



# Netherfield Selective Licensing Scheme Review & Phase 1a Proposal to declare a Selective Licensing Designation within the Private Rented Sector



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**Gedling**   
Borough Council

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## 1. Executive Summary

The introduction of selective licensing is a discretionary tool available to local authorities (introduced via the Housing Act 2004) which requires all private rented homes within a designated area to be licensed by the council. The council exercised these powers and designated its first ever selective licensing scheme covering all private rented homes in the Netherfield ward between 1<sup>st</sup> October 2018 and 30<sup>th</sup> September 2023.

This document seeks to review the information available to the council as a result of the Netherfield selective licensing scheme and as required by the Secretary of State's guidance seeks to set out whether the scheme has achieved its objectives.

The objectives of the scheme were:

- 1) To address poor housing conditions
- 2) To introduce a mechanism to address antisocial behaviour associated with private rented homes
- 3) To introduce a mechanism to address crime associated with private rented homes
- 4) To introduce a scheme that contributes to addressing deprivation
- 5) To see improvements in property management

The core objectives of the scheme were to address poor housing conditions and see improvements in property management. As detailed in the review 81% of properties inspected (414 homes) were found to require essential works under the housing health and safety rating system. 184 homes were improved as a direct result of the scheme with landlords, the council, tenants and contractors working together to achieve property improvements. 52 homes were identified to have imminent health and safety issues requiring urgent attention to address hazards to protect the health and safety of tenants. Without the scheme the majority of these tenants would have continued to live with these hazards which could have led to injuries in the home increasing the demands on NHS or Fire and Rescue Service colleagues.

The implementation of selective licensing in Netherfield introduced prescribed management requirements as set out in the licensing conditions and through the process of administering licence applications the council ensures the appropriate management arrangements are in place, the landlord or person(s) in control are deemed fit and proper and compliance with legal obligations are achieved. The scale of improvements in housing conditions would not have been possible without the introduction of the scheme.

The evidence available to the council shows the scheme has either made good progress towards or has fully achieved its objectives. The document sets out at the end a proposal to renew the scheme and designate a Netherfield Phase 1a selective licensing scheme subject to approval by the council's Cabinet and a public consultation.

## 2. Introduction

This document sets out the council's review of the Netherfield selective licensing scheme which required all private rented homes in the ward to apply for a licence from the council between 1<sup>st</sup> October 2018 to 30<sup>th</sup> September 2023.

The review has gathered information collated by the council and police since the scheme was introduced along with analysing publicly available data. The council data has been analysed and collated from the full 5 years of the scheme. The police data was collated and analysed from 4 full calendar years between 2019 and 2022 and does not cover 2018 or 2023 as only full calendar years when the scheme was in operation were analysed in preparation of this review.

The review seeks to consider and present this information and based on findings make proposals for the future of selective licensing in the Netherfield ward.

## 3. Background to Netherfield Selective Licensing Scheme

Gedling Borough Council introduced selective licensing into the Netherfield ward on 1<sup>st</sup> October 2018 following a public consultation and designation by the council's Cabinet on 8th March 2018.

The scheme required all private rented landlords in the ward to apply for a licence from the council. The scheme was introduced in accordance with the Secretary of States guidance to local authorities and the council was satisfied that the grounds for introducing a scheme were met. These were:

- Poor Housing Conditions
- High Levels of Antisocial Behaviour
- High Levels of Crime
- High Levels of Deprivation

The core aims of the scheme were to improve housing conditions and property management in the ward and this review also seeks to consider if wider improvements were achieved relating to antisocial behaviour, crime and deprivation as outlined in the scheme objectives in section 5.

## 4. Licence applications and enforcement process

A key principle of the Gedling Borough Council selective licensing scheme is its ambition to inspect properties after the landlord or agent has applied for a licence. The inspections are used to assess property management and to identify if there were any significant hazards in the home which would need to be addressed using separate powers under Part 1 of the Housing Act.

Working with landlords, agents and tenants the council to date has issued licences for 709 properties and has completed 514 property inspections. This figure is broadly in-line with the forecast 635 licensable properties anticipated prior to the scheme commencing. The council has made attempts to inspect all properties subject to a

licence application but in some cases access has not been forthcoming, should the council introduce a further scheme the uninspected properties from phase 1 would be prioritised.

The council's approach to enforcement is set out in the Public Protection Service Enforcement Policy Statement and the Private Sector Housing Enforcement Policy which are drafted in accordance with government guidance. In line with the council's enforcement policies officers seek to work with landlords and agents informally in the first instance to achieve compliance and therefore the levels of formal enforcement action associated with the scheme remain relatively low. Seeking improvements to homes using informal means such as advice or guidance verbally or via written means such as emails or letters is an effective approach and reduces the burden and costs incurred on landlords through the council's enforcement action and also makes effective use of the council's staffing resource. This means that property improvements can be achieved alongside inspections and administering licence applications.

The council also bases its enforcement action on risk and where significant risks are evident and if action is not forthcoming the council will seek to use more formal approaches. Linked solely to the Netherfield scheme the council has served 6 enforcement notices to achieve compliance including 3 improvement notices, 2 emergency prohibition orders, 1 prohibition order. The council has carried out works in default on 2 properties where the landlord has either not complied with the notice or urgent action was not forthcoming to address imminent hazards to the safety of the tenants or visitors to the properties. The council has also carried out a number of investigations into unlicensed properties and taken formal action via the issuing of civil penalty notices which we have found to be an effective tool to deal with these offences.

The council has promoted the selective licensing scheme with the support of local media, the council Contacts magazine delivered to every household in the borough and using its social media platforms. At the start of the scheme the council also wrote to any landlords and agents it became aware who might have properties requiring a licence to give them opportunity to apply. In the majority of cases this approach has been successful in achieving a high number of applications and the council has issued 709 licences ensuring compliance with the scheme. In a few cases licence applications were not received and the council has sought to take enforcement action. A number of cases are still ongoing but to date as an alternative to prosecution 9 civil penalties totalling £20,937 associated with 17 properties have been issued.

## 4.1 Impact of covid 19 pandemic

The global coronavirus pandemic has had some unfortunate impacts on the scheme when it arrived in the UK winter 2019/20. This was the biggest public health crisis in a generation and in order to protect public health the UK Government implemented a series of restrictions on the public and businesses to minimise the spread of the virus. This included a series of national and local 'lockdown' periods where the public were required to stay home the majority of the time unless working in certain sectors. In accordance with Government guidance and restrictions the selective licensing

home inspections were suspended in March 2020 and not resumed until restrictions were lifted. Initially in the early part of 2021 inspections were arranged on a voluntary basis where tenants were happy to accept inspections of their home and they did not resume fully until July 2021. This meant that for the best part of 15 months the progress on inspections slowed and a considerable backlog of inspections grew which had to be picked up after normal life resumed after the pandemic.

When designating the selective licensing scheme the council could not have foreseen the global pandemic emerging midway through the scheme nor could the council have anticipated the impact the pandemic would have on society. The aftermath of the pandemic has presented significant global economic challenges which have had an impact on public services, businesses and families. Since late 2021 a 'cost of living crisis' began to emerge in the UK as the price of goods and services rose resulting in an increase inflation. This is in addition to house prices for the rental and sales sector increasing significantly. Whilst the economic situation will have had a significant impact on deprivation, having a scheme in place does offer protection to tenants at a time when choices are being made about how private rented homes are managed, maintained and let to tenants.

## 5. Objectives of Netherfield Selective Licensing Scheme

### 5.1 Objective 1 – To address poor housing conditions

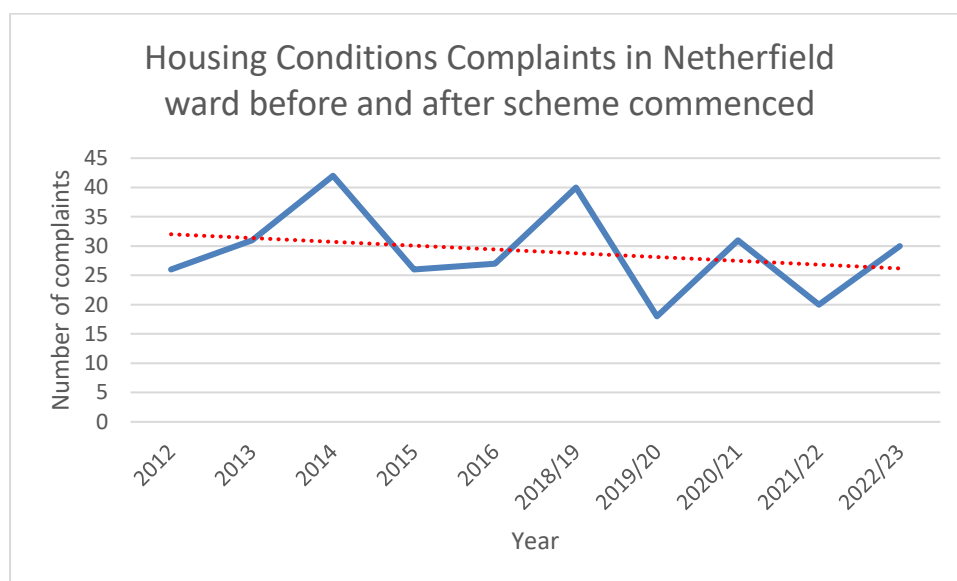
As set out in section 4 a key ambition linked to the Netherfield selective licensing scheme is the inspection of properties which is used to achieve compliance. As result of property inspections officers found that 81% of inspections identified (414 homes) as having hazards under the Housing Health and Safety Rating System (HHSRS) requiring essential works. These commonly related to damp and mould, excess cold and fire safety hazards. It must be stressed that these are hazards that tenants were living with that could potentially lead to harm. In the first instance the council would generally write to the landlord or agent outlining what hazards had been identified and requesting a proposal from them on what action they intend to take over a reasonable period of time. The council will then work with the landlord to monitor progress and ensure works are complete dependent on the severity of the risks that defects present.

Imminent issues that presented an immediate serious risk to health and safety of the occupiers or visitors were identified in 52 properties. In these cases if immediate action was not forthcoming these would have resulted in enforcement action due to the seriousness of the hazards. Most common imminent issues relate to fire safety hazards i.e inadequate smoke detection, inadequate means of escape in the event of a fire. Swift action has been required and some of the steps taken have included tenants sleeping in alternative rooms that do have a safe means of escape until works are completed, installation of fire detection, provision of fire escape windows and modifications to protected means of escape. The vast majority of these cases have been resolved with the co-operation of the landlord and agent to complete works. A small number as detailed previously have resulted in enforcement notices

and 2 cases resulted in the council completing the works in default and recovering the full costs from the landlord.

An indicator which is collated by officers following inspections is the number of homes that have had HHSRS hazards remediated. This is reported as a result of the council interventions and only includes homes where evidence of works completed have been received or witnessed by council officers. In Netherfield since the scheme started this figure stands at 184 which further supports the objective that the poor housing has been improved as a direct result of the scheme.

Another interesting metric the Council collates is the number of complaints received about the condition of rented housing in the ward. Analysis has been carried out of complaints in the 5 years before the scheme was introduced 2012-2016 and the 5 years since 2018/19 -2022/23. Graph 1 below illustrates the before and after comparison.



Graph 1. Housing Conditions complaints before and after scheme commenced.

Graph 1 shows a line graph illustrating the number of complaints for 5 years before the scheme was introduced and then 5 years during the selective licensing scheme period. The dotted red line is a trend line which shows a line of best fit illustrating the number of complaints are on a downward trajectory. When comparing the data used for graph 1 - the total number of complaints in the 5 years before the scheme and the 5 years after the scheme it shows that complaints have fallen by 8%. When comparing the peak year (2014) with the last full year (1<sup>st</sup> October 2022 to 30<sup>th</sup> September 2023) complaints have fallen by 29% from 42 down to 30 complaints in the year. This is a significant drop in the ward but is still higher than the other wards in the borough.

When comparing to other ward data, Netherfield remains the highest in terms of complaints about housing conditions. It is interesting to note that while numbers in 2021/22 fell in Netherfield, in the Newstead Abbey and Phoenix wards there was an increase in the number of housing conditions complaints received.



In terms of the objective 1 the evidence collated from the scheme confirms there is poor quality housing in the Netherfield ward that presents a hazard to the occupiers or visitors. Progress has been made to improve this poor housing but it still remains a cause for concern as even in the final year of the scheme significant hazards are being uncovered. Due to the nature and type of the housing stock in the ward there is evidence to suggest that properties require ongoing maintenance to comply with minimum legal standards which are getting increasingly tighter in terms of energy efficiency and the potential introduction of the decent homes standard for the private rented sector currently under consideration by Government.

Following the tragic death of Awaab Ishak the central government has produced updated damp and mould guidance for private rented properties and has tasked local authorities with taking a more proactive and robust approach to damp and mould. Selective licensing schemes are an effective tool to help achieve this and in turn help to safeguard more vulnerable residents of the borough from the risks of damp and mould.

## 5.2 Objective 2 – To introduce a mechanism to address antisocial behaviour associated with private rented homes

The introduction of selective licensing in Netherfield required all private rented homes to be licensed by the council. Each licence has standard conditions requiring landlords or agents to ensure that all reasonable and practicable 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. If complaints are received about antisocial behaviour the tenant must be written to and advised of the consequences if the behaviour continues.

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.

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.

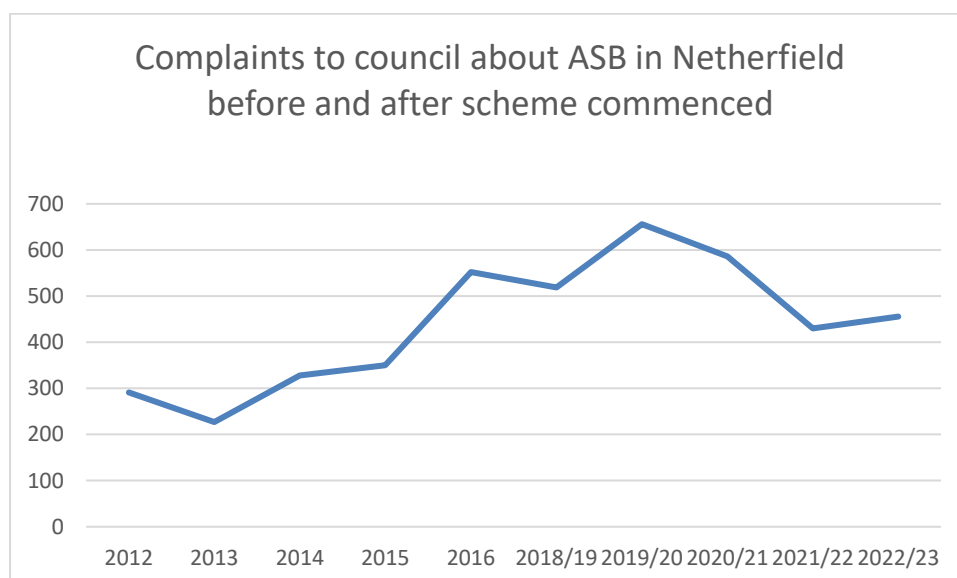
If after 14 days of giving a warning letter the tenant has failed adequately to address the anti-social behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).

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.

The council received feedback during previous selective licensing consultations that landlords cannot be held responsible for the behaviour of their tenants. Addressing ASB is often a complex process which requires the work of numerous different parties. Our dedicated ASB team work hard trying to address issues on a daily basis and more often than not successful interventions require the input of multiple stakeholders. The council believes that the landlord is a significant stakeholder in the process of addressing ASB within a privately rented property. The selective licensing conditions do not put all responsibility for dealing with ASB onto the licence holder, they purely require that the licence holder engages in the process of addressing any ASB that may be reported. These licence conditions are very extensive and introduce a robust mechanism to address antisocial behaviour which does not exist where a selective licensing scheme is not in operation.

The council and Police operate a fortnightly operations meeting where crime and antisocial behaviour priorities are discussed and can include planning for licensing inspections, sharing intelligence and opportunities for joint working to address antisocial behaviour. This partnership infrastructure is effective in identifying issues at an early stage and problem solving and is less effective in areas without selective licensing as much less information is available about property tenure and those in control. An example of partnership working to tackle antisocial behaviour is illustrated in the case study 4 in section 6 of this review.

Measuring levels of antisocial behaviour is relatively subjective and can vary according to perception. One metric which can provide an indicator is the number of complaints. Graph 2 below illustrates the number of complaints about antisocial behaviour in Netherfield before and after selective licensing was introduced.



Graph 2. ASB complaints to council before and after scheme commenced

Graph 2 shows that when comparing complaints in 5 years before the scheme and 5 years after it commenced there was overall a 44% increase in complaints. This trend is reflected across the borough as during 2019/20 and 2020/21 when the coronavirus pandemic emerged and more people were restricted to being at home the level of complaints about antisocial behaviour increased by 12% and 11% compared to prior to the pandemic.

Graph 2 also shows that when the selective licensing scheme was introduced complaints fell and then a peak emerged in 2019/20 co-inciding with the pandemic. Since the peak in 2019/20 complaints in Netherfield about ASB have begun to fall and by 2022/23 had reduced by 30%.

The number of complaints show that antisocial behaviour does continue to cause concerns in the ward and remains at a high level.

Nottinghamshire Police analysed data from 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2022 and found each year in Netherfield there were over 100 reports about antisocial behaviour in the ward and at total of 484 reports in the 4 year period.

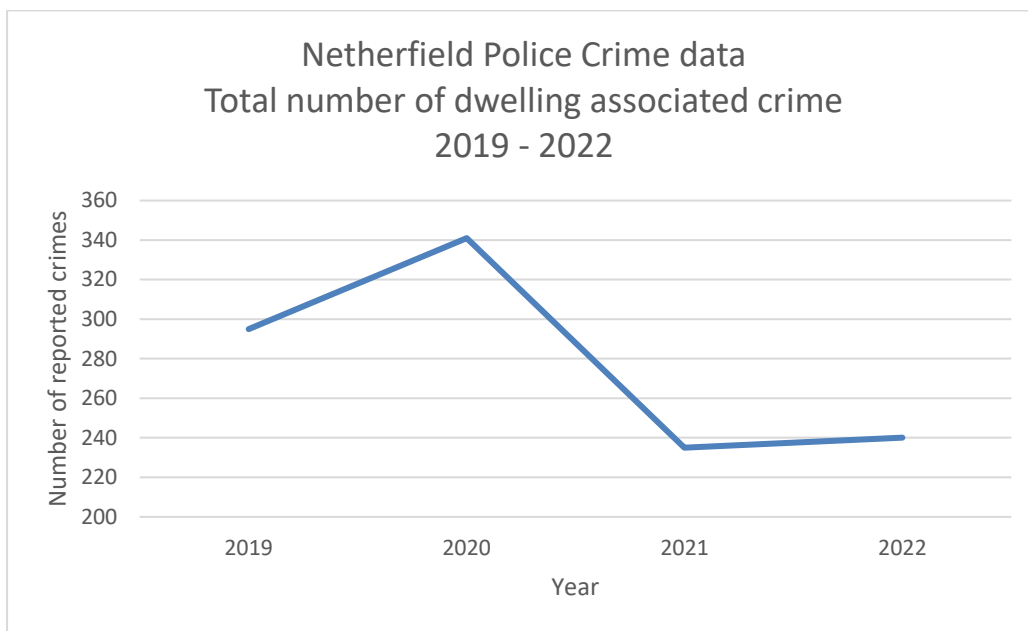
The selective licensing scheme has had some positive impact on antisocial behaviour due to some changes of tenancies since the selective licensing scheme came into force. The council is aware that some landlords have exited from the market in Netherfield and that new landlords and tenants have entered in the area. The levels of private rented housing in the ward remain high but the changes in tenancies are believed to have contributed to reductions in antisocial behaviour complaints. Furthermore tenants in licenced properties will now know that the landlord is required to take action to address their behaviour due to the licence conditions and that they could risk losing their tenancy if they continue to cause antisocial behaviour.

Research published by the British Medical Journal (BMJ) into the impact of selective licensing schemes in Greater London (Peterson et al, 2022) supports the impacts seen in Netherfield with changes in landlords and tenancies and reductions in the number of antisocial behaviour complaints. The author articulates the positive mental health and social impacts when selective licensing is introduced. The research shows that a change in landlords and tenants when selective licensing is introduced can lead to positive impacts in terms of addressing antisocial behaviour and improved mental health of residents who live in selective licensing areas.

The analysis of antisocial behaviour in the Netherfield ward shows that the scheme objective “to introduce a mechanism to address antisocial behaviour associated with private rented homes” has been achieved but despite this the levels of antisocial behaviour remain a concern. There have been reductions in antisocial behaviour since a peak in 2019/20 and implementation of selective licensing remains a unique mechanism that can help introduce a framework for private landlords and managing agents to work with partner agencies to address antisocial behaviour.

### 5.3 Objective 3 – To introduce a mechanism to address crime associated with private rented homes

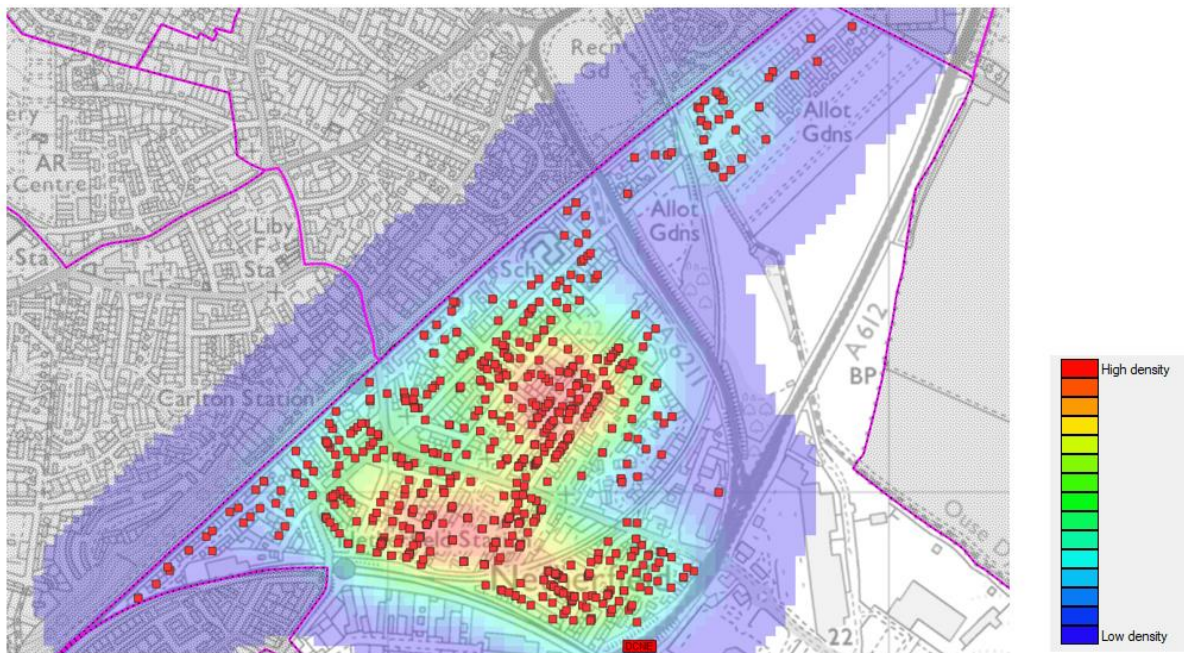
In order to assess this objective the council liaised with Nottinghamshire Police who supplied analysis of the first 4 full calendar years of the scheme 2019 to 2022. The analysis provided information on dwelling crime associated with reports about crime reports linked to addresses in the Netherfield ward. The number of reports during the period is shown in graph 3 below.



Graph 3. Dwelling associated crime reports 2019-2022

The above graph shows that crime reports in the Netherfield ward peaked in 2020 and then in the following 2 years fell by 30% and remained at a stable reduced level.

The crimes have been mapped below using the kernel density method.



Map 1. Crime Hotspot Map 2019 to 2022

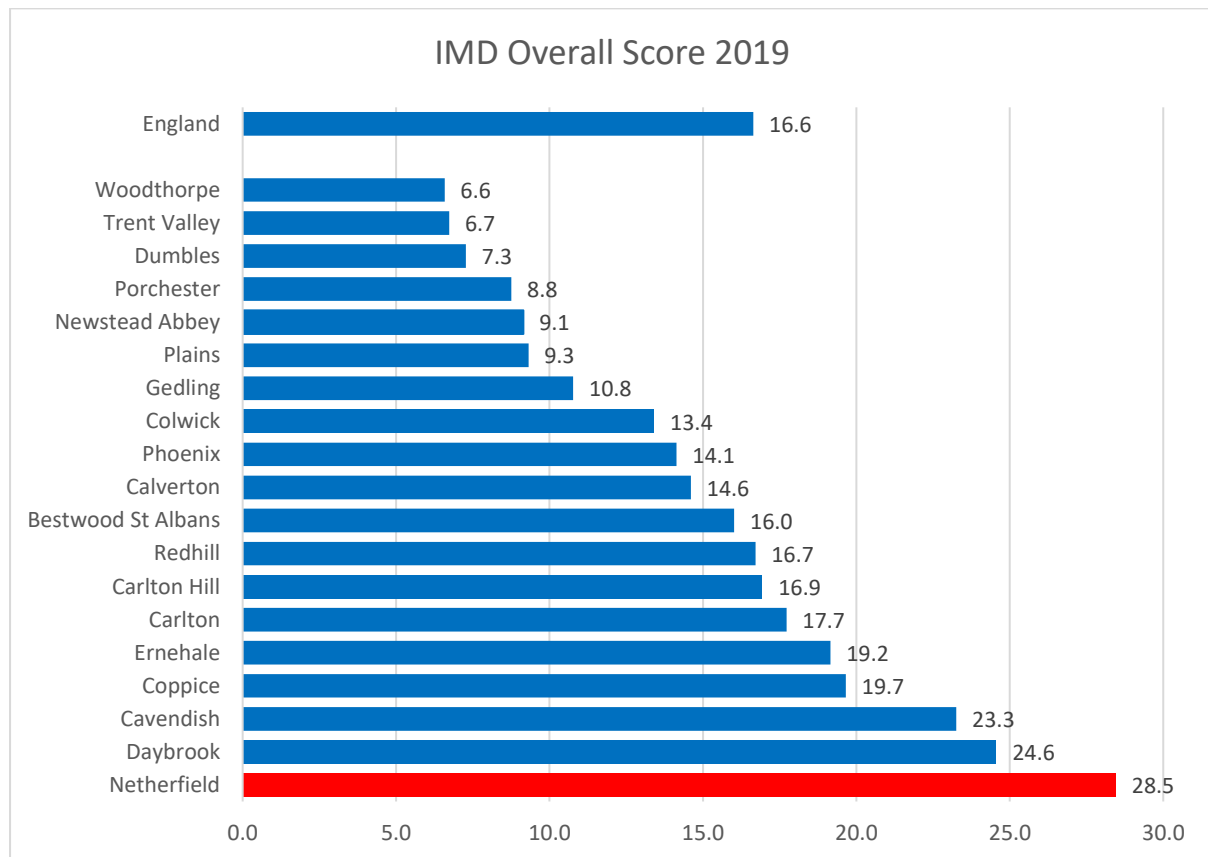
Map 1 above graphically illustrates the reports of crime in the Netherfield ward over a 4 year period and together when compared to the data shown in graph 3 illustrate that whilst crime has reduced during the 4 year period of the selective licensing scheme it remains at a high level and a cause for concern. Map 1 shows crime reports are spread throughout the ward and not isolated to one area or street and support an area based / ward wide approach to address criminal behaviour.

It is considered that introducing the selective licensing scheme has contributed to achieving this objective as the scheme provides dedicated officer resource and introduces licence consideration to enable the police, council officers, landlords, agents and tenants to work together to address crime associated with private rented homes. In absence of a selective licensing scheme effectiveness is greatly reduced.

### 5.4 Objective 4 – To introduce a scheme that contributes to addressing levels of deprivation

The Index of Multiple Deprivation (IMD) is compiled by the Government department Ministry of Housing, Communities and Local Government (MHCLG). MHCLG state that “it is important to note that these statistics are a measure of relative deprivation, not affluence, and to recognise that not everyone in a highly deprived area will themselves be deprived. Likewise, there will be some deprived people living in the least deprived areas”.

Graph 4 below shows the overall IMD score for Netherfield in comparison to England and the other wards in Gedling Borough.



Graph 4. Overall Index of Multiple Deprivation Gedling wards 2019

The above graph illustrates that Netherfield is the most deprived ward in Gedling Borough Council’s area and is more deprived than that national average. A further summary can be found in table 1 below showing Netherfield relative to Gedling Borough, Nottinghamshire and England

Indicators	Netherfield	Gedling(LTLA 2021)	Nottinghamshire(UTLA 2021)	England
Index of Multiple Deprivation (IMD) Score	28.5	14.9	19	21.7

Table 1, Overall Index of Multiple Deprivation 2019

Table 1 shows that Netherfield has a higher IMD score than Gedling, Nottinghamshire and England and therefore overall can be considered more deprived than those areas.

The IMD is generally compiled every 4 years with the most recent published data released in 2019. The next published data is unlikely to be available until late 2025. Due to the release of the most recent IMD it is too soon to draw conclusions on whether the IMD is improving in Netherfield.

In terms of whether the scheme has met the objective to “introduce a scheme that contributes to addressing levels of deprivation”, as this review shows the selective licensing scheme has introduced a unique mechanism to improve private rented

homes and issues associated with them. The selective licensing scheme has improved housing conditions in the Netherfield ward which in turn can help reduce fuel poverty through improved energy efficiency of homes and reduce health impacts through removing hazards in the home. Both of these metrics in terms of improving health and addressing fuel poverty contribute to reducing deprivation in the ward. At a time when the cost of living is extremely high it is more important than ever to ensure that properties are effectively managed and maintained to help protect some of the most deprived people in the borough.

Introducing a mechanism to address anti-social behaviour and crime can also have a positive impact on deprivation both in terms of acting as a deterrent to dissuade offenders from being drawn into criminal or antisocial behaviour affecting their social status. If convicted or subject to enforcement action associated with antisocial or criminal behaviour can affect an individual's ability to seek employment or secure housing which are fundamental in Maslow's hierarchy of needs and climbing the social gradient out of deprivation and poverty.

Additionally addressing antisocial behaviour, crime, and fear of crime can lead to positive community impacts in terms of improved mental wellbeing and less anxiety, depression or stress in the community as a direct result of antisocial behaviour or criminal behaviour. This in turn can improve wellbeing in the community and overall health outcomes which are a metric used to determine IMD scores. These concepts are supported by the Peterson, et al (2022) research into the '*Impact of selective licensing schemes for private rental housing on mental health and social outcomes in Greater London*'.

## 5.5 Objective 5 – To see improvements in property management

Selective Licensing is the most effective tool available to local authorities when it comes to regulating property management within the private rented sector. It brings together a number of clear conditions relating to good property management both legislative and supplementary and enables the council to take effective action should standards not be met. In issuing 709 licenses, the council has helped to ensure that private rented dwellings in the Netherfield ward are only operated and managed by fit and proper persons and that licence holders are bound by the licence conditions. The licensing process also gives opportunity to tenants to become more aware of minimum property management standards and what they should expect when renting a property.

As part of the scheme the council has carried out 514 property inspections. Of those properties inspected, 81% (414 homes) have required essential repairs under HHSRS. A significant number of properties were found to have hazards relating to "fire", usually there being no detection or no protected means of escape in the event of a fire. A significant risk to the safety of the tenants but something some landlords and agents were not aware of prior to our visits. In identifying the hazards and communicating the solution to landlords and agents, the scheme is also improving property management through raising awareness of key hazards.

In 2021 the council worked with Generation Rent on a private rented sector engagement project. As part of the project the researchers engaged with private rented tenants to survey their views as tenants. 65 tenants from Netherfield, Colwick, Killisick and Newstead Village responded to the survey. 49% of those surveyed dealt with damp or mould in their property, 43% had dealt with leaks or draughts and 33% have issues with their heating system. 69% of private renters were unaware that the local authority could help them with certain problems with their landlord, letting agent or home which is something the selective licensing scheme helps to address by requiring the landlord to apply for a licence and for the council to process the application and where necessary inspect the property.

The Generation Rent research project showed a significant proportion of local private rented sector tenants living in Netherfield were affected by poor housing conditions and 69% were unaware the local council could assist would suggest that in many instances there would under-reporting of hazards and that tenant would accept lower standards in private rented homes. These points highlight the benefit of introducing a selective licensing scheme providing additional resource to regulate private rented homes and identify hazards with less requirement of tenants to report matters to the council.

In terms of meeting the objective the introduction of selective licensing in Netherfield introduces minimum standards set out in the licensing conditions and through the process of administering licence applications the council ensures the appropriate management arrangements are in place, the landlord or person(s) in control are deemed fit and proper and compliance with legal obligations are achieved. Where standards fall short the council has brought issues of non-compliance to the attention of duty holders. 52 properties were found to have imminent issues requiring urgent attention and 184 homes were improved as direct result of the scheme and the council working with duty holders to bring about improvements. This scale of improvements in housing conditions would not have been possible without the introduction of the scheme. Furthermore the wider impacts on crime, ASB would also not have been possible without the scheme. Whilst it is fair to say issues will still arise in the ward and have not been completely eradicated the systems and infrastructure in place to address poor property management in the private rented sector are significantly improved by having a selective licensing scheme in place and it is considered that this objective has been achieved.

## 6. Case Studies

The following section outlines a small number of case studies describing situations that have emerged since the selective licensing scheme was introduced in Netherfield and the action that has arose as a result.

### Case Study 1 - Fire Safety Enforcement Case study

Officers from the council's selective licensing team carried and inspection of a mid-terraced property in Netherfield. They found the stairs to first floor were accessed

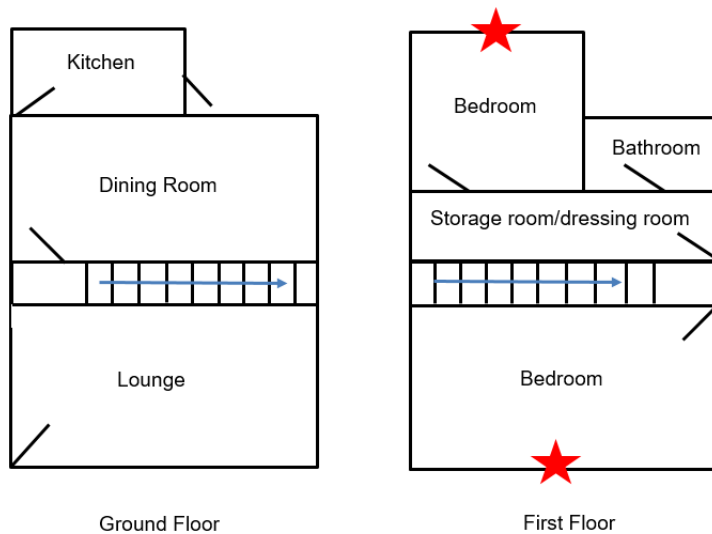


from a lobby between dining room and lounge. There was no door between lounge and ground floor hallway/stairs.

Officers also found an inner room on second floor (rear) being used as a bedroom. There was no escape window and no protected means of escape in the event of a fire. In the front bedroom officers found a top opening window which was not suitable as a means of escape in the event of a fire.

There was no protected route in the event of a fire from both bedrooms on the first floor. Increasing the risk of fire within property officers found over loading of sockets and use of plug-in electrical heaters.

Please see plan illustrating the property layout.



#### Defects giving rise to hazard:

- No escape windows provided on the first floor
- Stairs from first floor came down into the dining room (see plan)
- Therefore no protected means of escape from the first floor in the event of a fire
- Inner room being used as a bedroom on the first floor (rear) – no escape window and therefore no means of escape in the event of a fire.
- Inadequate fire detection provision

#### Outcome:

The risk to the tenants was assessed under the 'Fire' hazard and deemed as high/imminent risk following the inspection. The proposed licence holder of the property was contacted and given opportunity to take steps to remove the imminent risk informally. The licence holder did not take such steps so the 1<sup>st</sup> floor bedrooms were prohibited for sleeping purposes until works were carried out to remove the imminent risk.

Escape windows were provided to both bedrooms (marked with a star on the plan) and a solid door was fitted between the lounge and stairs. An additional smoke

detector was provided to the 'storage room/dressing room' to protect the occupant of the inner room on the first floor rear.

## Case Study 2 – Addressing excess cold hazard for low income tenant with health conditions

During a routine selective licensing inspection of a property in Netherfield it was established that the seals had failed on a number of the windows resulting in significant draughts. The front external door was ill-fitted and the occupant had placed duct tape around the door and letter box to help prevent draughts, noise and heat loss from the property. Following an Energy Performance Certificate (EPC) check of the property prior to the inspection it was also established there was no loft insulation in the main roof space.

During a conversation with the tenant the officer became aware that the occupant had a number of health conditions which were exacerbated by the poor thermal efficiency within the property and met the criteria for our Warm Homes on Prescription grant the council offers.

With the landlord's permission the council were able to carry out energy improvements measures to the property under the Warm Homes on Prescription grant by providing new UPVC double glazed fire escape windows to the first floor, a new UPVC front door and loft insulation to the main roof space. Not only did this improve the energy efficiency of the property, the occupant now has a safe means of escape in the event of a fire which they previously didn't have. The occupant also mentioned that the measures had also improved the noise levels from outside traffic.

Without the scheme we would not have been aware of the potential fire risk to the occupant, nor would the occupant have benefited from our Warm Homes on Prescription Grant.

## Case Study 3 – safeguarding tenant to access mental health support

This particular property came to the council's attention shortly after the licensing scheme came into operation following a call from a concerned mother regarding the condition of her son's property. Following some pre-checks before attending, the selective licensing officer became aware that the property was also not licenced.

During an inspection it soon became clear that this was going to be a complex case, the occupant was a hoarder and also had a range of mental health issues. It was acknowledged that the occupant had not been forthcoming when engaging with the agent and allowing access in the past.

A schedule of works was sent to the managing agent who were also advised they would need to apply for a selective licence.

The communication between the occupant and managing agent had started to breakdown drastically and were unable to gain access to carry out the repairs. The

occupant sent the council a number of concerning emails informing that he wanted to end his own life, with this information the selective licensing officer raised concerns with our safeguarding team and made a referral to our complex needs panel. The officer signposted the occupant to a number of mental health services and provided some leaflets, contact numbers and websites for additional support.

Through this intervention the council was able to offer advice and support to a vulnerable tenant in need and raise safeguarding concerns with the relevant departments. Our intervention also increased the tenant's awareness of what services were available to help them in the future and brought about an application to licence the property.

The occupant is now receiving the mental health support he needs and we are currently working with both the occupant and the agent to carry out the repairs required.

## Case Study 4 – working to address antisocial behaviour and unlicensed property

Information was passed onto the council from the Police regarding a report from the community of antisocial behaviour / neighbour issues including damage to a communal gate, loud music and parties. The council also received a complaint regarding noise relating to the same property.

The customer was sent diary sheets to complete and the council's database was checked. The property had been licenced previously but had now been sold and the new owner had not applied for a selective licence.

A letter was sent to the new owner to advise them about selective licensing and how to apply. No response was received in relation to this letter. Officers from the selective licensing team visited the property, there was no reply so a calling card was left. The tenant at the property called and a suitable time was arranged to revisit the property.

The council gained access to the property with the agreement of the tenant to gather evidence for an investigation into failing to apply for a licence. A witness statement was taken from the tenant along with further evidence. The tenant spoke with officer regarding the antisocial behaviour / noise issue and suggested that the neighbours had a vendetta against her. Selective licensing officers encouraged the tenant to engage with the council regarding this matter and explained that licensing conditions should apply to the property to minimise antisocial behaviour and she could face further action from her landlord if found to be causing antisocial behaviour. The tenant asked if someone from the council's Community Protection team could call her to discuss the complaint.

The council wrote to the owner and the managing agent inviting them in to attend an interview. The owner of the property did not attend an interview but submitted a voluntary statement. Within the statement the owner confirmed there was a

managing agent involved, that the property had been rented out and accepted that the property should have been licenced.

During this process a selective licensing application was submitted for this property by the managing agent. Enforcement action was taken against the owner and the managing agent and both were given civil penalty notice fines which were subsequently paid.

The tenant co-operated with the council's noise investigation and the council's Anti-social Behaviour Co-ordinator regarding the reports from the community. The complainant reported that the situation improved and that the landlord was evicting the offender.

## 7. Scheme costs and administration

Landlords were initially charged £490 if accredited and £640 if not accredited if they joined the scheme before November 2022. After this period due to increasing costs incurred by the council the licence fees were set at £585 for accredited landlords and £700 for non-accredited. With 709 licences issued the scheme income was circa £430,000. The income was used to cover the costs associated with administering the scheme over the 5 year period and for providing support to landlords and tenants and it was not used for any other purpose.

The council recruited a dedicated team including; Housing Improvement Officers, a Senior Environmental Health Officer to supervise the scheme, and an Admin Support officer. Officers were supplied with IT hardware, smart phones, and other necessary equipment to be able to work in the field effectively and safely. The council also invested in an IT system to be able accept digital licensing applications, submit supporting documents, and make licence fee payments online.

## 8. Benefits of Selective Licensing

The selective licensing has either fully achieved or made good progress in achieving the objectives as set out in this review. The following summarises some of the benefits the scheme has delivered.

- **New proactive approach** including independent checks by officers trained in property inspections, Housing Health and Safety Rating Scheme, selective licensing and the Housing Act. Selective licensing has given officers the opportunity to proactively engage with landlords, agents and tenants and address issues without the need for complaints to drive a reactive response. This has allowed issues to be addressed before reaching a crisis and requiring enforcement action and compliments new central government agendas such as the newly released damp and mould guidance.
- **Housing standards have improved** the information provided in section 5.1 illustrates the incremental improvements that have been achieved in housing conditions these would not have been addressed were it not for the scheme

as generally issues are identified by property inspections rather than complaints from tenants.

- **Protects public health** – the scheme has directly addressed 52 properties with imminent issues presenting a risk to the health and safety of the occupants and directly led to the improvement of 184 properties with 414 properties identified having essential remedial works required. All of these hazard identification and remediation are to address defects which can directly affect health and when addressed on an area basis contribute to improving public health.
- **Relatively low cost across 5 years of scheme.** Split evenly across the 5 years of the scheme the cost of a licence equates to £2.25 per week for accredited landlords and £2.69 per week for non accredited landlords and is considered good value given the wider social and environmental benefits that the scheme achieves.
- **Only scheme that requires landlord to apply for a licence** from the council and have a greater uptake than voluntary accreditation schemes which generally attract professional landlords seeking to develop their knowledge and competency.
- **Better relationship with support agencies.** The relationship with the Police and Public Protection Service (where the selective licensing team is based) and other agencies working in the selective licensing areas is much stronger. There is increasing understanding of the scheme and the benefits it can achieve through better partnership working.
- **Incoming landlords** – a number of landlords who did not want to work with the council or apply by the licensing conditions sold their homes. The majority of these were purchased by landlords who take on a different view of what is expected of them and the properties were not lost from the private rented sector.

## 9. Supporting Testimonials

### Testimonial 1, Gedling Borough Council

Tackling crime and antisocial behaviour are key priorities for the council and the Netherfield ward is a priority area for the council and police to focus resources to bring about improvements. The selective licensing scheme brings in powers for housing staff but also my community safety and environmental protection teams who can use the licence conditions as levers to ensure residents behave responsibly and do not impact their neighbours or the community.

Since the selective licensing scheme has been in place in Netherfield the council has had greater powers to tackle ASB associated with private rented homes and is showing a positive impact. Having a selective licensing scheme in Netherfield for a further 5 years would enable officers to continue to work closely and jointly with the police to address crime and antisocial behaviour associated with private rented properties.

Community Protection Manager, Gedling Borough Council

## Testimonial 2, Nottinghamshire Police

Since the introduction of the selective licensing scheme in Netherfield we have seen an improvement in the council and Police ability to work jointly to address crime and antisocial behaviour associated with the private rented sector. As a result of the selective licensing scheme the council has dedicated staffing resource that attend our fortnightly partnership meetings and contribute to sharing intelligence and joint working in Netherfield.

The introduction of fit and proper landlord licensing assessments and licence conditions to address antisocial behaviour are helpful mechanisms to tackle crime and antisocial behaviour.

The data that Police analysts have collated relating to property related crime in Netherfield since the selective licensing scheme was introduced shows that in recent years crime and antisocial behaviour are beginning to fall and demonstrates the partnership working and initiatives such as Safer Streets and Selective Licensing are having a positive impact.

Nottinghamshire Police support the renewal of selective licensing in Netherfield to continue the good work to improve the community and ensure mechanisms and infrastructure are in place to tackle crime and antisocial behaviour associated with the private rented sector when incidents occur.

Police Inspector, Nottinghamshire Police

### 10.0 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 council is currently reviewing and drafting a new Housing Strategy as the previous document has not been updated for a number of years. The introduction and delivery 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.

Between 2012 and 2023, the council has employed a dedicated Localities Co-ordinator to support the Netherfield community. This role has been redefined recently

but continues to co-ordinate the Netherfield Steering Group which brings together partner organisations to improve the ward for residents and businesses. The group regularly meet to discuss issues in the ward and identify priorities for action. Throughout the phase 1 selective licensing scheme officers have periodically updated the Netherfield steering group on progress and the selective licensing scheme and have had opportunity to question officers on progress and the outcomes achieved during the scheme which has been well received.

In terms of the corporate priorities these are set out in Gedling Plan 2023-2027. The council has 4 key priority themes and 2 of these are “Community”, and “Place” and have links to selective licensing objectives described in this review.

The “Community” priority seeks to ‘enable a resilient, empowered, connected, inclusive and healthy community’ with objectives to address and support ‘poverty and the vulnerable’, ‘children and young people’, and ‘health and wellbeing’.

The “Place” priority seeks to ‘enable a safe, attractive, clean and culturally vibrant borough that plays its part to tackle the climate emergency’ with objectives to “reduce crime and fear of crime so residents feel safe and protected in their neighbourhoods” and to ensure “individuals and families can access high quality affordable and energy efficient housing”.

The council believes the introduction of a Phase 1a selective licensing scheme will make a significant positive contribution to these corporate priorities.

In addition to the strategic policy links the council also strategically uses other partnership approaches to improve housing and address crime and antisocial behaviour in the area.

The council has a circa £1million per year 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. These grants are made available to residents in the ward subject to a needs assessment.

Since 2021 the council has implemented two phases of home retrofit energy efficiency schemes using Government funding following successful funding bids via Midlands Net Zero Hub. The first scheme was known as the Local Authority Delivery Phase 2 in which the council received £784,800 funding to provide grant assistance to low income low energy performance certificate (EPC) households living in the Netherfield ward. This scheme was available cross tenure to owner occupiers and social and private rented tenants. Landlords of rented homes were required to contribute one third of the cost of the measures up to a maximum of £5,000 and would receive grant funding to cover two thirds of the cost of the measures. Measures would be identified via a building fabric first approach as identified via the retrofit assessment and could include insulation, clean heating and solar panels.

The second household retrofit scheme was known as the Sustainable Warmth Competition where the council received £891,000 which again was available for low income, low EPC households and part of this funding was available to homes heated by gas and also part available to homes not heated by gas (off gas). This scheme was targeted again in the Netherfield ward and also elsewhere in the borough.

For both household retrofit schemes door to door visits were carried out to generate referrals together with targeted mailshots to a large proportion of homes in the Netherfield ward. Customer would then be assessed for eligibility and arrangements made to survey the property to identify energy efficiency improvements. Across both schemes a total of 116 homes with an EPC D or below were improved via the scheme, the vast majority of which were based in Netherfield. Sadly not a single private rented property followed the referral and technical survey process through to the installation and completion of works. This was a missed opportunity for landlords to access energy efficiency improvements in their properties with up to 2 thirds of the cost of the works available via the grant scheme. This shows that even when grant funding is available that there was a lack of engagement to invest in the properties and upgrade the energy efficiency for low-income tenants. The lack of uptake from private landlords in the ward to utilise the grant funding mechanisms emphasises the need for a regulatory approach to stimulate a change in behaviour and bring about investment into properties to improve minimum energy efficiency standards.

The council and community safety partners have brought about further investment in the Netherfield ward via the Safer Streets initiatives which are now entering their 5<sup>th</sup> phase of grant funded interventions. The schemes are delivered in partnership with the Nottinghamshire Police and Crime Commissioner and Nottinghamshire Police force and are targeted at priority areas which in Gedling Borough Council's area are the Netherfield and Colwick wards. This initiative is described further in section 10.2 below.

## 10.1 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 South Nottinghamshire 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.



## 10.2 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.

As mentioned in section 10.0 the Safer Streets community safety initiatives have been successfully implemented in Netherfield and Colwick. According to the South Nottinghamshire Community Safety partnership report into the Safer Streets 4 scheme there are 9 CCTV cameras in the Netherfield and Colwick wards and there is a large footfall in the ward with people seen accessing areas on foot. There is a quick access route that joins the Netherfield and Colwick. Reports are made regularly regarding ASB, such as youths gathering, drug dealing, graffiti, dog fouling, littering and fly tipping. Operation Reacher (dedicated Notts Policing Team) have been working in the area over the past few years and a number of properties have been raided due to residents' intel being shared. This has had a positive impact in the area.

In the Colwick and Netherfield the Neighbourhood Plans have identified that improvements are required to make people safe to walk in the area.

Using crime data Nottinghamshire Police have identified the top ten residential locations/streets in the Netherfield ward for burglary and have offered target hardening deterred and security measures

The resident survey undertaken as part of safer streets identifies that 1 in 5 surveyed rank 'Drug Use and Dealing Drugs' is a top ranking issue that people want the Partnership to tackle in the project. Local intelligence identifies that there are numerous individuals who are drug and alcohol addicts who rob and assault each other. The Partnership is working to address these individuals and the root cause of crimes by diverting these individuals into treatment is helping to reduce crime.

The Safer Streets scheme identify priorities for investment using intelligence available to the Police and Crime Commissioner who has prioritised areas and interventions such as additional: CCTV cameras, ANPR cameras, street lighting, shop watch radios, youth intervention, environmental improvements and warden patrols. The evaluation of the Safer Streets 4 scheme found that despite the investment ASB increased by 25% but that burglary decreased by 57% and vehicle crime decreased by 67%

During September 2023, researchers commissioned by the Community Safety Partnership conducted 163 interviews with residents in target areas, set out by the Office of the Police and Crime Commissioner, in Netherfield and Colwick

- Almost all respondents say they feel safe when out during the day in their local area (94%)
- 48% say they feel unsafe when out in their local area after dark
- Most feel safe in their home during the day (99%) and during the night (91%)
- The majority of respondents who use public transport felt safe during the day (88%); half (52%) felt unsafe after dark
- Over half strongly agree they feel unsafe due to being followed or believing they're being followed (55%), when encountering people in close proximity when walking alone (55%)
- 25% are aware their area has benefitted from Safer Streets Projects
- All recipients feel Target Hardening is a good use of resources; 92% say it makes them feel safer in their local area
- 100% felt satisfied with the improvements made to their home security, 54% say it made them more safe
- 79% feel the addition of CCTV and ANPR cameras is a good use of resources; 75% say it makes them feel safer
- 59% say funded youth work sessions are a good use of resources; 41% say this made them feel safer
- 90% feel that funded wardens providing additional warden patrols is a good use of resources; 75% say this project made them feel safer
- 60% believe that the funding of a new Shopwatch App is a good use of resources; 42% say this initiative made them feel safer
- 89% say the improvements to the Cinder path are a good use of resources; 73% say the improvements made them feel safer

- 80% say the improvements to car parks are a good use of resources; 66% say the improvements made them feel safer
- 29% say crime levels have reduced in the past 12 months; 11% feel they have increased. 35% have seen no change.
- 20% have heard information on personal safety in the last 6 months, mainly through newspapers and news websites (53%).

### 10.3 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.

### 11.0 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.

#### 11.1 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 via DASH Services (formerly East Midlands Landlord Accreditation Service) based at Derby City Council. After the implementation of the Netherfield selective licensing scheme there was a increase in landlords seeking accredited partly driven by licence fee discounts and also due to DASH initially providing free accreditation for landlords of properties in Gedling Borough Councils area. The proposal to designate a further phase 1a selective licensing scheme 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.

### 11.2 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.

Prior to the introduction of selective licensing the number of property inspections were 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 landlord 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.

### 11.3 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.

#### 11.4 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.

#### 11.5 Raising Landlord Awareness

Landlord forums are run annually and open 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.

## 11.6 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.

## 12.0 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 continual updates

to the legislation 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 the strategic priorities and mechanisms used to improve the area. Selective licensing ensures 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.

## 13. Conclusion

The evidence collated and presented in this review shows a number of the scheme objectives have been met and the early signs are that the scheme is having a positive impact and showing improvements in housing conditions, property management and the area is showing some improvements in the wider behavioural aspects of antisocial behaviour and crime. It is fair to say that not all these improvements are solely attributable to introducing selective licensing as these are complex interrelated social and housing related matters, but it is true that positive steps are being made to bring about small incremental improvements on an area basis. In the current regulatory system and economic climate there is no other solution available to the Council that could achieve such improvements to Netherfield that selective licensing helps to deliver.

## 14. Recommendations and Proposal

As set out in this review there is evidence to show the Netherfield selective licensing scheme has met or is making good progress towards meeting the scheme objectives as set out in section 5 of the review. According to the Secretary of State's guidance where renewal of a selective licensing scheme requires approval by the Secretary of State it must show whether the scheme objectives have been met or not. There is no guidance to advise what standards are required where the renewal of a scheme does not require Secretary of State approval but it is assumed for the purpose of this review the same format should apply. Therefore this review has set out the evidence in section 5 showing how the scheme has contributed towards achieving its objectives.

The last census in 2021 showed there were 8191 private rented properties in Gedling Borough. It is assumed that 700 properties in the Netherfield ward are

private rented and combined with the estimated 663 in the existing Phase 2 selective licensing scheme equates to 16% of the private rented sector in Gedling Borough. These schemes also cover less than 20% of the council's area. Therefore to renew or designate a new selective licensing scheme in the Netherfield ward would not require approval by the Secretary of State.

The data set out in section 5 and elsewhere in this review also shows the following Secretary of States criteria for introducing a selective licensing scheme remain in the Netherfield ward:

- I. a significant and persistent problem caused by anti-social behaviour
- II. poor property conditions
- III. high levels of deprivation
- IV. high levels of crime

In order to maintain the positive impacts and improvements the selective licensing scheme is showing it is recommended that a new selective licensing scheme covering the Netherfield ward is designated subject to a public consultation and approval by the Council's Cabinet members. It is proposed that the designation would apply to all private rented homes in the Netherfield ward as this will ensure wider issues affecting the ward such as crime, antisocial behaviour and deprivation are addressed on an area basis and not lead to streets of sections of the Netherfield community being left behind adjacent areas if the scheme did not cover the whole ward. It is recommended that the new Netherfield designation is referred to as Phase 1a.

## 15. How to Respond to the Council's Proposal to Designate Netherfield as a Selective Licensing Area – Phase 1a?

To gather views from stakeholders on the proposal to designate the Netherfield ward Phase 1a for selective licensing will be subject to a minimum of 10 weeks public consultation hosted via the council's website.

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 and agents known to own or manage 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
- 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

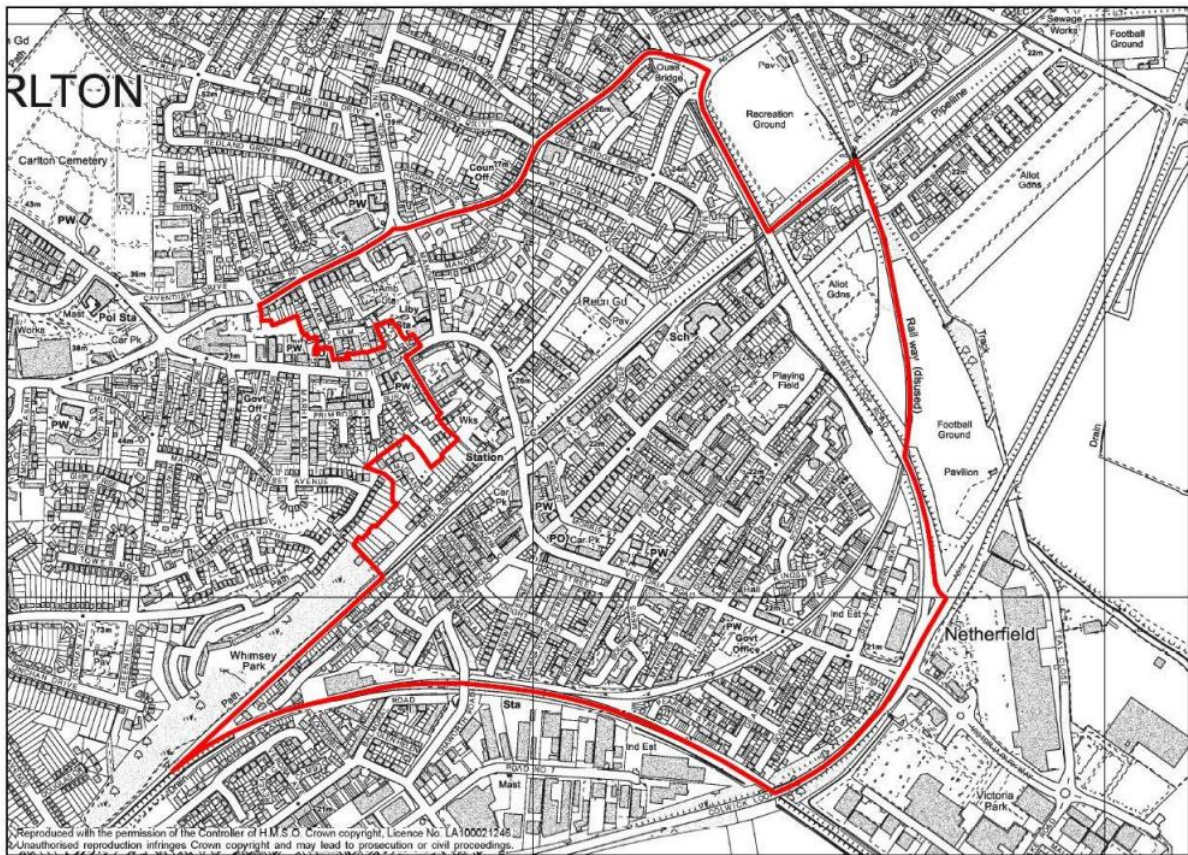


- Depending on the timing of the publication potentially an article in the spring edition of the Councils Contacts magazine delivered to all residents of the borough.

To respond to the consultation please see the Councils website:

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

## Appendix A – Proposed Designated Area, Phase 1a



## Appendix B - New proposed fees

	Part A	Part B	Total Fee	Comments
Standard Fee	£600	£220	£820	For non-accredited landlords
Accredited Landlord Fee	£460	£175	£635	The proposed licence holder is accredited with either Unipol or DASH

The above fees have been increased in line with rising costs incurred by the council administering selective licensing since 2018.

It is proposed to retain all other existing fees associated with selective licensing as set out in the table below.

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
Part 1 Housing Act 2004	£425	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.

## Appendix C Fit and Proper Policy

### 1. Why is there a test

1.1 Under the Housing Act 2004, if the Council is to issue a selective licence, an additional HMO licence or a mandatory HMO licence it must be satisfied that the proposed licence holder is a fit and proper person and the most appropriate person to hold the licence. It must also be satisfied that the proposed manager of the house is a fit and proper person to be the manager of the house. If not, the licence must be refused unless other arrangements can be agreed.

1.2. The licence may be revoked where the Council no longer considers that the licence holder is a fit and proper person to be the licence holder and where the Council no longer considers that the management of the house is being carried out by persons who are not in each case fit and proper persons to be involved in its management.

1.3. These requirements are to ensure that those responsible for operating the licence and managing the property are of sufficient integrity and good character to be involved in the management of the particular residential property, and as such they do not pose a risk to the welfare of safety of persons occupying the property.

### 2. What properties does this policy affect?

2.1 This policy affects any property that requires a licence by the Council under the licensing of HMOs (Part 2 of the Housing Act 2004) and the licensing of other residential accommodation (Part 3) known as Selective Licensing.

### 3. What is meant by 'involved in the management'?

3.1 This means the Council must consider licence holders, managers and others involved in the management of the property. This will not extend to, for example, all members of staff at a managing agent who have limited access to a property, but it will be necessary to find out how repairs to the property are carried out. It is a licence condition for licence holders and managers to ensure their staff are fit and proper. Licence holders and anyone else who is involved in the management of a licensable property are in a position of trust. The nature of their role means they will enter the property on occasion.

3.2. The licence holder and the manager can be two different people. Where this is the case, a decision must be made for each individual about whether they are a fit and proper person.

## 4. What will the Council look at?

4.1. The Council will consider a person 'fit and proper' if it is satisfied that;

- They do not have any unspent convictions that may be relevant to their role as either licence holder or manager and, in particular, any conviction involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- They have not been found by a court or tribunal to have practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- They do not have any unspent conviction in relation to any housing, public health, environmental health or landlord and tenant law; including any civil proceedings in which judgment was made against them.
- They have not been in control of a property, which has been subject to a control order under section 379 of the Housing Act 1985 in the last 5 years.
- They have not had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 or 3 of the Act; or have acted otherwise than in accordance with a Code of Practice approved under section 233 of the Act that concerns a property in their ownership (whether or not in the Council's district).
- They do not own or have not previously owned property that has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.
- They have not been served with a Banning Order in accordance with part 2, chapter 2 of the Housing and Planning Act 2016.
- In addition, the Council may also take in to account whether any person associated or formerly associated with the applicant or manager has done any of these things, if it considers this information relevant.
- They have not contravened any provision of the law relating to housing or landlord and tenant law.

## 5. How will the Council make their decision?

5.1. Where a person has relevant unspent convictions and or has contravened provisions of relevant legislation or codes of practice then the Council may decide that that person is not fit and proper. Each case must be considered on its own merits. Evidence of any specified misconduct does not necessarily lead to the conclusion that the person is not fit and proper. The Council will adopt a common sense approach, exercising its discretion reasonably and proportionately, taking into account relevant factors and disregarding irrelevant factors.

5.2. Where there is evidence of specified misconduct then the Council, when deciding whether that misconduct means that the person is not fit and proper, will take into account the following factors:

- the relevance of the conviction/contravention in relation to the person's character and integrity to manage an licensable property
- the severity of the conviction/contravention in terms of impact, upon residents and the wider community
- when the conviction/contravention took place
- any mitigating circumstances
- any other relevant factors

5.3. This list of factors is not intended to be exhaustive and the Council will take into account any other relevant factors in so far as they are relevant to the fitness of the relevant person. In other words, the misconduct has to be relevant to the person's fitness to hold a licence and/or manage the particular residential property.

5.4. The Council would not normally consider a landlord with a criminal record for unlawful evictions and harassment of tenants to be fit and proper person. In contrast, evidence of minor contraventions of housing or landlord and tenant law need not result in the Council deciding that a person is not fit and proper.

5.5. If an offence is isolated and/or there are mitigating circumstances this may not result in the Council deciding that the person is not fit and proper. Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which should be taken into account. A particularly serious view may be taken where the victim of any offence is vulnerable.

## 6. Consideration of 'persons associated or formerly associated' with the proposed licence holder or manager

6.1. If there is evidence that a person associated, or formerly associated, with the person proposed to be the licence holder or manager of the property has committed any wrongdoings, that evidence may be taken into account in determining the fitness of the proposed licence holder, manager or other persons involved in the management of a property (even if that person has himself or herself an unblemished record). It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a 'front' for someone else who would not be a fit and proper person. It would also not be appropriate if someone's ability to manage a property satisfactorily would be unduly influenced by an associate who was not or would not be considered fit and proper.

6.2. Examples:

6.2.1. A husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. There is evidence that the husband has committed wrongdoings and those wrongdoings are relevant to the management of the property and his fitness to be a manager or licence holder. Since the husband is joint owner and an associate of the wife it would be reasonable to assess whether the husband is fit and proper given that he is an associate of the proposed licence

holder. If the husband is found not to be fit and proper, then the Council may refuse to grant the wife a licence.

6.2.2. The director of company, A, has been prosecuted previously and convicted a number of times for failing to manage a property. A then starts to work for another managing agent, B, as an employee. Depending on A's duties B may need to satisfy the Council that he or she is fit and proper if employee A is involved in the management of a property. If A is required to satisfy the fit and proper test and fails it, B, i.e. the employer, could be found not to be fit and proper to manage or be a licence holder by association.

6.3. A decision that someone is not fit and proper or a refusal to grant a licence in these circumstances will normally only be made if:

- there is actual evidence of relevant misconduct by the associated person and
- the associate's fitness is directly relevant to the applicant or proposed licence holder's fitness to manage the property or hold the licence.

## 7. Duration

7.1 If someone is found not to be fit and proper this will normally remain the case for 5 years. If a subsequent licence application is submitted within that period the Council will reconsider a person's fit and proper status on the merits of that application. The applicant will be expected to provide evidence which demonstrates why she or he is a fit and proper person.

## 8. Offences / evidence of contraventions

8.1. The following examples give a general guide to the action which might be taken where convictions are disclosed or where there is evidence of contraventions proved to the satisfaction of the Council.

*8.2. Have they contravened housing law or landlord and tenant law?*

8.2.1. Careful consideration should be given to an application where a person making a fit and proper person declaration has contravened housing law or landlord and tenant law, for example evidence of poor management, previous history, prosecutions, simple cautions. In particular, consideration should be given to contraventions under:

- The Public Health Acts of 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Acts of 1982 and 1976
- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004

8.2.2. Contravention of one of the above Acts could result in informal action where a person is asked to complete works, formal action where a legal notice is served, remedial action or work in default, or a prosecution. The nature of the contravention, its relevance to the management of a house and the potential harm caused must all be considered. It may also be relevant to consider the circumstances of the contravention, the number of contraventions and evidence to show good character since the date of the contravention. Each case will be considered on its own merit.

### *8.3. Have they committed any offences involving fraud?*

8.3.1. Licence holders and anyone else who is involved in the management of a licensable property are in a position of trust. The nature of their role means they will enter the property on occasion and will be engaged in financial dealings taking personal data from their tenants, so there may be opportunities for fraud.

8.3.2. In particular a person will normally be found not to be fit and proper where the person has a conviction for an offence in which the victim has been deprived of money, property or other benefit by misrepresentation/deception on the part of the offender including:

- Theft
- Burglary
- Fraud
- Benefit fraud (particularly where tenants are in receipt Housing Benefit)
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking
- Being struck off as the company director

### *8.4. Have they committed any offences involving violence?*

8.4.1. A person will not normally be considered to be fit and proper where the person making a fit and proper person declaration has a conviction for the offence of:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm
- Grievous bodily harm with intent
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault
- Common assault which is racially aggravated
- Assault occasioning actual bodily harm
- Possession of an offensive weapon



- Possession of a firearm

#### *8.5. Have they committed any offences involving drugs?*

8.5.1. Careful consideration should be given to an application where a person making a fit and proper person declaration has committed a drug related offence. Consideration should be given to the nature of the offence and what bearing it could have on the management of a licensable property. The nature, quantity and class of drugs will be taken into account.

#### *8.6. Have they committed any offences involving sexual offences?*

8.6.1. As licence holders, managers and anyone else who is involved in the management of a licensable property will on occasion visit tenants in their homes, convictions for sexual offences will be treated particularly seriously.

8.6.2. A person will not normally be considered fit and proper where the person making a fit and proper person declaration has a current conviction for an offence contained in schedule 3 of the Sexual Offences Act 2003.

#### *8.7. Have they practiced unlawful discrimination?*

8.7.1. Careful consideration should be given to an application where a person making a fit and proper person declaration has practiced unlawful discrimination. Unlawful discrimination can include findings of an Industrial Tribunal on unlawful employment practice such as discrimination under the Disability Discrimination Act. Consideration should be given to the nature of the unlawful discrimination and what bearing it could have on the management of a licensable property.

### 9. Private Sector Housing Enforcement Policy

9.1. This policy forms an appendix to the Private Housing Enforcement Policy, which promotes efficient and effective approaches to regulatory inspection and enforcement to improve regulatory outcomes without imposing unnecessary burdens.

### 10. Data sharing

10.1 Information used and ascertained for the purpose of deciding whether a proposed licence holder or manager is fit and proper is shared with other statutory bodies on the basis of preventing and detecting crime and disorder, particularly other local authorities and the police. Property licence applicants agree to this when they sign the property licence application form.

## Appendix D Selective Licence Conditions for Privately Rented Properties

*\*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)

#### **Electrical Safety**

3. The licence holder shall ensure that every electrical installation in the housing is in proper working order and safe for continued use. \*
4. The licence holder shall supply the authority, on demand, with a declaration by them as to the safety of such installations. \*

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

5. 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. \*
6. The licence holder shall ensure a record of visual inspection of such appliances is maintained and shall submit this record to the council within 7 days of the council's demand.
7. 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. \*

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

8. 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. \*

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. \*

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

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

12. 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 fixed combustion appliance other than a gas cooker. 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. \*
13. 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**

14. 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.
15. The licence holder must ensure that gardens, yards and other external areas are cleared of rubbish, debris and accumulations and are cleared between tenancies. All refuse and unwanted items are cleared from the house and disposed of in an appropriate manner before new tenants move in
16. The licence holder shall ensure the property is secure by complying with the requirements of paragraphs a) to f) 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;

### **Dealing with Rubbish:**

17. 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.

### **Property Inspections**

18. 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.
19. 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**

20. 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.
21. 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.
22. 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.
23. 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.
24. 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. \*
25. The licence holder shall comply with all relevant landlord and tenant law and 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.
26. 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. \*
27. 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**

28. 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**

29. 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**

30. 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 training course or undertaking online training arranged and delivered by 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 as provided by East Midlands Property Owners Ltd (EMPO) or other recognised landlord training 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**

31. 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 Public Protection Service.

32. 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.

### **Advisory Notes**

Where electrical works/certificates are required they shall be carried out by a competent person. For example a suitably qualified electrical contractor who is registered/a 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)



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