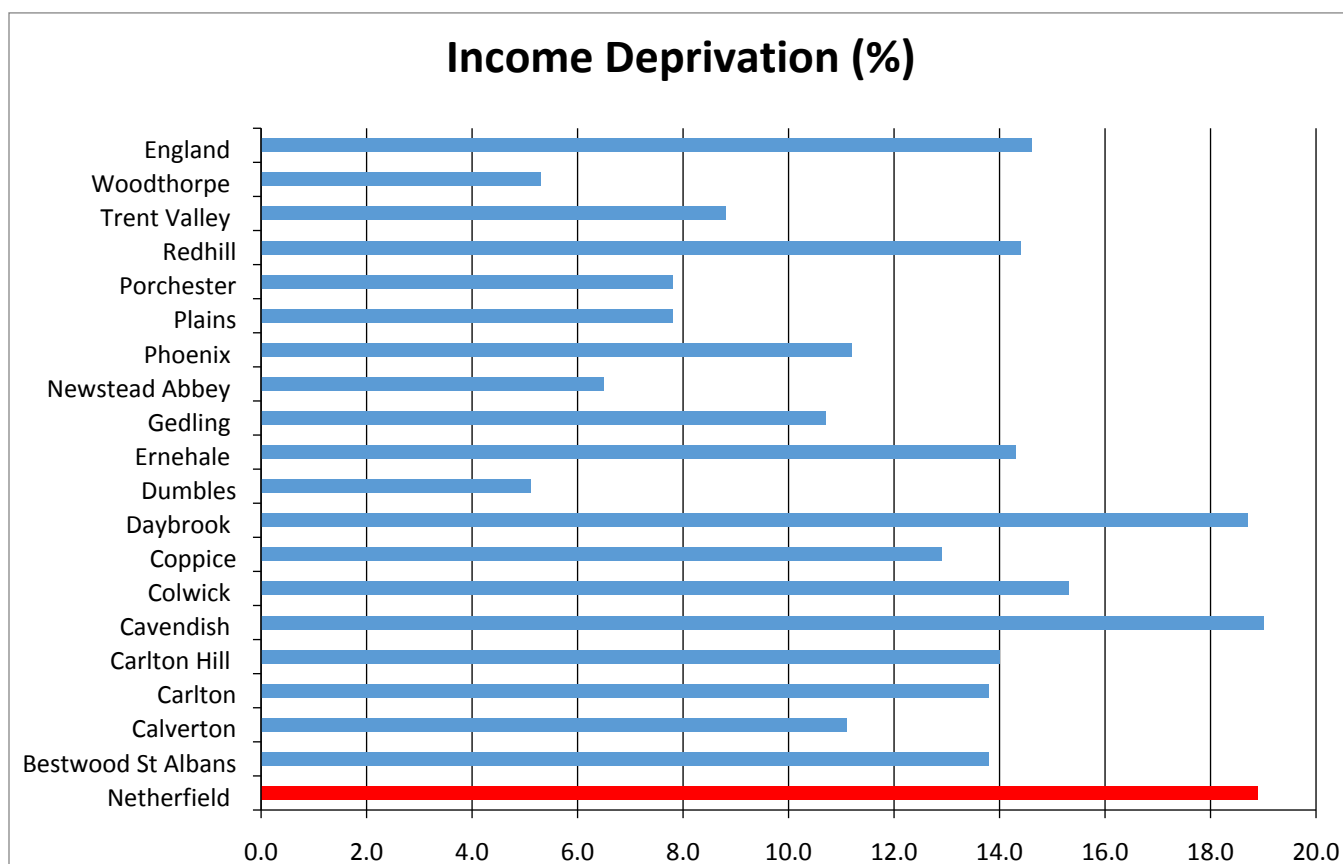
<sup>3</sup> <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2015>



Data taken from the Public Health website <sup>4</sup> also shows that Netherfield is suffering from deprivation, as can be seen from graphs 1 through to 8. They show that Netherfield is not only the most deprived out of all wards within the Gedling Borough for certain categories, but also lies above the average for England for both income deprivation and long term unemployment. It can also be seen from graph 5, that Netherfield ranks highest out of all Gedling Borough wards in terms of health deprivation, again also above the national average. Graph 6 demonstrates the GCSE Achievements for all wards within the Borough, showing that only 47.7% of Netherfield have 5 GCSE's A\*-C (including Maths and English) compared to the national average of 59.5%. The only ward in Gedling which had a lower percentage than Netherfield was Colwick, with 44.3%.

The Council awards housing benefit to 740 residents living in rented accommodation in the Netherfield ward, a significant proportion of which are living in private rented accommodation. Many private rented tenants living in the Netherfield ward will be disadvantaged by the deprivation indices presented in this section of the Proposal document. It is the Council's view that the introduction of Selective Licensing will improve housing conditions, reduce antisocial behaviour, and fear of crime. Through tackling these wider determinants of health the aim is to improve quality of life and health outcomes for residents. There is a significant amount of published research to support that poor quality housing affects health and that improvements to housing conditions can lead to improved health outcomes, thereby leading to greater education attainment and employment opportunities and reduced deprivation.

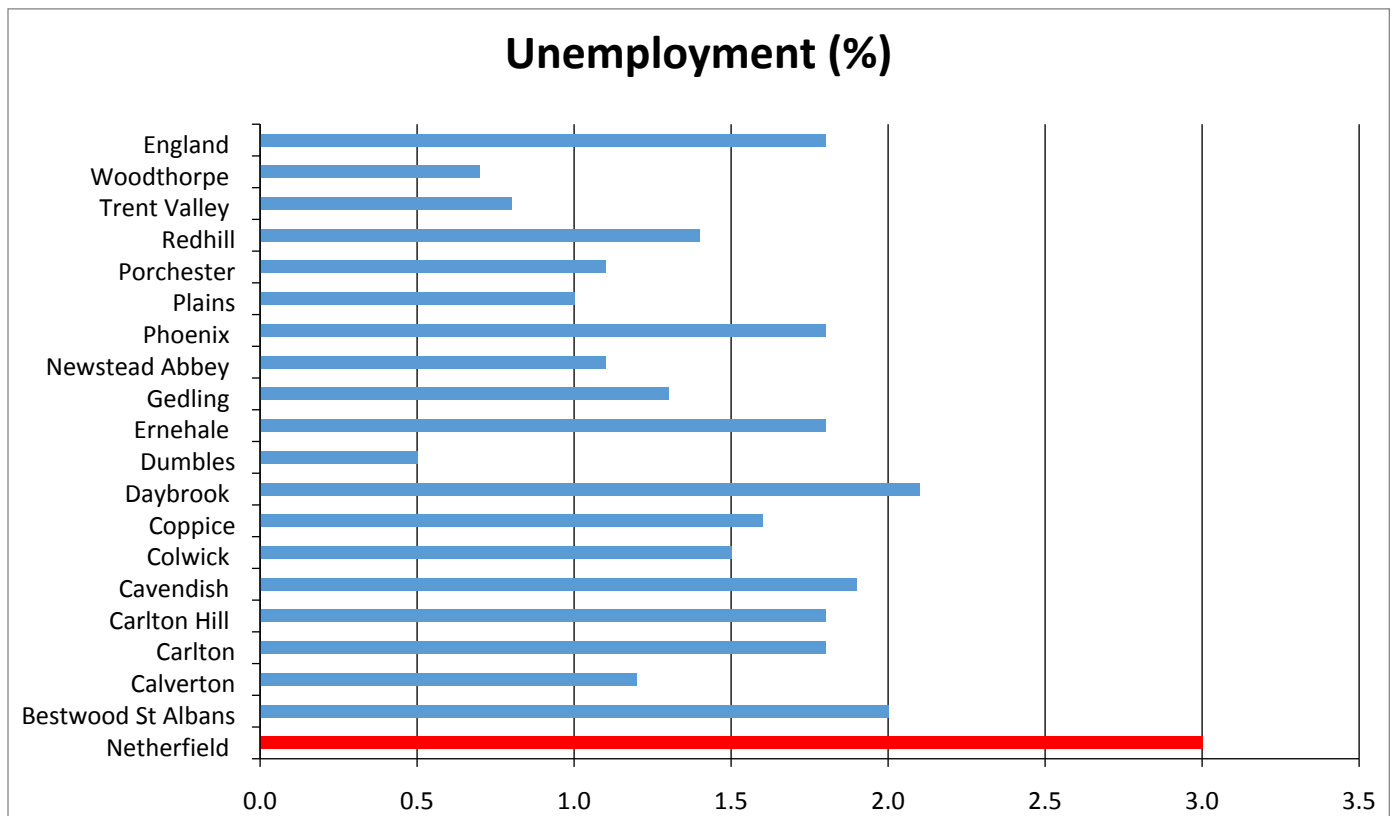
Graph 1: Income Deprivation of Gedling Borough wards (2015)



<sup>4</sup> [http://www.localhealth.org.uk/#z=455433,348229,13044,14950;sid=6437;sly=wd15\\_DR;v=map11;l=en](http://www.localhealth.org.uk/#z=455433,348229,13044,14950;sid=6437;sly=wd15_DR;v=map11;l=en)

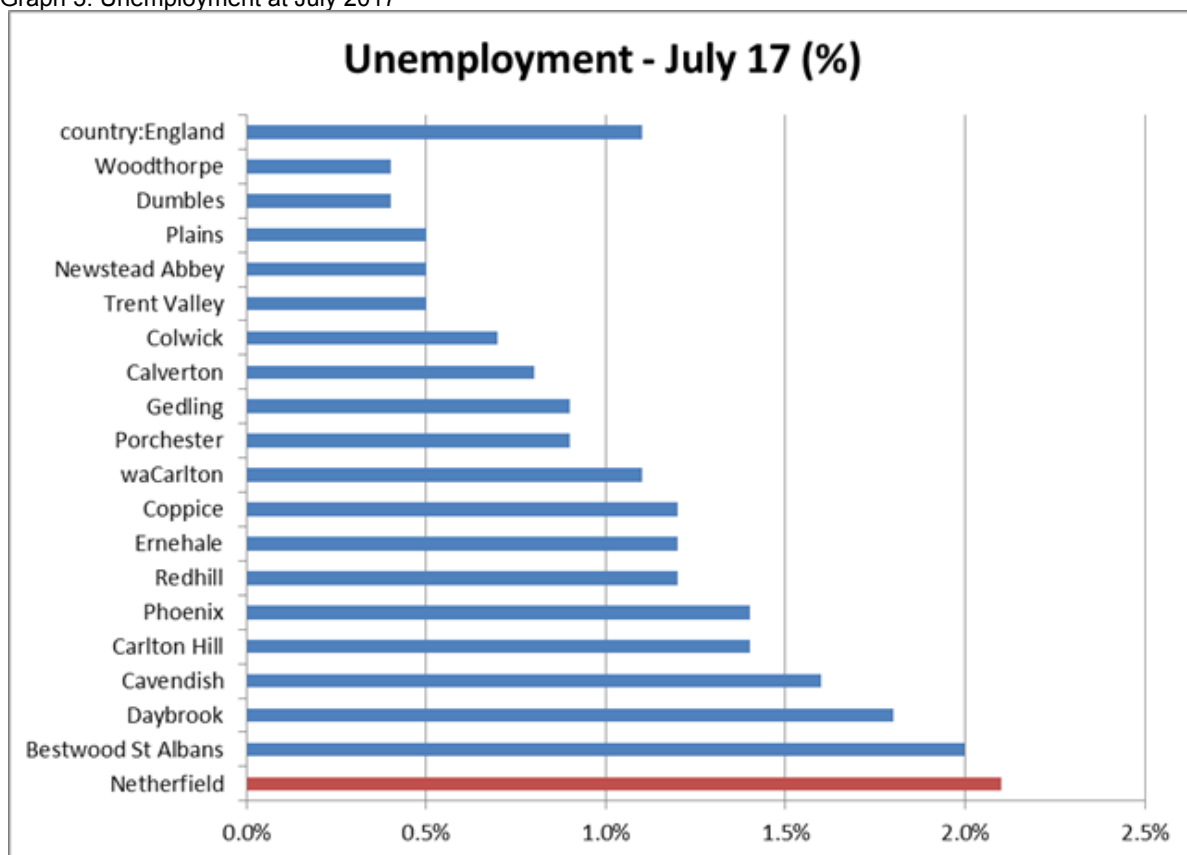


Graph 2: Unemployment of Gedling Borough wards (2014)

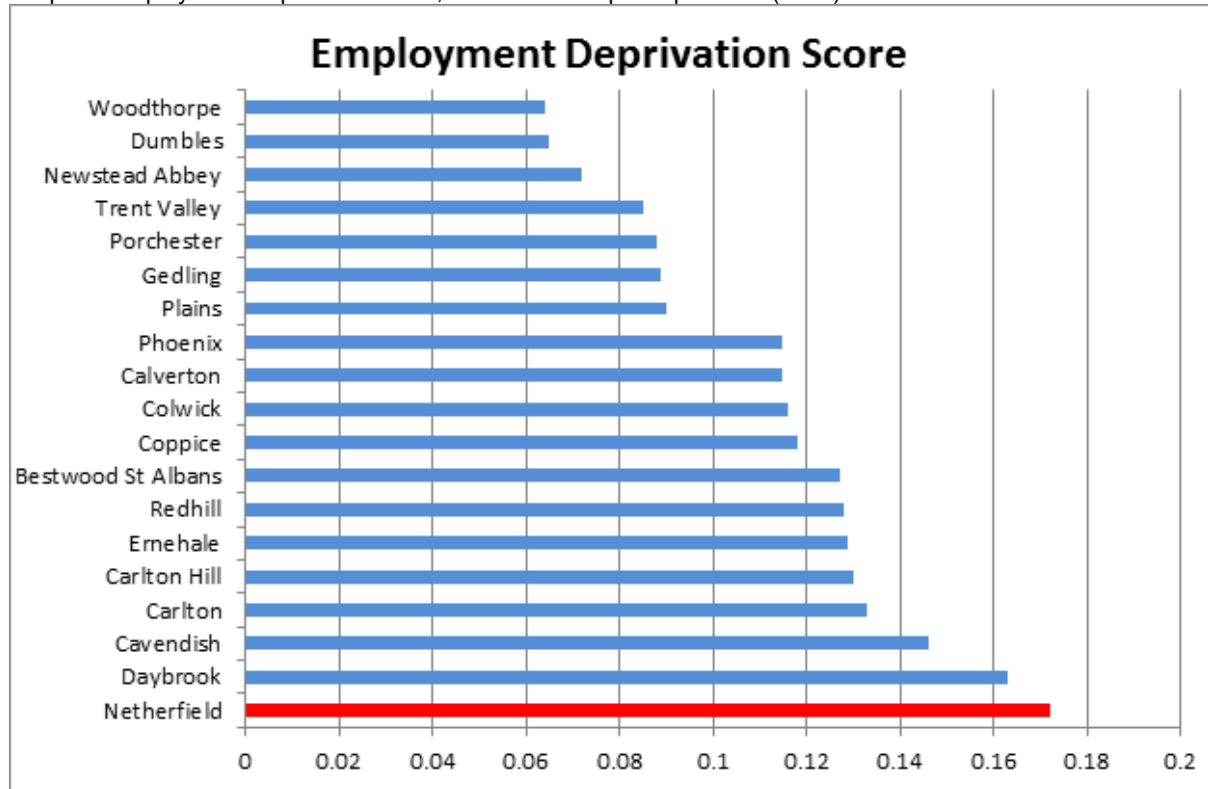


In terms of unemployment the LGA Inform Plus site states that in February 2017 67% of unemployed had been unemployed for over 12 months. See Graph 3 below for latest figures.

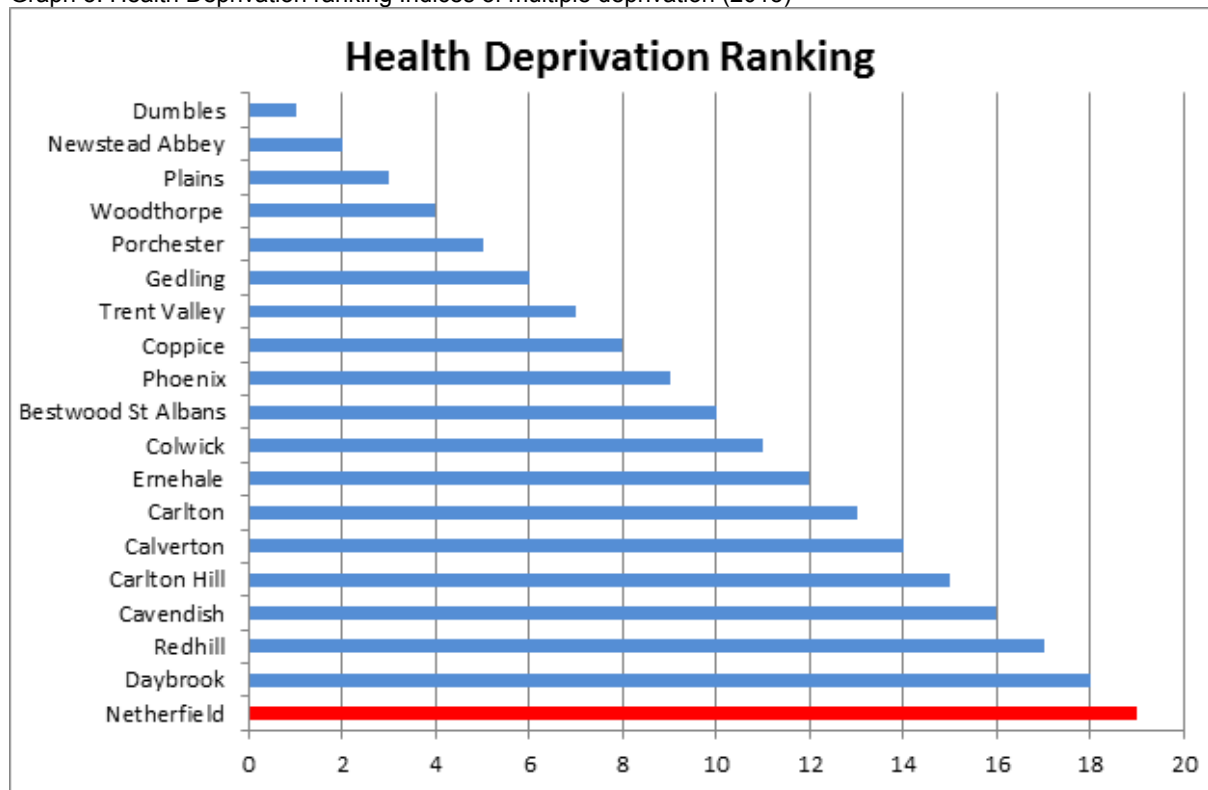
Graph 3: Unemployment at July 2017



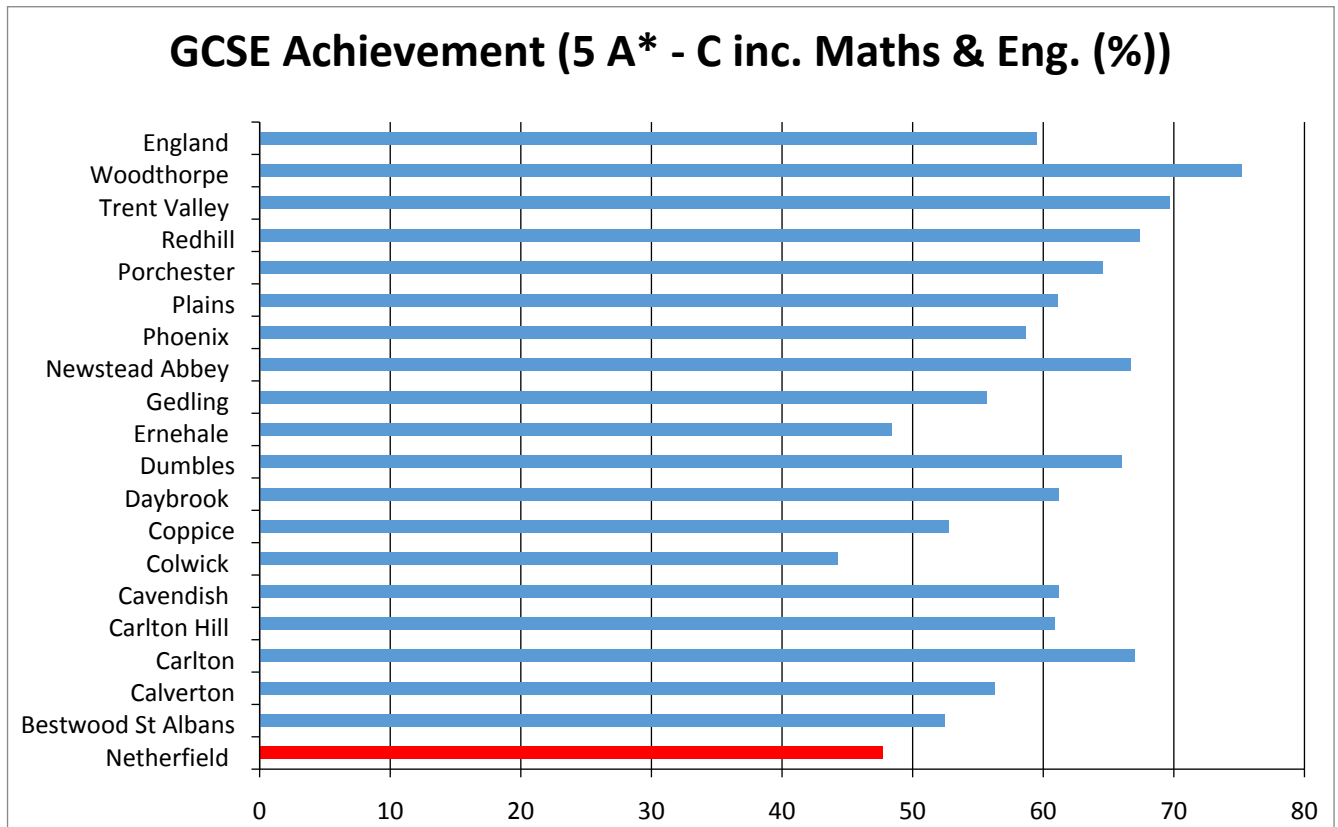
Graph 4: Employment Deprivation score, indices of multiple deprivation (2015)



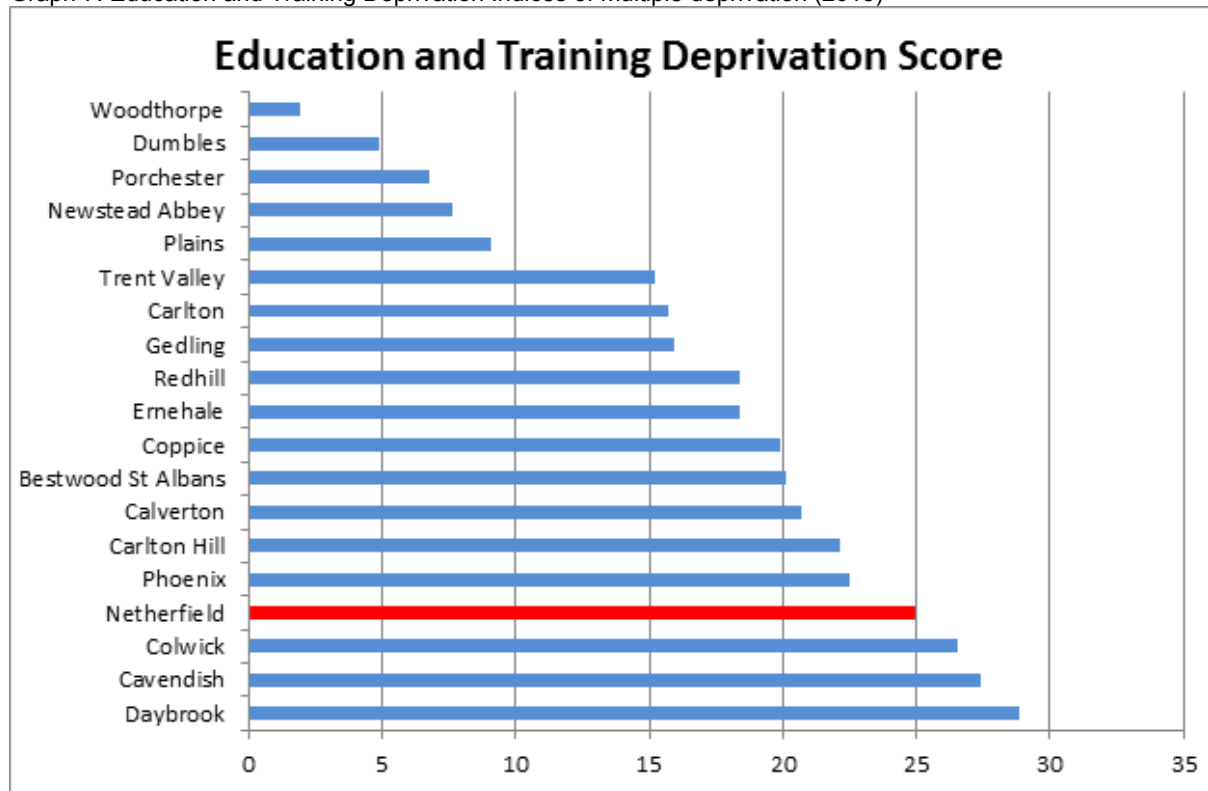
Graph 5: Health Deprivation ranking Indices of multiple deprivation (2015)



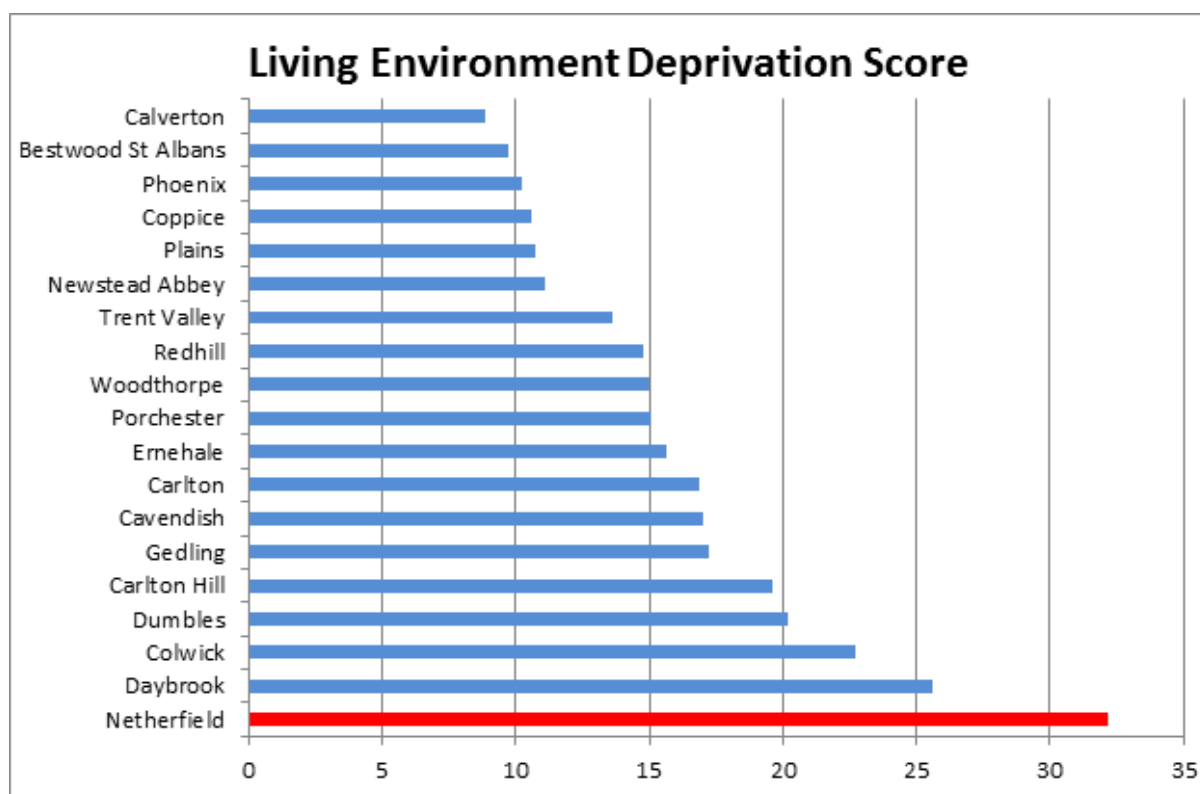
Graph 6: GCSE Achievement (5 A\* - C including Maths and English (%))



Graph 7: Education and Training Deprivation Indices of multiple deprivation (2015)



Graph 8: Living and Environment Deprivation score, indices of multiple deprivation (2015)



#### 4.3 What are the local indicators which show that the proposed area is suffering from antisocial behaviour?

This section of the document will present the information that demonstrates that the areas proposed for Selective Licensing are suffering the effects of antisocial behaviour and crime. The evidence detailed below presents a number of separate indicators that when taken together build a strong argument to demonstrate an area of high level ASB and crime.

##### 4.3.1 Anti-Social Behaviour and Crime – Priority Areas

A total of twenty **priority and high impact localities** have been identified across Nottingham and Nottinghamshire on account of the levels of complex need and cross-agency demand that they present. These areas have been the focus for the Community Safety Partnership for the last 5 years.

Netherfield has been identified in the top 20 in all years.

The areas were identified by the scanning of trends used to establish seven core crime groups to provide the basis for identifying the most problematic geographic areas in the district. Each crime group is made up of a series of data sets and sub-categories to provide an overall picture. The seven crime groups are as follows (component sub-categories are shown in brackets)

- Serious Acquisitive Crime (Dwelling Burglary, Vehicle Crime, Robbery);

- Violence excluding Domestic Abuse (Violence with Injury excluding Domestic Abuse, EMAS/sexual assault);
- Domestic Abuse (Domestic Abuse tagged crimes and Domestic Incidents);
- Hate Crime (all crimes and incidents with a Hate tag);
- Anti-Social Behaviour (core Police recorded ASB, All Secondary Fires, Criminal Damage);
- Youth Issues (Youth related crime, Supervised young Offenders and youth related ASB); and
- Drugs and Alcohol (Drug Offences, Positive Tests on Arrest and Alcohol related ASB).

This has involved analysis of the following data sets:

- Police recorded crime and incidents;
- Police recorded ASB;
- EMAS recorded Assaults and sexual assaults
- Notts Fire recorded Deliberate Secondary Fires;
- Positive testers on arrest (Bridget Police System); and
- Youth crime (Nottinghamshire Support and Youth Justice Service).

Each ward in County has then been ranked for volume and rate and an average score calculated for each of the seven categories (and component sub-categories). These have been used to produce an overall score for the key community safety issues as a whole.

In the most recent Nottinghamshire Police and Crime Needs Assessment 2016 a number of priority and high impact localities have been identified across Nottinghamshire using similar methodology on account of complex needs and cross-agency demand that they present to replace the yearly Strategic Assessment that was carried out above.

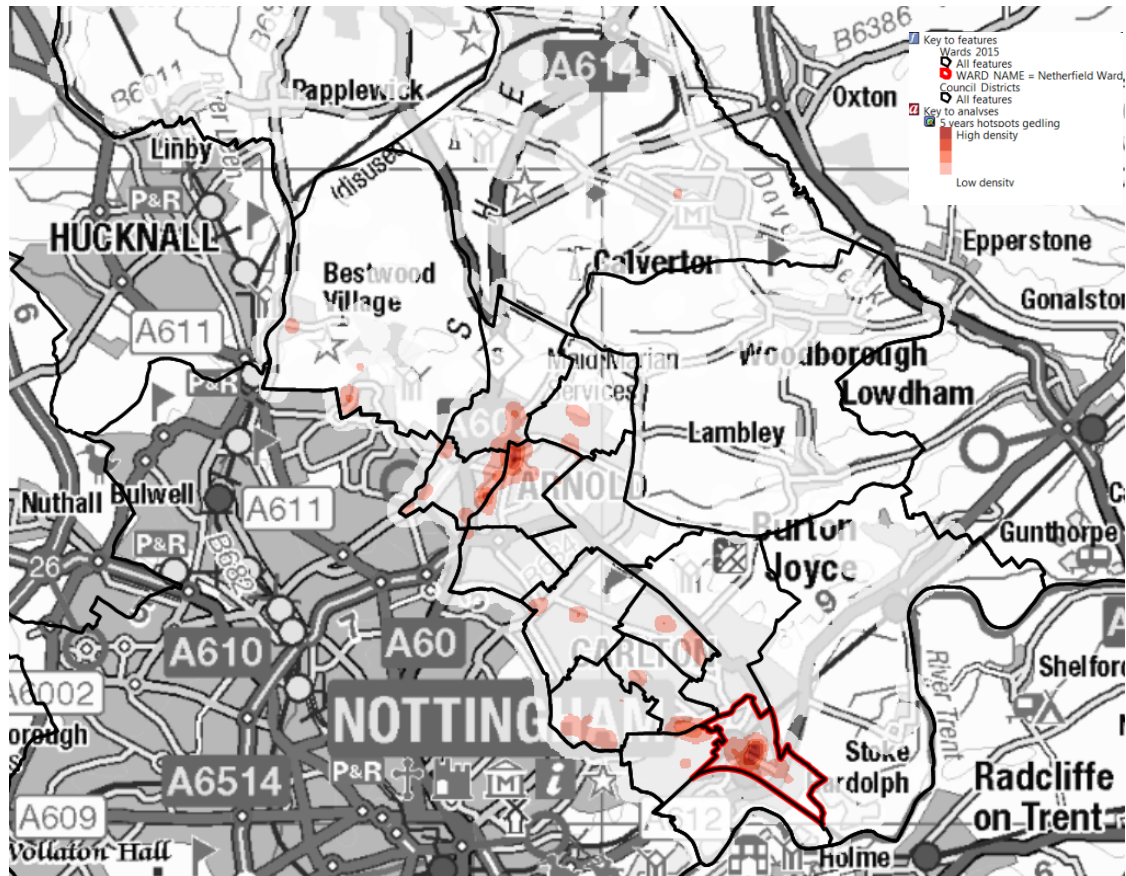
The areas in Gedling that were identified are Colwick and Netherfield.

#### 4.3.2 Anti-Social Behaviour

Data is taken from the Police Vision database between 01 January 2012 to 31 December 2016 and shows police reported ASB incidents which are recorded into three main categories: ASB nuisance, ASB Environmental and ASB Personal. This covers a wide range of ASB types.

All 5 years' data mapped using kernel density hotspot on the entire District: It shows the constant hottest spots in the District are Netherfield with a few other hotspot locations around the Arnold town centre. The map below shows 5 years' worth of data mapped together and the hotspots generated from this. Appendix 4 shows all 5 years separated out and the hotspot locations generated.

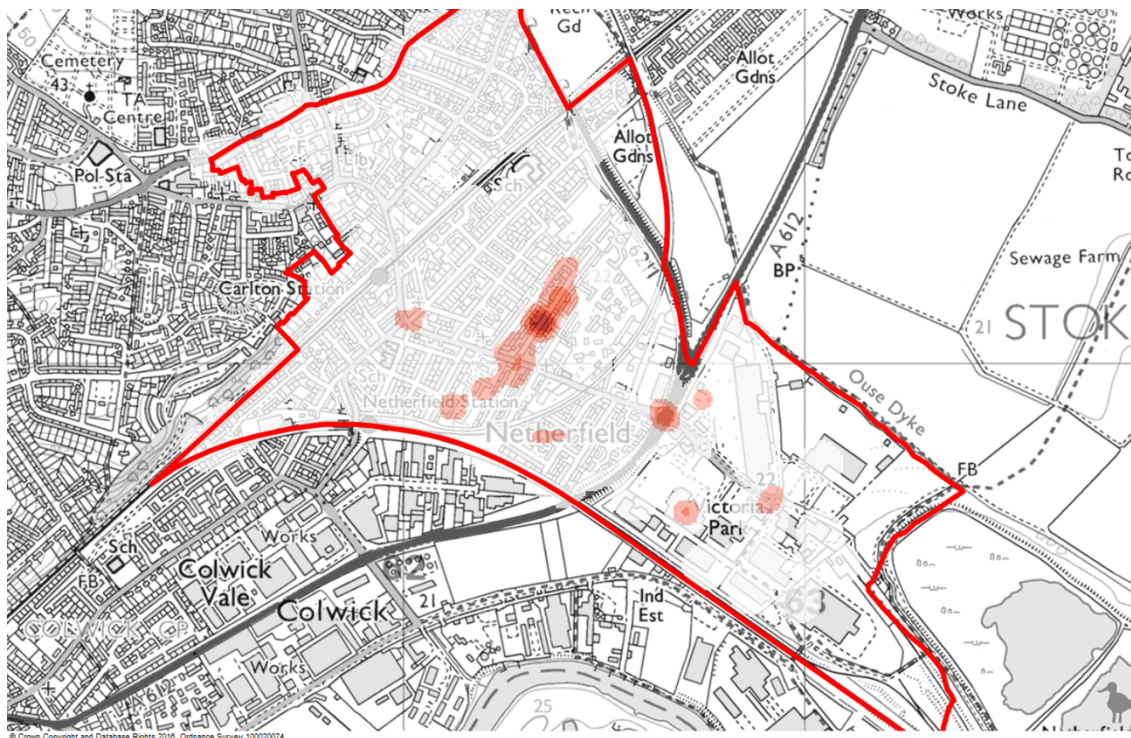
Map 3: 5 years ASB mapped in Gedling District



Within

Netherfield District if the ASB incidents are kernel density mapped then the street/area that highlights each year is Dunstan Street/Curzon Street.

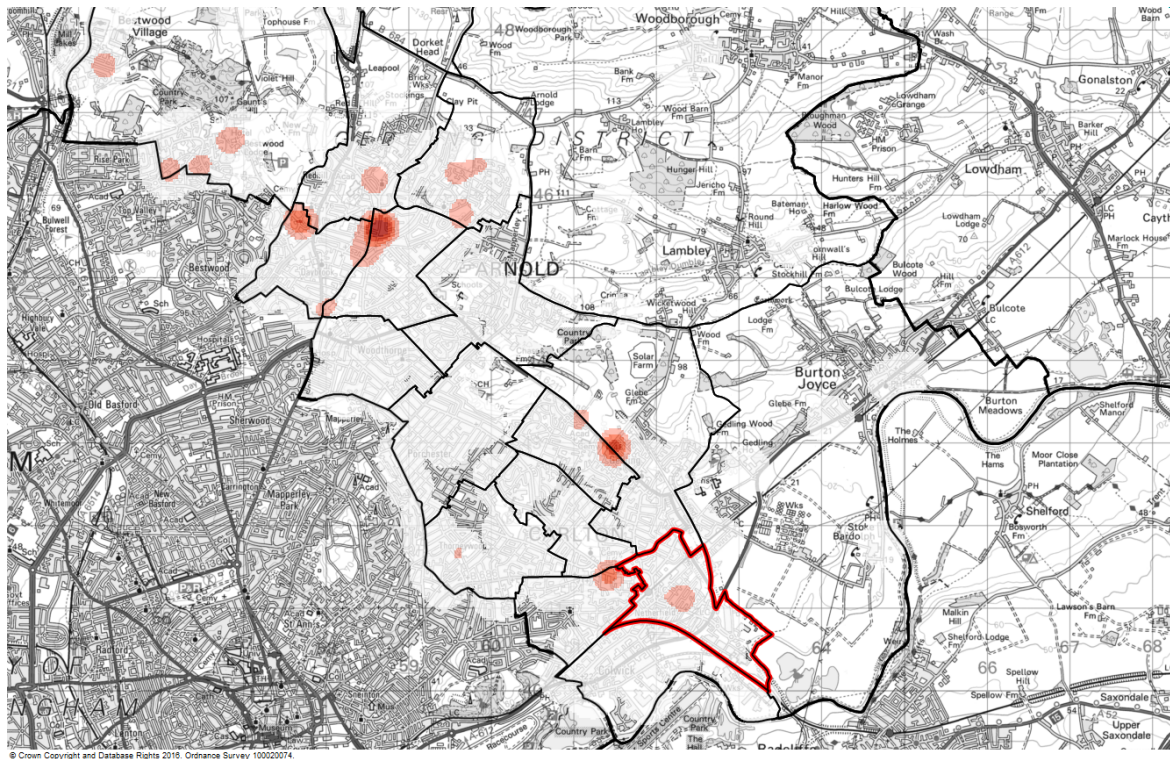
Map 4: 5 years ASB mapped in Gedling District





As the secondary fires data is low number for the period 01 January 2012 to 31<sup>st</sup> December 2016 all have been mapped as a five-year period. Areas that highlight as risky areas are Arnold town Centre and to some degree Dunstan Street.

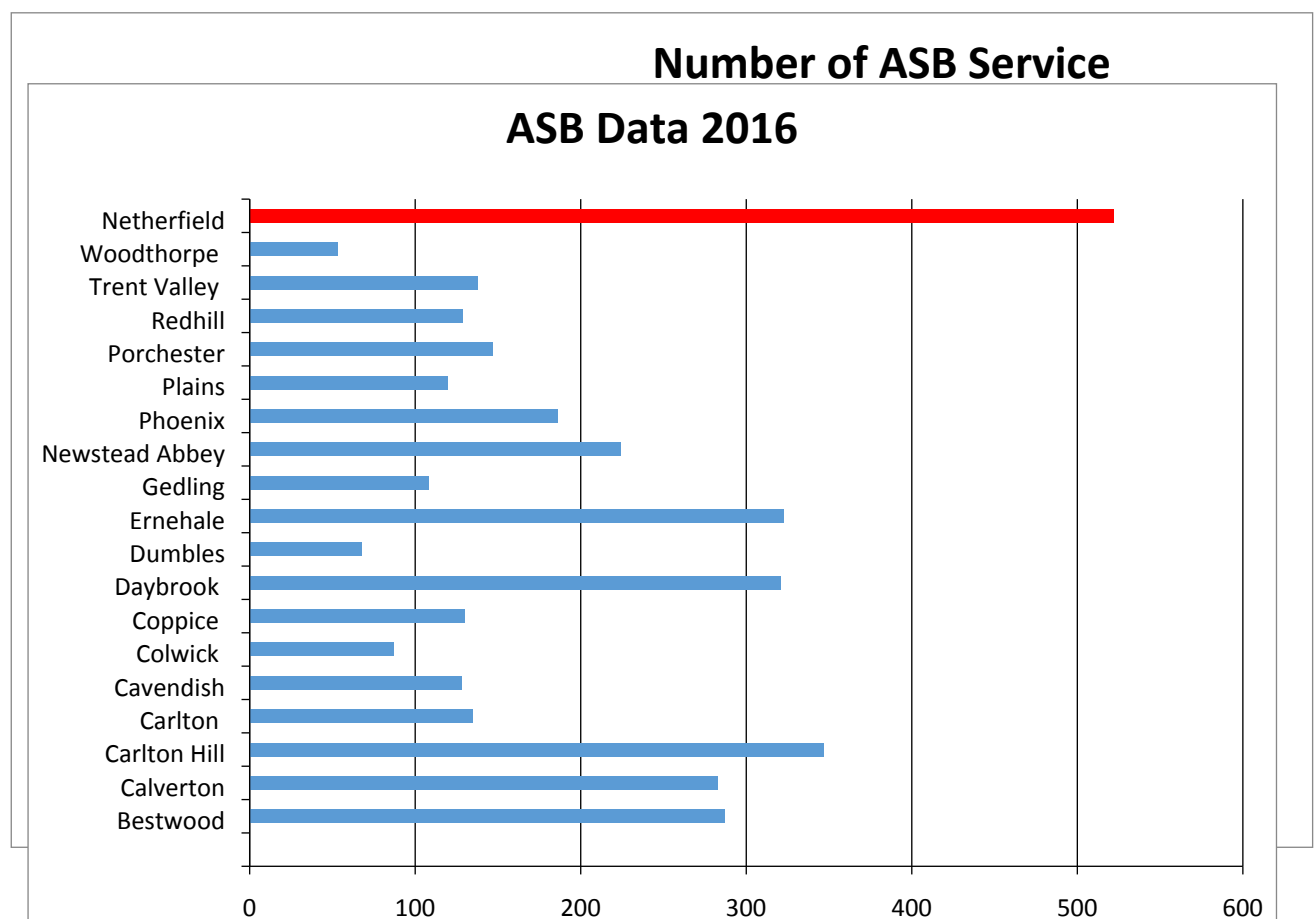
Map 5: 5 years Secondary Fires mapped in Gedling District



ASB complaint data was also taken from the council used Uniform system, and placed into an excel spreadsheet where it was mapped into graphs, for every year from 2011-2016. It was found that Netherfield consistently had the highest number of ASB complaints, followed usually by Carlton Hill or Ernehale. For the year 2016, there were 522 reports of ASB from Netherfield, with 405 of these complaints relating to fly tipping, littering, or dumping rubbish. The comparison of these numbers can be seen below as both a percentage of complaints and total number of complaints in graphs 5 and 6.

Data was also mapped into graphs for the years 2011-2016 combined, which is displayed in graphs 7 and 8. It can be seen that there are a significantly higher number of complaints of anti-social behaviour within Netherfield. The average number of complaints per year for Netherfield is 334; the next highest ward is Carlton Hill, with an average of 260. In comparison Woodthorpe only has an average of 41 complaints per year.

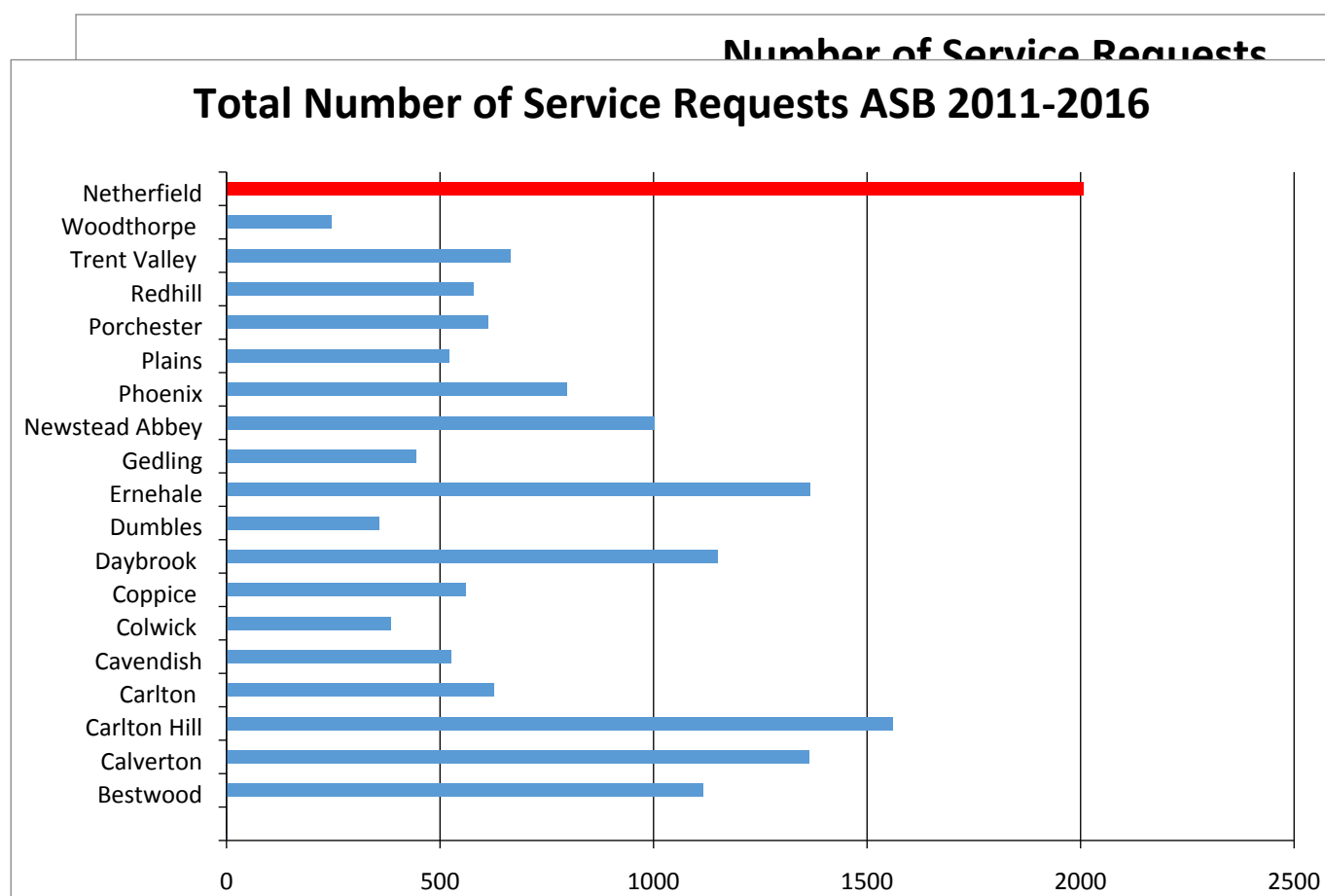
Graph 9: Number of ASB Complaints by percentage 2016 – All wards



Graph 10: Total Number of ASB Complaints 2016 – All wards



Graph 11: Number of ASB Complaints by Percentage 2011-2016 – All wards



Graph 12: Total Number of ASB Complaints 2011-2016 – All wards

The ASB data in this section of the Proposal document shows that the Netherfield Ward ranks highest in the borough for requests for service and has a number of hotspot areas. In terms of how this level of demand for service relates to the private rented sector there have been a number of issues in the ward caused by residents in or associated with private rented accommodation.

The Council and Police have carried out a number of interventions in recent years to address ASB in the ward. Each year the Council receives over 35 complaints about noise nuisance some of which will be caused by private rented tenants. When investigating complaints the Council will seek the support of landlords to encourage the tenants to change their behaviour, some landlords will contact their tenants following requests from the Council but some landlords are not so co-operative or easy to contact. It is known from information available to the Council that many landlords with properties in Netherfield live outside of Gedling Borough Council's area and in some circumstances this can be a barrier when dealing with problematic tenants.

In the past the Council has served noise abatement notices on tenants living in private rented accommodation in the Netherfield ward and have even prosecuted a

tenant for breaching an abatement notice in the ward. This subsequently led to the tenant receiving a Criminal Anti-social Behaviour Order banning them from visiting the street where they had been playing excessively loud music and where they had been causing antisocial behaviour to residents.

On another street in the ward residents were experiencing antisocial behaviour from multiple private rented addresses with groups of young adults congregating and causing distress to residents. The Police, Council, and Youth Services worked together to address the issues and number of which were attributed to private rented properties. A number of public meetings were held in the community and some landlords attended to discuss the issues but progress was slow and caused significant impact for affected residents. The Council installed a permanent fixed CCTV on the street to provide reassurance and gather evidence of offences in the public areas – this is the only wholly residential street in the borough that is served by a dedicated CCTV camera which was installed due to the prevalence and nature of the offences that the community were experiencing.

Elsewhere in the ward the Council were required to intervene in two private rented flats that were the source of numerous noise and anti-social behaviour complaints. Many investigations were carried out and ultimately the problem was resolved when a prohibition order was served on the property and the tenants were required to move out.

It is the Council's view that the introduction of Selective Licensing will require landlords to implement a more proactive approach to property management and this will help to address at an early stage the antisocial behaviour problems that have been impacting the community. There are number of proposed licence conditions that will assist with addressing antisocial behaviour at an early stage and reduce the impact on surrounding the community. It can be seen from the data that in 2016 there were over 400 reports of fly-tipping, littering or rubbish dumping – some of these requests for service will be attributed to private rented tenants / properties. The proposed conditions for dealing with rubbish introduce a basic requirement to provide information relating to the storage and disposal of refuse which should encourage the appropriate use of refuse facilities and reduce rubbish dumping and fly-tipping in the ward.

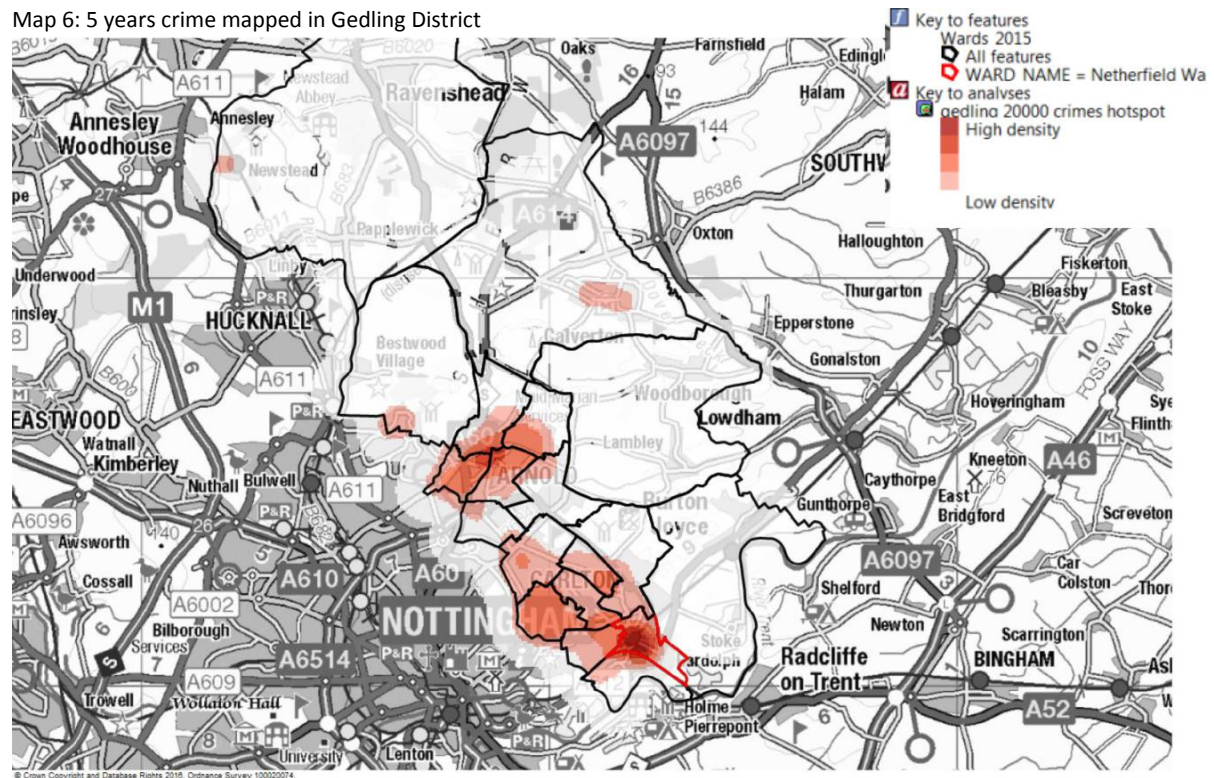
#### 4.3.3 Crime

Data mapped below has been taken from the CRMS Police database between 01 January 2012 to 31 December 2016 and shows police reported crimes which have been recorded to a dwelling address, all business and open space crime have been removed.

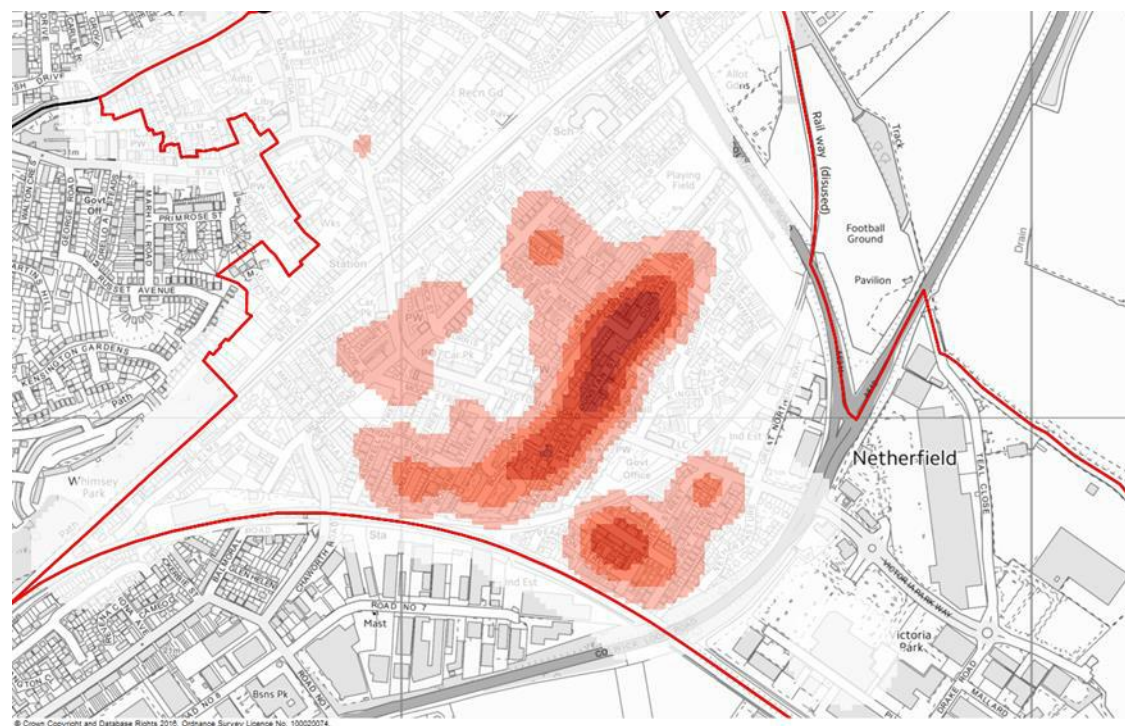
All 5 years' data mapped using kernel density hotspot on the entire District: It shows the constant hottest spots in the District are Netherfield with a few other hotspot locations around the Arnold town centre. The map below shows 5 years' worth of data mapped together and the hotspots generated from this. Appendix 5 shows all 5

years separated out and the hotspot locations generated at District and Netherfield levels.

Map 6: 5 years crime mapped in Gedling District



Map 7: 5 years Crimes mapped in Gedling District

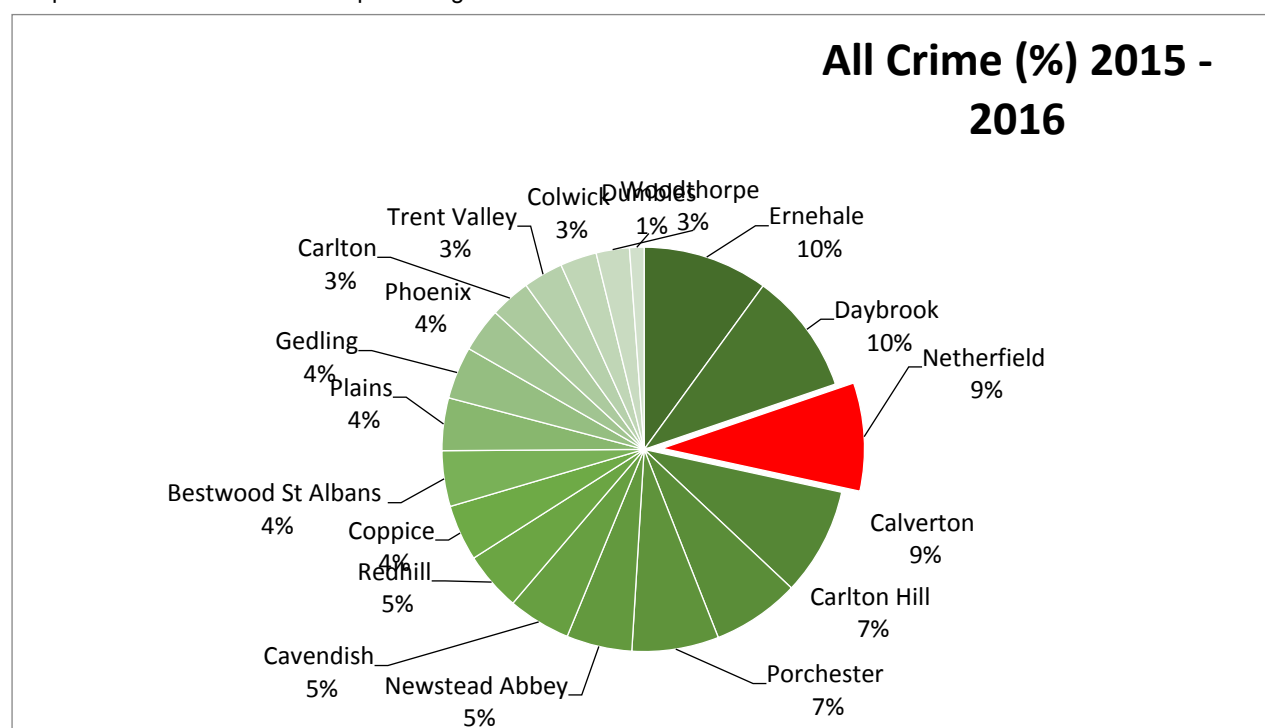


Crime data from the years 2012 – 2016 was also mapped into graphs; however due to the ward boundaries changing at the end of 2015, graphs from 2012 – 2015 compile reported crime from both Netherfield and Colwick into the same category. Netherfield and Colwick were found to consistently have the highest number of crime

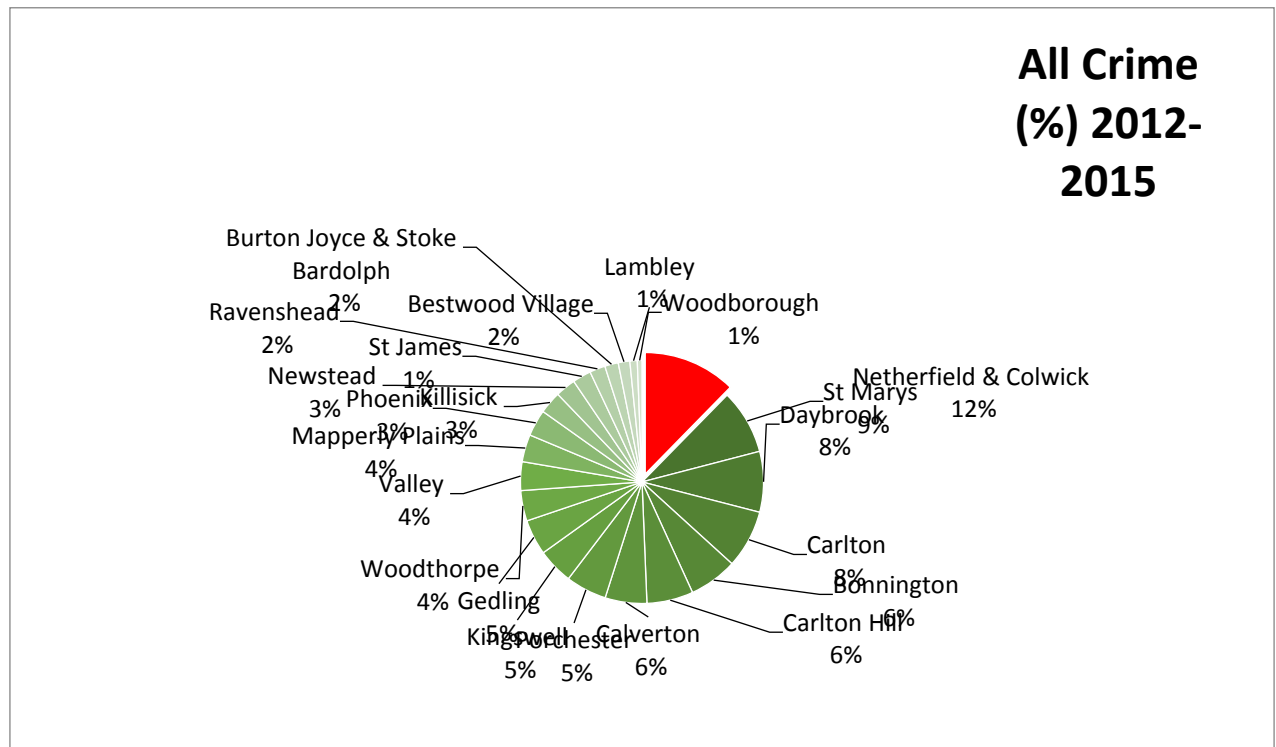
from every year from 2012 – 2015. In 2016 after the ward boundaries were changed Netherfield ranked third highest ward in terms of Crime in the Borough; which is represented in graph 13 below.

Data from the years 2012-2015 was mapped into a graph to show the total crime number for all 4 years before the ward boundaries were changed which is shown in graph 14. The number of total crimes reported for the period of 2012-2015 in Netherfield and Colwick was 2325. The next highest ward was St. Mary's with 1623 reported crimes. In comparison to this the ward with the lowest number of reported crimes across all four years was Woodborough, with just 117. Whilst this data combines both Netherfield and Colwick, if it is interpreted alongside the hotspot maps in Appendix 6 it can be seen that for the years 2012-2015 the highest density of reported crimes are in the Netherfield part of the Netherfield and Colwick ward boundaries.

Graph 13: All Crime shown as a percentage 2015-2016



Graph 14: All crime shown as a percentage 2012-2015 – Old ward boundaries



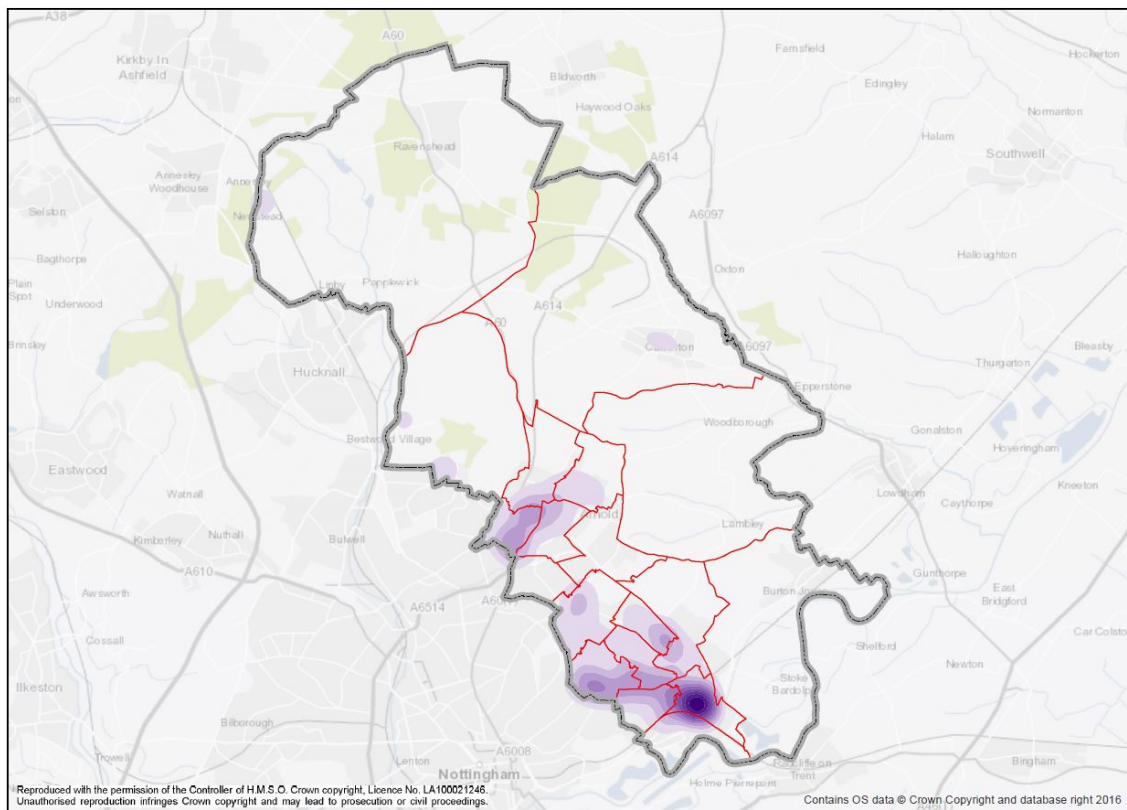
#### 4.3.4 Housing Conditions

Data mapped below has been taken from the Council's Uniform database from the years 2011-2016 and shows housing condition requests for service made to the Council. The darker the colour of the hotspot, the higher the density of service requests.

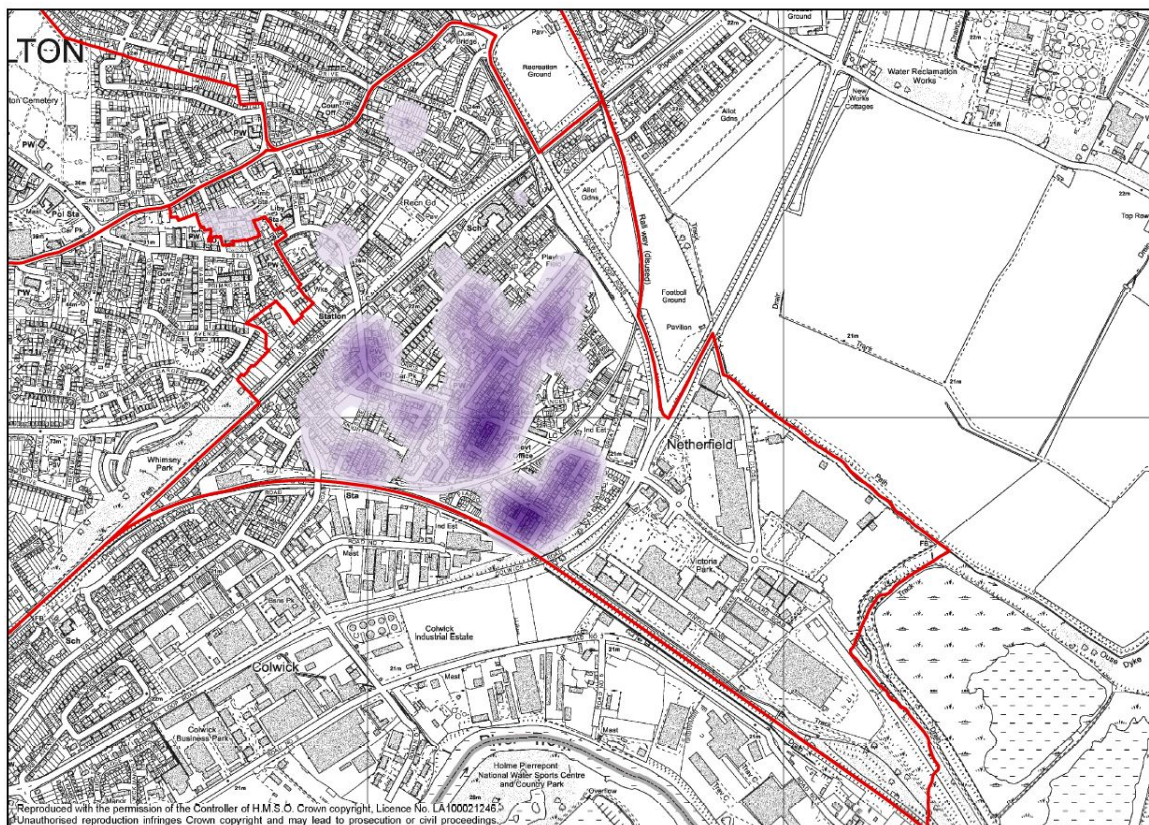
Maps 7 and 8 below show the constant hotspots in the District are Netherfield with a few other hotspots around Carlton Hill and Daybrook. The maps below show six years of data and the hotspots generated from this. Map 8 shows the hotspots specifically in Netherfield; the streets that are highlighted as having the highest density of complaints are Godfrey Street, Deabill Street, Manvers Street and Arthur Street.



Map 7: 6 years Housing Condition Service Requests mapped in Gedling District



Map 8: 6 years Housing Conditions Service Requests mapped in Netherfield

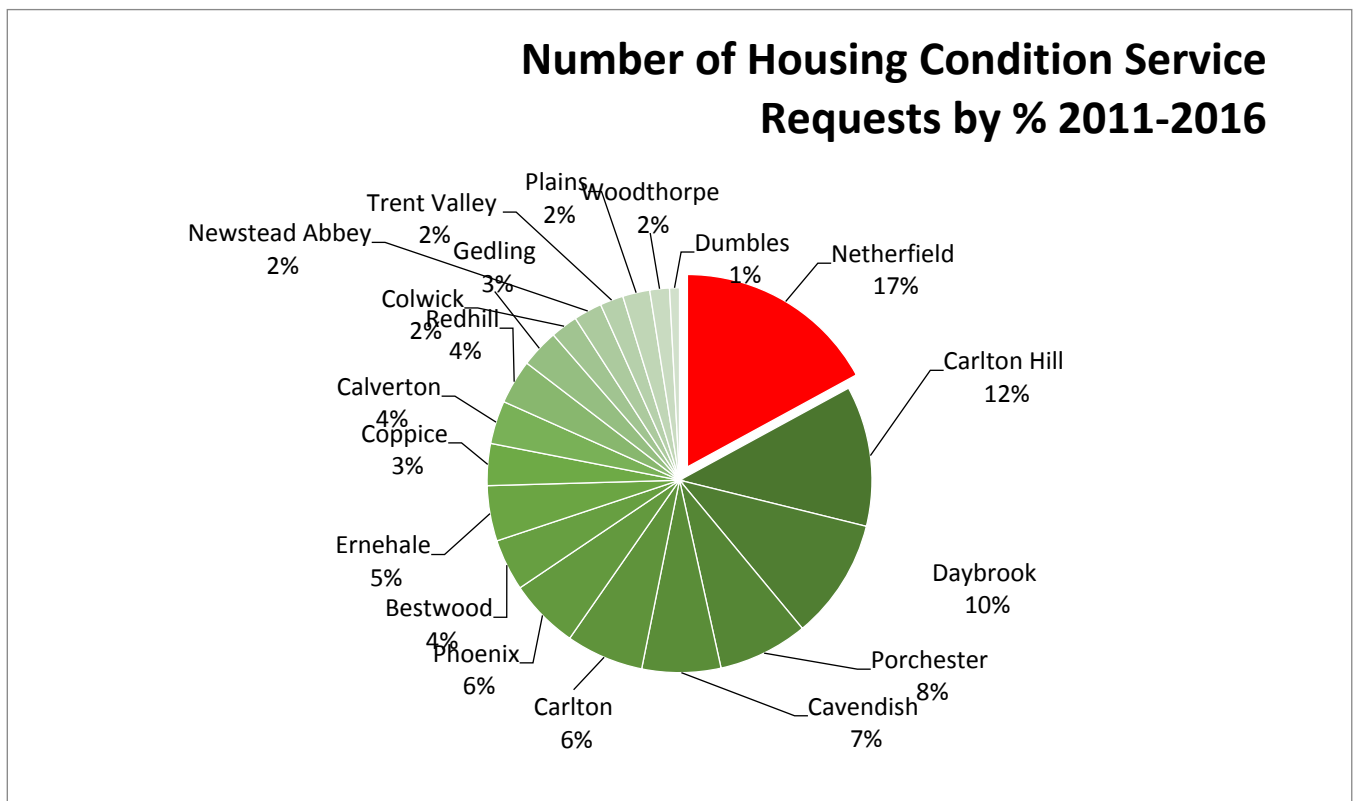


The same data taken from Uniform was also compiled into graphs, both for the year 2016 and all years 2011-2016 combined. It was found that for every year Netherfield had the highest number of service requests made about housing conditions; apart from 2011 where Carlton Hill and Phoenix had 4 and 2 more service requests respectively.

It can be seen from graphs 15 and 16 that Netherfield has a significantly higher number of service requests than any other ward; with a total of 165 over the 6 year period. The ward which had the second highest number of complaints was Carlton Hill, with 114 service requests; only 70% of the number which Netherfield received. The ward which had the lowest number of service requests across all years was Dumbles, with 8.

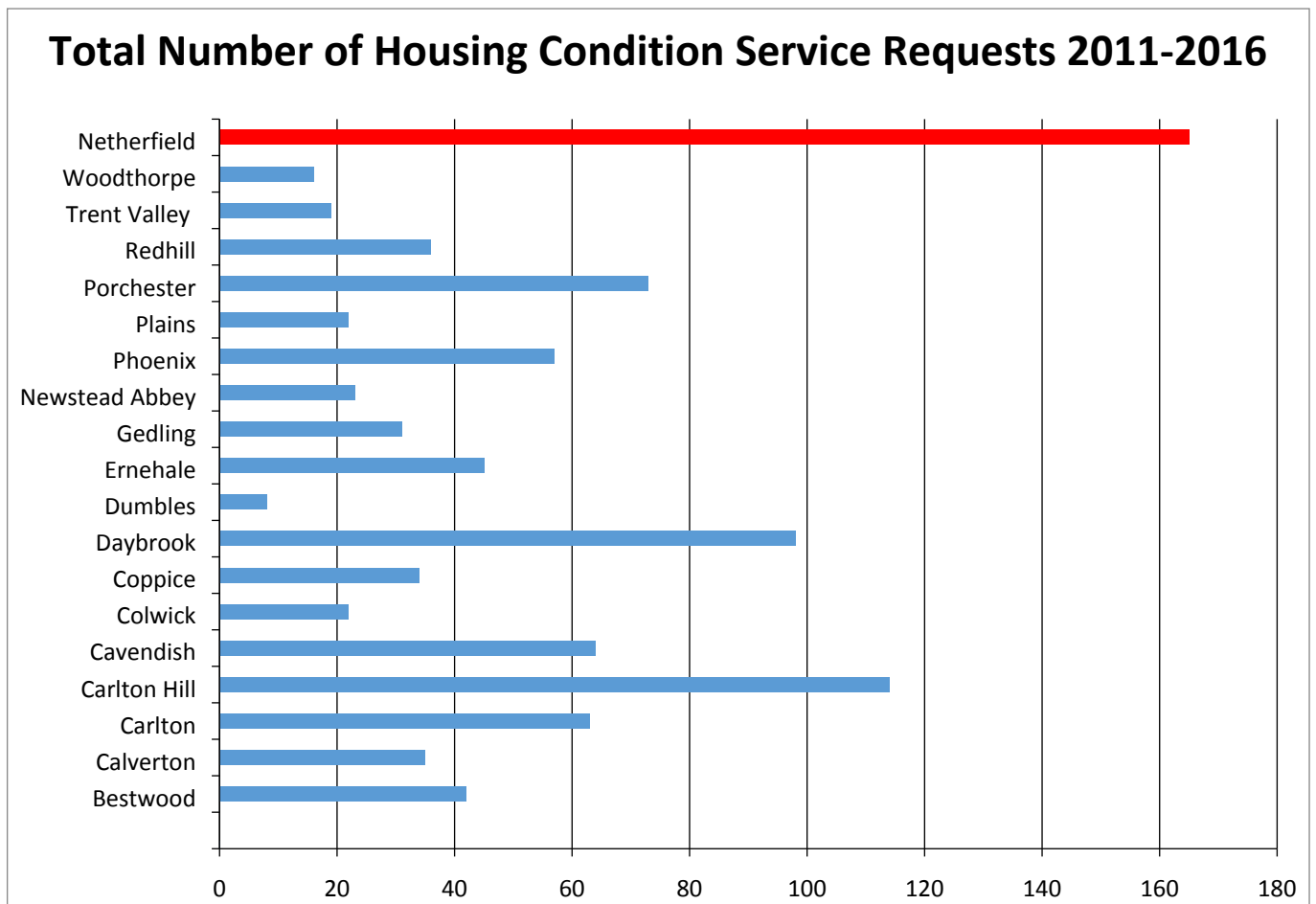
Graphs 17 and 18 show the data from 2016. Across all 19 wards 160 service requests relating to housing conditions were made. Of these, 27 were from Netherfield, which corresponds to 19% of all complaints made for that year.

Graph 15: Number of Housing Condition Service Requests by percentage for all years 2011-2016 – All wards



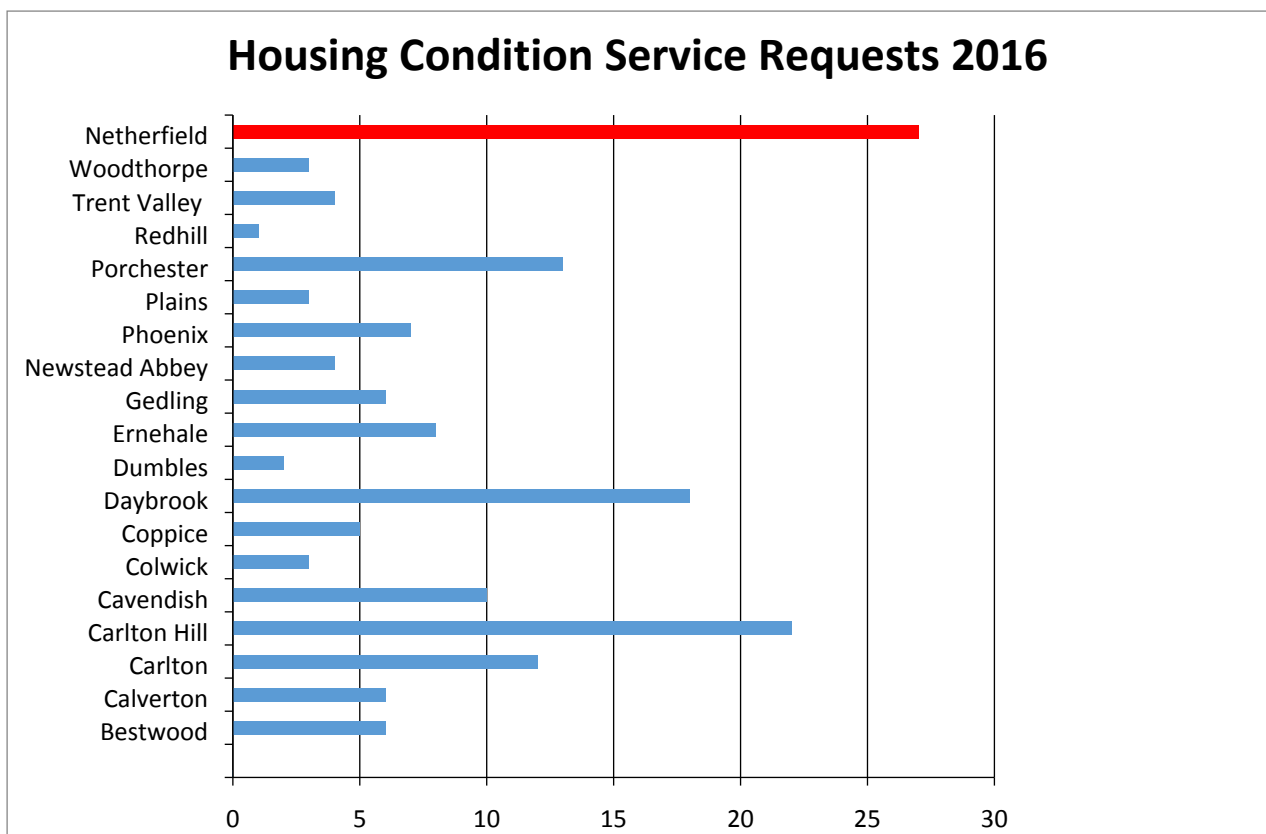
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Graph 16: Total Number of Housing Condition Service Requests for all years 2011-2016 – All wards



Graph 17: Number of Housing Condition Service Requests by percentage 2016 – All wards

Graph 18: Total Number of Housing Condition Service Requests 2016 – All wards





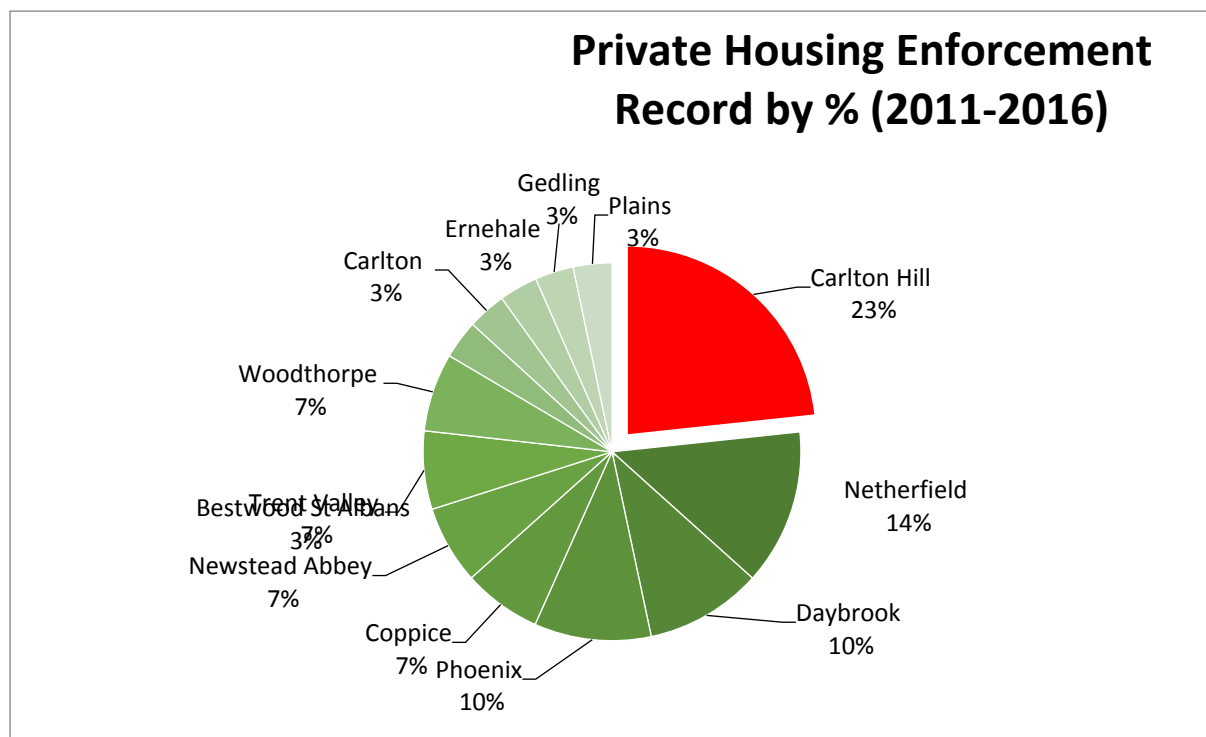
The service request data shows reactive reports that are generated when a customer contacts the Council to report a problem; it is known that many cases of poor property conditions go unreported for a variety of reasons. A large proportion of the housing stock in Netherfield ward was built prior to 1930, and some prior to the 1900's; and is of solid wall construction. Properties in the area are known to experience hazards due to excess cold, dampness, and condensation.

In 2014 a first floor flat was prohibited on Godfrey Street due to hazards of inadequate fire separation, and in 2016 a first floor flat on Victoria Road was prohibited due to inadequate means of escape in event of fire. It is highly likely that many more category 1 and 2 hazards would be identified if properties were subject to routine and proactive inspections as required through a Selective Licensing regime.

Private Housing enforcement records show that over the six year period for 2011-2016 14% of all notices served were made against landlords in Netherfield; ranking it second highest to Carlton Hill. This information is displayed on graph 19 below.

Analysis of the number of service requests received shows that in Netherfield since 2011 97.6% of cases are resolved informally compared to 96.9% of cases across the whole borough during the same period. However, as stated above many cases go unreported and simply analysing the level of enforcement doesn't not alone show the extent of the poor property conditions that exist in the area.

Graph 19: Notices Served on Private Housing by percentage 2011-2016



## **5.0 How does Selective Licensing Support the Council's Strategy?**

This section demonstrates how the proposed Selective Licensing designation is consistent with the overall housing and homelessness strategy for the District and will form part of a wider strategic framework for improving housing across Netherfield.

The introduction of Selective Licensing in Netherfield is key to the Council's Housing Strategy to tackle and improve the quality of homes within the district and create a balanced housing market to support social and economic improvements.

Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The Council believe that Selective Licensing has an important role to play and offers valuable support to existing initiatives to tackle empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

Gedling Borough Council has three corporate priorities<sup>5</sup>, and three priority areas which are Netherfield, Killisick and Newstead Village. Since September 2012, the council has employed a dedicated Localities Co-ordinator to support the Netherfield community. The Council co-ordinates the Netherfield Steering Group which brings together partner organisations to improve the ward for residents and businesses. The Council has commissioned public realm design research to develop proposals to improve the built environment which has identified solutions to extend front yards to properties, introduce bin stores and install welcome lights. The next stage of the project is to identify funding options to finance the recommendations.

In addition to Selective Licensing for the private rented sector the Council also proposes to bring together a social landlord group to develop a regeneration plan for the ward and create a 3 to 5 year plan to attract investment to regenerate the housing stock in the ward.

The Council currently has a small allocation of capital funding for the Warm Homes on Prescription scheme that is available to residents with long term medical conditions affected by cold and damp homes. The Council is working with local Health Centres to identify eligible residents who may live within the Netherfield vicinity. The grant funding is available to residents of the ward to improve living conditions. The Council also has a significant allocation of capital funding available to provide Disabled Facilities Grants to eligible residents to adapt their homes to enable them to remain living independently in the community. Both forms of grant funding are means tested but eligible across tenure.

One of the Council's corporate priorities is 'Place', with the objective of regenerating the priority areas and providing an attractive and sustainable environment that local

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<sup>5</sup> <http://www.gedling.gov.uk/aboutus/howwework/prioritiesplansperformance/>

people can enjoy/appreciate. 'People' is another corporate priority. The objective is to 'reduce anti-social behaviour, crime, and the fear of crime' and 'improve health and well-being.' The Council believes the introduction of Selective Licensing will make a significant positive contribution to these corporate priorities.

### 5.1 Private Rented Sector

The Council have long held the view that a positive relationship with the private rented sector is of mutual benefit to both parties and residents of the district. Through programmes to tackle empty homes, prevent homelessness, address issues of low demand and improve housing standards the Council have worked with the privately rented sector to strengthen this partnership and deliver effective solutions.

To achieve this aim the Council supports the Private Landlords Forum that meet periodically to discuss issues of particular relevance to the sector and the Council see this partnership as an important strand of the housing strategy that contributes to improving property standards and management practices across the sector.

### 5.2 Anti-Social Behaviour and Crime

Selective Licensing supports the strategic aims of the Community Safety Partnership to reduce crime and disorder. Selective Licensing works in partnership with the anti-social behaviour team, the Police, and Landlords to encourage and assist Landlords and Agents to deal with issues of ASB and crime.

The licence conditions require landlords to meet the "fit and proper person" criteria. This combined with the other Selective Licensing conditions should help to professionalise landlords within the designation area, and therefore improve housing standards and landlord compliance.

The conditions require a landlord to obtain references for any tenant before starting a new tenancy and to take action against any tenants that they have been informed are involved in anti-social behaviour, and where this is also believed to be criminal activity; are required to report it to the appropriate authorities. These conditions combined should help to reduce levels of crime and ASB within the private rented sector of Netherfield.

### 5.3 Housing Conditions

The designation of the Selective Licensing area will lead to a more collaborative approach to dealing with housing condition matters that might otherwise not have been the case. If the Council receives a housing condition complaint in respect of a property from the Selective Licensing area, the property is inspected under the terms of the Selective Licensing scheme (if it has not already been the subject of such an inspection). The support that the Council can offer to the landlord under the Selective

Licensing scheme fosters more of a partnership approach than going through the traditional enforcement route, which is more formal in nature.

The designation of the Selective Licensing area the Council will require formal enforcement action in a comparatively small number of cases. A collaborative approach developed through the Selective Licensing designation will enable Council officers to work informally with landlords to ensure that, in most cases, any outstanding repairs are completed.

## **6.0 Option Appraisal**

The option appraisal below looks at other powers and projects that are available to the Council with the reasons why they could not replace the proposed Selective Licensing Designation in the proposed areas.

### **6.1 Accreditation**

Accreditation was first introduced in the 1990's mainly in university towns as a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.

Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, and Local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes. Nationally landlord Accreditation is available through the National Landlords Association or the Residential Landlords Association (RLA) who charge landlords to join their schemes.

Locally Gedling Borough landlord accreditation is provided for free via DASH Services (formerly East Midlands Landlord Accreditation Service) based at Derby City Council. Since 2009 only 15 landlords based in Gedling have joined the scheme. It is evident that whilst landlord accreditation can prove successful in improving housing conditions and professionalising the sector that many landlords are not subscribing to accreditation schemes. The proposal to introduce Selective Licensing in the Netherfield the ward will incentivise landlords to become accredited by offering a discount on licence fees and proposed licence conditions requiring landlords to attend training will maximise the impact of landlord accreditation as current voluntary approach is not attracting a sufficient amount of landlords.

### **6.2 Enforcement of Housing Standards**

The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary the Council will serve statutory enforcement notices to ensure the condition is improved.

The number of property inspections, are in the main based upon a reactive service; a service request will be made to the local authority who will then undertake a HHSRS inspection to determine whether action needs to be taken. Whilst this approach does improve property conditions it is sporadic across the District and does not have a concentrated impact in one area. In addition this power does not tackle property management standards. Through the Selective Licensing designation (and beyond) landlords are welcome to attend the regular Landlords Forum meetings which cover all aspects of property management including property condition. Through training, advice and support landlords will recognise what improvements need to be made to their properties reducing the need for action under the HHSRS.

In addition the Council will continue to undertake proactive property inspections in the designation area, offering advice and where necessary taking enforcement action to improve property conditions across the designation area. Improved property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

### 6.3 Management Orders

Part 4 of the Housing Act 2004 introduced the use of Management Orders but these orders should not be used if other enforcement options will remedy the problem. The general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of 5 years.

Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).

This power only deals with individual properties and is resource intensive especially as the Council no longer has any stock of its own. In some cases, even retention of the full rental income may not be adequate to properly maintain and manage the property, in which case, additional costs would end up being borne by the Council tax payer.

This approach does not present a long-term solution to address poor management of privately rented stock as the property is returned to the original owner who may not necessarily have improved their management standards in the interim.

### 6.4 A Private Sector Leasing Scheme

A Private Sector Leasing Scheme is where the Council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The Council then uses the property to provide affordable accommodation for homeless families.

There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

### 6.5 Raising Landlord Awareness

Landlord forums are run twice annually, and newsletters are emailed out to landlords within the area. Through this there is the option of providing landlords with information on how to conduct a tenancy appropriately; the requirements of themselves as landlords; and the options of vetting any prospective tenants in order to reduce the intake of problem tenants within the area.

The problem with raising awareness alone is that there is no obligation for the landlords to listen to the information being presented to them, or to address tenant behaviour and obtain references.

### 6.6 Summary of Options

In summary the alternative options to Selective Licensing would require partial or full funding from the Council, which is ultimately paid for by all tax payers. Selective Licensing will continue to be entirely self-financing, paid for by the licence applicants and not the community. This is an approach which the majority of residents agree with as many of the problems within the area are caused by irresponsible property management practices.

The alternative options do not compel a landlord to address tenant behaviour or ensure landlords seek references when allocating their properties. Existing Selective Licensing schemes elsewhere in the country have proven successful in tackling anti-social behaviour and ensuring problem tenants do not move within the designation area. Landlords will be able to continue to access advice and support from the Council to deal with problematic tenant behaviour. The alternative options do not provide a long-term solution to the training of inexperienced landlords whose business and subsequently the community would benefit from improved management practices. The alternative options are not area based and can only tackle a small number of properties. Selective Licensing tackles all privately rented properties in the proposed designation area. To improve the conditions, standards of management and reputation of the private rented properties in the designation area a collective approach is required; dealing with a small number of private rented properties will not assist in improving conditions.

The other options of accreditation, the enforcement of property standards and management orders will be used not as an alternative to Selective Licensing but as support tools as part of an integrated programme of measures to improve the social and economic conditions of the area. It is thought that in providing the incentive of a

lowered licence fee for accredited landlords there will be an increased uptake of accreditation. The idea behind the reduced fee is to incentivise the uptake of accreditation.

Whilst there is always the risk with Selective Licensing, that landlords may illegally evict tenants, leave the area or try to avoid licensing; through robust monitoring procedures the team will find all privately rented properties and any reports of illegal evictions are investigated immediately and where required sanctions are taken against that landlord.

## **7.0 Why do we need a Selective Licensing Scheme?**

Whilst landlords have engaged with the Council, monitoring of management practices does continue to show that some landlords will “cut corners”. This is often in relation to tenant references and their standards of property management. Landlords are under increased pressure with changes to the benefit system and changes relating to empty properties to minimise void periods and there remains the risk that some managers will revert to irresponsible management practices without the sanction of licensing.

The Council’s Private Landlords Forum, emailed newsletters and regular contact with landlords all indicate the proactive approach the Council has developed to engage with landlords to work with them to develop and improve their management practices. Responsible landlords continue to ask Officers to deal with un-reputable landlords and Selective Licensing is an effective way of dealing with this issue directly.

This proposal has also highlighted a number of other regeneration priorities in the area to tackle empty homes and deliver new housing developments. Selective Licensing is still required to support these physical regeneration activities to ensure poorly managed properties do not undermine this work and dissuade people from moving into the area. Through a balanced, stable housing market the areas have an opportunity to realise potential as a neighbourhood of choice that offers a range of property types and tenures to meet current and future housing demand. Selective Licensing will make a valuable contribution to achieving this potential.

In conclusion to this report the Council has had regard to the legislative requirements for making its proposal and also the guidance in determining the need for the introduction of selective licensing, which was set out in detail in pages 4-6..

This proposal has carefully considered the housing market within the proposed designation area and the Council is of the opinion that the area is suffering from ASB, crime, deprivation and poor housing conditions.

Licensing can help create a thriving sustainable mixed tenure neighbour.

As highlighted previously the Council has had regard to government guidance on selective licensing, the “Evaluation of the impact of HMO Licensing and Selective Licensing” published by the Building Research Establishment on behalf of the Communities and Local Government January 2010, stated that Selective Licensing is a long term strategy and will not provide instant solutions.

In conclusion, based on the evidence contained within this document, the Council proposes that a designation of Selective Licensing in the proposed area is necessary to address the problem of anti-social behaviour, crime, deprivation and poor housing conditions in the area.

## **8.0 How to Respond to the Council’s Proposal to Designate Netherfield as a Selective Licensing Area?**

The consultation exercise will be carried out for 12 weeks from Monday 16<sup>th</sup> October 2017 to Friday 8<sup>th</sup> January 2018. An electronic questionnaire will be made available to stakeholders to seek views on the proposal. The following methods will be used to publicise the proposal and consultation;

- Mailshot to private landlords known to own properties in the ward
- Leaflet to be hand delivered to all residents and businesses within the consultation area
- Press release and advert in to local newspapers
- Posters to be displayed in community buildings and businesses
- Information on the Council’s website and social media platforms
- Community briefing events to explain the proposal
- Adverts on the Councils plasma display screens in the borough
- An advert in the November edition of the Councils Contacts magazine delivered to all residents of the borough.

To respond to the consultation please see the Councils website:

<http://www.gedling.gov.uk/council/haveyoursay/>



## Appendix 1: List of Proposed Fees; Gedling Borough Council

	Fee	Comments
Standard Fee	£675	For non-accredited landlords
Accredited Landlord fee	£650	The proposed licence holder is accredited with either Unipol or DASH
Paper Application Form	Additional £100	For the Council to send out a paper application pack and process the completed paper response, rather than submitting online
Missed Inspections	£50	Failure to attend an agreed inspection a charge shall be levied
Finder's fee	£150	Where the Council has to do more than the normal amount of work to ensure a licence application/renewal is made
Part 1 Housing Act 2004	£350	Not all costs can be recovered from the licence fee. Under part 1 of the Housing Act 2004 (Section 49) the Council can charge for relevant costs linked to enforcement work. NB once an invoice is issued, this charge becomes a local land charge on the property
Application to Vary a Licence	No charge	Includes applications to change the manager, address, number of occupants

Extra Correspondence	£30	Where the Council has to e.g. do more than normal to obtain further information to secure a valid licence application or provide copies of documents requested.
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## **Appendix 2: Fit and Proper Person and Management Arrangement**

### **Fit and Proper Person and Management Arrangement Criteria for Selective Licensing**

Part 3 of the Housing Act 2004 outlines that, when deciding whether to grant a licence or not the local authority (the “Authority”) is required to look at three aspects of the management of the property (the “Property”) and if these are satisfactory then it must grant a licence;

- The proposed licence holder (the “Licence Holder”)
- The proposed manager (the “Manager”) (if a different person from the Licence Holder)
- The proposed management arrangements (the “Property Management Arrangements”)

2. The application will be checked to determine whether;

- The proposed Licence Holder is a fit and proper (“Fit and Proper”) person to be the Licence Holder, and is, out of all the persons reasonably available to be the Licence Holder in respect of the house, the most appropriate person to be the Licence Holder;
- The proposed Manager of the house is either – the person having control of the house, or A person who is an agent or employee of the person having control of the house;
- That the proposed Manager is a fit and proper person to be the Manager,
- That the proposed Property Management Arrangements for the house are satisfactory.
- All persons involved in the management of the property are to be identified and assessed under the Fit and Proper person criteria.

3. The Authority will ensure, through this procedure that:

- Each case will be determined on its own merit; and
- Each specific offence, incident or issue will be considered in terms of its relevance to the holding of a Licence or to management and will take into account the gravity of the offence.

4. Where the information contained in the initial application is insufficient to determine suitability, we may contact the applicant to request further information. Where no other information is available or forthcoming, the Authority can refuse to grant the licence on grounds of insufficient evidence.

#### Definition of Fit and Proper Person Criteria

5. A Fit and Proper person means that they are morally suitable.

6. In determining whether a person is Fit and Proper the Housing Act 2004 Section 89 outlines the test, this includes assessing whether there has been any;

- Offences involving fraud, or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offenders Act 2003
- Unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or disability
- Breaches of housing or landlord and tenant law
- When determining if the person is Fit and Proper the Authority will consider the following;
  1. They are without any significant and relevant convictions, cautions, reprimands and warnings
  2. If involved in managing the house, they have the necessary experience and/or managerial skills and competence to successfully manage the property in accordance with satisfactory Management Arrangements
  3. They are aware of, and sensitive to, the needs of all sections of society;
  4. They are willing to engage with the Authority in the licensing procedure.
  5. They have suitable Management Arrangements and funding arrangements

#### Application process - How we will determine whether a person meets Fit & Proper

The Licence Holder and Manager will be assessed under each of the following categories to determine whether they meet the Fit and Proper person requirements.

*They are without any significant and relevant convictions, cautions, reprimands and warnings:*

- The applicant is to provide copy photo identification, such as Passport or Driving licence of the proposed Licence Holder.

- The applicant is to provide a current Disclosure Scotland for the proposed Licence Holder and Manager.
- Any significant and relevant convictions, cautions, reprimands and warnings showing up under this check will not necessarily mean that an application for licence will be refused. However, the nature of some offences will be viewed more seriously than others. Offences have been categorised into “Category 1”, “Category 2” and “Category 3”, where category 1 is to be regarded as the most serious.

Due regard to the full circumstances surrounding the offence will be given.

*If involved in managing the house, they must have the necessary experience and/or managerial skills and competence to successfully manage the property in accordance with satisfactory management standards:*

- Checks will be made with other departments within the Council in addition with other local authorities, to check the applicant, proposed Licence Holder or Manager regarding performance in handling disrepair complaints, dealing with anti-social behaviour, compliance with legal notices to identify any concerns relating to Management Arrangements.
- The applicant is to provide information relating to out of hours emergencies, anti- social behaviour, tenancy deposits, lettings and repairs reporting procedures.
- The Management Arrangements provided in the application will be assessed against the Property Management Arrangements.

*They are aware of, and sensitive to, the needs of all sections of society:*

- Through the application form, Applicants must demonstrate an understanding of the needs of people from all sections of society.
- That their Property and Arrangements are promoted and accessible to all, without discriminating against race, colour, gender, religion, ethnic or national origin disability (where appropriate) or sexual preference; and are promoted and available to people whose backgrounds may include such circumstances as homelessness, mental health problems, bankruptcy etc., where the provision of support where necessary enables that person to successfully manage their tenancy;
- That all information relating to the tenancy, property and tenant rights and responsibilities is presented in a format accessible and understandable by the individual;

*And*

- That the management of their property does not contravene relevant legislation and standards, such as the Race Relations Act and Statutory Code of Practice on Racial Equality in Housing.

*They have suitable management structures and funding arrangements:*

- The Licence Holder must reside within the United Kingdom.
- In addition to those financial responsibilities outlined in the Property

Management Arrangement, the Authority would expect a successful licence applicant to have suitable funding arrangements in place to effectively deal with repairs etc. when they arise.

- As part of the application process, potential Licence Holders will have to show that they have suitable financial management procedures in place to ensure contingency funds are available for any repair or emergency remedial works needed. Further investigation, for example credit reference checks or examination of bank account statements may be required.

*They are willing to engage with the Authority in the licensing procedure:*

- In addition to assessing compliance with current and previous licence criteria, the Authority will take into account the way in which the applicant has engaged with any previous licensing or enforcement procedures, both within or outside the Authority. The fact that the prospective Licence Holder may have been successful in mandatory licence applications is not sufficient evidence on its own to fully demonstrate engagement with previous application or enforcement processes.

It should be noted that this document and the fit and proper person criteria is not exhaustive and the Authority reserve the right to amend the Fit and Proper Person criteria and the Property Management Arrangements from time to time in line with government directives or through service or policy development. Any amendments, changes to the document or the Criteria will be published and sent to existing Licence Holders and Managers.

## Property Management Arrangements

It is expected that all information for the prospective tenant referred to in this document will be in a format and method understandable to them and makes it possible for queries or concerns to be easily raised.

The Licence Holder and Manager are to ensure that there are satisfactory Property Management Arrangements in place, below are the standards that the Authority require for each property.

### Standard 1 – Letting Practices

Licence Holder or Manager will be expected to demonstrate that they have a letting procedure in place that:

- Actively encourages applicants from all backgrounds and makes clear that prospective tenants will not be discriminated against due to their race, colour, gender, religion, sexual orientation, ethnicity, disability or national origin or age.
- Provides clear information to prospective tenants about the property including rent levels, due dates and increase dates, deposits, receipts, the terms and conditions of the tenancy, charges (including service charges), a rent book and payment methods.
- Includes referencing procedures. These procedures should not merely be

credit references, but should include character references to indicate their suitability as a tenant. Wherever possible references should be obtained from the previous two landlords or, where this is not possible, from an employer, educational professional or other responsible person who knows the prospective tenant well. It is not advisable to rely on references from friends or family members. Home visits should also be carried out to check the tenants housekeeping.

- Provides clear information on who has responsibility for the payment of all utility charges and Council Tax.
- Provides clear information about how deposits are to be held under the Tenancy Deposit Scheme, which was introduced by Part 6 of the Housing Act 2004.
- Ensures prospective tenants are made aware of the standard operating procedures, such as emergency repairs, hours of contact etc.
- Provides the tenant, on receipt of a deposit, with an inventory describing the state of the property and contents. Where practicable, photographic evidence should be included.

### Standard 2 – Creating the tenancy

The Tenancy Agreement issued must comply with current legislation. All parties included in the tenancy agreement should be aware of their rights and responsibility under the agreement and landlords should be able to demonstrate that they have made every reasonable effort to ensure the tenants awareness.

This could include providing clear, written descriptions of:

- The terms on which the property is to be occupied.
- An address in England or Wales for the tenant to use to serve notice.
- Contact details for the landlord, agent or representatives, including emergency and 'out of hours' information.
- Repair-reporting procedures including maximum response times.
- Local facilities and amenities, including refuse collection/recycling days, neighbourhood watch and residents' association details, post offices and shops etc.
- Provision of alley gate keys where applicable.
- The tenancy should contain acceptable behaviour clauses. Tenants should be provided with clear information about the level of behaviour expected of them whilst in the tenancy and their responsibilities both to the property and to their new neighbours and wider community. The information should also include examples of behaviour constituting antisocial behaviour and nuisance, as well as explaining clear consequences of displaying such behaviours.

### Standard 3 – Managing the tenancy

They must make every possible step to ensure their tenants are able to live peacefully within their property. More specifically, they must: ensure any repairs are undertaken within a reasonable timescale; ensure the property is free from disrepair

- Carry out quarterly checks of the property



- promptly tackle any antisocial or nuisance behaviour emanating from the property, whether perpetrated by the tenants or people visiting or living with them; and
- Respect the privacy of the tenant, for example by giving adequate notice and ensuring permission is given (usually no less than 24 hours) before access to the property is needed.
- Tackle any breaches of the tenancy agreement promptly, and take any necessary action.

#### Standard 4 – Tackling Antisocial Behaviour

The Authority recognises the difficulties faced by private landlords in addressing issues of antisocial behaviour, particularly relating to Possession Proceedings.

- The tenancy should contain acceptable behaviour clauses. Tenants should be provided with clear information about the level of behaviour expected of them whilst in the tenancy and their responsibilities both to the property and to their new neighbours and wider community. The information should also include examples of behaviour constituting antisocial behaviour and nuisance, as well as explaining clear consequences of displaying such behaviours.
- Ensure there is a clear procedure for dealing with ASB, including warning letters, home visits and an escalation process.
- Landlords and Agents should seek advice from the Authority as soon as they become aware of nuisance or antisocial behaviour being perpetrated by their tenants or people visiting or living with them.
- The Authority and partners will work with landlords, managers and agents to develop an appropriate course of action for each case. This could include referral to mediation services, requesting action to regain possession of the property, the provision of a support service to the tenant.
- Where complaints against the property continue, Licence Holders and Managers will be requested to demonstrate measures undertaken to address the issues.
- Good references for tenants that have caused ASB should not be provided, in order to move a tenant on. Landlords, Managers and agents must always provide accurate and honest references to other landlords or agents on request.

#### Standard 5 – Ending a tenancy

Licence Holder or Manager must be able to demonstrate a satisfactory understanding of relevant legislation and procedures.

Unless a tenant clearly surrenders the property or the tenancy is ended by mutual agreement evidenced in writing, the correct legal notice must be served in order for the landlord to regain possession of the property. If the tenant fails to leave the property following the granting of a possession order, a Bailiff's Warrant must be obtained in order to evict the tenant.

The authority expects applicants, Licence Holders and managers to be able to evidence that:

- They will comply with current legislation in order to gain possession of the property.
- Tenants are issued with clear information regarding the arrangements for bringing the tenancy to an end. This information must include clear guidance regarding the condition of the property expected at the end of the tenancy and the consequences of failing to meet this standard
- That the Tenancy Deposit Scheme is used to promptly and efficiently return deposits and that any deductions are justified with evidence of expenditure, made available to the tenant.

#### Standard 6 - Other relevant issues

In addition to the specific standards outlined above, the authority may take into consideration the following points:

- That the Licence Holder or manager be suitably located to the licensable property to ensure adequate management, especially with regards to accessing the property, arranging repairs and being available to the tenants. Whilst each application will be considered individually, it is the view of the Authority that it is difficult to successfully manage a property when the landlord or agent are based a significant distance away, particularly overseas. In such circumstances, the Authority would expect a local managing agent to be employed, within 40 minutes' drive of the property.
- That the applicant, landlord, manager or agent has a significant history of legal notices, work in default or enforced sales. Such a history will be considered to be an indication of poor management in relation to repairing obligations.
- That the applicant, landlord, manager or agent has no significant history of frequent and substantive complaints and/or successful civil actions relating to the unreasonable withholding of deposits. Such a history will be considered to be an indication of poor management in terms of collection and return of deposits.

That the applicant, landlord, manager or agent has no history of frequent and substantial complaints from tenants relating to conduct considered constituting harassment or attempted or actual unlawful eviction. Such a history will be considered to be an indication of unsatisfactory management arrangements.

- That the applicant, landlord, manager or agent has not breached any current or previous management regulations applicable to HMOs. Any such breach will be considered to be an indication of unsatisfactory management arrangements.

## **Appendix 3: Proposed Licence Conditions for Privately Rented Houses**

*\*Indicates a statutory condition as prescribed by the Housing Act 2004*

### **A. Gas, Electrical and Fire Safety**

#### **Gas Safety**

1. Where gas is supplied to the house, the licence holder shall ensure that all gas installations and appliances are in safe condition at all times and that an annual gas safety check is carried out by a Gas Safe registered engineer. The licence holder shall provide a copy to all tenants/occupiers at the beginning of their tenancy, and keep a written record that it has been provided. \*
2. The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within 7 days of the council's demand. \*

Details of Gas Safe engineers can be found at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

#### **Safety of Electrical Appliances**

3. The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times. \*
4. The licence holder shall ensure a record of visual inspection and tests of such appliances is maintained and shall submit this record to the council within 7 days of the council's demand.
5. Within 7 days of the council's demand, the licence holder shall supply a declaration as to the safety of electrical appliances made available by him at the house. \*

#### **Safety of Electrical Installations**

6. The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order at all times. The licence holder shall ensure that a

satisfactory Electrical Installation Condition Report (EICR) or Electrical Installation Certificate (EIC) is produced at intervals of no more than 5 years or more frequently if indicated on the previous report and supply the most recent EICR or EIC to the council within 7 days of the council's demand.

### **Smoke Alarms/Fire Detection Systems**

7. The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the house and is maintained in proper working order. As a minimum, there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation. \*

8. The licence holder shall ensure that where the current BS 5839 (or any British Standards which subsequently replaces this) requires the fire alarm system to be tested in accordance with it that they system is so tested, inspected and serviced by a competent person and that copies of testing certificates shall be supplied to the council within 7 days of the council's demand.

9. The licence holder shall supply a declaration as to the condition and position of any smoke alarms/detectors in the property within 7 days of the council's demand. \*

### **Emergency Escape Lighting**

10. The licence holder shall ensure that any emergency escape lighting in the house is inspected, tested and serviced by a competent person in accordance with BS 5266-1:2012 (or any British Standard which subsequently replaces this.) Copies of testing certificates shall be provided to the council within 7 days of the council's demand.

### **Furniture and Furnishings (Fire Safety)**

11. The licence holder shall ensure that the furniture made available by them at the house is kept in a safe condition as all times. \*

12. The licence holder shall supply a declaration as to the safety of the furniture made available by him at the house within 7 days of the council's demand. \*

### **Carbon Monoxide Alarms**

13. The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall or landing are all treated as being a room used as living accommodation. \*

14. The licence holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the property within 7 days of the council's demand. \*

## **B. Property Management**

15. The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to

deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 22.

16. The licence holder must ensure that:

- a) The property is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers and visitors to the property (as required by part 1 of the Housing Act 2004)
- b) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.
- c) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.
- d) Gardens, yards and other external areas within the boundary of the property are kept in a clean and tidy condition and free from rodent infestations at all times.

17. The licence holder shall ensure the property is secure by complying with the requirements of paragraphs a) to g) below:

- a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.
- b) The security provisions for the access to the property (locks, latches, deadbolts and entry systems etc.) are maintained in good working order at all times;
- c) Where window locks are fitted, that keys are provided to the occupant(s) of the property;
- d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed;
- e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in;
- f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers' access;
- g) The main escape route (usually the front door) must be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock must comply with fire safety requirements in that it shall be openable from the inside without the use of a key.

### **Dealing with Rubbish:**

18. The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:

- What day refuse collections take place
- What type of bins to use for household and recycling waste
- Details of the council's bulky waste collection service
- The occupier's responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers within the boundary of the property by 8am the day after they are emptied

- That occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal
- The licence holder shall ensure so far as is reasonably possible, that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions him/herself.

19. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the house. This shall include a closable bin(s) of suitable capacity as specified by the council.

### **Property Inspections**

20. The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required the licence holder must ensure that any notice requirements contained in the tenancy agreement are complied with. Where the tenancy agreement does not contain any such requirements, the licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. The only exception when it would not be reasonable to give such notice and access is urgent, e.g. in an emergency.

21. The licence holder shall ensure that inspections of the property are carried out at least every six months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement, the record must contain a log who carried out the inspection, date and time of inspection and issues for an action(s) taken. Copies of these must be provided within 7 days of the council's demand.

### **C. Tenancy Management**

22. At the beginning of a new tenancy, the licence holder must provide the occupier(s) with written information, including contact details, explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs. The contact and telephone number details should be applicable for contact between 9am – 5pm Monday to Friday and should also include out of hours contact details for use in emergencies. Any change in contact and/or telephone number details should be provided to occupiers within 24 hours of the changes being made. Copies of the written information provided to tenants must be provided within 7 days of the council's demand.

23. The licence holder shall indicate to the occupier(s) how they intend to respond to the complaint including a timescale for the steps they intend to take.

24. The licence holder shall respond to any complaint within a reasonable timescale. Copies of all correspondence relating to complaints shall be retained during the currency of the occupation and for 6 months thereafter and shall be provided to the council within 7 days of the council's demand.



25. The licence holder must provide the tenant with an information pack containing the following details:

- a) A true copy of the licence to which these conditions apply.
- b) A notice with the name, address, day time and emergency contact number of the licence holder or managing agent.
- c) Where appropriate, true copies of the current gas, electrical safety and energy performance certificates.
- d) The information required by conditions 18, 22 and 26.

26. The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it. This statement shall be provided within 7 days of the occupancy beginning and the licence holder shall supply a copy of the written statement within 7 days of the council's demand. \*

27. The licence holder shall comply with all relevant landlord and tenant law shall ensure that all legal processes are followed when requiring occupiers to leave. If a complaint of illegal eviction is made to the council, the licence holder shall provide information as to the steps taken to evict an occupant within 7 days of the council's demand.

28. The licence holder shall demand references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Copies of these references shall be kept for the duration of this licence and made available to the council within 7 days of the council's demand. \*

29. The licence holder shall ensure there is suitable and sufficient buildings insurance in place for the duration of this licence. This should cover the costs of re-housing occupiers in the event of a need arising.

30. Before a new tenancy is issued the licence holder/agent should carry out an inventory and document it with photographs (where appropriate). Both the licence holder and the tenant shall date and sign the inventory and each retain a copy.

31. Where a deposit is taken the licence holder must provide any tenant with the relevant information about the deposit scheme to which it relates and any other information required under section 213 of the Housing Act 2004. The information must be provided to the council within 7 days of the council's demand.

#### **D. Tackling Anti-Social Behaviour**

32. The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to anti-social behaviour. These include written tenancy management arrangements to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council's demand. If the licence holder or manager / agent receive complaints of anti-social behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (i) below:

- a) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept by the licence holder.

True copies of the original document should be provided to the Council within 7 days on demand.

- b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour.
- c) If a complaint is received, or anti-social behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation.
- d) From the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour and take all necessary steps to establish if it is continuing.
- e) Where the anti-social behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.
- f) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.
- g) If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).
- h) Where the obligation under (g) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps he proposes to take, and the timescale for taking those steps, in order to resolve the problem.
- i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (h) above, or generally.)

There may be instances where anti-social behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.

## **E. Change of Details or Circumstances**

33. The licence holder must inform the council within 21 days of any material change in circumstances including:

- a) Change of their address
- b) Change of manager, management arrangements or ownership
- c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law.

- d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

## **F. Licence Holder Training**

34. Where the licence holder has not attended relevant training in the previous 3 years, they must as a minimum attend suitable training on the law and legal requirements relating to managing privately rented housing within 12 months of the date the licence is issued. This requirement can be satisfied in one of the following ways:

- a) By attending a one-day training course arranged and delivered by the Council or our accreditation partner DASH Services and submitting a certificate to the Council following this training. Visit [www.dashservices.org.uk](http://www.dashservices.org.uk) or call 01332 641111 to arrange this.
- b) By completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.
- c) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

## **G. Interpretation**

35. Where reports, certificates, declarations or other documents are required to be produced or supplied to the Council, this shall mean sending by email (preferred method), post or delivering by hand, declaration to the Council's offices for the attention of the Housing Licensing and Compliance team.

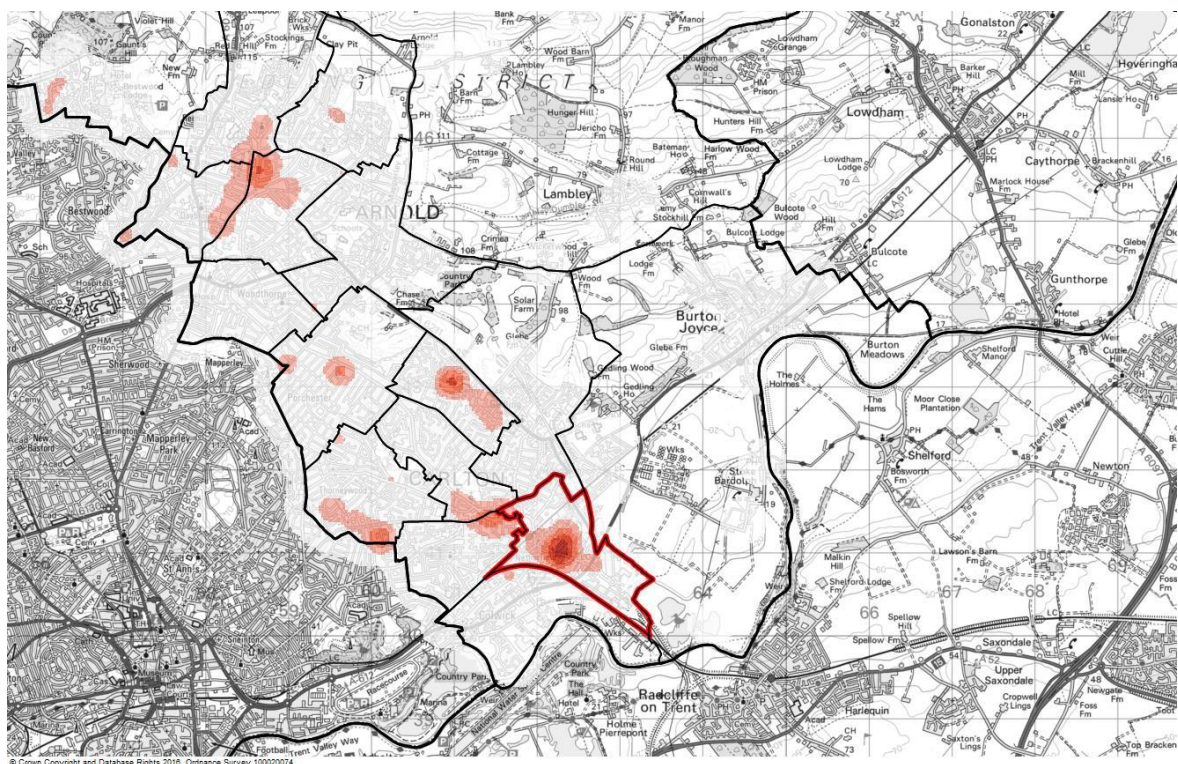
36. Any reference to tenant or tenancy can also be interpreted to include occupancy by licence or other form of written agreement for the purposes of these conditions.

37. Where electrical works/certificates are required they shall be carried out by a suitably qualified electrical contractor who should be registered/member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at [www.competentperson.co.uk](http://www.competentperson.co.uk)

## Appendix 4: Anti-Social Behaviour

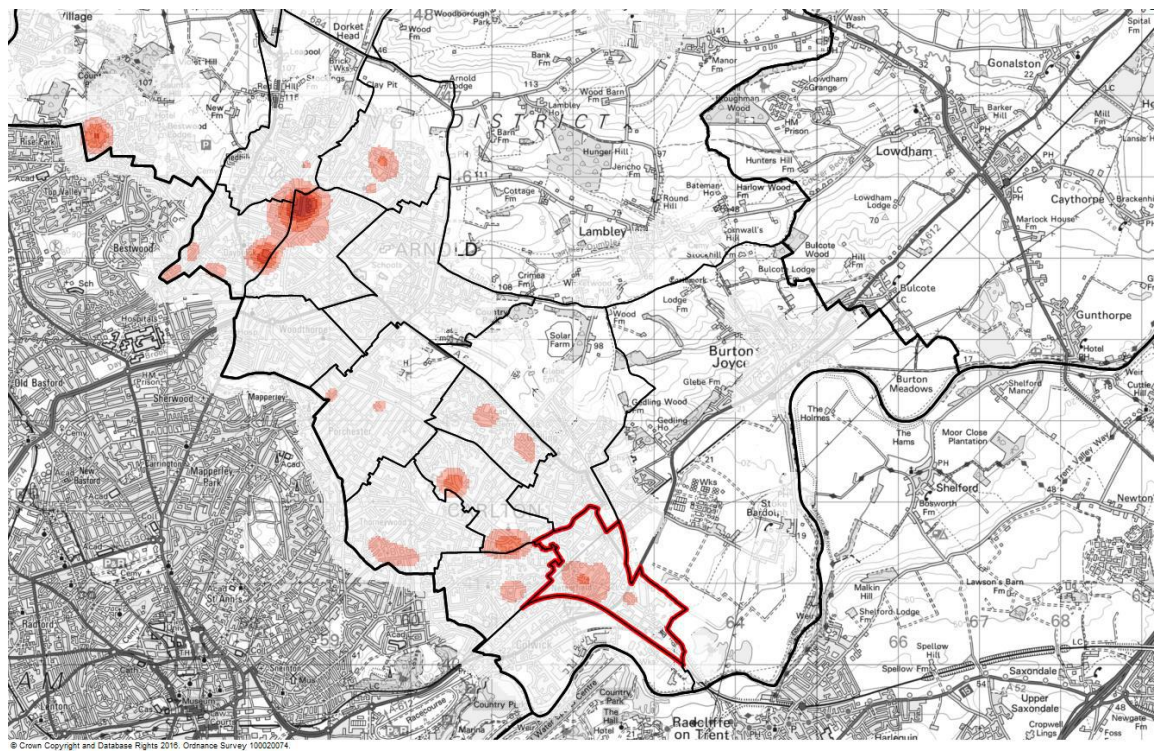
The following maps are each calendar year mapped in Kernal density hotspot software to identify areas where concentration and proximity are the highest, highlighted by the dark red.

**2012**

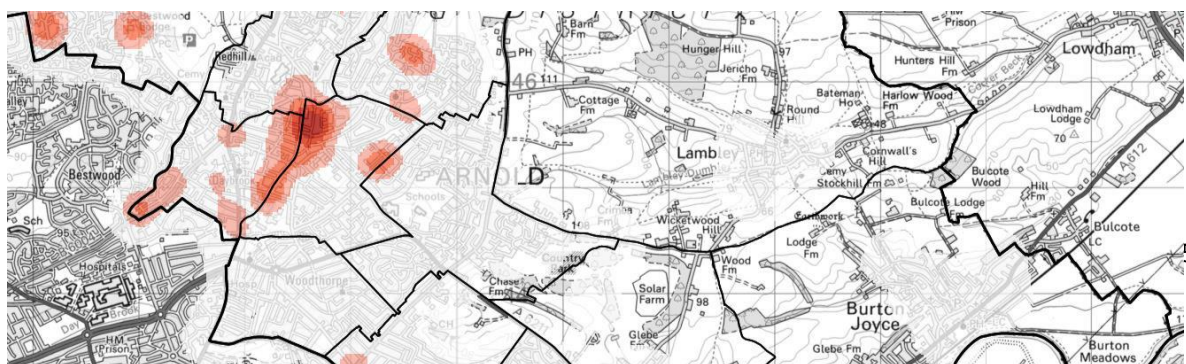


**2013**



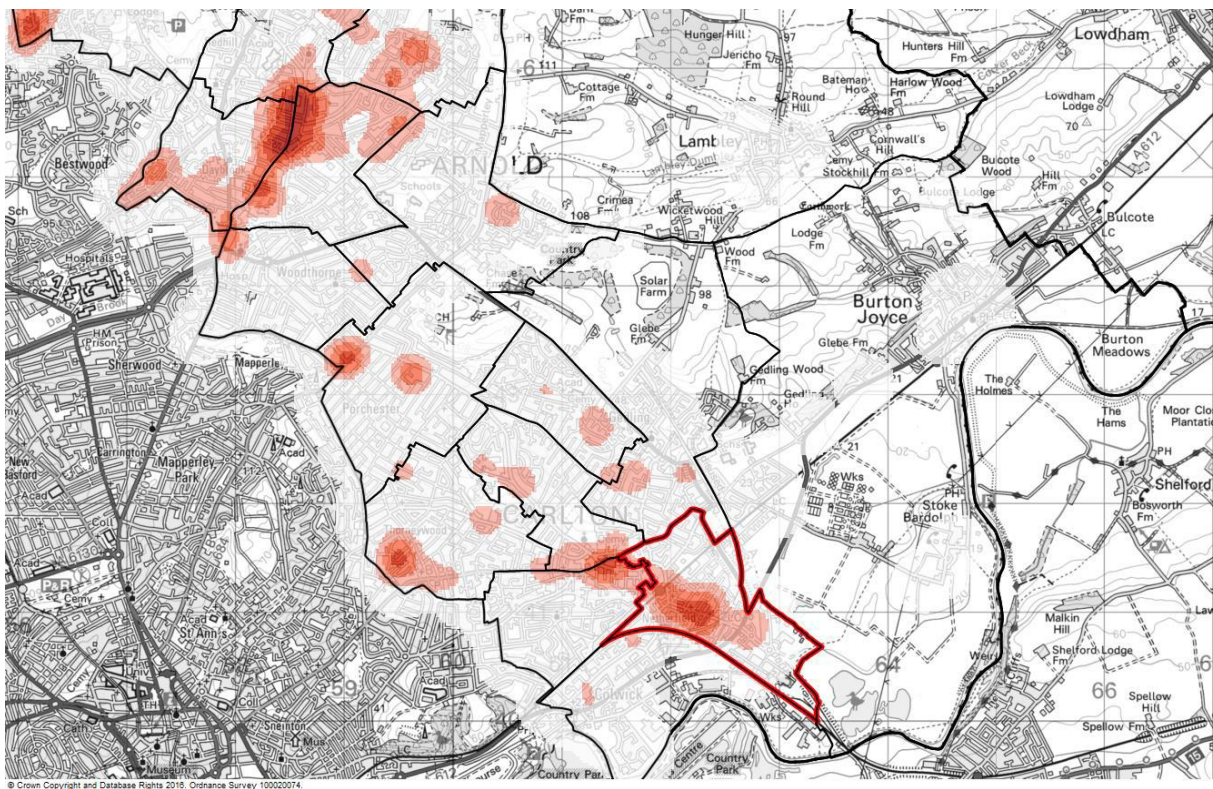


2015





**2016**



**Part B: Netherfield Ward only ASB hotspots**

**2012**







2014



2015



2016

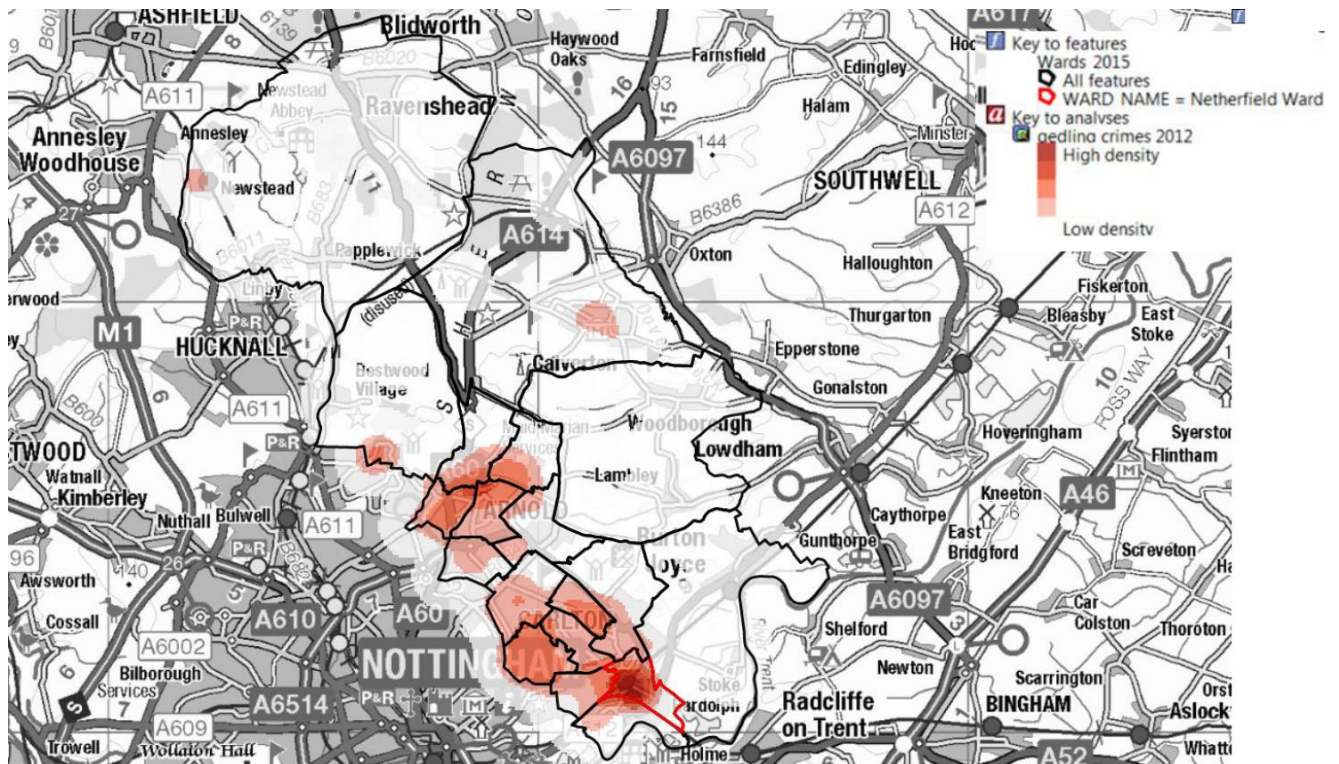




## Appendix 5: Crime

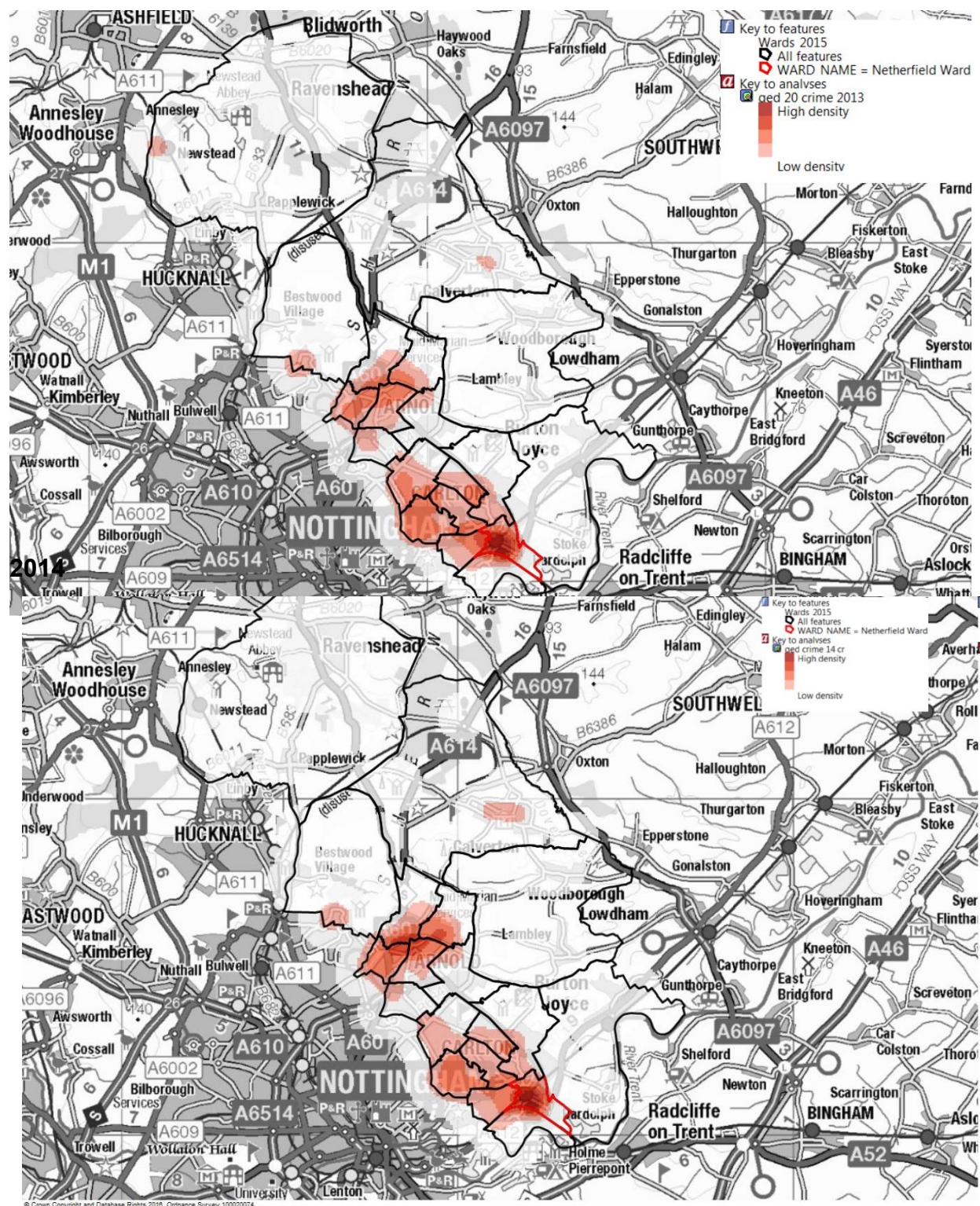
The following maps are each calendar year mapped in Kernal density hotspot software to identify areas where concentration and proximity are the highest, highlighted by the dark red.

**2012**





2013

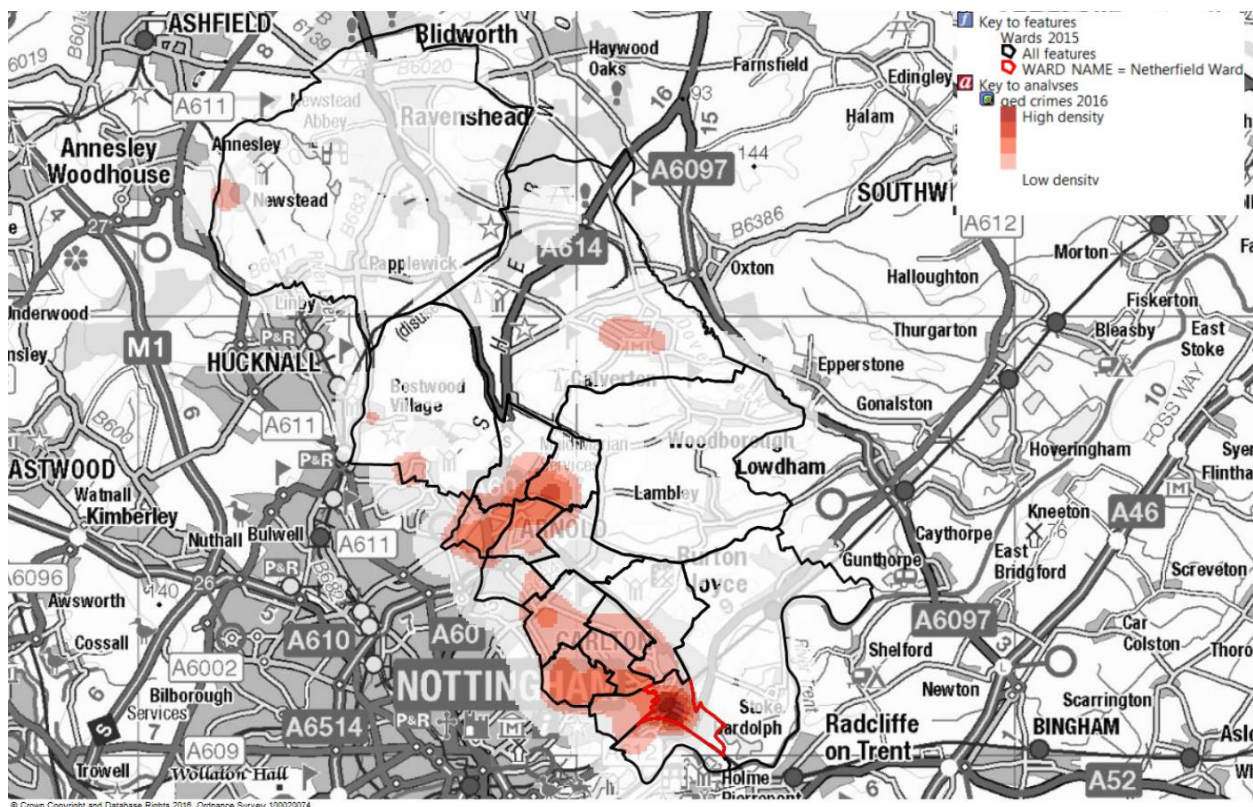


2015





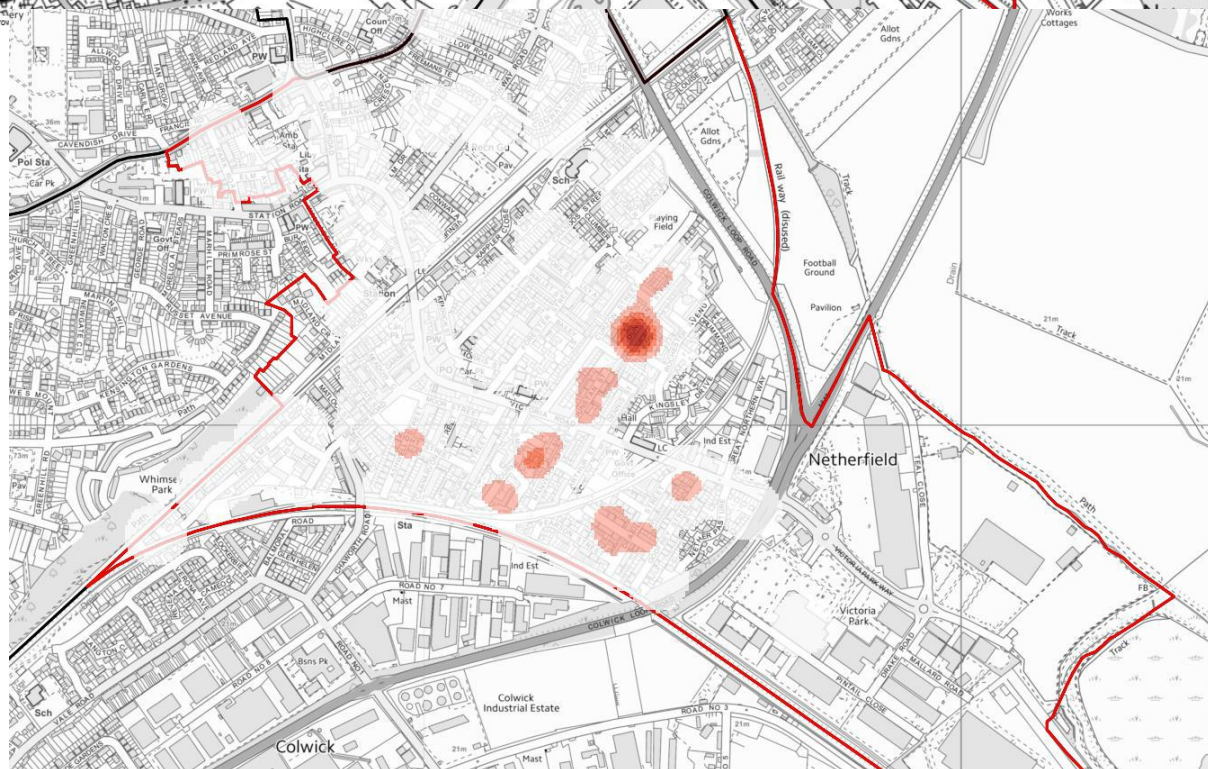
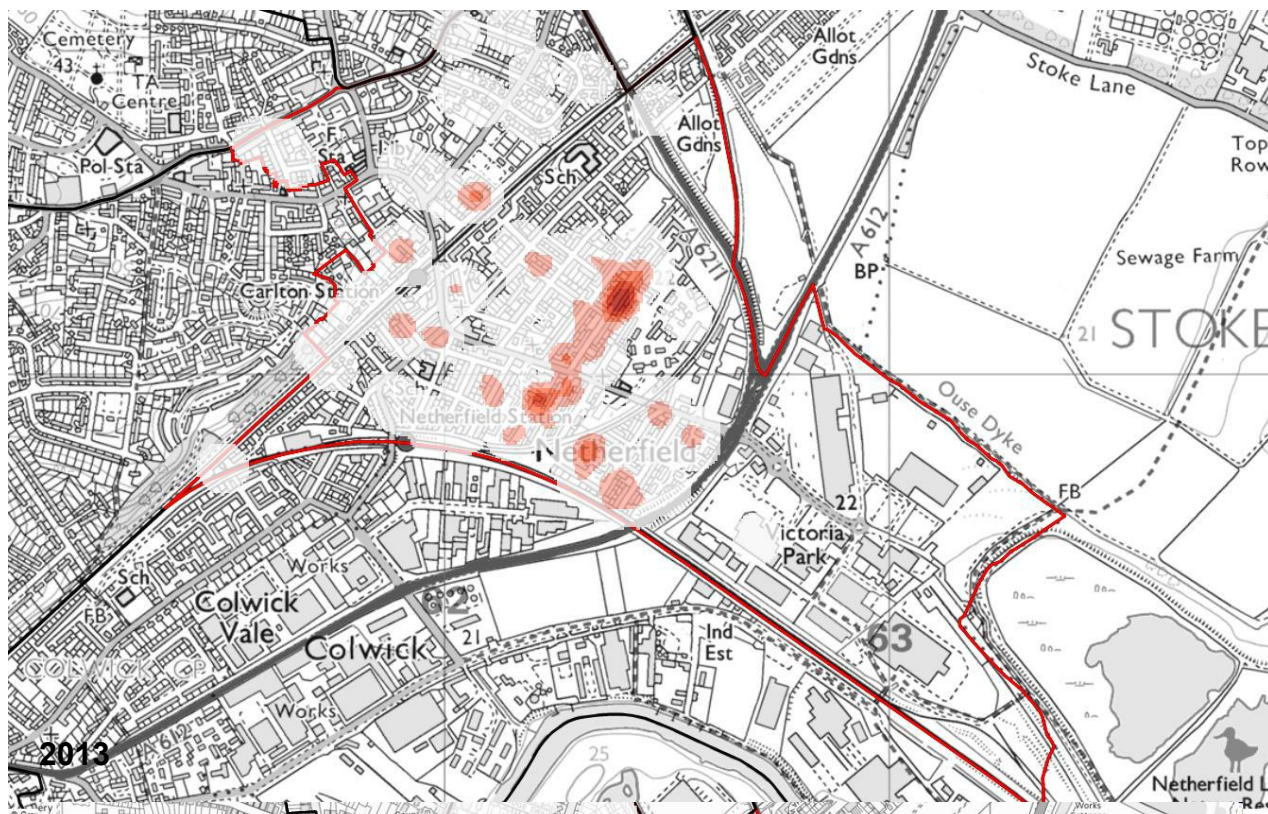
2016



## Part B: Netherfield Ward only – Crime Hotspot Locations

2012



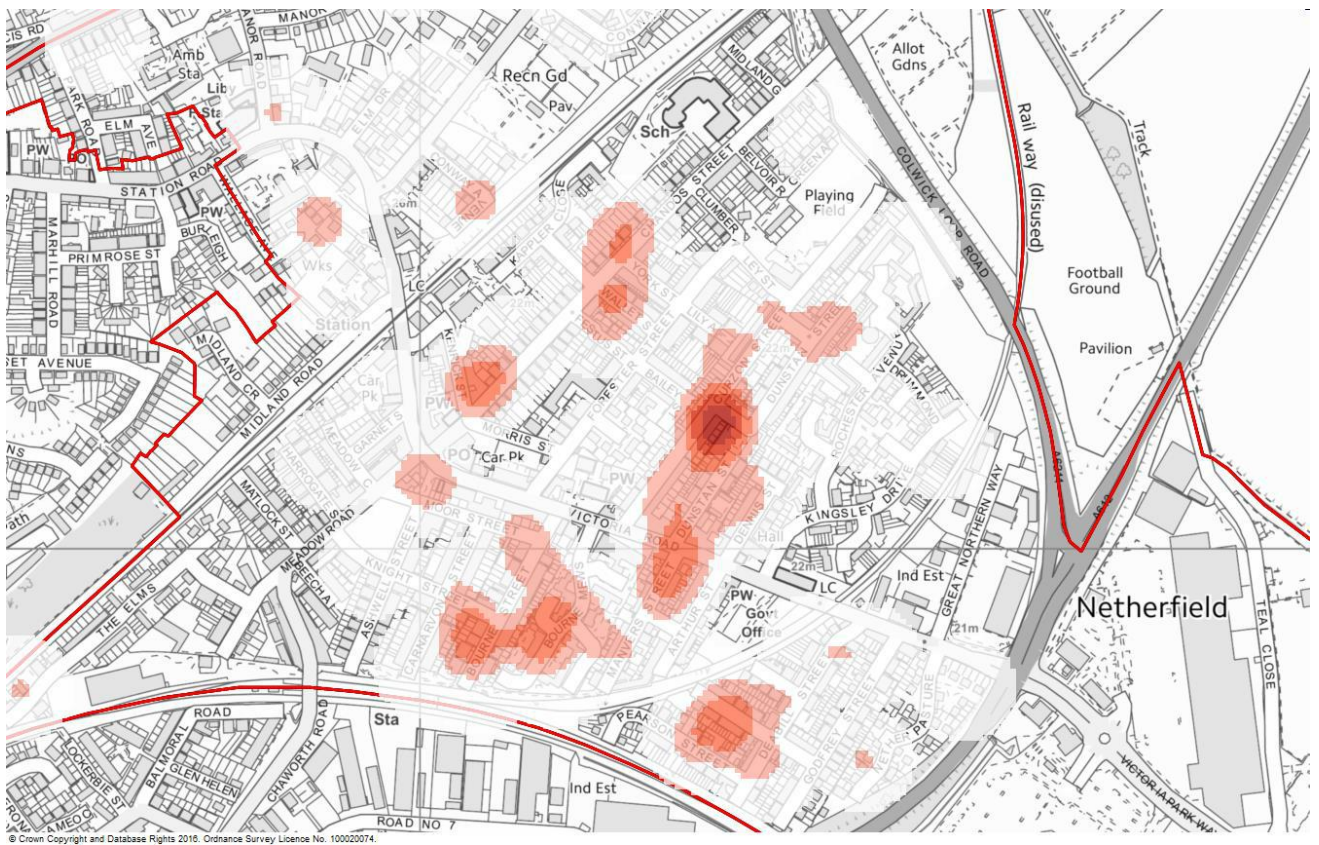


2014





2015



2016



