

Selective Licensing Scheme Proposal



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Selective Licensing Consultation- Summary

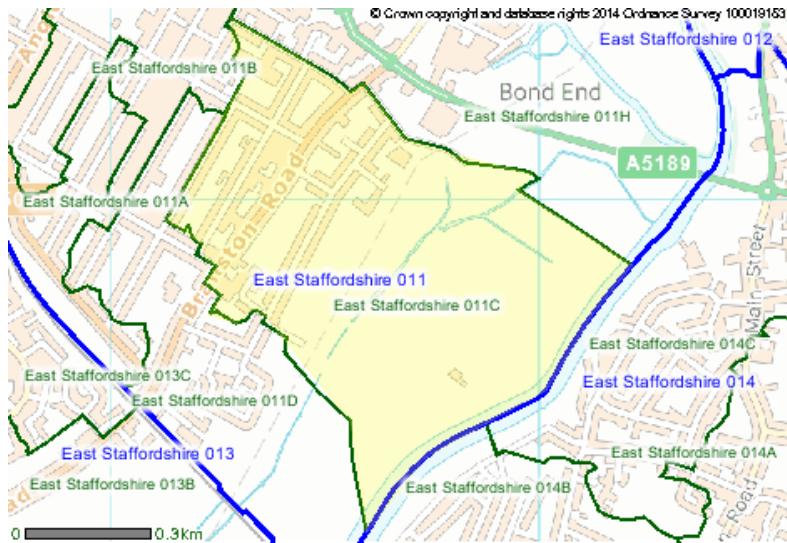
What is proposed?

East Staffordshire Borough Council is proposing to designate an area of the borough as a selective licensing area under section 80 of the Housing Act 2004. The proposed area covers a relatively small area based within the eastern area of Anglesey ward including Branston road, Blackpool Street, King Street, Queen Street and Broadway Street. The area consists of approximately 661 households and has a population of 1680.

Local authorities have a discretionary power to designate an area for selective licensing if certain legal tests are met. Once designated, all privately rented homes within the area must be licensed with the council (unless exempt). Selective licensing does not apply to owner-occupied or housing association properties. Each licence requires landlords to comply with a range of conditions designed to ensure good property and management standards. It is proposed that the designation would start in 2017 and last for five years, with a review being undertaken annually to monitor the success of the scheme.

The proposed area has been identified, following extensive research, as an area that suffers from a wide range of issues including poor property standards, poor management, low housing demand, high levels of anti social behaviour and crime, and is classed as one of the more deprived areas in England. In particular this area of Anglesey accounts for the highest amount of housing related complaints within East Staffordshire; house prices are below the average for East Staffordshire with a high amount of vacant properties and the rates for anti-social behaviour and crime are also relatively high for the area.

Selective licensing provides additional powers to help the Council proactively manage and improve poorly management private rented properties in the area providing an overall improvement in living conditions. This should lead to a better quality of life for residents in all tenures. A map of the proposed area is shown below:



How can I have my say?

The Council wants your views and comments on this proposal.

This document explains the background evidence to support a selective licensing scheme in East Staffordshire, the proposed details of the scheme and how it would work in practice. The Council invites comments in response to this consultation from all stakeholders including tenants, local residents, landlords and agents and businesses.

A ten week public consultation will run from September 2016 to November 2016.

You can reply online at www.eaststaffsbc.gov.uk to have your say or email housing.standards@eaststaffsbc.gov.uk. Alternatively you can write to us at:

Environmental Health
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton Upon Trent
Staffordshire
DE14 1LS

A final decision as to whether to make a selective licensing designation, or not, will only be made after the council has carefully considered all the responses received during the consultation.

Background

The private rented sector accounts for 13.8% of the Housing stock (Census 2011) and has doubled from 6.95% ten years ago (Census 2001). Whilst this figure is below the national average (19%) the proportion of rented accommodation is a lot higher in certain areas of the borough.

The private rented sector is an important part of the housing stock as it provides homes for a variety of residents at different stages in their housing pathway, including aspiring first-time buyers, people who enjoy the flexibility of short tenancies, those unable to access social housing and those who are supported into the sector to prevent them from becoming homeless.

However, this steep growth in the private rented sector presents a number of challenges relating to housing quality, management and the limited security of tenure.

The council receive over 400 complaints a year about poor housing conditions, overcrowding and properties that are used as houses in multiple occupation (HMOs). The majority of complaint investigations identify serious poor property conditions which impact on the health, safety and wellbeing of the occupants. Whilst the council have enforcement provisions to deal with poor property conditions, these can be lengthy procedures and are also dependent on a tenant making a complaint to the council about their accommodation in the first instance. This means that tenants are often living in poor conditions until a complaint is made and action taken to rectify the situation. Tenants are often scared to complain due to fear of eviction and harassment, leading to unreported complaints.

Further issues identified in these areas are numerous; tenants often do not hold a tenancy agreement and do not know who the landlord is; similarly landlords do not undertake tenancy checks and do not actively manage the property or tenants should they cause problems such as anti social behaviour. Properties tend to be in the poorest physical conditions with poor and sometimes non-existent management standards.

When privately rented accommodation is neglected or poorly managed the impact on tenants who live in the properties and the local community can be considerable. This, combined with a transient population with little or no connection to an area often leads to an increase in anti-social behaviour and crime. Areas that have a high level of rented accommodation correlate with high levels of complaints for property conditions, antisocial behaviour and crime. They tend to be areas with a high number of empty properties, high turnover of residents and are known by locals as less desirable places to live.

Selective licensing aims to address these issues by proactively inspecting all properties within the designated licensing area to improve the management and

condition of properties in the private rented sector, which will in turn reduce crime and antisocial behaviour resulting in an improvement in housing demand.

The scheme will contribute to the provision of a strong, healthy and vibrant private sector housing market that offers security, stability and decency to tenants and landlords.

Legislation

The Housing Act 2004 enables Councils to use selective licensing as part of a wider set of measures to enable landlords to provide good quality housing within their communities and to address issues of anti –social behaviour, crime and low demand within the areas.

If selective licensing is introduced all private landlords and agents who own or manage residential property in the designated areas would be legally required to apply for a licence. In order to become a licence holder a landlord or agent would have to meet certain standards.

Selective licensing is a discretionary licensing scheme that the Council is proposing to introduce in designated areas of East Staffordshire to improve conditions for tenants and the local community.

In order to introduce selective licensing the council must demonstrate that an area has a high level of privately rented housing accommodation and that one or more of the following criteria are met:

- That the area is suffering from, or is likely to become, an area of **low housing demand**; and that the scheme will result in improvements of the social and economic conditions of the area.
- That the area is suffering from **anti-social behaviour** and that private sector landlords and agents are failing to manage their properties so as to combat incidences of anti social behaviour caused by their tenants; and that making the designation will, when combined with other measures taken by the Council, lead to a reduction in or elimination of anti-social behaviour.
- That the area is suffering from **poor property conditions** in significant numbers to adversely affect the character of the area and/or the health and safety of their occupants and that the delegation will enable the prioritisation and proactive enforcement action whilst ensuring through licence conditions that properties are properly managed to prevent further deterioration.
- That the area has a high **level of migration** involving the movement of people both within a country and from overseas. The designation may be made, as part of the wider strategy, to preserve or improve the economic conditions of the area to which migrants have moved and ensure people occupying private rented properties do not live in poorly managed housing or unacceptable conditions, including overcrowding.
- That an area has **high levels of deprivation**, and that by making the scheme, together with other measures, there will be an improvement to housing conditions within the private rented sector in that area.
- That an area has **high levels of crime**, for which there has been a noticeable increase in crime over a relatively short period, and/or the area has a crime rate that is significantly higher than the national average.

In considering whether to designate an area for Selective Licensing on the grounds set out above the local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. An area is considered as 'high' if the proportion of private rented stock exceeds the national average which is currently 19%.

Contribution to Other Priorities

For selective licensing to be fully effective in tackling the issues within an area it is imperative that it supports the councils priorities and complements other policies designed to address homelessness, empty homes, and anti social behaviour to provide a broad approach.

Housing Strategy

A proposal to introduce a selective licensing designation must be consistent with the Council's Housing Strategy. The council's Housing Strategy 2015-2020 identifies the housing needs in the Borough to inform and guide ongoing engagement and future investment by other stakeholders.

The Housing Strategy recognises that the contribution of housing to people's health is substantial and the Housing Strategy therefore has a significant role in promoting good health. The housing problems that are typically recognised as detrimental to health include overcrowding, damp, excess cold, and risk of accidents and injuries.

These issues can have negative effects on occupiers' illness and even their life expectancy. There are also knock-on effects in terms of people's economic success and the social and financial costs to society.

The Council has had a long-standing desire to improve housing in the Inner Burton wards of Anglesey, Burton, Eton Park and Shobnall. Inner Burton provides valuable housing for large numbers of households. However the area contains a large amount of housing which is over 100 years old and resulting concentrations of poor housing conditions. It also contains a concentration of private rented housing and consequential lower levels of owner-occupation.

Private rented housing is now the second most common tenure in the Borough. The Council is active in seeking to secure a good quality supply of private rented housing. The Borough has seen significant investment by landlords in properties for rent which provides a valuable supply of housing. Most landlords are responsible and fulfil their responsibilities promptly. However, there are a significant number of landlords who need advice and support. The housing strategy recognises the following issues and challenges:

- A large proportion of landlords are private individuals who own a small number of properties.
- Many landlords are 'accidental' landlords who have decided to keep property rather than selling it at a loss following a decline in property prices. Sometimes, because they have not made a positive choice to become landlords, there is additional reluctance to understand all their responsibilities in law.
- Short term lets lead to a lack of security for tenants, discourages them from commitment to the local area, and leads to community instability.
- There is particular concentration of rented housing in Inner Burton

In recognising the issues surrounding private rented accommodation the housing strategy acknowledges that targeting additional pro-active enforcement on properties owned by landlords with a poor record of compliance could reduce these problems.

An action has therefore been identified to consider a pilot project of targeted pro-active enforcement.

The proposal to designate a selective licensing scheme is therefore consistent with the council's current housing strategy.

Stock condition survey

The Housing Stock Model Strategy for Private Housing 2014 provides the basis for the Council's approach to improving the quality of private sector housing and identifies the parts of the Borough most in need of housing improvements.

The specific outcomes of the stock model survey and subsequent Housing Stock Model Strategy provide evidence for the selective licensing proposal and are detailed within the evidence base for poor property conditions in appendix 1.

Furthermore the strategy has identified a number of potential initiatives that may be used to improve housing standards which are included in an action plan which this scheme supports. These include:

- Targeted campaign aimed to raise awareness of landlords responsibilities for private rented housing
- Targeted initiative for unlicensed HMOs to improve compliance with housing legislation
- Improve relations with landlords and increase awareness of landlord, letting agent and tenant responsibilities and rights
- Develop and implement a project for improving the quality of housing in the Anglesey ward.
- Deliver improvement measures to the 75 dwellings in the poorest COA (Census Output Area) for Disrepair

Empty Properties

Empty properties are addressed in the Housing Strategy which identifies actions that should be considered to bring empty properties back into use. Specifically the Council is committed to introduce measures to facilitate the Registered Social Landlord purchase of empty or dilapidated properties, which will increase the amount of housing available on the housing register. As the areas identified within this proposal have a high proportion of empty properties, this scheme will support the Council's proactive approach to reducing the number of empty homes in the area.

Waste and overgrown gardens

Waste management problems are a significant issue in areas of East Staffordshire. Enforcement officers responsible for untidy gardens and waste enforcement liaise closely with Environmental Health to provide a coordinated

response to waste issues as they arise. While selective licensing conditions cannot deal with every waste problem, there are situations in which they can provide an effective means of achieving a successful outcome. The financial penalties associated with selective licensing tend to be more significant than traditional waste enforcement notices; as such, joint enforcement activities can be more persuasive and lead to quicker resolutions.

Anti Social Behaviour

The Anti Social Behaviour Policy 2015 sets out how East Staffordshire Borough Council will work to effectively manage and resolve reports of anti-social behaviour; building upon the partnership work already operating across the Borough with the Community Safety Partnership, and ensuring together that efforts continue to reduce anti-social behaviour and provide every member of the community, with the highest possible standard of service.

'Anti-social behaviour' is a broad term used to describe a range of nuisances, disorder and crime that affect people's daily lives. It covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus what is considered anti-social by one person can be acceptable to another. Issues that could constitute as anti-social behaviour include noise nuisance, intimidation and/or threatening behaviour, littering or fly-tipping, vandalism, graffiti and other deliberate damage to property or vehicles, using or dealing drugs, street drinking, rowdy behaviour in public, abandoned or burnt out cars, neighbour disputes.

The aim of the policy is to deliver a consistent approach, to reduce instances of anti-social behaviour and the numbers of people who are involved in or at risk from anti-social behaviour (both victims and perpetrators). Where anti-social behaviour does occur, the policy notes the commitment to putting the victim first, particularly if they are vulnerable or a repeat victim.

The policy commits to tackling problems where anti-social behaviour is occurring; this scheme identifies areas where anti social behaviour is a particular issue and works towards reducing instances by ensuring, through licence conditions, that landlords deal with tenants that are known to be causing anti social behaviour.

Advice and training

The Council has a Landlord Relationship Manager who provides advice and assistance to landlords on their legal responsibilities. As part of this role the council facilitate a Landlord Forum which is run in partnership with the National Landlords Association along with the provision of regular circulars and newsletters for landlords. The Landlords Forum currently attracts a small proportion of landlords, however it is anticipated that should a Selective Licensing Scheme be introduced this forum would be used to facilitate ongoing advice and guidance on the scheme to work towards improving landlords awareness on housing responsibilities.

Homelessness

The Homelessness Strategy 2013-2018 covers the Council's approach to preventing and relieving homelessness in the Borough. In a review of the main causes of homelessness, the ending of private rented tenancies including for rent arrears was identified as one of the main causes. The main aims of the service are to avoid and prevent homelessness and make available accommodation. Access to private rented sector accommodation is a key factor in preventing homelessness and to achieving move-on from emergency accommodation. This scheme, if introduced, will result in the provision of private rented accommodation that meets a decent standard to be used by prospective tenants.

Homelessness is often a concern in relation to the introduction of selective licensing schemes, however, Shelter have produced a good practice guide, which explains that it can actually reduce homelessness, both by providing tenants with more secure tenancies and also by preventing retaliatory evictions caused by tenants complaining about the conditions of their accommodation. Selective licensing will also provide tenants with additional protection from eviction, as a landlord may not serve a notice to quit under section 21 of the Housing 1988 in respect of an unlicensed property.

Housing options officers and environmental health officers will routinely work together to prevent homelessness whenever possible so that selective licensing does not, for whatever reason, contribute to unnecessary evictions.

Consideration of alternative measures

The Housing Act 2004 provides the Council with a range of tools to deal with poor housing conditions including anti-social behaviour and poor management practice. Prior to making a designation to introduce a selective licensing scheme, alternative tools are required to be considered alongside selective licensing to determine whether there are other effective methods that achieve the same objectives, and are detailed below:

- **Special Interim Management Orders** are a tool that the Council may use to remove rogue landlord responsibilities and to address anti-social behaviour. This tool transfers the management of a property to the Council for a period of up to twelve months and can only be made if approved by the First Tier Tribunal (Residential Property). These are often made if there is anti-social behaviour emanating from the property, the landlord is failing to take action to deal with the problem, and an order is necessary to protect the health, safety or welfare of persons occupying or visiting the house. These orders are successful to combat isolated problems; however, given the number of properties that this scheme proposes to address, they are not a feasible alternative to selective licensing. It may be deemed a heavy handed approach and would undermine the current efforts to work with landlords to improve the standards of their properties. Selective licensing provides an opportunity to forge partnerships with landlords, improving standards, which the use of these orders will not facilitate. The use of special interim

management orders will however be considered as an enforcement sanction to deal with non compliant landlords and will be considered in line with the Housing Enforcement Policy

- **Empty Dwelling Management Orders** are a tool that the Council may use to ensure that empty dwellings become, and continue to be occupied. This can only be achieved with the consent of the proprietor and confirmation from the Residential Property Tribunal. This transfers responsibility to the Local Authority to ensure that the property is occupied. These orders are successful to combat isolated empty properties, but would be a large burden on the local authority given the number of vacant properties within the area that has been proposed. It would not resolve any issues in relation to poor property conditions of occupied properties and would undermine current efforts to forge relationships with landlords in the designated area. The use of empty dwelling management orders will however be considered as an enforcement sanction to deal with non compliant landlords and will be considered in line with the Housing Enforcement Policy
- **Demolition Orders and Clearance Orders** are tools that may be used to remove individual properties or groups of properties that have category 1 hazards or are harmful to health. Prior to using these tools the Local Authority must have regard to the long term demand for residential accommodation in these areas and the density of dwellings within the area. Considering these factors, these options are not suitable for the proposed area due to an overall demand for residential accommodation with East Staffordshire and due to the average type of housing being terraced properties.
- **Additional Licensing of houses in multiple occupation (HMOs)** is a tool similar to the selective licensing of private rented accommodation but specifically covers houses in multiple occupation and requires them to obtain a licence. The option is suitable if a significant proportion of the houses in multiple occupation to be included are being managed ineffectively to give rise to problems such as anti-social behaviour. This option involves a coordinated approach similar to selective licensing but it will not resolve any issues within private rented accommodation that is not in multiple occupation. As the majority of all housing complaints (both in relation to multiple occupation and single occupation) are within the proposed designated area this option is deemed less suitable in comparison to selective licensing, as selective licensing applies to all types of private rented accommodation including houses in multiple occupation (that do not fall within the mandatory licensing regime).
- **Private Landlords Accreditation Schemes** give recognition to private landlords who offer good-quality, private rented accommodation. The schemes improve and promote the public image of the private rented sector and improve liaison and communication between landlords and local authorities, providing tenants with confidence in the quality and management of the accommodation they are renting. Accredited properties are those that have been inspected by an accreditation officer, who has certified that they

meet the requirements of the schemes code of standards, and verified the management standards and practices. As this is a voluntary scheme it is reliant on landlords signing up to the scheme. It is therefore not suitable to resolve the issues in the proposed designated areas. It is however a useful tool that should be recognised and offered alongside the selective licensing scheme to encourage and promote landlords that proactively improves the standards of their properties. It is therefore proposed that landlords accreditation schemes will be signposted and recommended alongside the proposed selective licensing scheme.

Each of these tools work towards resolving low demand, anti social behaviour, poor management practices and poor housing conditions, however they do not provide a strategic response to improving the broader issues within the private rented sector in the designated area. The proposed selective licensing scheme targets a broad range of issues affecting an area simultaneously by using a suite of measures designed to achieve the objectives of the scheme.

Proposal

What is selective licensing?

Selective licensing is a tool that applies to private rented homes which can be used by the Local Authority to tackle problems in areas or parts of an area caused by poor property standards, anti social behaviour, low housing demand, migration, deprivation and or high levels of crime. If introduced it means that landlords who rent out properties in an affected area are required to obtain a licence from the council for each of their properties within the designated area.

Why is selective licensing being proposed?

The Council acknowledges that many landlords provide decent well-managed and well maintained accommodation, which does not cause any problems for the local community. There are, however, high proportions of properties that are poorly managed and maintained, suffer from overcrowding, or provide unsafe accommodation. These properties are often concentrated together in areas of Inner Burton, which have high proportions of rented accommodation and also suffer high rates of anti-social behaviour and crime. Collectively these areas have a negative effect on the local area.

The problem of poor quality rented housing, anti-social behaviour and unscrupulous landlords can have a detrimental effect on the local community. This combined with high crime rates can cause people to move out of the area resulting in empty properties which are either left or bought by speculative landlords. These landlords often have no interest in the community and little knowledge of housing standards and rent to tenants who are not vetted with no tenancy agreement, leading to further anti-social behaviour and poor property management.

Selective Licensing is designed to benefit the local community and ensure that all private rented property within the designated area is managed to a satisfactory standard prior to a licence being granted. Private sector tenants are often reluctant to report problems in their homes as they may be concerned about being evicted by their landlord. One of the major benefits of this scheme is that the council proactively inspects all properties in the area to ensure suitable housing conditions, removing the pressure on tenants to complain and reducing the likelihood of eviction and homelessness. The improvements made to private rented accommodation will ensure homes are safe and free from serious hazards which will have a positive impact on the health of the tenants. The following benefits are anticipated:

- Higher standards of management by ensuring landlords and agents are clear about their responsibilities
- Better housing conditions and a reduction in overcrowding
- Improved image and perception of the area making it a more desirable place to live
- Improved ability for landlords to deal with rogue tenants
- Reduction in crime and anti-social behaviour

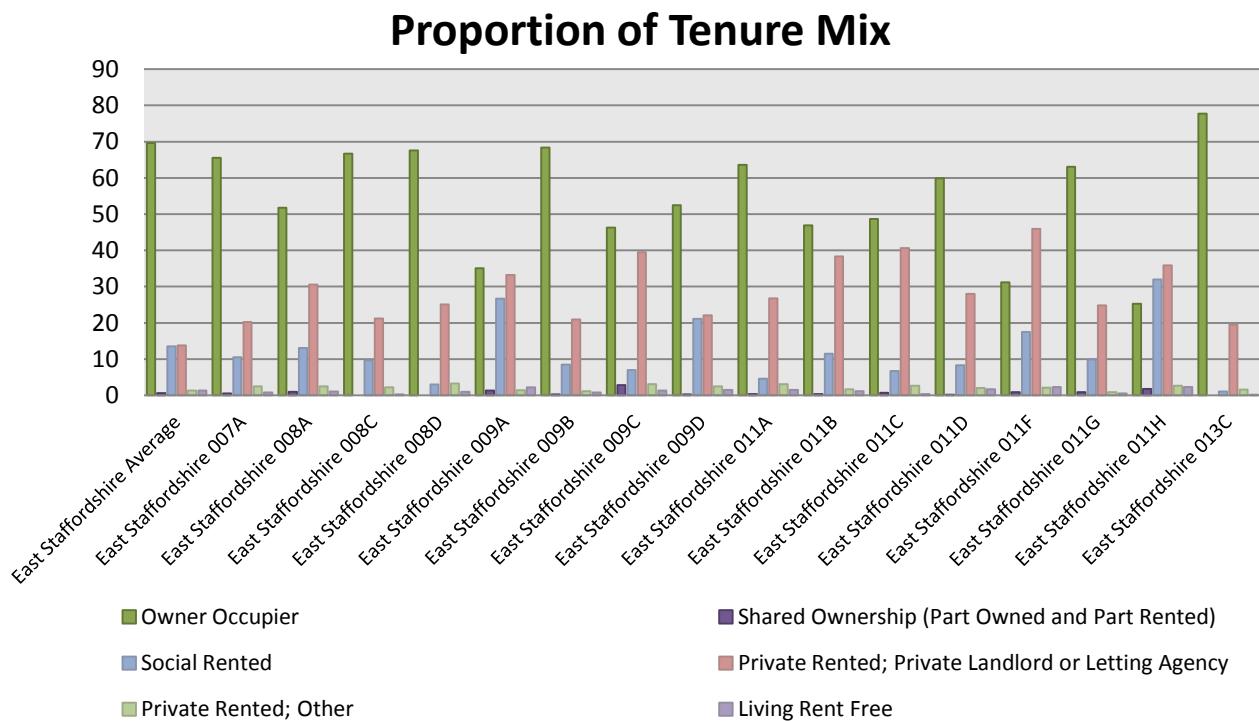
- Improved waste management/reduction in overgrown gardens
- Increased number of landlords that are part of an accreditation scheme

What areas will selective licensing cover?

Areas proposed for selective licensing must have a high level of private rented housing. The average level of private rented accommodation is 19% and the criteria used to demonstrate a 'high level' is for an area to have above average levels.

Data has been analysed to Lower Super Output Area (LSOA) geographies or medium lower super output areas where datasets for LSOAs are not available. LSOAs average approximately 1500 residents and are defined by the Office of National Statistics. East Staffordshire has 73 Lower Super Output Areas which fall within 21 electoral wards.

A total of 16 LSOAs were identified with a high level of private rented accommodation as shown below:

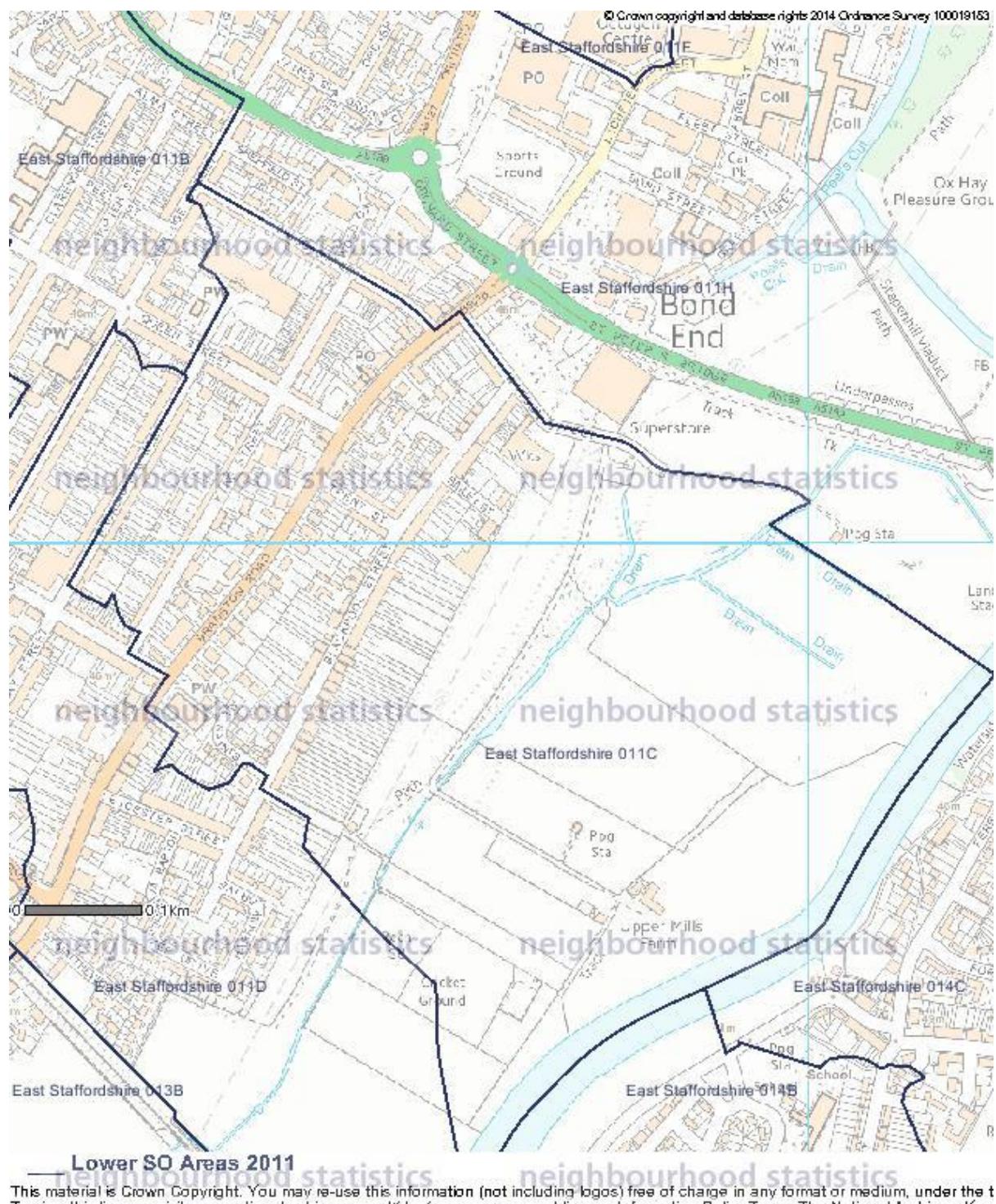


The 16 LSOAs fall within 6 wards; Anglesey, Branston, Burton, Eton Park, Horninglow and Shobnall. Wards based in the north of the borough and more rural wards did not exceed the national average for the proportion of private rented accommodation; it is therefore not possible to consider these areas for the scheme.

All 16 LSOAs were assessed against the criteria for selective licensing which is detailed in Appendix 1. Appendix 2 shows the Ward boundaries for each LSOA.

Through extensive analysis of the data held on the above LSOAs against the criteria for selective licensing, an area within Anglesey ward (Anglesey- East) has been

identified as the most suitable area in which to designate a selective licensing scheme. This LSOA is East Staffordshire 011C which is shown in the map below.



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East Staffordshire 011C contains 667 households with a population of about 1,681 (2011 census). The following streets and postcodes fall within the area which is proposed to be designated as a selective licensing area:

Streets: All Saints Croft, Bailey Street, Blackpool Street, Branston Road, Broadway Street, King Street, Queen Street, Rose Cottage Gardens, Trent Street, Watson Street, Wood Street.

Postcodes: DE14 3AB, DE14 3AE, DE14 3AF, DE14 3AG, DE14 3AH, DE14 3AL, DE14 3AN, DE14 3AP, DE14 3AQ, DE14 3AR, DE14 3AS, DE14 3AT, DE14 3AW, DE14 3BB, DE14 3BS, DE14 3BT, DE14 3BY, DE14 3EA, DE14 3GP, DE14 3LR, DE14 3NB, DE14 3TW

Who would need a licence?

If the proposed area is designated as a selective licensing scheme then all properties let by private landlords must have a licence. A licence holder can be the owner or an appropriate person designated by the owner, e.g. a managing agent.

All landlords would need to check if their property(s) are required to be licensed and must submit a valid application for each property they let out within the designated area. Each application would need to be accompanied by:

- A fully completed application form
- Identification
- A copy of the current gas safety certificate
- A copy of the signed tenancy agreement
- The correct fee
- A copy of the membership for the specified accreditation scheme

Each applicant must demonstrate that they are a **fit and proper** person as part of the licence application and that they have satisfactory management arrangements in place for the property. This will involve providing identification and a declaration to confirm your status with regards to criminal offences. The Council will take into account any evidence that the person applying for the licence has any previous convictions relating to violence, sexual offences, drugs or fraud; whether the proposed licence holder has contravened any laws relating to housing or landlord and tenant issues; and whether the person has been found guilty of unlawful discrimination practices. Where the Council require further evidence to prove that an applicant is 'fit and proper' they may request a DBS if deemed appropriate.

Exemptions

Exemptions are listed under the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006. These include properties managed by a housing association, tenancies under long leases, buildings regulated by other legislation etc. If in doubt you should seek independent legal advice.

A property can also be exempted under a temporary exemption notice for a period of 3 months. The council may issue a temporary exemption notice on written request of the owner/licence holder if they are satisfied that the proposed owner/proposed licence holder is taking steps to ensure that the status of the property will be changing within the exemption period and that it would not be required to be licensed thereafter.

Fee structure Amount

Each private rented property within the designated area will need a licence, which will run for up to 5 years. Each licence application is subject to a fee, as detailed below. The costs have been determined to only cover the costs associated with running the scheme and will be ring fenced for this purpose. The fees will be reviewed annually by the council.

Fee Structure	Fee per property (£)
Accredited Fee*	500.00
Standard Fee	680.00
Late Application	700.00
Administration Charges	Fee per property
Incomplete Application	30.00
Variation Fee	50.00
Application for Temporary Exemption Notice	50.00

*Applicable to a landlord that is accredited with a signposted landlord accreditation scheme

The fee structure represents the differing amount of time the council will spend processing the application and sets a higher fee for landlords who fail to licence their property. A discounted fee is available for landlords that are an accredited member of a nationally accredited landlords association or is managed by an ARLA accredited agent. This is available for the first 3 months of the scheme or for any property thereafter that is being rented for the first time.

The fee covers the cost to the council in processing the application, issuing the licence and providing guidance to landlords to ensure their properties are safe and free from category 1 hazards.

This approach has been adopted to provide landlords with the opportunity to improve their properties through information and guidance and to ensure that the scheme is not overly burdensome for responsible landlords. This ensures that the scheme targets non compliant landlords that are not effectively managing the properties that they provide for private rented accommodation.

Penalties for non compliance

There are a number of penalties associated with non compliance with selective licensing-

Prosecution- there are two offences associated with selective licensing:

- Failing, without reasonable excuse, to obtain a licence for a property which is required to be licensed. The offence is committed by the person having control of and/or the person managing the premises.

- Failure of the licence holder and/or manager to comply with the licence conditions, without reasonable excuse.

A person committing either type of offence is liable on summary conviction to an unlimited fine. Any enforcement action would be taken in accordance with the Housing Enforcement Policy.

Restriction of terminating tenancies- No section 21 notice (Housing Act 1988) may be served on a tenant in respect of an unlicensed property.

Rent Repayment Orders- In certain circumstances, the council or a resident may make an application to the First Tier Tribunal for a rent repayment order. If a property is licensable and the council is of the opinion that an offence has been committed owing to the failure of the person having control of/or managing the premises to make a valid application, the council may make an application for a rent repayment order concerning the repayment of housing benefit monies paid in respect of an unlicensed property. This can relate to period of up to 12 months.

Interim and Final Management Orders- The council has powers to make interim and final management orders in relation to unlicensed premises. These enable the council to take control of the residential premises to which the order relates and is often used as a last resort.

Licence Conditions

The proposed scheme would tackle specific problems by applying conditions to all licences which relate to the management of the property and are a mixture of mandatory and local conditions. A list of the mandatory and proposed licence conditions are in Appendix 3.

The council believes that such licence conditions are not onerous, and that good landlords are unlikely to find that their practices need be changed.

All conditions will be monitored through compliance visits carried out during the period of the licence to ensure that they are being complied with.

Review of the Scheme

If the scheme is adopted the Council will undertake an annual review of the operation of the selective licensing scheme along with an annual review of the licence fees.

Selective licensing is about improving management standards in the private rented sector where those standards are sorely needed to be improved, for the benefit of occupiers and the wider community. Therefore the council will regularly review and monitor the designation to measure whether it is having the desired effect and achieving its aims and objectives. The following statistics will be collated on a monthly or annual basis:

- Number of licences applications received

- Number of licenses Granted or Refused
- Number of licenses revoked
- Number of temporary exemptions
- Number of licenses varied
- Number of Cat 1/Cat 2 hazards identified
- Review of anti social behaviour incidences
- Review of number of vacant properties
- Review of complaints regarding overgrown gardens/rubbish
- Review of enforcement action taken including:
 - Number of notices served
 - Number of management orders implemented
 - Number of prosecutions

Should the review indicate that the designation has worked and the issues that it intended to resolve have been resolved then the local authority may consider that the designation is no longer needed and may be revised or revoked. Alternatively if a designation is failing to tackle the issues then the designation should be revised or revoked and alternative measures may be considered to address the issues.

Consideration will also be given to the possibility of extending the scheme into other areas of East Staffordshire, for which a further period of consultation will be undertaken.

It is appreciated that selective licensing is a long term strategy that will not necessarily provide instant results, and may also need to be broadened within its operation to cover and tackle similar issues within adjoining areas.

Appendix 1- Evidence Base

For a council to introduce a selective licensing scheme, a number of criteria must be met as set out in the Housing Act 2004 and regulations made thereunder.

'Selective licensing in the Private Rented Sector – A Guide for Local Authorities' published by the DCLG in March 2015 sets out the criteria for making a selective licensing scheme and suggests the type of evidence needed to support a designation.

The designation is proposed with the focus on improving housing conditions but also low housing demand, anti-social behaviour, deprivation, and crime. A designation based on migration is not proposed and is therefore not considered within the evidence base. Only one test needs to be proved to make a designation lawful. The council considered data from a wide range of sources before identifying the most suitable area for designation. This appendix outlines the key evidence that supports the proposed scheme.

Low housing demand

When deciding if an area is suffering from, or likely to become, an area of low housing demand, it is recommended that the following factors are considered:

- The value of residential premises in the area, in comparison to the value of similar premises in other similar areas
- The turnover of occupiers of residential premises
- The number of residential premises which are available to buy or rent, and the length of time they remain unoccupied
- The general appearance of the locality and the number of boarded up shops and properties.

The land registry house prices for sold properties showed that the average price in East Staffordshire was £140,000. The average selling price across the 16 LSOAs being considered for selective licensing was £113,000, the lowest being in Anglesey ward at £80,000.

Within the 16 LSOAs considered for selective licensing empty properties account for an average of 5% of properties, with the highest percentage in south Eton Park with 8.1% compared to the average of 3.6% for East Staffordshire.

Areas with low housing demand are typically characterised by higher than average numbers of empty properties. Empty homes are also often a magnet for anti social behaviour, crime, graffiti and squatting and have a significant knock on effect to surrounding properties, lowering house prices and generally making the area a less desirable place to live.

Having considered a range of indicators such as house prices, empty properties and resident turnover which were applied to the 16 LSOAs considered for selective

licensing, a total of 15 LSOAs met the low housing demand threshold. Each LSOA was ranked within the housing demand condition and are shown in the table below:

Ward description	LSOA	Rank
Central Horninglow	East Staffordshire 007A	13
South Eton Park	East Staffordshire 008A	4
North East Eton Park	East Staffordshire 008C	14
East Eton Park	East Staffordshire 008D	6
East Shobnall	East Staffordshire 009A	12
West Shobnall	East Staffordshire 009B	15
North East Shobnall	East Staffordshire 009C	2
South Shobnall	East Staffordshire 009D	9
North West Anglesey	East Staffordshire 011A	10
North East Anglesey	East Staffordshire 011B	3
East Anglesey	East Staffordshire 011C	1
South Anglesey	East Staffordshire 011D	11
West Burton	East Staffordshire 011F	7
North East Burton	East Staffordshire 011G	5
South Burton	East Staffordshire 011H	8
East Branston	East Staffordshire 013C	16

Anti-social behaviour

In determining whether an area is suffering from anti-social behaviour the management of properties will be considered in regard to whether landlords are effectively managing their properties so as to combat incidences of anti-social behaviour and in particular whether the area suffers from anti-social behaviour as a result of this failure or because the failure significantly contributes to that problem.

The average rate of anti-social behaviour for East Staffordshire is 24.9 (per 1000 population). Of the 16 LSOAs considered for selective licensing 13 LSOAs exceed the average rate for East Staffordshire and therefore meet the anti-social behaviour threshold. Each LSOA was ranked within the anti-social behaviour threshold and are shown in the table below:

Ward description	LSOA	Rank
Central Horninglow	East Staffordshire 007A	11
South Eton Park	East Staffordshire 008A	4
North East Eton Park	East Staffordshire 008C	12
East Eton Park	East Staffordshire 008D	14
East Shobnall	East Staffordshire 009A	8

West Shobnall	East Staffordshire 009B	9
North East Shobnall	East Staffordshire 009C	3
South Shobnall	East Staffordshire 009D	7
North West Anglesey	East Staffordshire 011A	15
North East Anglesey	East Staffordshire 011B	5
East Anglesey	East Staffordshire 011C	6
South Anglesey	East Staffordshire 011D	13
West Burton	East Staffordshire 011F	1
North East Burton	East Staffordshire 011G	10
South Burton	East Staffordshire 011H	2
East Branston	East Staffordshire 013C	16

Poor Property Conditions

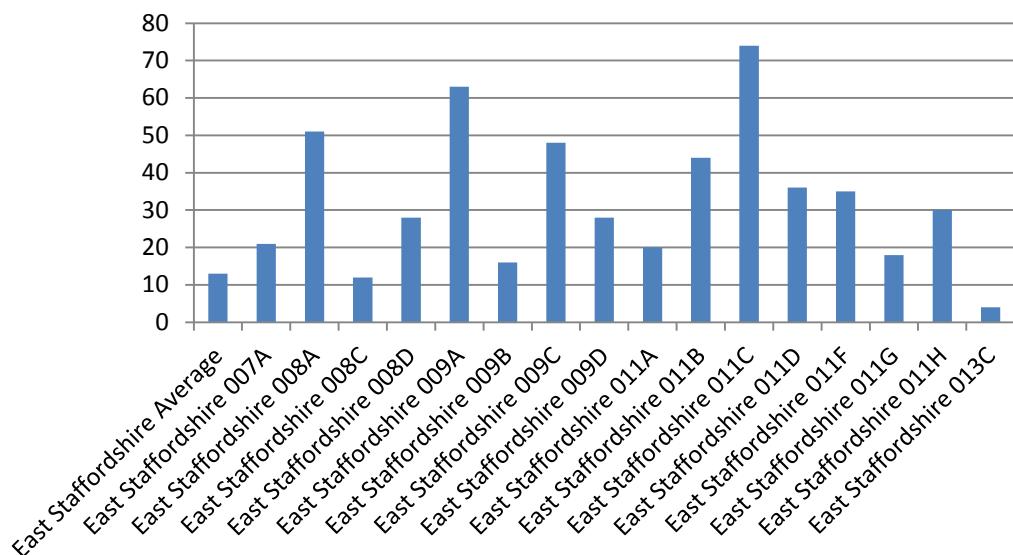
Local housing authorities can address poor property conditions through their powers in Part 1 of the Act, which are extensive. However, the local authority may consider it appropriate to make a selective licensing scheme where there are significant numbers of properties which are in poor condition and are adversely affecting the character of the area, and/or the health and safety of its occupants. This enables enforcement action to be prioritised under Part 1 of the Act, whilst ensuring through licence conditions under Part 3 that the properties are properly managed to prevent further deterioration.

The following factors should be considered to help determine whether there are poor property conditions in their area:

- The age and visual appearance of properties in the area and that a high proportion of those properties are in the private rented sector;
- Whether following a review of housing conditions the authority considers a significant number of properties in the private rented sector need to be inspected in order to determine whether any of those properties contain category 1 or 2 hazards.

The council receive a high amount of complaints regarding private rented properties each year, which are assessed under the Housing Act 2004 using the Housing Health and Safety Rating System to carry out statistical based risk assessments on dwellings. It focuses on identifying and tackling the hazards that are most likely to be present in housing and most likely to impact on the health and wellbeing of the occupants. Its intention is to make homes healthier and safer to live in. The system considers 29 separate hazards which are assessed separately, and if judged to be serious with a high score, is deemed to be a category 1 hazard. All other hazards are called category 2 hazards. If a category 1 hazard is identified in a home, it has a duty to take the most appropriate action.

Within the last 3 years 928 complaints have been received relating to poor housing conditions within the borough. Of those complaints 528 were about properties within the 16 LSOAs proposed for selective licensing, equating to 57%. The graph below shows the number of complaints received in the last 3 years in each of the LSOAs being considered for selective licensing:



In April 2014 East Staffordshire Borough Council commissioned BRE to undertake a dwelling level private sector housing stock modelling exercise to provide information on key housing and energy variables. The information is derived from a series of models which make use of Experian UK Consumer Dynamics Database using a range of statistical measures. This report focuses on private sector housing and the rate of Category 1 Housing Health and Safety Rating Hazards found in the stock providing information to enable resources to be targeted at areas in need of intervention. The Stock Modelling report was later incorporated into a Housing Stock Model Strategy for Private Housing in 2014 for which an action plan was developed identifying short term Environmental Health targets and potential future targets which would seek to address areas of growing concern, highlighted by the Model database.

The Stock Model provides three criteria for HHSRS (Housing Health and Safety Rating System); Total Category 1 Hazards and then totals specifically for Excess Cold and for Falls. The HHSRS means that when an Officer inspects a dwelling they are looking for any risk of potential harm to the occupier, when a property has been determined as having a Category 1 Hazard then the Council is legally required to take enforcement action due to the seriousness of the Hazard.

Since Category 1 Hazards identify the most serious of problems in any given dwelling, they often form the basis for a number of other housing standards issues. As a result, taking enforcement action to improve a problematic property for one or more Hazards can result in an improvement for another issue. Therefore, it is

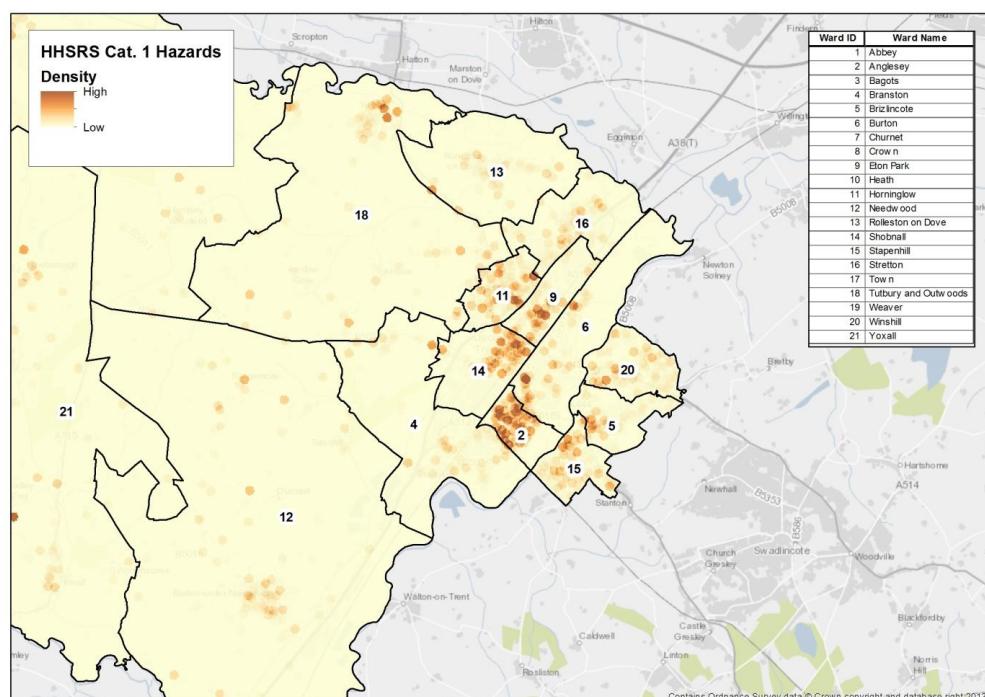
essential that any improvement related action is conducted with the aim of resolving as many issues in the property as possible.

The table below represents the percentage of the total HHSRS Cat 1 hazards for each type of tenure:

Tenure	Dwellings	Cat 1 Hazard	Excess Cold	Falls
Owner Occupied	34,389	24%	13%	9%
Private Rented	7,588	29%	15%	12%
All Private Stock	41,977	25%	13%	10%

The Stock Model shows that privately rented dwellings are more likely to have Category 1 Hazards than owner occupied. The current national averages are set by the 2009 English Housing Survey (EHS) and for Category 1 Hazards the average is 22%, for Excess Cold it is 9% and for falls it is 13%. The total private stock for the Borough is 3% higher for Category 1 Hazards and 4% higher for Excess cold; the private rented figures are even greater. To meet the national average would require the removal of Category 1 Hazards from 1,260 dwellings and improvement of Excess Cold for 1,679 dwellings. As the Stock Model includes the number of properties with Excess Cold when considering those with Category 1 Hazards, if the Council were able to facilitate the improvement of the 1,679 dwellings with Excess Cold, the total of Category 1 Hazards would reduce to below the national average.

The following maps show the distribution and density of Category 1 Hazards and Excess Cold across the wards which contain the 16 LSOAs that are being considered for selective licensing.



Of the 16 LSOAs being considered for selective licensing, 14 LSOAs met the poor property conditions threshold. Each LSOA was ranked within the poor property conditions threshold and are shown in the table below:

Ward description	LSOA	Rank
Central Horninglow	East Staffordshire 007A	5
South Eton Park	East Staffordshire 008A	6
North East Eton Park	East Staffordshire 008C	15
East Eton Park	East Staffordshire 008D	12
East Shobnall	East Staffordshire 009A	1
West Shobnall	East Staffordshire 009B	14
North East Shobnall	East Staffordshire 009C	4
South Shobnall	East Staffordshire 009D	9
North West Anglesey	East Staffordshire 011A	7
North East Anglesey	East Staffordshire 011B	2
East Anglesey	East Staffordshire 011C	3
South Anglesey	East Staffordshire 011D	10
West Burton	East Staffordshire 011F	8
North East Burton	East Staffordshire 011G	13
South Burton	East Staffordshire 011H	11
East Branston	East Staffordshire 013C	16

Deprivation

A local housing authority may make a designation if the area is experiencing a high level of deprivation. In deciding whether the authority considers the areas to be suffering from high levels of deprivation the English Indices of Deprivation 2015, provided by the department for Communities and Local Government will be compared to other similar neighbourhoods in the area.

The term deprivation covers a wide range of issues and refers to unmet needs caused by a lack of resources of all kinds, not just financial. The English Indices of Deprivation attempt to measure multiple deprivation by taking into account a range of factors, known as domains. The indices have identified seven distinct domains, namely:

- Income;
- Employment;
- Health and Disability;
- Education Skills and Training;
- Barriers to Housing and Services;
- Living Environment;
- Crime.

Thirty-eight separate indicators, organised across the seven distinct domains are combined, using appropriate weights, to calculate the Index of Multiple Deprivation (IMD). This data measures overall multiple deprivation experienced by persons living in geographical areas at LSOA levels. Each LSOA in England is ranked according to its level of deprivation relative to that of other areas, with 1 being the most deprived and 32,482 being the least deprived. East Staffordshire ranks 172. A rank of 1 indicates that the district is the most deprived according to the measure and 354 is the least deprived.

The most recent IMD is known as IMD 2015, previous editions, IMD 2010, IMD 2007, and IMD 2004 are comparable.

The table below shows that deprivation levels have deteriorated in 9 LSOAs between the comparable indices.

LSOA	2010 IMD	+/-	2015 IMD
East Staffordshire 007A	10926	-	9403
East Staffordshire 008A	4595	-	4393
East Staffordshire 008C	18810	-	17385
East Staffordshire 008D	6008	-	5331
East Staffordshire 009A	2825	+	4729
East Staffordshire 009B	15491	+	18182
East Staffordshire 009C	4073	-	6015
East Staffordshire 009D	6602	+	7122
East Staffordshire 011A	8540	-	7606
East Staffordshire 011B	5521	+	7207
East Staffordshire 011C	5423	+	6282
East Staffordshire 011D	8172	-	6436
East Staffordshire 011F		+	7186
East Staffordshire 011G	5457	+	13163
East Staffordshire 011H		-	3470
East Staffordshire 013C	28901	-	26850

Employment status

A high proportion of the resident population in the wards which are being considered for selective licensing claim Job Seekers Allowance (JSA).

This is the number of people claiming Jobseeker's Allowance (JSA) and National Insurance credits at Jobcentre Plus local offices. People claiming JSA must declare that they are out of work, capable of, available for and actively seeking work during the week in which the claim is made.

The percentage figures express the number of claimants resident in an area as a percentage of the population aged 16-64 resident in that area.

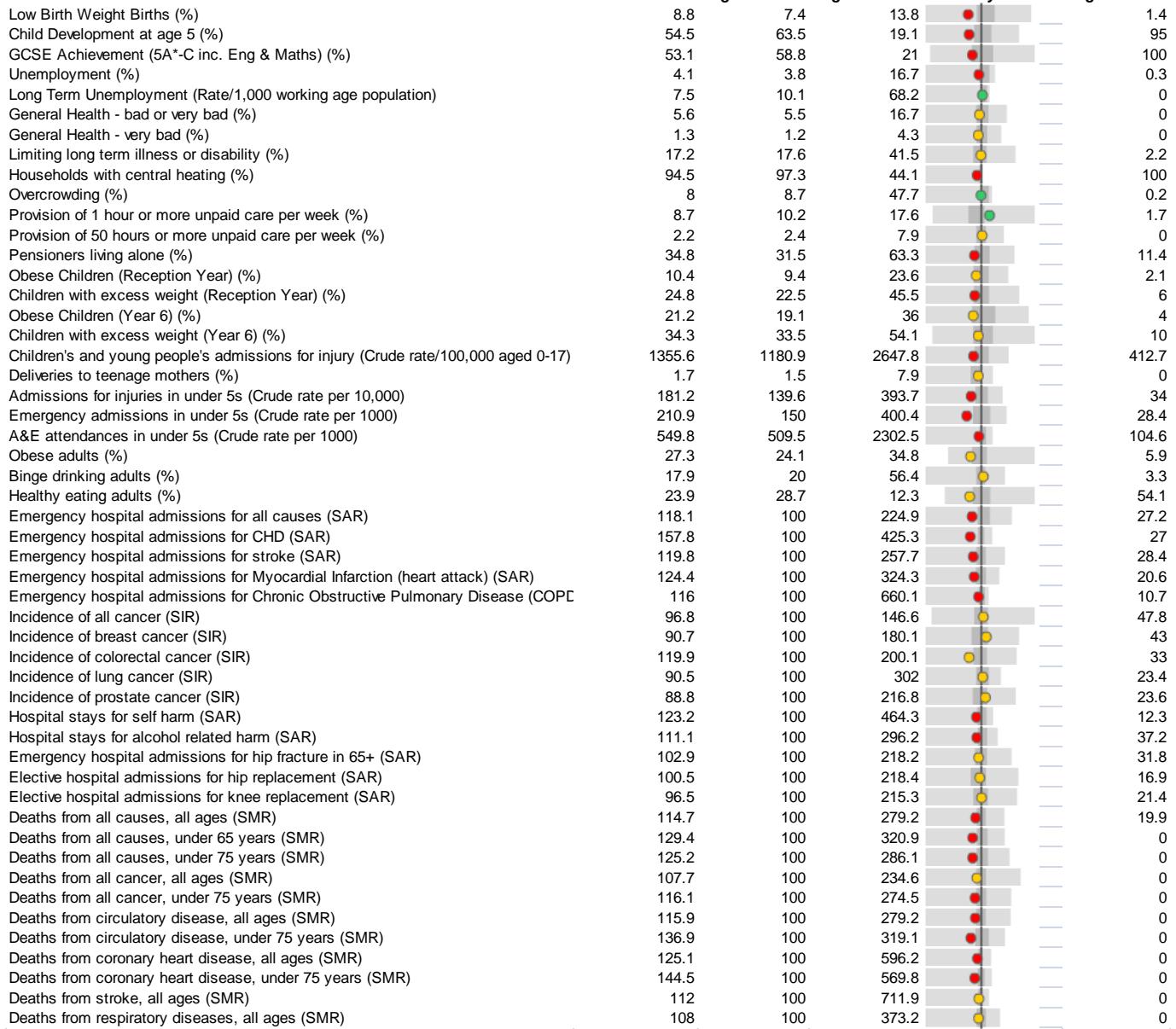
The following table shows the number of claimants in all wards within East Staffordshire and highlights the wards in which the LSOAs that are being considered for selective licensing, including Burton, Shobnall, Anglesey, Eton Park and Horninglow within the top 10 with Branston falling outside of this.

2011 Ward	Numbers	%
E36005331 : Burton	60	2.3
E36005339 : Shobnall	110	2.3
E36005327 : Anglesey	80	1.7
E36005340 : Stapenhill	80	1.6
E36005334 : Eton Park	65	1.5
E36005345 : Winshill	65	1.3
E36005336 : Horninglow	70	1.2
E36005338 : Rolleston on Dove	10	0.7
E36005342 : Town	25	0.6
E36005335 : Heath	25	0.6
E36005329 : Branston	30	0.6
E36005343 : Tutbury and Outwoods	15	0.5
E36005341 : Stretton	25	0.5
E36005330 : Brizlincote	15	0.5
E36005332 : Churnet	10	0.5
E36005337 : Needwood	15	0.4
E36005344 : Weaver	5	0.3
E36005333 : Crown	5	0.2
E36005346 : Yoxall	5	0.2
E36005328 : Bagots	0	#
E36005326 : Abbey	0	#

Public Health England publish online local health profiles for all electoral wards in England (www.localhealth.org.uk). The table below presents data for the 6 wards in which the 16 LSOAs that are being considered for selective licensing are based.

Local Health
Selection: 6 wards (2013)
Source:

Indicators



● significantly worse ● significantly better ● not significant

Information on a wide range of indicators is compared to the English average to highlight whether they are significantly worse than average, not significantly different from average, or significantly better than average. Of the 51 indicators provided by the local health profile, 26 are significantly worse than average within the 6 wards that are being considered for selective licensing.

As housing and health are inextricably linked, better managed and safer housing will contribute to improved health outcomes for residents. This will help tackle inequalities in health. Poor housing conditions and overcrowding are also linked to poor educational achievement. Selective licensing can help by limiting occupancy levels and ensuring that homes are maintained in a safe condition. In general terms, the life chances of residents living in the area will be increased as the social and

economic conditions continue to improve. The selective licensing designation should therefore contribute to a reduction in deprivation levels.

Of the 16 LSOAs being considered for selective licensing 12 LSOAs met the deprivation threshold. Each LSOA was ranked within the deprivation threshold and is shown in the table below:

Ward description	LSOA	Rank
Central Horninglow	East Staffordshire 007A	9
South Eton Park	East Staffordshire 008A	3
North East Eton Park	East Staffordshire 008C	11
East Eton Park	East Staffordshire 008D	4
East Shobnall	East Staffordshire 009A	5
West Shobnall	East Staffordshire 009B	16
North East Shobnall	East Staffordshire 009C	10
South Shobnall	East Staffordshire 009D	6
North West Anglesey	East Staffordshire 011A	8
North East Anglesey	East Staffordshire 011B	14
East Anglesey	East Staffordshire 011C	7
South Anglesey	East Staffordshire 011D	2
West Burton	East Staffordshire 011F	12
North East Burton	East Staffordshire 011G	15
South Burton	East Staffordshire 011H	1
East Branston	East Staffordshire 013C	13

Crime

In considering whether an area suffers from high levels of crime, a local authority may have regard to whether the area has displayed a noticeable increase in crime over a relatively short period, whether the crime rate is significantly higher than in other parts of the local authority area or that the crime rate is higher than the national average. In particular the local authority may wish to consider whether the impact on local crime in the area affects the local community and the extent to which a selective licensing scheme can address the problems.

The rate of crime per 1000 population is 51.4 for East Staffordshire, which is higher than the rate for Staffordshire (45.2) but lower than the rate for West Midlands (56.9).

Within the last 12 months there have been a total of 5877 crimes of which 2629 (45%) were within the 16 LSOAs that are being considered for selective licensing.

Of the 16 LSOAs being considered for selective licensing 13 LSOAs met the crime threshold. Each LSOA was ranked within the crime threshold and are shown in the table below:

Ward description	LSOA	Rank
Central Horninglow	East Staffordshire 007A	11
South Eton Park	East Staffordshire 008A	7
North East Eton Park	East Staffordshire 008C	12
East Eton Park	East Staffordshire 008D	13
East Shobnall	East Staffordshire 009A	4
West Shobnall	East Staffordshire 009B	10
North East Shobnall	East Staffordshire 009C	9
South Shobnall	East Staffordshire 009D	5
North West Anglesey	East Staffordshire 011A	14
North East Anglesey	East Staffordshire 011B	8
East Anglesey	East Staffordshire 011C	6
South Anglesey	East Staffordshire 011D	15
West Burton	East Staffordshire 011F	1
North East Burton	East Staffordshire 011G	3
South Burton	East Staffordshire 011H	2
East Branston	East Staffordshire 013C	16

Conclusion

9 of the 16 LSOAs that were considered for selective licensing met all 5 criteria as set out in the evidence base. One LSOA in particular, 013C, which is based within Branston ward failed and/or ranked lowest for all 5 tests apart from the test for the percentage of private rented accommodation. This LSOA has therefore been rejected from the selective licensing consideration.

All LSOAs have been ranked for their individual scores for each of the criteria to give an overall rating as shown in the table below:

Ward description	LSOA	Rank
Central Horninglow	East Staffordshire 007A	10
South Eton Park	East Staffordshire 008A	2
North East Eton Park	East Staffordshire 008C	14

East Eton Park	East Staffordshire 008D	11
East Shobnall	East Staffordshire 009A	6
West Shobnall	East Staffordshire 009B	15
North East Shobnall	East Staffordshire 009C	4
South Shobnall	East Staffordshire 009D	8
North West Anglesey	East Staffordshire 011A	13
North East Anglesey	East Staffordshire 011B	7
East Anglesey	East Staffordshire 011C	1
South Anglesey	East Staffordshire 011D	12
West Burton	East Staffordshire 011F	5
North East Burton	East Staffordshire 011G	9
South Burton	East Staffordshire 011H	3
East Branston	East Staffordshire 013C	16

As can be seen, the LSOA ranked as the most suitable for selective licensing is 011C which is the area for which the selective licensing designation proposal will be focussed on. This area ranks highly for low housing demand, ASB, poor housing conditions and crime rate.

Appendix 2 Lower Super Output Areas based on Ward

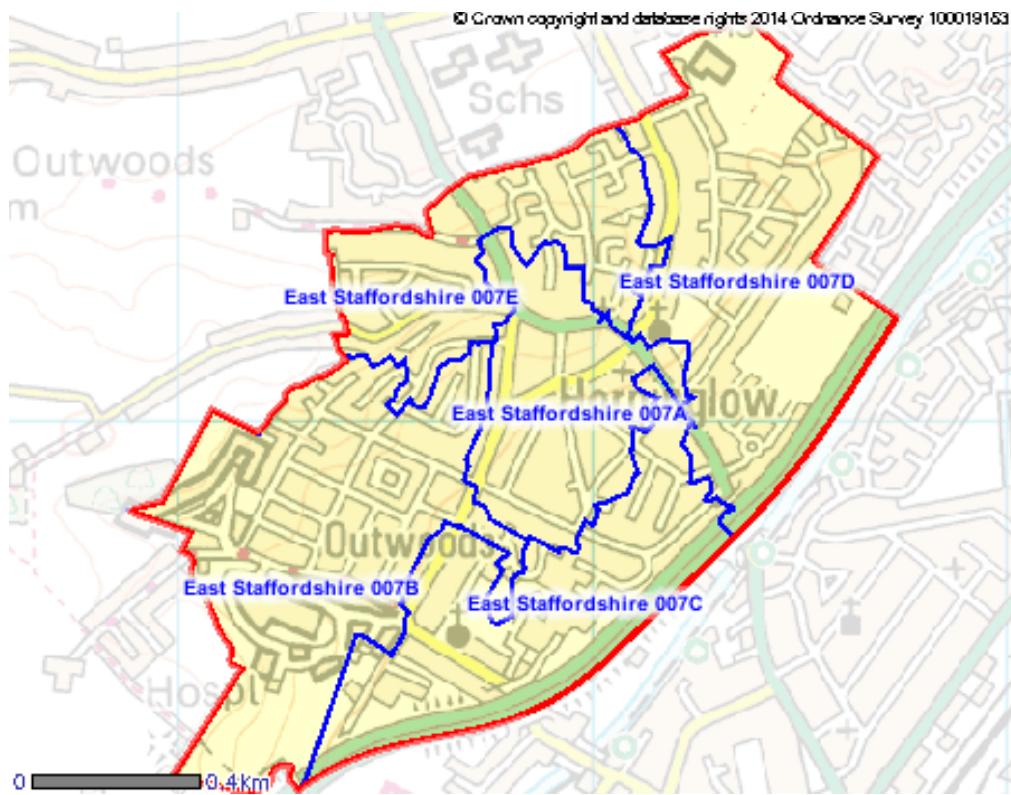


Figure 1 Lower Super Output Areas in Horninglow

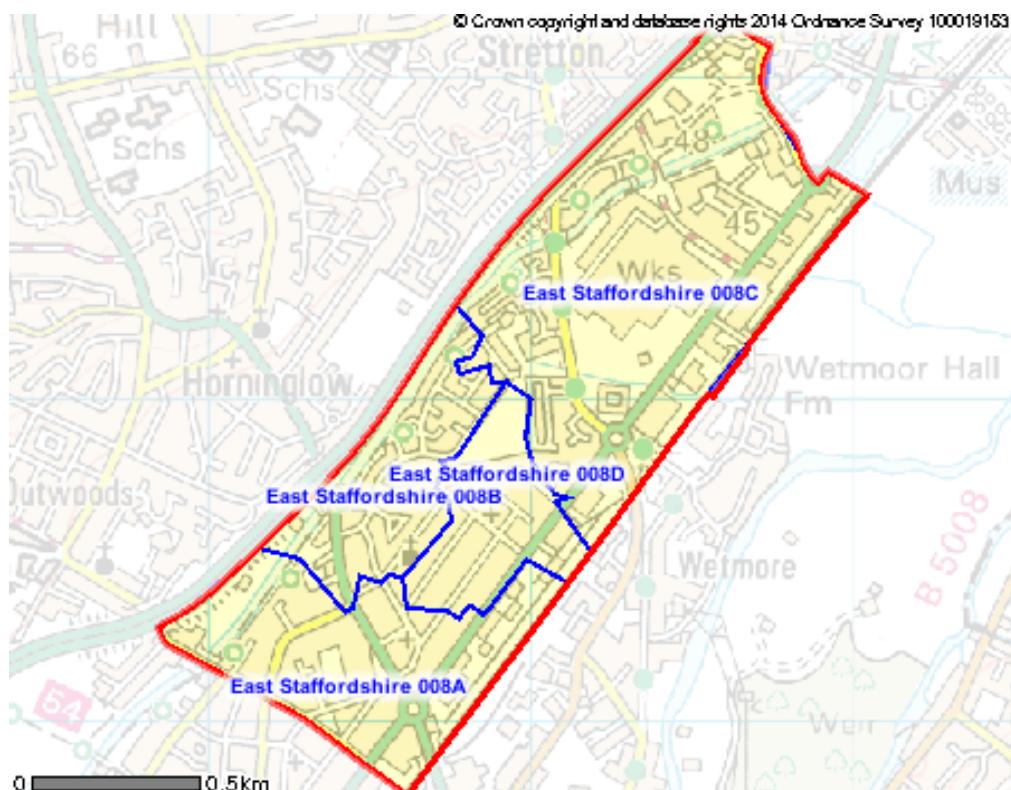


Figure 2 Lower Super Output Areas in Eton Park

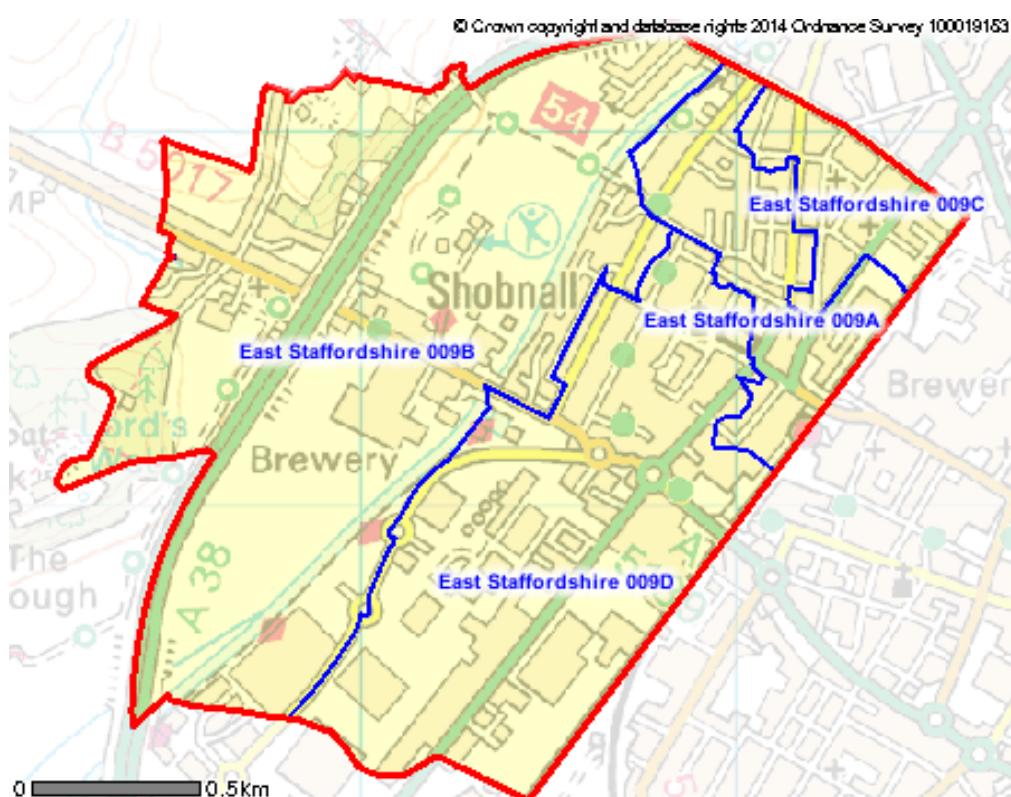


Figure 3 Lower Super Output Areas in Shobnall

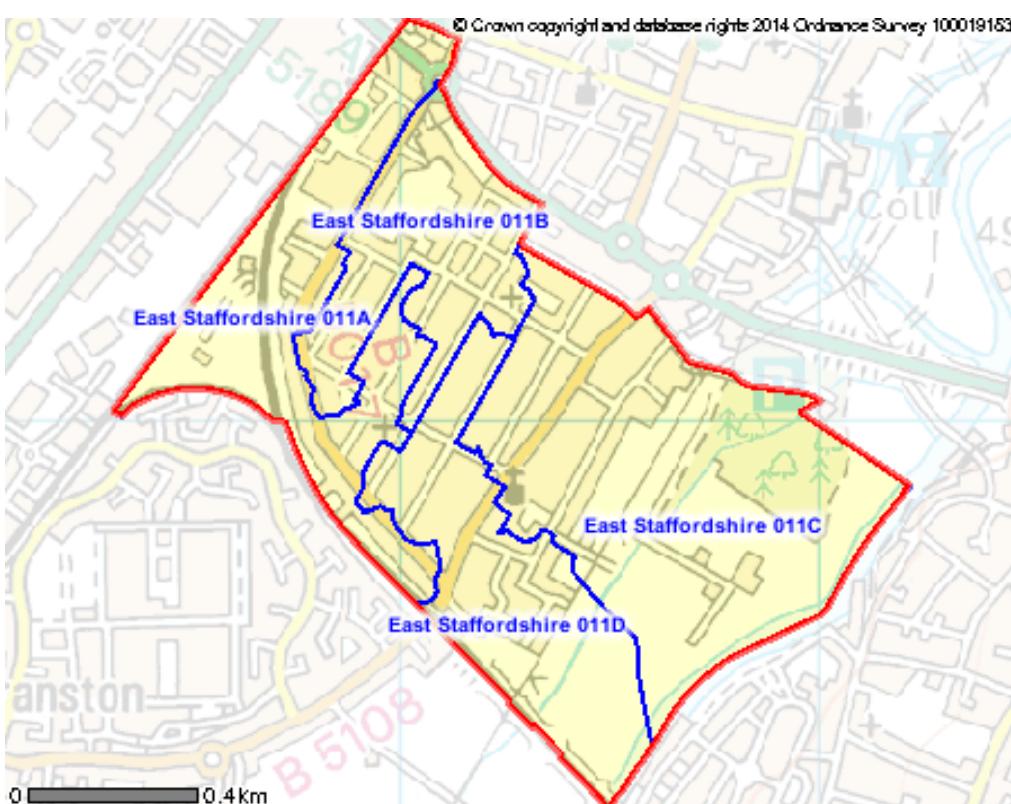


Figure 4 Lower Super Output Areas in Anglesey

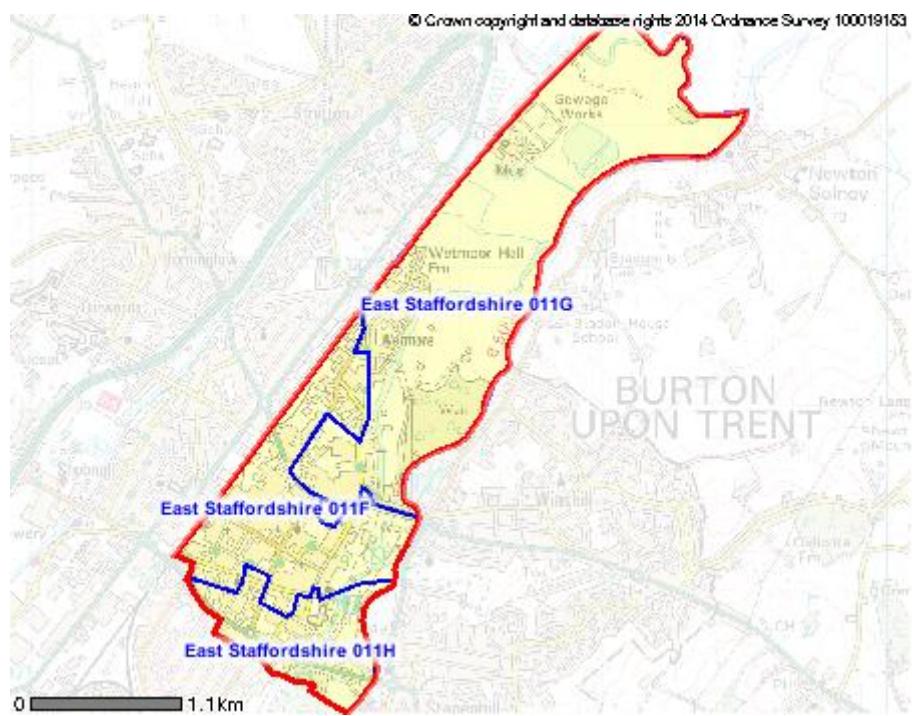


Figure 5 Lower Super Output Areas in Burton

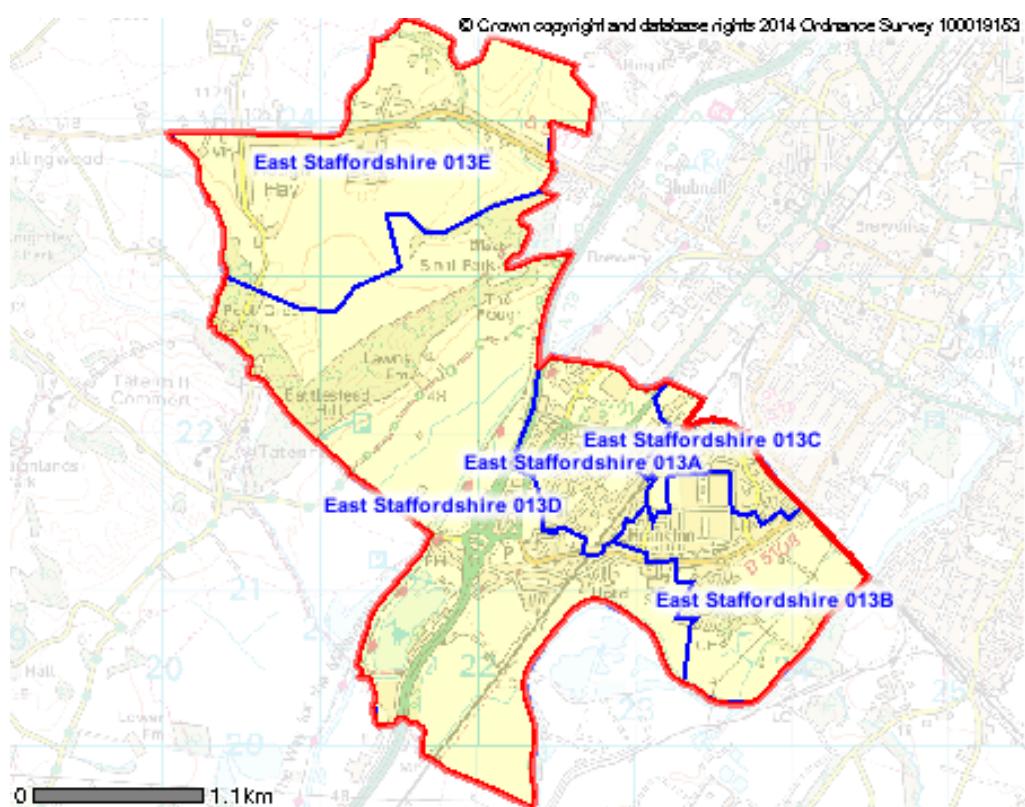


Figure 6 Lower Super Output Areas in Branston

Appendix 3- Selective Licensing Scheme Conditions



Selective Licensing Scheme Conditions Housing Act 2004

The following are the licence conditions to which the licence holder (or their nominated agent where specified) must adhere, as required by section 90 and Schedule 4, Housing Act 2004. If you do not understand the requirements, please contact the Environmental Health Team who will be able to help you.

Failure to adhere to one or more of these licence conditions could result in formal proceedings against you, with a maximum penalty of an unlimited fine and/or the loss of your licence.

1. The licence holder must produce an annual gas safety certificate to East Staffordshire Borough Council in respect of the house within the last 12 months.
2. The licence holder must:
 - i) keep electrical appliances and furniture provided by her/him in a safe condition
 - ii) supply the authority with a declaration by him, as to the safety of such appliances and furniture.
3. The licence holder must:
 - i) ensure that smoke alarms are installed in the house and must keep them in proper working order
 - ii) supply the authority with declaration by him as to the condition and positioning of such alarms.
4. The licence holder must provide each tenant with a written statement of the conditions of the terms on which they occupy the house.
5. The licence holder will inform the local housing authority as to any changes to the positioning or type of smoke alarm fitted in the property.
6. The licence holder must produce to the local housing authority annually for their inspection, a Fire Detection & Alarm System Certificate (in accordance with BS5839) obtained in respect of the house within the last 12 months.
7. The licence holder must produce to the local authority a periodic electrical survey inspection report for the whole of the electrical installation in accordance with current IEE wiring regulations. Such a report should be provided by a suitably trained, experienced and competent person i.e. NICEIC or ECA member, within the first twelve months of the licence period or upon termination of the current tenancy. Selective licensing for local authorities: a good practice guide
8. Should any remedial works be recommended on the periodic electrical survey report, the licence holder must ensure that such works are completed no later than 12 months following the date of the report and must inform the licensing team upon completion of such works.

9. If the property is provided on a furnished basis which includes electrical appliances, the licence holder must produce to the council for their inspection a portable appliance test (PAT) certificate within the first twelve months of the licence period or upon termination of the currency tenancy
10. The licence holder must allow officers of the council access to the licensed property for the purpose of carrying out inspections at all reasonable times.
11. The licence holder must provide adequate facilities for the storage and disposal of refuse and must outline to the tenants their responsibilities in this respect.
12. The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the landlord's responsibility throughout the tenancy.
13. Where the property is let as furnished, the licence holder will ensure that there is adequate and relevant insurance cover.
14. If the property is a HMO, licence holder must ensure that the house is compliant with the council's approved standards for houses in multiple occupation, according to the type of accommodation offered. These standards will be reviewed periodically to ensure that they remain appropriate to the type of multi-occupied housing within the council's area and needs of residents.
15. The licence holder will provide any existing tenants without a written tenancy agreement with the council's approved tenancy agreement, confirming the terms on which they occupy the property.
16. The licence holder will ensure that any tenancy agreement used, is as far as practicable, free from unfair terms and complies with legislative requirements.
17. The licence holder must provide the tenants of the licensed property and the occupiers of any adjoining properties, with details of the following:
 - name of the licence holder or managing agent
 - a contact address and daytime telephone number
 - an emergency contact telephone number.This information must be supplied within 28 days of receipt of the licence document and should be clearly displayed in a prominent position within the licensable property. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the council.
18. The licence holder will provide all new tenants with details of standard reporting procedures and the anticipated timescales for undertaking repairs, which must be 'reasonable'.

19. In addition to the information contained within the written tenancy agreement, the licence holder will make both parties repairing responsibilities clear to the tenant.
20. The licence holder will ensure that tenants are aware of their obligations in ending a tenancy.
21. The licence holder will provide clear information relating to the tenants responsibilities for the condition of the property and payment of any utility bills at the end of the tenancy.
22. The licence holder, when providing the utilities to the property, will set reasonable market rates for all utility supplies.
23. The licence holder will not attempt to end a tenancy or licence in order to avoid carrying out repairs.
24. Where major works are required during the period of the tenancy, the licence holder will provide suitable alternative accommodation for the period during which works are carried out.
25. All repairs are to be carried out by competent and reputable persons and as far as practicable; the licence holder will ensure all works are carried out to a reasonable standard.
26. The licence holder will provide the tenant with copies of user manuals for any equipment provided as part of the agreement.
27. Where window locks are fitted, the licence holder will ensure that keys are provided to the tenant.
28. Where an alarm is fitted to the property, the licence holder will inform the tenant how the code may be changed and in what circumstances they are allowed to do so.
29. Where previous tenants have not surrendered keys, the licence holder will arrange for a lock change to be undertaken prior to new tenants moving in.
30. The licence holder will arrange to undertake a detailed inventory to be agreed with all new tenants and kept on file at the onset of each new tenancy (draft inventory forms are available from the council).
31. The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence.

32. If the property is an HMO, the licence holder must ensure that he is familiar and compliant with the requirements of The Management of Houses in Multi Occupation (England) Regulations 2006.
33. The licence holder must cooperate with environmental health staff in circumstances where complaints of alleged breaches of licence conditions have been made in respect of the licensed property.
34. The licence holder must ensure that all monies in respect of the licence fee are paid to the council by the due date.
35. The licence holder will not discriminate against prospective tenants on the grounds of race, disability, gender, religion or sexual orientation.
36. The licence holder must act lawfully and reasonably in requiring any advanced payments, handling rents, returning deposits and making deductions from deposits. The licence holder will provide any tenant/prospective tenant with all relevant information about the property, in particular:
 - the amount of rent payable
 - the details of any deposit required
 - details of what the deposit covers and arrangements for return
 - the frequency of payments
 - the details of any utilities or other charges included in the rent
 - the responsibility for payment of Council Tax
 - the responsibility for payment of utilities and arranging provision of such.

The Licence Holder must make use of an approved tenancy deposit scheme.

37. In circumstances where the licence holder seeks repossession of the property, this must be done using lawful means.
38. The licence holder and/or her/his nominated managing agent shall undertake training courses provided through council where appropriate.
39. The licence holder and/or her/his nominated managing agent are required to make frequent visits to the property (with or without access inside) to ensure that the property is secure and has not been abandoned.
40. The licence holder and her/his managing agent must inform the environmental health team of any changes in their circumstances including:
 - any new convictions/cautions which may be deemed relevant to the fit and proper person test
 - change of ownership of the licensed property
 - change in managing agent

- any substantial works to the property.
41. The licence holder is required upon request during the period of the licence to complete and return to the local authority, an energy efficiency assessment questionnaire of the licensed property.
42. The licence holder must complete and return any correspondence regarding the closure of rear alleyways using gating.
43. Where there are alley gates installed to the rear of the licensed property, the licence holder must:
- take responsibility for holding a key for any alley gates which are in place or which are installed provide all new tenants with a copy of the key at the time of letting
 - issue any new tenants with a copy of any key holding agreement which is in place for the alley gate scheme to the rear of the licensed property.
44. The licence holder must inform the council of any steps being taken to sell the property including the details of any successful purchaser(s).
45. The licence holder must ensure that any persons involved with the management of the house are to the best of their knowledge 'fit and proper persons' for the purposes of the Housing Act 2004.
46. The licence holder must, if required by the council, attend training, or otherwise demonstrate competence in relation to all aspects of tenancy and property management.
47. The licence holder is required to demand references from persons who wish to occupy the house and supply evidence of these to the council on demand.
48. The licence holder and/or her/his nominated managing agent are required to provide to the council upon request information regarding tenants, including names and dates of birth.
49. The licence holder will respond to reference requests within reasonable timescales and provide an honest and accurate reference relating to existing or past tenants.
50. The licence holder must take reasonable and practicable steps for tackling antisocial behaviour. The licence holder and/or his nominated managing agent are required to undertake an incremental process of investigation of any complaints which have been made either directly to them, or via the council, regarding their tenants. This process of investigation may involve one or more of the following.

- Appropriate response to a complaint from a member of the community, neighbour or another person regarding the conduct of the licence holders' tenant(s) and/or the behaviour of their children or visitors.
 - Sending of appropriate and proportionate warning letter(s).
 - Conduct of a tenancy warning interview.
 - Attendance at a case conference or any other appropriate multi agency meeting arranged by the council or other relevant agency.
 - Engagement with the council, the police or any other agency involved in the case. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to the antisocial behaviour such as an Anti Social Behaviour Order.
 - Serving of a relevant notice to seek possession where all other interventions have failed and that all parties agree that this would be the most appropriate course of action.
52. The licence holder will ensure that tenants are aware of the services available to them and how they can report nuisance and anti social behaviour.

Alternative formats of this publication are available on request. Please contact us to discuss an appropriate format.

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Proposal to introduce a selective licensing designation in East Staffordshire. V1.1
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