

Report to Cabinet

Subject: Selective Licensing Implementation of phase 1a in the Netherfield Ward

Date: 5th September 2024

Author: Food, Health and Housing Manager

Wards Affected

Netherfield ward

Purpose

To consider the results of the 12 week public consultation from 15th December 2023 to 10th March 2024 in relation to a proposal to designate the phase 1A Selective Licensing scheme in the Netherfield Ward for a period of up to 5 years.

To approve the designation of the phase 1a scheme outlined in red at appendix 1 to this report as being subject to Selective Licensing with effect from 5th January 2025.

To approve the licence conditions to be attached to licences issued under the Selective Licensing scheme as set out in appendix 2 to this report.

To authorise the Corporate Director for Place to publish a Notice of Designation in accordance with the Housing Act 2004.

To approve the licensing fees as set out in Table 1a and 1b of paragraph 4.2 of this report.

To note the financial and staffing implications of the Selective Licensing scheme as set out in the financial implications section of this report

Key Decision

This is a key decision because it affects the private rented sector in the borough and the income could exceed the key decision threshold if additional income is received during the duration of the scheme. The previous phase 1 Netherfield scheme decision in 2018 was a key decision.

Recommendation(s)

THAT:

- 1) Cabinet approve the designation of the Phase 1A Selective Licensing area shown outlined in red at appendix 1 to this report as being subject to Selective Licensing with effect from 5th January 2025.
- 2) Cabinet approve the licence conditions to be attached to licences issued under the Selective Licensing Scheme as set out at appendix 2 to this report.
- 3) Cabinet authorise the Corporate Director for Place to publish a Notice of Designation in accordance with the Housing Act 2004
- 4) Cabinet approve the licensing fees as set out in Table 1a and 1b of paragraph 4.2 of this report
- 5) Cabinet note the financial and staffing implications associated with the Selective Licensing scheme as set out in the financial implications section of this report

1 Background

1.1 Netherfield Selective Licensing (Phase 1)

The council successfully implemented selective licensing in Netherfield between 1st October 2018 and 30th September 2023. The scheme required all private rented properties in the ward to be licensed by the council. Landlords must apply to the council for a licence which is subject to a two part fee, and the council will issue a licence imposing conditions on the person having control of the property. The council also aims to inspect the property to ensure compliance with the conditions and legal minimum standards are achieved.

- 1.2 709 homes were licensed by the council with 80% of properties inspected found to require essential works under the Housing Health and Safety Rating System (HHSRS). 53 properties were identified as having disrepair presenting an imminent risk to the occupants safety requiring urgent action.
- 1.3 Positive outcomes from the scheme included over 500 property inspections and substantial increase in the uptake of landlord accreditation which helps to professionalise the sector with access to training and landlord support. The scheme has seen an increase in safeguarding referrals to partners such as Nottinghamshire Fire and Rescue, Nottinghamshire Police, and the council's Community Safety team and Nottinghamshire County Council. The scheme has improved partnership working and collaboration with the Selective Licensing team, Community Safety team and

Nottinghamshire Police who meet every two weeks to share intelligence and joint working to address antisocial behaviour and crime in the Netherfield ward associated with the private rented sector.

- 1.4 Over the period of the scheme associated data showed a 29% reduction in complaints about housing conditions in the last year of the scheme and a 30% reduction in complaints about antisocial behaviour between the peak in 2019 and the final year of the scheme. Crime data collated by the Police in the Netherfield ward showed a peak in 2020 and then a fall in reports about dwelling crime (associated with addresses in the ward) with a 30% reduction.
- 1.5 13 Civil penalty notices were issued against landlords who failed to licence their properties as an alternative to prosecution. This result in fines totalling £26,938 associated with 19 properties.

1.6 Legislative background

Section 80 of the Housing Act 2004 allows local authorities to introduce selective licensing of private rented properties in a designated area. The Secretary of State's guidance for local authorities issued by the Department of Communities and Local Government in 2015 requires that a designated area for selective licensing must have a high proportion of private rented accommodation (over 19%). Where the designated area covers over 20% of the local authority area or over 20% of the housing stock in the local authority area, the authority to designate must be granted from the Secretary of State. Below the 20% threshold the local authority has the power to designate the area. The areas proposed for designation under Phase 1A of the Selective Licensing Scheme combined with the existing Phase 2 scheme fall below the 20% threshold which would require Secretary of State approval. The proposed Netherfield ward does have over 19% of accommodation falling within the private rented category.

- 1.7 The Secretary of State's guidance describes that a local authority can designate an area for selective licensing where one or more of the following conditions exist:
 - I. low housing demand (or is likely to become such an area)
 - II. a significant and persistent problem caused by anti-social behaviour
 - III. poor property conditions
 - IV. high levels of migration
 - V. high levels of deprivation
 - VI high levels of crime

In order for the Council to make a designation it must:-

- a) be satisfied that one or more of the statutory grounds for making a scheme are

met

- b) have taken reasonable steps to consult persons likely to be affected by the designation and have considered any representations
- c) ensure that any exercise of the power is consistent with the authority's overall housing strategy
- d) seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour both as regards combining selective licensing with other courses of action available to them and measures taken by other persons

The Council must not make a designation unless:-

- it has considered whether there are any other courses of action available to it that might provide an effective method of achieving the objective(s) that the designation would be intended to achieve, and;
- it considers that making the designation will significantly assist it to achieve that/those objective(s)

- 1.8 The purpose of local authorities licensing all private landlords in a designated area is to ensure that a minimum standard of property management is achieved. The explanatory notes to Part 3 of the Housing Act 2004 makes it clear that selective licensing is strongly linked into the Government's anti-social behaviour agenda. Registered Social Landlords and their properties are exempt from selective licensing
- 1.9 Prior to designating an area for selective licensing the local authority must have conducted a public consultation for a minimum period of 10 weeks.
- 1.10 In areas designated for Selective licensing all rented properties must be licensed by the council with the exception of those already subject to mandatory HMO licensing or those managed or owned by Registered Social Landlords. All private landlords will be required to hold a licence in order to rent out a property. The licence last for up to five years.
- 1.11 To qualify for a licence a landlord must be able to demonstrate that they are acting within the law and taking adequate steps to manage their properties and keep them safe. Prior to issuing a licence, council officers will inspect every private rented property to ensure they meet minimum standards and will comply with the licence conditions. In addition, a 'fit and proper' person test will be applied to test the landlord's suitability to manage the tenancy.
- 1.12 If a decision is made to approve the designation, a public notification period of 3 months is required before implementation of the scheme in order to communicate the

decision to consultees and the public.

1.13 At its meeting of 14 December 2023 Cabinet noted the review of the Netherfield (phase 1) Selective Licensing scheme and Proposal to declare a Phase 1A selective licensing scheme within the Private Rented Sector – and gave approval for a 12 week consultation on the scheme to be carried out. The report including the draft “Proposal” are available via the council’s webpage or clicking [here](#). The scheme Review and Phase 1A Proposal document sets out the statutory basis and evidence to support the proposed designation of the Netherfield ward under Phase 1A. It also highlights which conditions (referenced in para 1.7 above) are satisfied in Netherfield, these are:

- i. a significant and persistent problem caused by antisocial behaviour
- ii. poor property conditions
- iii. high levels of deprivation
- iv. high levels of crime

1.14 The consultation closed on the 10th March 2024 there has been some delay in reporting the results of the consultation back to cabinet in the main due to the pre election periods for the East Midland Combined Authority regional Mayor elections and the general election. There was no Cabinet in August 2024 leaving the September meeting as the earliest meeting to report the results. That said the delay has allowed Officers to fully consider the responses received in the consultation including in some instances making adjustments.

1.15 Consultation Process

The public consultation on phase 1A in selective licensing was held for 12 weeks between 15 December 2023 to 10 March 2024. To bring the consultation to the attention of stakeholders and seek their views the council used the following methods:

- A leaflet drop to every household within the phase 1A proposed area.
- Press release and articles in local media including Nottingham Post and Gedling Eye
- 73 landlords and agents were emailed via the council mailing list to keep up to date with news since selective licensing began in Netherfield for both consultations.
- 491 landlords and agents were emailed directly about the consultation using addresses provided to the council for selective licence applications in Netherfield.
- Circulation to via the localities co-ordinators to the Netherfield steering groups

network

- a public notice in the Nottingham Post
- social media posts on the council Facebook and Twitter pages
- Targeted social media adverts in the geographic areas most affected by the Proposal
- A public consultation event for residents at the Netherfield St Georges Centre held 20 February 2024
- A live online event for landlords and agents on 28 February 2024.

1.15 Online Consultation Responses

Overall for the 12 week consultation there were 42 responses to the questionnaire which included 11 questions where stakeholders could provide feedback on various aspects of the scheme together with a space at the end to provide written responses. The council has spent many officer hours going through each comment individually and providing a response to the issues raised, summaries are attached in Appendix 3.

1.16 Headline statistics for 12 week consultation:

The following statistics are presented from the results of the 12 week consultation:

- 87% of private landlords (27 responses) and 100% of letting agents (1 response) owned or managed properties within the proposed phase 1A selective licensing area.
- 100% of private rented tenants (1 response) and 100% of owner occupiers (7 responses) who responded lived in the proposed phase 1A selective licensing area.
- 74% of landlords disagreed that the proposed licence conditions will improve the standard of private rented properties
- No tenants believed the licence conditions will improve the standard of privately rented properties. However, 100% of owner occupiers agreed that the proposed licence conditions will deliver improvements.
- 87% of private landlords and one managing agent disagreed that the proposed licence conditions will reduce crime and antisocial behaviour.
- No private rented tenants agreed that the proposed licence conditions will reduce antisocial behaviour and crime and disorder. However, 85% of owner occupiers agreed the proposed licence conditions will reduce crime and

antisocial behaviour.

- 96% of landlords disagreed with the proposed two part licence fees and 93% of landlords disagreed with the other fees associated with the scheme. 85% of residents agreed with the proposed two part licence fee and 100% of owner occupiers agree with the proposed other fees for the scheme.
- 25% of landlords and 57% of owner occupiers agreed with the proposed discount for accredited landlords
- 100% of owner occupiers agreed with proposed area in the Netherfield ward. The private rented tenant and landlords and letting agents who responded to the consultation disagreed with the proposed designated area of the scheme.

Overall 100% of owner occupiers agreed with the council's proposal to introduce the phase 1A selective licensing scheme. 90% of private landlords and one of managing agents disagreed with the council's phase 1A selective licensing proposal.

1.17 Comments received during the consultation

- 1.18 There were some broadly positive comments which supported the scheme, such as, *"I agree with the scheme, however I feel there are additional issues that need to be addressed as part of the scheme such as how HMOs are permitted and regulated"*.
- 1.19 *"anything that helps private rented tenants more easily achieve a decent standard or home is a good thing. I just hope the fee doesn't result in rents being increased to cover the fee"*.
- 1.20 *"Maybe this scheme will make Netherfield a better place to live. Landlords should be held responsible for the state of the property, the garden and the outside. Too many tenants do not care about the community they are part of, so the landlords need to take responsibility for the property they are letting out. They need to make sure the tenants are not going to add to the already anti-social behaviour that is happening in Netherfield"*.
- 1.22 A common theme that was raised was concerning the level of the fee and how this would be paid, *"I think the fee which has a good purpose, fails to think about extra costs which will end up as the tenants responsibility to pay. The landlord will pay the fee initially but they will just increase prices to reflect the fee."*
- 1.23 *"Whilst the previous scheme has been declared a success, I don't think the fees should be the same for a new application and a renewal. So many landlords have upgraded their properties and were issued a licence and will therefore be compliant under the new scheme. Surely a reduced rate can be offered for a renewal."* The financial implications in section 4 of this report sets out how the comments surrounding the fees have been taken into account as a result of the consultation.

1.24 Police comments on proposal

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 have dedicated staffing resource that attend our fortnightly partnership meetings and contribute to sharing intelligence and joint working in Netherfield.

1.25 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.

1.26 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.

1.27 Response to consultation

Appendix 3 to this report includes a summary of all of the issues raised in the 12 week consultation and how these issues have been acted on or not. The majority of opposition to the scheme related to the proposed fee structure which has been addressed in section 4 of this report. Common issues raised regarding the scheme include discounts for re-licensing landlords and their properties, payments by instalments and the issuing of 5 year licences for landlords who apply in the later years of the designation. Having reviewed the feedback the council can only recover the licence fees in two instalments. However to help spread the costs for landlords the part 1 fees have been reduced for all types of applicant to £400 and part of the part 1 fee administration costs will be recovered when the part 2 fee is paid. This will also improve the efficiency of administering the scheme and reduce the need for refunding part of the fee if an incorrect part 1 fee is paid. As part of the review of the licence fees following the consultation this report proposed a £55 discount for accredited landlords and £50 discount for non-accredited landlord who 're-licence' themselves and their properties if previously licensed through the phase 1 Netherfield scheme. The discounts are only available if the property management arrangements remain unchanged from the previous scheme and there have been no compliance issues. Note a £195 discount is also proposed for new licenced accredited landlords who have voluntarily sought membership of a landlord accreditation scheme and £200 discount for accredited landlords who re-licence their properties. Accredited landlords are those who have joined an accreditation scheme to achieve an agreed standard of competence and have access to training and support from the accreditation provider. This helps to improve their skills and knowledge about the business of owning, managing or letting a private rented home.

1.28 The council has considered feedback on the duration of licences but is unable to issue licences beyond the duration of the scheme designation as once the scheme

designation comes to an end the selective licensing conditions are no longer enforceable. Comments were received suggesting the licence fees should be reduced or refunded for landlords who acquire a property that becomes licensable part way through the scheme designation. The part 1 fee covers the processing of the licence application and covers the cost incurred by the council and is non-refundable. The part 2 fee funds the running costs of the scheme and the fee justification is based on the shared cost of compliance for all landlords during the operation of the scheme. The actual costs of an individual compliance visit will be far higher than the amount recovered in an individual part 2 fee from one landlord. The part 2 fee is recovered from all licenced landlords to resource the service and cover the running costs of the scheme. The fee covers the cost of compliance and is shared to ensure the fees are kept reasonable and proportionate for landlords. Therefore, the council is unable to reduce the part 2 fee for landlords who apply in the later years of the scheme.

- 1.29 If designated by Cabinet the phase 1A scheme will be regularly monitored and reviewed. Management meets with the Public Protection Portfolio Holder on a monthly basis and report progress on the scheme together with each quarter of the year reporting progress via the council's performance management system. The scheme is kept under regular review and where necessary adjustments will be made to the council's approach to ensure the scheme is effectively regulated and administered. Should the scheme no longer be required a report will be submitted to Cabinet to revoke the designation.

2 Proposal

- 2.1 It is proposed that Cabinet approve the Phase 1A designation shown outlined in red at Appendix 1 to this report as being subject to Selective Licensing with effect from 5th January 2025.
- 2.2 It is proposed that Cabinet approve the licence conditions to be attached to licences issued under the Selective Licensing Scheme as set out at Appendix 2 to this report.
- 2.3 It is proposed that Cabinet authorise the Corporate Director of Place to publish a Notice of Designation in accordance with the Housing Act 2004.
- 2.4 It is proposed that Cabinet approve the licensing fees as set out in Tables 1a and 1b of paragraph 4.2 of this report.
- 2.6 It is proposed that Cabinet note the financial and staffing implications associated with the Selective Licensing Scheme.

3 Alternative Options

- 3.1 Legally, it is required that Councils, before they implement any selective licensing scheme, must have considered any other course of action that might provide an

effective method of achieving the objectives that such a scheme would bring.

- 3.2 This may include voluntary measures such as accreditation and giving the opportunity for local landlords to prove that they are committed to ensuring the quality of the private rented sector. Such a voluntary scheme does bring a set of standards relating to management or physical condition of privately rented accommodation and, in that, it does recognise and rewards landlords who manage their properties to a good standard. It does not, however, bring a *mandatory* test of a landlord being a fit and proper person to be the licence holder or a *mandatory* requirement to comply with licence conditions.
- 3.3 Officers also considered not seeking a phase 1A scheme for selective licensing in the district but this was not pursued as it would not ensure the private rented homes in Netherfield are effectively regulated to meet minimum standards. The absence of a further selective licensing scheme would not achieve the same level of improvements in property management nor would an equivalent system be in place to address crime and antisocial behaviour associated with private rented homes.
- 3.4 Officers also considered introducing a district-wide scheme but this was not taken forward at this stage because the evidence is not yet sufficient to consider the whole district and therefore such an application is unlikely to be supported by the Secretary of State (who has to agree to the implementation of a significantly larger scheme).

4 Financial Implications

- 4.1 Under s.87 of the Housing Act 2004, an authority may charge a fee in relation to selective licensing which takes into account all costs associated with carrying out the functions under this part of the Act. As outlined in the results of the consultation detailed in the background section of this report, concerns were raised through the consultation about the level of fees and the costs being passed onto tenants. Suggestions were also put forward to pay the licence fees by instalments. Guidance issued by the Local Government Association in 2017 recommends recovery of licence fees in two parts; the first part is associated with processing the licence application and the second part is charged only to those applicants who receive a licence and covers the costs associated with compliance and enforcement of the licence.

The introduction of 2 part fees will go some way to addressing the concerns raised in the consultation about meeting the fee costs and will spread the costs for landlords. The part 2 fee will need to be paid once the Council has processed the application and is ready to issue the licence. Issuing the licence will be conditional to the applicant paying both parts of the fee, without which they will be operating without a licence which is a criminal offence.

It is not recommended for this scheme to introduce payment by annual instalments for the following reasons:

- it will introduce confusion for landlords over the correct fee due to the variety of fee levels that would be required for Accredited and Non-Accredited landlords and the 2 part fee system as recommended by the LGA.
- It will place additional burden and costs on the council to manage payment plans and direct debits and continually check the income receive throughout the 5 year period of the scheme
- It will increase the risk for the council of not collecting the full level of income required to provide the service. Landlords could cancel their direct debit arrangements or not pay future instalments and the Council would then need to carry out enforcement to recover the costs.
- It will not be consistent with the approach implemented in the phase 1 scheme in Netherfield.

This recommendation is consistent with the Council’s Financial Regulations 6.7.2 which recommend collection of income in advance to avoid the time and cost of administering debts.

4.2 The following tables show the various elements required in order to run the scheme:

Table 1a-b Income Analysis

Table 2 Staffing Analysis

Table 3 Other Costs Analysis

Table 4 Financial Model Split (%) over the duration of Phase 2 scheme

Table 5 Financial Model Split (£) over the duration of Scheme 2 scheme

Table 1a – Income Analysis

New licence applications

<u>Landlord type</u>	Part 1 fee	Part 2 fee	Total	Number of Properties	Five Year Income (£)
Accredited Landlords (estimated 43%)	£400	£245	£645	35	(£22,575)
Non Accredited Landlords (estimated 57%)	£400	£440	£840	35	(£29,400)
			Total Income	70	(£51,975)

Table 1b – Income Analysis

Re-licence applications

<u>Landlord type</u>	Part 1 fee	Part 2 fee	Total	Number of Properties	Five Year Income (£)
Accredited Landlords (estimated 43%)	£400	£190	£590	271	(£159,890)
Non Accredited Landlords (estimated 57%)	£400	£390	£790	359	(£283,610)
Total Income				630	(£443,500)

Table 2 – Staffing Analysis

4.3

Proposed Staff structure following consultation	Five Year Costing (£)
Establish Senior EHO position through an honorarium to an existing EHO for 5 year period	£26,541
One temporary Housing Improvement & Enforcement Officer Band 8 for 3 year period	£154,728
One temporary Housing Improvement and Enforcement Officer Band 8 (2.5yr)	£128,940
One temporary Housing Improvement and Enforcement Officer Band 8 (2yr)	£101,862
One Apprentice 1 (2yr)	£21,171
Total Staffing Costs	£433,242

4.4 **Table 3 – Other Costs Analysis**

Breakdown of the Other Costs	Five Year Costing (£)
DASH Membership Fees professional membership in relation to selective licensing scheme	£28,302
IT Costs & other Overheads	£27,500
Other Misc. Expenses	£6,453
Total Other Costs	£62,254

4.5 **Table 4 – Financial Model split (%) over the duration of Phase 1A scheme**

Selective Licencing Phase 2 – Schedule of % Split of Costs and Income						
	Year 1 (£)	Year 2 (£)	Year 3 (£)	Year 4 (£)	Year 5 (£)	Total (£)
Staffing	39%	39%	20%	1%	1%	100%
Other Costs	19%	19%	20%	21%	21%	100%
Income	60%	20%	20%	0%	0%	100%

4.6 **Table 5 – Financial Model split (£) over the duration of Phase 1A scheme**

	Selective Licencing Phase 2 – Schedule of % Split of Costs and Income					
	Year 1 (£)	Year 2 (£)	Year 3 (£)	Year 4 (£)	Year 5 (£)	Total (£)
Staffing	£166,413	£170,646	£85,250	£5,412	£5,520	£433,242
Other Costs	£12,026	£12,207	£12,428	£12,576	£13,018	£62,254
Total Costs	£178,439	£182,853	£97,678	£17,988	£18,538	£495,496
Income	(£297,285)	(£99,095)	(£99,095)	£0	£0	(£495,475)
In Year Net Position	(£118,846)	£83,758	(£1,417)	£17,988	£18,538	£21
Scheme Net Position	(£118,846)	(£35,088)	(£36,505)	(£18,517)	£21	£21

- 4.7 It should be noted that the number of properties used to calculate income has been based on the experience of implanting the phase 1 selective licensing scheme in Netherfield which provides an accurate comparison to the phase 1A proposal in the same location. There is a risk that the number of properties, and therefore income, may be lower than expected, however scheme costs will be managed to match the demand for the service ensuring no adverse financial impact to the Council.
- 4.8 Following the public consultation where responses were received regarding the fee structure the new proposed fee structure is shown in table 1a and 1b (paragraph 4.2). Taking onboard the views in the consultation it is proposed that the part 1 fee is set at £400 for all categories of applicant. A new re-licence fee is proposed to be introduced

as set out in table 1b (paragraph 4.2) which provides a £55 discount for accredited landlords and a £50 discount for non-accredited landlords who have previously been licenced by the council and their management arrangements remains the same as per the phase 1 scheme.

- 4.9 The tables 1 to 5 show how the scheme is expected to perform over a five year period, the years shown do not currently reflect financial years. If this report is supported the scheme is proposed to start from 5th January 2024 however the years of the scheme stated in the table will cross over 2 financial years. Budgets will be adjusted once we have a greater understanding of when income is expected to be received and in which financial years. As two thirds of the scheme income is anticipated to be received in Year 1, any surpluses will be transferred to the Selective Licencing reserve and drawn down in future years to offset any shortfalls.
- 4.10 Cabinet are asked to note the headline budget allocations, the staffing structure and implications in tables 1 to 5 above. A budget for the scheme was established by the Council in 23/24, which is also in place for 2024/25. A breakdown of the current established expenditure budget is shown below.

Category	Budget
Staffing	£162,400
Other Costs	£34,500

Should the scheme be designated by Cabinet, the budget will be realigned and adjusted in accordance with the new budget profile as set out in tables 1 to 5 of this report. This will be considered by Cabinet in February 2025 and recommended to Council in March 2025. Should Cabinet approve this report the staffing implications will be implemented via a separate report to the Chief Executive/Senior Leadership who will approve the establishment of posts or extension of existing temporary contracts in accordance with delegated authority.

5 Legal Implications

- 5.1 The statutory power for designating an area for selective licensing is set out in Part 3 of the Housing Act 2004. The statutory tests that are required to be met in order to make such a designation, along with the guidance to be followed are detailed at 1.6-1.7 of this report and within the draft proposal at section 3 accessible at 1.13 of this report.
- 5.2 Before reaching a decision Cabinet must be satisfied that the statutory tests have been satisfied and the secretary of state's guidance has been followed.
- 5.3 Under section 80(9) of the Housing Act 2004 there is a statutory requirement to take all reasonable steps to consult persons who are likely to be affected by the designation, prior to any decision regarding designation being made. The details of the consultation

exercise undertaken is dealt with in the body of this report.

- 5.4 The Government has produced guidance on effective consultations, which sets out a number of principles. In particular consultations should be targeted, should be clear and concise, should take account of the groups being consulted and should allow adequate time for responding.
- 5.5 The results of the consultation and summary of issues raised can be found at appendix 3. There is a statutory duty that any representations received are to be considered by Cabinet in making it's decision.

6 Equalities Implications

- 6.1 The equalities implications are considered in the equalities impact assessment in appendix 4. The proposed areas for the phase 1A selective licensing are where there are a higher proportion of private rented accommodation and likely to contain disadvantaged households who have not accessed owner occupied tenure. Private rented tenants have less ability to improve their own housing conditions and rely on their landlord and public sector for support and improvements in their living conditions. The selective licensing mechanism is a tool available to the council to legally require landlords to apply for a licence and in doing so introduces minimum standards to improve housing conditions.
- 6.2 The selective licensing scheme will have a positive impact on protected characteristics and groups from an equalities perspective as regulation of the private rented sector will help improve living conditions and ensure best practice. Rogue landlords who take advantage of vulnerable tenants will either need to comply with their legal obligations or move out of the sector. The selective licensing mechanism increases the enforcement powers of the council to protect vulnerable tenants.
- 6.3 The availability of a public register of licensed landlords improves openness and transparency in the sector and can enable access of services to tenants living in licensed homes. The council's Improvement Officers are able on inspection to sign post tenants to services such as Disabled Facilities Grants or services and assistance which may benefit them.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 The climate impact assessment in appendix 5 shows the scheme will ensure private rented properties meet minimum energy efficiency standards including adequate insulation and heating systems. This will contribute to reduced carbon emissions associated with private rented housing in Netherfield. Without designating selective licensing in Netherfield the council's ability to improve energy efficiency in the private rented sector would be significantly reduced.

8 Appendices

- 8.1 Appendix 1 – selective licensing phase 1A designation
- 8.2 Appendix 2 – licence conditions
- 8.3 Appendix 3 – summary of issues raised 12 week consultation
- 8.4 Appendix 4 – Equalities Impact Assessment
- 8.5 Appendix 5 – Climate Impact Assessment

9 Background Papers

- 9.1 Secretary of State’s guidance Selective licensing
- 9.2 Report to Cabinet authorising the public consultation

10 Reasons for Recommendations

- 10.1 The Council considers that the general conditions required to designate the Phase 1A Selective Licensing Scheme under Section 80(6) of the Housing Act 2004 are satisfied.
- 10.2 Selective licensing is an important component of the Councils strategy to improve housing conditions in the private rented sector in Netherfield, Carlton Hill, Colwick, Daybrook and Newstead Village. It is the only option available to the local authorities that compels landlords to look at how they manage their rented properties and where required, make improvements to their management practices. It is important that this scheme will support the work of the Council and partners in improving the physical environment and economic conditions of the areas.
- 10.3 The scheme will allow the council to support landlords to comply with addressing damp and mould hazards in their properties. Awaab’s law was introduced for social landlords in 2023 following Awaab Ishak’s death in 2020 which the coroner ruled was linked to respiratory problems affected by damp and mould hazards in his rented home. This tragic death and case highlights the devastating effects poor quality and poorly maintained housing can have on health. Addressing and improving housing conditions is one of the key objectives the selective licensing scheme seeks to address.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer