

HEADING

Proposal for Selective Licensing

Submitted by:

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Portfolio:

Planning and Assets

Ward(s) affected:

All but specifically Kidsgrove and Ravenscliffe

Purpose of the Report

To outline the Council's proposal for Selective Licensing to address areas of low demand and anti-social behaviour in key areas.

Recommendations

That officers are authorised to take the necessary steps to prepare a Business Case for the introduction of a Selective Licensing scheme with a detailed report setting out the scheme proposal to be prepared for a future Cabinet.

Reasons

There are several areas within the Borough which suffer from anti-social behaviour and low demand. It is appropriate that the Council considers the extent of the problems and seeks to work in partnership with agencies such as the Police to tackle issues. This report seeks authority to re-align and dedicate officer resources to commence the Selective Licensing project.

1. Background

- 1.1 Over a significant period of time elected members have been raising issues of concern about anti-social behaviour and instability within a small number of neighbourhoods in the Borough, most notably Galleys Bank at Kidsgrove. The focus of these concerns would appear to arise from the transient nature of households occupying private rented accommodation.
- 1.2 The Housing Act 2004 provides the Council with a range of tools with a view to encouraging private sector landlords to improve management, amenity and safety standard of their properties, and to tackle antisocial behaviour, which in turn will help to improve living standards and improve areas of low housing demand. Under Section 80 and 81 of the Act the Council can designate areas as subject to selective licensing in respect of privately rented accommodation. Selective licensing can be introduced where:
- The area is experiencing low housing demand and licensing, when combined with other measures, will lead to improved social and economic conditions.
 - The area is experiencing "significant and persistent" anti social behavior and that private landlords in the area are not taking appropriate action to tackle this.
- 1.3 Selective Licensing means that private landlords who own properties in designated areas will have to obtain a licence in order to operate. There are certain mandatory conditions which must be included in a licence. These are for landlords to:
- provide a gas safety certificate annually;
 - keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;
 - keep smoke alarms in proper working order;
 - supply the occupier with a written tenancy agreement; and
 - demand references from persons wishing to occupy the house.

Additional conditions can also be included in the licence, these could be:

- to take reasonable and practicable steps to prevent or reduce antisocial behaviour;

- to supply tenants with their contact details; and
- to carry out repairs and other legal obligations within a reasonable time.

2. **Issues**

- 2.1 In order to develop the Selective Licensing project a number of work streams will be undertaken and these can be summarised as follows:
- A statistical evidence base to demonstrate that selective licensing is justified,
 - The Council must consult with people who are likely to be affected – tenants, landlords, managing agents, local residents and businesses for a minimum period of 10 weeks.
 - Selective licensing must be coordinated with wider strategies for dealing with anti social behaviour and regeneration.
 - Consider whether there are alternative means of addressing the issues e.g voluntary accreditation.

3. **Options Considered and Reasons for Preferred Solution**

- 3.1 Cabinet members wish to explore the scope for introducing selective licensing or identifying other appropriate ways forward and therefore it is recommended that officers commence data collation and the required analysis. The outcome of this exercise would then be assessed against relevant strategies and existing work programmes to establish the most appropriate course of action. It is envisaged that officers would report back to Cabinet before proceeding with any public consultation exercise.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 4.1 Tackling low demand and antisocial behaviour clearly contributes to the Corporate Priorities of a Clean Safe and Sustainable Borough and a Borough of Opportunity.

5. **Legal and Statutory Implications**

- 5.1 Prior to introducing any Selective Licensing scheme the Council will consult all persons likely to be affected and produce a report with robust evidence of the problems and indicate other strategies which have been tried and failed. Failure to meet the requirements could result in local authority facing a threat of judicial review and an award of costs against the Council.

6. **Equality Impact Assessment**

- 6.1 An Equality Impact Assessment will need to be completed as part of any consideration of a proposed scheme.

7. **Financial and Resource Implications**

- 7.1 At this stage it will be necessary to commit to adequately resourcing the project and to that end the service work plans will be reprioritised to provide the necessary capacity. The setting up of a licensing scheme will be resource intensive and a full business case will be presented alongside the proposals. A multi agency working group will also need to be established. Information on the resource requirements will be presented as part of the Selective Licensing proposal.
- 7.2 In order to collate information on antisocial behaviour and property ownership officers will work with partner agencies such as the Police. This will be cross referenced with suitable information from Council Tax and Housing Benefit records alongside land registry checks.

The costs of completing the land register checks for a pilot area like Galleys Bank will be in the region of £1,500 and this will be funded from existing budgets.

8. **Major Risks**

- 8.1 The Council needs to ensure that any scheme is thoroughly researched and supported by a robust evidence base and that proper consideration is given to the appropriate scheme prior to the necessary consultation been undertaken. Any such consultation exercise in its self will need to be undertaken both rigorous and robustly in order that the Council can demonstrate the views of all interested parties have been taken into account in the process. A full risk assessment and legal opinion should accompany the project proposal to minimise the risk of legal challenge to the implementation of any scheme.

9. **Key Decision Information**

- 9.1 This is not a key decision.

10. **Earlier Cabinet/Committee Resolutions**

- 10.1 None.

11. **List of Appendices**

- 11.1 None.